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

CR No. 4970 of 2022

Date of Decision: 29.11.2022

Jagwant Kaur (since deceased) through her husband

-Petitioner

Versus

Punjab State Civil Supplies Corporation (PUNSUP) and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Namit Gautam, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Admittedly, the petitioner was partner in a partnership firm. She resigned from the partnership firm and a dissolution deed was prepared on 01.12.2012 and new partnership firm came into being on the same date.

Learned counsel for the petitioner submits that the petitioner was having a defined share in the said partnership firm and after dissolution of the earlier partnership firm, her share was required to be segregated from the joint liability of the partnership firm.

Admittedly, an award was passed against the partnership firm on 13.05.2016. No effort has been made by the

petitioner to seek segregation/partition of her share till date, except a civil suit for possession having been filed in the year 2018 which was not pursued thereafter. As per the award, the liability of partnership firm still exists. There is no lawful partition of the assets of the partnership firm till date. In the property of the partnership firm, status of the deceased-petitioner is still to be that of a partner. No rendition of account was ever sought for by the petitioner during her lifetime. The petitioner was a family member and was closely related to other partners. In order to avail remedy under Order 21 Rule 66 CPC, the appellant has to have a clear title. The petitioner has not placed on record any such document to depict that the deceased-petitioner was having clear title qua the defined share which is capable of being identified at that stage.

For the reasons recorded in the impugned order, no interference is called for.

Dismissed.

29.11.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |