

A.No.1091 of 2020 in O.P.No.272 of 2016

SENTHILKUMAR RAMAMOORTHY, J

This application is filed to appoint an Advocate Commissioner in the Original Petition to record the evidence of the attesting witness, namely, Mr.R.Lakshmi Narayanan.

2. I heard the learned counsel for the applicants/petitioners.

3. The learned counsel for the applicants submitted that the attesting witness Mr.R.Lakshmi Narayanan is about 88 years old and suffers from age old ailments and is bedridden. Therefore, he cannot travel to the court to give evidence in person. On this basis, the present application is filed to appoint an Advocate Commissioner for the purpose of recording the evidence of the attesting witness.

4. Upon consideration of the submissions of the learned counsel and on examining the affidavit in support of the application, I find that sufficient cause is made out for examination of the attesting witness through an

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Advocate Commissioner in view of the fact that he is 88 years old and in poor health. Needless to say, the expenses in this connection shall be borne by the applicants/petitioners.

5. Therefore, this application is allowed and Mr.G.Govarthanan (Mobile No.9543027750) is appointed as the Advocate Commissioner to record the evidence of the attesting witness, namely, Mr.R.Lakshmi Narayanan at Devi Apartment, No.24-A/5, First Seaward Road, Valmiki Nagar, Thiruvannamiyur, Chennai-600 041. The commission shall be executed on or before 15.04.2020. The Advocate Commissioner shall be paid an initial remuneration of Rs.20,000/- (Rupees Twenty Thousand only) within a period of two weeks from the date of receipt of a copy of this order.

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22.01.2020

32. Retirement of a partner. -(1) A partner may retire - With the consent of all the other partners. in accordance with an express agreement by the partners, or Where the partnership is at will by giving notice in writing to all the other partners of his intention to retire (23)_ A retiring partner may be discharged from any liability to any third party for acts of the firm done before his retirement by an agreement made by him with such third party and the partners of the reconstituted firm after he had knowledge of the retirement. (3) Notwithstanding the retirement of a partner from a firm, he and the partners continue to be liable as partners to 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. Provided that a retired partner is not liable to any third party who deals with the firm without knowing that he was a partner. (4) Notices under sub section (3) may be given by the retired partner or by any partner of the reconstituted firm. 33. Expulsion of a partner - (1) A partner may not be expelled from a firm by any majority of the partners, save in the exercise in good

25. Liability of a partner for acts of the firm Every partner is liable, jointly with all the other partners and also severally, for all acts of the firm done while he is a partner.