

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1829 of 2013 (O&M)
Date of Decision.31.08.2015

Darshan Singh and another

.....Appellants

Versus

Jagsir Singh and another

.....Respondents

Present: Mr. PKS Phoolka, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. Delay of 4 days in filing the appeal is condoned.
2. The case made by the plaintiffs for dissolution of partnership was resisted on a plea that the bus was run by the defendants although the permit had been issued in their names and the registration of the vehicle stood in their name it was really a subject of partnership. There can be no partnership in relation to a business of running a bus if the permit itself was not issued in the name of partnership. The permit or registration will enure only personally to the person in whose name it is issued and no plea of partnership could be set up. It is against public policy and shall be taken as violative of Section 55 of the Motor Vehicles Act read with Section 42 and Section 59 which bar trafficking in permits. In *Brij Mohan Parikar Vs. MPSRTC (1987) 1 SCC 13*, the Supreme Court refused a writ of mandamus to permit the petitioner to ply the bus as a nominee for the permit holder. The principle will apply to a partnership

also. The suit had been dismissed on a finding that the partnership had not been proved. I will go one step further. Even if such partnership had been proved, it will be against public policy and no relief for dissolution of partnership could be granted in the light of the law stated above.

3. The dismissal of the suit was justified and I find no cause for interference in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 31, 2015
Pankaj*