

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

RSA No.4141 of 2017 (O&M)

Date of decision : 04.10.2018

Inderjit Singh @ Kaka

...Appellant

Versus

The Punjab Financial Corporation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Sandhu, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.10729-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 287 days in refiling the present appeal is condoned.

Application is allowed.

Main case

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below wherein the plaintiff challenged the recovery certificate issued by the Punjab Financial Corporation for recovery of the amount.

It is undisputed that the plaintiff was one of the partner in the partnership firm namely M/s Cross India Plastic Industries, Kotakpura. The plaintiff claims that he retired from the partnership firm on 26.04.1988. It is undisputed that the loan from the Punjab Financial Corporation was taken before the aforesaid date i.e. before that date of retirement. The partnership

firm had incurred the liability when the plaintiff was partner which is sought to be recovered.

The defendants contested the suit and pleaded that the dissolution of the firm was never accepted and the notices were issued to all the partners before taking action but no one appeared.

As per Section 32(3) of the Indian Partnership Act 1932, even after the retirement of a partner from a firm, the retired partners continue to be liable as partners to the third parties for any act done by any of them which would have been an act of the firm if done before the retirement, until public notice is given of the retirement. Section 32 of the Indian Partnership Act deals with the rights and liabilities of the retiring partner. In the present case, it has come in evidence that the liability is of the period when the petitioner was a partner and at the time of the retirement, compliance of the provision of Section 32 of the Indian Partnership Act, was not made.

In such circumstances, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

04.10.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No