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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 816/2019**
SUSHIL JAIN & ANR

..... Petitioner

Through : Mr.Madan Lal Sharma and
Mr.Gaurav Gogia, Advocates.

versus

VINAY KUMAR JAIN & ANR

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **24.05.2019**

CM APPL.No.24961/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 816/2019,CM APPL.No.24960/2019

The petitioner who is respondent No.2 in an eviction petition No.80049/2016 has intimated the learned ARC that out of two partners of M/s.College Book Store, a partnership firm, one partner namely Surender Kumar Jain had since expired and his legal heirs be brought on record. The whole basis of moving such application, as alleged, was to intimate the Court that after the death of one of the partners - the partnership firm has since been dissolved and legal heirs of the deceased partner ought to be brought on record. However, the said request of the petitioner / respondent No.2 herein was rejected by the learned Trial Court by the impugned order dated 08.05.2019; since there was no application either moved by the legal

heirs of respondent No.1, since expired or by the petitioner of said petition and that the respondent No.2 had no right to file such an application. The impugned order is fully justifiable in absence of any such application either on behalf of the legal heir(s) of deceased partner or by the petitioner of eviction petition. However, in case any application is moved by the legal heirs of deceased Surender Kumar Jain, the same may be dealt with by the learned ARC in accordance with law.

At this stage, the learned counsel for the petitioner seeks to withdraw the petition. The petition is dismissed as withdrawn. Pending application, if any, also stands disposed of. No orders as to costs.

YOGESH KHANNA, J.

MAY 24, 2019

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