

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

APPEAL (L) NO. 438 OF 2019

Dayabhai Sukhabhai Dhimmarr

.. Appellant

Vs.

Urmilaben Manilal Dhimmarr

.. Respondent

Mr. R. V. Govilkar a/w. Ms. Shaba Khan i/b Govilkar & Associates for the Appellant.

Mr. Harjit Singh Anand i/b Legal Chartered for the Respondent.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 21st NOVEMBER, 2019.

P. C. :

1. Having heard learned Counsel for the parties, we find no infirmity in the impugned order dated 26.06.2019 which has dismissed the Appellant's petition laying a challenge to an Award dated 08.05.2017.
2. In view of partnership deed between the Appellant and his late brother, on account of death of the brother, the learned Arbitrator has rightly concluded that the partnership got dissolved and since no fresh deed of partnership was executed, the share of the two brothers would be 50% each in the assets of the partnership.
3. The contention of the Appellant before the learned Single Judge repeated before us that after his brother died, the Appellant was looking after the family of his brother and some credit should be given to him on said account is a moral argument which overlooks the fact that after

Appellant's brother died, the Appellant took over the entire assets of the partnership firm and generated income therefrom to run the affairs of not only his family but even of his deceased brother.

4. The Appeal is accordingly dismissed.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

**Arjun
M.
Kadam**

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