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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA(COMM) 352/2024 & CM APPL. 49277-49278/2024**

M/S BRAND CONNECT

.....Appellant

Through: Mr Shahrukh Ejaz, Mr Parikshit
Goyal, Ms Palak Singh Parihar,
Advocates.

versus

M/S PAMM ADVERTISEMENT
AND MARKETING

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

28.08.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. After some arguments, the learned counsel for the appellant seeks to withdraw the appeal with liberty to take recourse to an appropriate remedy, *albeit* as per law.
2. The learned counsel for the appellant says that since the suit filed by the appellant was dismissed based on the preliminary objection, that is, on the date of institution of the suit, it was not a registered partnership firm and therefore, was barred from maintaining the suit action in view of provisions of Section 69 of the Indian Partnership Act, 1932, it ought not to have been foreclosed from agitating the issue raised on merits in a fresh suit action, since during the pendency of the suit action the appellant firm had obtained registration.

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2.1 The appellant firm, we are told, was registered on 09.01.2023.

3 The appeal is dismissed as withdrawn.

4. In the event the appellant takes recourse to an appropriate remedy to agitate its rights on merits, *albeit* as per law, obviously, the dismissal of the suit action based on a preliminary objection will not come in the way in having its cause adjudicated.

4.1. Needless to add, if such a course is embarked upon by the appellant, all defences will be open to the respondent/ defendant, including the defence concerning limitation.

5. Pending applications shall stand disposed of.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 28, 2024/ *PB*

[Click here to check corrigendum, if any](#)