

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAC) NO.91/2019
AND
CIVIL REVISION APPLICATION ST. NO.19040/2019

Vinod S/o Meghji Chheda and others

...Versus...

Chheda Dal Mill, Yavatmal through its erstwhile Partner, Shantilal Kanji Chheda

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Naik, Advocate with Shri Y.N. Sambre, Advocate for applicants

CORAM : AVINASH G. GHAROTE, J.

DATE : 30/08/2022

1. Heard learned counsel for the applicants. The civil revision application challenges the order dated 24/04/2019, whereby the application for dismissal of the appeal filed by the applicants has been rejected on the ground, that the partnership firm M/s Chheda Dal Mill was not in existence.

2. It is an admitted position that the firm was constituted under the deed of partnership dated 01/01/2009 (pg.109) comprising of five partners, out of which, three partners, namely, Meghaji Chheda, Hiraji Chheda and Amrutlal Chheda have passed away on 25/05/2001,

05/01/1999 and 06/09/2017 respectively. The fifth partner, namely, Smt. Shantabai Popatlal Chheda is claimed to have passed away in 1983. The original firm has been constituted on 15/04/1976 and two new partners, namely, Vipul Chheda and Dipak Chheda have been inducted as partners in the firm on 01/01/2009. The suit has been instituted on 02/08/2003 by the partnership firm and therefore, since the firm continues to be in existence by induction of new partners, it cannot be said that the firm has become dead or non-existent, considering which, I do not find any reason to interfere in the impugned order. There is no merit in the civil revision application. The civil application as well as civil revision application are accordingly dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar