

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

CR No.2315 of 2017

Date of decision: March 30, 2017

M/s ANCL and Company India Pvt. Ltd.

.....Petitioner

Versus

M/s OM Scaffolders

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present :- Ms. Anjali Moudgil, Advocate for
Mr. Shekhar Verma, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

Through the instant civil revision preferred under Article 227 of Constitution of India, petitioner has sought setting aside of the order dated 2nd February, 2017 (Annexure P-1) passed by Additional Civil Judge (Senior Division), Panchkula whereby an application moved by the petitioner/defendant under Order VII, Rule 11 of Code of Civil Procedure(for brevity 'Code'), 1908, has been dismissed.

The only ground taken for rejection of the plaint is that the respondent/plaintiff's firm was not registered under the Indian Partnership Act, 1932 (for short 'Act') and as such, it is not competent to file the suit but a glance at the impugned order dated 2nd February, 2017 reveals that the instant suit was filed on 30th September, 2015 and the respondent/plaintiff's firm stood registered on 21st March, 2014 i.e. much prior to the filing of the suit before the trial Court, thus, there is no violation of Section 69 of the Act.

Accordingly, this Court does not find any merit in the instant petition and it stand dismissed.

March 30, 2017
m. sharma

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No