

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

WRIT PETITION NO. 2210 OF 2021

Leeladhar Premaji Parmar thr L.RS and ors__ Vs. __Prashant Purushottambhai
Parmar and ors

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

Court's or Judge's orders

Mr. D.V.Mahajan, Advocate for petitioners

Mr. A.N.Vastani, Advocate for respondent Nos. 1 to 7

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/03/2023

1] Heard Mr. Mahajan, learned counsel for the petitioners and Mr. Vastani, learned counsel for the respondents.

2] In a suit for declaration that the property mentioned in para 5 of the plaint was HUF property, an application under Order 6 Rule 17 of the C.P.C. to amend the plaint has been filed, seeking to add averment regarding dissolution of a partnership firm and so also addition of parties, who are the partners of the firm. The learned Trial Court has rejected the application, contending that there is totally separate cause of action available and it is permissible for the plaintiffs to file a separate suit.

3] Mr.Mahajan, learned counsel for the petitioners/plaintiffs does not dispute that the firm is a different entity and the defendants in the suit have no

relation with the firm, except for being the L.Rs of some of the partners. It is also an admitted position that the partnership firm has its partners/members of Kariya family who are not parties to the suit in question.

4] That being the position, any grievance, which the petitioners/plaintiffs may have regarding the dissolution of the firm, vis-a-vis its partners can very well be agitated in a separate suit, considering which I do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit