

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

125

2023:PHHC:102490

**RSA-6162-2018(O&M)
Date of decision: 08.08.2023**

M/S ISHWAR PRODUCTS AND ANR

..Appellants

Versus

VIPAN KUMAR AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C. Shahpuri, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. The concurrent findings of fact arrived at by the Courts below is challenged by the plaintiffs in this regular second appeal.
2. The dispute is with regard to the plot No.90, which was purchased by defendant No.1 through a registered sale deed dated 19.11.1992. It is the case of the plaintiffs that the aforesaid plot No.90 became the property of the firm as defendant No.1 became partner vide partnership deed dated 25.12.1992. Both the Courts have dismissed the suit while observing that plot No.90 was not brought into the firm by defendant No.1.
3. This Bench has heard the learned counsel representing the appellants at length and with his able assistance perused the paperbook.
4. The learned counsel representing the appellants contends that against the loan taken by the firm, plot No.90 was mortgaged in the retirement deed executed by defendant No.1. It has been declared that the property would vest with the existing partner namely Sh. Rameshwar Kumar. He submits that both the Courts have erred in dismissing the suit.

5. On a Court question, the learned counsel representing the appellants fairly admits that in the partnership deed dated 25.12.1992 executed by Sh. Rameshwar Kumar and Sh. Vipin Kumar, plot No.90 was never brought into the fold of the firm. Defendant No.1 did not bring plot No.90 as his contribution to the firm. Moreover, Ex.P-6 is a lease deed executed by Sh. Vipin Kumar in favour of the firm in order to rent out plot No.90. It is thus evident that plot No.90 was not made the property of the partnership firm.

6. Hence, no ground to interfere is made out.

7. Dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

August 08th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No