

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

**Civil Revision No.1244 of 2017(O&M)
Date of Order:08.03.2018**

Vinay Sethi

..Petitioner

Versus

M/s Midha Brothers Commission Agents and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arpandeeep Narula, Advocate,
for the petitioner.

Mr. Deepak Kaushal, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

Petitioner, who claims to be a partner in Judgment Debtor firm M/s Ram Dhan and Sons Industries, Main Chowk, Back of O.B.C. Bank, Old Anaj Mandi Dabwali has challenged the order passed by the learned executing court dismissing objections of 3 different partners objecting to the execution of the money decree passed.

Counsel for the petitioner vehemently argued that in view of the provisions of Order 21 Rule 50 of the Code of Civil Procedure, it was incumbent on the decree holder to seek leave of the court to execute the decree against the partners individually. He submits that in the absence of such leave, the decree is not executable.

On the other hand, learned counsel for the Decree Holder has pointed out that the petitioner does not dispute that he was and is a partner in the partnership firm. He has further pointed out that the petitioner Vinay Sethi has appeared in the suit as DW3. He submits that once there was a

decree for recovery of the amount against the firm, petitioner being partner is liable for the recovery.

This court has considered the arguments of learned counsel for the petitioner, however do not find any substance therein.

It is fundamental that the partners of a partnership firm are liable to discharge the debts of the firm. In the present case, the debt is in the form of a decree for recovery. It is not disputed that the petitioner was and is a partner in the JD's firm. A reading of the judgment passed by the court while decreeing the suit, clearly noticed that the petitioner Vinay Kumar, has appeared as DW3. The object of Order 21 Rule 50 of the Code of Civil Procedure is to inform the partner who was not party to the suit about the debt. In the present case, the information was already available with the petitioner, who had contested the suit.

In these circumstances, this court does not find any good ground to interfere with the order under challenge.

The revision petition is dismissed.

March 08, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No