

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

**RSA No.3675 of 2015 (O&M)
Date of decision: 24.09.2015**

Preetpal Singh and others

... Appellants

Vs.

Hardial Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Anish Garg, Advocate, for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.9035-C of 2015

For the reasons stated in the application, duly supported by an affidavit, delay of 25 days in re-filing the appeal, is condoned.

C.M. stands disposed of .

C.M.No.9036-C of 2015

For the reasons stated in the application, duly supported by an affidavit, delay of 06 days in filing the appeal, is condoned.

C.M. stands disposed of.

RSA No.3675 of 2015 (O&M)

Challenge in the present appeal is to the concurrent finding of facts and law, whereby, the suit for dissolution of partnership firm, has been decreed.

Mr. Anish Garg, learned counsel appearing on behalf of the appellants submits that appellant-defendants No.2 to 4 assailed the finding of the Courts below on the premise that plaintiff/respondent No.1 did not perform his duties in consonance with the partnership as he withdrew certain amount. Thereafter, the suit was filed. The partnership envisaged resolution of dispute, through arbitration, therefore, the civil Court did not have the jurisdiction.

I have heard learned counsel for the appellants and appraised the impugned judgments and decrees of the Courts below.

Appellant/defendants No.2 to 4 did not move an application under Section 8 of the Arbitration and Conciliation Act, 1996, (hereinafter referred to as 1996 Act) for referring the matter to the Arbitrator, except the objection taken in the written statement. Such procedure is unknown to the provisions of Section 8 of 1996 Act. As per the provisions of Section 19 of the Indian Partnership Act, 1932, embargo to withdraw money could not be fatal/restricted on the partners to do the act on behalf of the partnership firm as per the partnership deed.

I do not find any illegality and perversity in the finding rendered by both the Courts below, based on appreciation of oral and documentary evidence. In a suit for dissolution of partnership firm, the shares of the partners have been determined.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 24, 2015
savita