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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.4363 of 2015 (O&M)

Date of decision: July 14, 2015

Surender Khatri

.....Petitioner

Versus

Kundan Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Manoj Kaushik, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 07.04.2015 and 12.05.2015.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner has filed suit for partition and permanent injunction. Alongwith the suit, an application under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908 ('CPC' for short) was filed seeking relief of temporary injunction. The said application was dismissed by the Courts below. Hence, the present petition.

Parties are closely related to each other being brothers. The case of the petitioner is that Jaimal Singh father of the petitioner had set up a partnership firm under the name and style M/s Jaimal Singh Kundan Lal Khatri. Jaimal Singh and his sons were partners in the said firm.

After the death of Jaimal Singh on 29.12.2013, the firm had been dissolved on account of his death. Now, due to strained relations between the parties, defendants were trying to cause loss to the plaintiff.

While dismissing the application moved by the petitioner for temporary injunction, Courts below have noticed the dissolution deed dated 01.04.2014. As per the said deed, petitioner had voluntarily retired from the firm and the continuing parties had exclusive rights qua the firm. Since as per the dissolution deed, petitioner had sought voluntary retirement from the firm, the Courts below rightly held that the petitioner had no prima facie case or balance of convenience in his favour.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 14, 2015

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