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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 92 OF 2022

M/s Ramnath Chunilal Bhattad

...Applicant

Versus

M/s Chintamani Industries
and others

... Respondents

...
Mr. P.S. Mantri - Advocate for Applicant.

....
CORAM : GAURI GODSE, J.
DATE : 21st February, 2023

PER COURT :

1. Civil Revision Application is for challenging order dated 27th January, 2022 passed by learned Civil Judge, Senior Division, Shrirampur below Exhibit-45 in Special Civil Suit No.13 of 2010. By the said order, application filed by the applicant – original defendant for rejection of the Plaint under Order VII Rule 11 of the Civil Procedure Code, 1908 (“CPC”) is dismissed. The contention of the applicant is that there was objection raised that the plaintiff no.1-partnership firm is not registered firm, hence the suit is not maintainable in view of bar under section 69(2) of the Indian Partnership Act, 1932.

2. By the impugned order, it is recorded that the certificate of registration of plaintiff no.1 – partnership firm is produced on record and plaint also shows that the plaint is also filed with the pleadings that plaintiff no.1 – partnership firm is a partnership firm. Hence, learned trial Court rejected the said application by holding that since the documents and pleadings of the plaintiffs show that on the date of filing of the suit, plaintiff no.1-firm was registered in the register of firms, therefore, there is no question of bar under section 69(2) of the Indian Partnership Act.
3. Since the objection was only on the point of bar under section 69(2) of the Indian Partnership Act, I do not see any illegality and/or infirmity in the order impugned. Hence, there is no question of interfering in the impugned order. There is no merit in the civil revision application and hence the same is rejected.

[GAURI GODSE, J.]