

**RSA-2566-2017 (O&M)**

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

**RSA-2566-2017 (O&M)**

**Date of decision : 05.03.2019**

Paramjit Singh

... Appellant

Versus

M/s Gill & Company Merchant and Commission Agent  
Focal Point Village Dhamot Tehsil Payal, District  
Ludhiana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mohd. Yousaf, Advocate  
for the appellant.

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**AMIT RAWAL, J. (ORAL)**

The short point involved in the present regular second appeal is whether a pro-note dated 15.05.2004, allegedly executed by Jagdev Singh having taken a loan of ₹2 Lacs (an odd amount), which is a partner of the Firm, can be made liable, in the absence of impleadment of legal heirs in the individual capacity, subject to fact that whether Jagdev Singh had undertaken any obligation binding the legal heirs to repay. The answer would be 'No'.

The plaintiff, in the present case alleged that Jagdev Singh had entered into a pronote, sought the recovery of the amount by arraying the following defendants:-

*"1. M/s Gill & Company Merchant and Commission Agent  
Focal Point Dhamot Tehsil Payal District Ludhiana through  
its Partner Smt. Sonia Gill wife of Jagdev Singh, resident of  
Village Dhammot Tehsil Payal District Ludhiana.*

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*2. Smt. Sonia Gill wife of Jagdev Singh resident of Village Dhammot Tehsil Payal District Ludhiana, Partner M/s Gill & Company Merchant and Commission Agent Focal Point Dhamot Tehsil Payal District Ludhiana.*

*3. Baljit Singh Gill son of Kuldeep Singh, Partner of M/s Gill & Company Merchant and Commission Agent; Focal Point Dhamot Tehsil Payal District Ludhiana.*

*4. Baljinder Singh son of Bhagwan Singh, Partner of M/s Gill & Company Merchant and Commission Agent Focal Point Dhamot Tehsil Payal District Ludhiana.*

From the perusal of the memo of parties of the trial Court, all the defendants are arrayed as partners of the Firm.

Keeping in view the aforementioned facts, the suit was not maintainable. The concurrent findings of fact and law arrived at by the Courts below cannot be said to be suffering from illegality and perversity. No ground is made out for interference.

The present regular second appeal is dismissed.

**05.03.2019**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable            **Yes/ No**