IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9722 OF 2026

Atul Bhagwandas Sankla ..Petitioner

Versus

Universal Fiber Glassmolding Through Sarjirao More Since Decd Through LRs Vijaya S More and Ors …Respondents

Dr Pawan K Pandey, with Suman Gupta, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATE : 17th AUGUST 2026

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.

2. The challenge in this Petition is to an order dated 12th June 2026 passed by the learned Civil Judge, Junior Division, Khalapur, whereby an Application preferred by the Petitioner for rejection of the Plaint on the ground that the Suit is barred by the provisions contained in Section 69(2) of the Indian Partnership Act, 1932 (“the Partnership Act, 1932”), came to be rejected.

3. The learned Civil Judge was of the view that the ground raised by the Petitioner-Defendant did not justify the rejection of the Plaint at the threshold. The question whether the person suing was the partner of the firm was required to be adjudicated at the trial.

ARUN RAMCHANDRA SANKPAL

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4. Dr Pandey, the learned Counsel for the Petitioner, submitted that since the suit was instituted in respect of the immovable property which the Plaintiff-firm claims to have purchased, the bar under Section 69(2) of the Partnership Act, 1932, was attracted.

5. The legal position is no longer *res integra*. The instant suit is for the enforcement of the statutory and common law rights arising from purported acquisition of the suit property by the Plaintiff.

6. The Plaintiff is seeking relief of declaration that the subsequent Sale Deed is not binding on the Plaintiff, and injunction to restrain the Petitioner-Defendant No.1 from creating further third party interest in the suit property. *Prima facie* the transactions in question did not arise out of the contract entered into in relation to business of the partnership firm. Therefore, the bar contained in the provisions of Section 62(2) of the Partnership Act, 1932, may not be *prima facie* attracted.

7. A useful reference in this context can be made to the decisions of the Supreme Court in the cases of **Haldiram Bhujiawala and Anr Vs Anand Kumar Deepak Kumar and Anr**[1] and **Raptakos Brett and Co Ltd Vs Ganesh Property.**[2]

8. The Petition thus stands disposed.

[N. J. JAMADAR, J.]

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1 (2000) 3 SCC 250.

2 (1998) 7 SCC 184.