

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2018

C O R A M

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2878 of 2012

Vijayalakshmi

... Petitioner

Vs

1. The Registrar,
The Registrar of Firm, Vellore,
District Registrar Office,
Vellore District, Vellore,
Tamil Nadu.

2. P.Komesh Kumar ... Respondents

Prayer: Petition filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to record dissolution of firm M/s.Naveen Kumar Fuels in the entry relating to the said firm in the Registrar of Firm, and shall file the notice, along with the statement relating to the firm filed under Section 59 of the Act.

For Petitioners : M/s.N.Raja Senthoo Pandian

For Respondents : Mr.P.P.Purushothaman, G.A., for R1
Mr.S.Radha gopalan, for R2

O R D E R

The petitioner has come up with this petition for issuance of a Writ of Mandamus, directing the first respondent to record the dissolution of Firm, viz., M/s.Naveen Kumar Fuels in the entry maintained by the Registrar of Firm.

2. According to the petitioner, she is a dealer appointed by the Indian Oil Corporation to run a retail outlet at Vellore. As such, the petitioner is running the outlet in the name and style of M/s.Naveen Kumar Fuels. The further case of the petitioner is that the second respondent is her relative and by forging some documents, he has created a false partnership deed. Hence, the petitioner approached the first respondent to cancel the partnership deed. Since it was not considered, the present Writ Petition.

3. The learned counsel for the second respondent would state that the second respondent is the partner of the Firm, viz., M/s.Naveen Kumar Fuels, which is a registered partnership Firm and there was no forgery as alleged by the petitioner.

4. The learned Government Advocate would submit that for registration of dissolution of the Firm, the petitioner has to sent an application along with Form V. If an application with Form V is given, the same would be considered in accordance with law.

5. In the light of the submission of the learned Government Advocate and the limited scope of the prayer sought for, this Court, without going into the merits of the case, directs the petitioner to apply to the first respondent for dissolution of the Firm, viz., M/s.Navin Kumar Fuels in proper format. If an application is given, the first respondent shall consider the same and pass appropriate orders, after providing an opportunity of hearing to the petitioner as well as the second respondent, within a period of three months therefrom.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

pvs

To
The Registrar,
The Registrar of Firm, Vellore,
District Registrar Office,
Vellore District, Vellore, Tamil Nadu.

+1 CC TO GOVERNMENT PLEADER SR.NO. 70172

W.P.No.2878 of 2012

ASK(31/10/2018)