



A.No.3345 of 2022

A.No.3345 of 2022 in
C.S.No.104 of 2000

G. CHANDRASEKHARAN, J.

This application is filed seeking permission of the sale of properties mentioned in the schedule to judges summons.

2.The learned counsel for the applicant who are defendants 4, 5 15 & 16 submits that the properties now sought to be sold as item No.6 and item No.19 of the schedule 'A' property are the properties of KEIC Sheth sons. In these properties all the partners who are parties to the case have interest and share. Applicant has some obligation to settle the private loan, therefore, these properties have to be sold and the sale consideration have to be apportioned among all the sharers and that will help the applicant in settling his private debt.

3.This application is strongly opposed by learned counsel for the 1st defendant/4th respondent on the ground that the properties belong to 9th defendant. 9th defendant is partnership firm. This firm is no more doing business. There are assets and liabilities available in connection with business of KECI Sheth sons. If these properties are allowed to be sold



A.No.3345 of 2022

now, certainly the creditors and other persons having interest in these properties and then right will be seriously prejudiced. He further submitted that the trial is over and when the matter was pending for arguments this application is filed and therefore he seeks for the dismissal of this application.

4.The learned counsel for the plaintiffs have no objection for allowing this application.

5.Considered the rival submissions and perused the records

6.It is seen from the submissions of the learned counsel appearing for the parties that the trial process is over and when the case was pending for arguments, this application is filed. The properties sought to be sold, that is, item No.6 and item No.19 of 'A' schedule properties are the properties of 9th defendant, which is partnership firm. It is submitted by the learned counsel for the first defendant that business is not on and there are assets and liabilities. The liabilities are not yet cleared. Creditors and parties to the suit are having interest in the assets. This submission of the learned counsel for the first defendant, that if these properties are



A.No.3345 of 2022

now allowed to be sold, certainly the liabilities of the 9th defendant would not be settled. When the case is reached the stage of arguments, this Court is of the view that this application cannot be entertained. All these aspects can be decided in the final judgment. In this view of the matter, this application is dismissed.

7.Post the matter next week, for arguments.

01.12.2022

ep



WEB COPY



A.No.3345 of 2022

G. CHANDRASEKHARAN, J.

ep

A.No.3345 of 2022 in
C.S.No.104 of 2000



WEB COPY



A.No.3345 of 2022

01.12.2022