

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

CHAMBER SUMMONS NO.1271 OF 2018

IN

SUIT NO.799 OF 2018

Ashok L.Assomull & Ors.)....Plaintiffs

V/s.

Jyoti Assomull)....Applicant/Defendant

Mr.Sharan Jagtiani a/w Mr.Priyank Kapadia and Ms.Vidya Chaudhari
I/by Chambers of Javed Gaya for plaintiffs.

Mr.Wesley Menezes for defendant/applicant.

CORAM : K.R.SHRIRAM,J

DATE : 11.3.2019

P.C.:-

1. This Chamber summons is taken out by defendant in terms of provisions of Order 30 of the Code of Civil Procedure, 1908 seeking a direction to plaintiffs to disclose the names and addresses of the persons who were partners of plaintiff no.4-partnership firm on the date on which cause of action allegedly accrued to plaintiffs to institute the suit.

2. Affidavit in reply has been filed by one Ashok L.Assomull-plaintiff no.1 claiming to be the partner of plaintiff no.4. Plaintiff no.1

has stated that “the present partners of the Wassaimul Assomull & Co. are myself as the Karta of Gopaldas Topandas HUF and one Narendra M.Assomull, Karta of Rewachand Watumull HUF”. He has also stated that the two Kartas assume the position of partners of the partnership firm for over 100 years.

3. Mr.Menezes for the applicant tenders a rejoinder and submits that there is no firm by name Wassaimul Assomull & Co. registered which has Ashok Assomulll and Narendra Assomull as partners.

4. In rejoinder, it is stated that on inquiries made by defendant viz. Applicant in the Chamber summons with the office of Registrar of Firms, there is no registered partnership firm in the name and style of plaintiff no.4-M/s.Wassiamull Assomull & Co., as of date. Mr.Menezes also tenders photo copy of extract from Registrar of Firms issued on 21.1.2019 and submits that Ashok & Narendra as mentioned are not partners and there is no change in the entry after 11.10.1951. Mr.Menezes states that both the partners have expired and the duration of the partnership was “at will” and therefore, the firm has got dissolved.

5. These issues cannot be gone into in this Chamber summons. Chamber summons taken out by defendant is for a direction to plaintiffs to disclose the names of partners of plaintiff no.4. Plaintiffs have disclosed in the affidavit in reply. Whether it is a registered firm or unregistered firm or whether the suit is maintainable or not etc. are subject matter which will be considered at the trial of the suit.

6. Chamber summons accordingly stands disposed.

(K.R.SHRIRAM,J)