

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

RSA No. 934 of 2012 (O&M)

Date of decision : 7.9.2015

Gurkirpal Singh Padda

... Appellant

versus

Manjit Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Deepak Arora, Advocate, for the appellant.

Rajesh Bindal, J.

One of the defendant is before this Court impugning the judgments and decrees passed by both the Courts below wherein final decree was passed in a suit for dissolution of partnership and rendition of accounts.

In the suit initially filed for passing of preliminary decree, while rejecting the defence of the appellant that no partnership firm ever existed, the Courts opined that the parties to the dispute were partners in firm M/s PP Enterprises General Order Suppliers and Civil Contractor, Gurdaspur. It has come on record that the firm was dissolved as per judgment dated 22.9.2004, which came into existence on 31.10.1995. All account books remained in possession of the appellant. Both the partners have equal share in the property.

At the time of consideration of application filed by the respondent nos. 1 and 2/plaintiffs for passing of final decree, it was found that in the account opened by the appellant, there had been withdrawals to the extent of ₹ 5,05,528/-. Fifty percernt of the same was directed to be paid to the respondent nos. 1 and 2/plaintiffs.

The contention of learned counsel for the appellant is that the entire amount deposited in the account was not the profit. Hence, 50% withdrawal from the account could not be given to respondent nos. 1 and 2/

plaintiffs. However, I do not find any merit in the contention raised. Once it was found that the entire books of accounts were with the appellant and he having failed not only to produce the same but even had initially denied that there existed partnership, in my opinion, both the Courts below while passing the final decree granting 50% share, as referred to above, cannot be said to be at fault. No substantial question of law arises.

Accordingly, the appeal is dismissed.

7.9.2015
vs

(Rajesh Bindal)
Judge