

Priyanka

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.211 OF 2024**

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| Mr. Vijay Pratap Krishna Kumar Singh | ... Appellant  |
| V/s.                                 |                |
| Smt. Rajni Vijay Pratap Singh        | ... Respondent |

**WITH  
INTERIM APPLICATION NO.6484 OF 2024  
IN  
APPEAL FROM ORDER NO.211 OF 2024**

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Mr. Ashok Mishra for the Appellant.

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**CORAM : KAMAL KHATA, J.**

**DATED : 5TH JANUARY 2026.**

**P.C. :**

1. This Appeal challenges the Order dated 5<sup>th</sup> February 2024 passed in the Notice of Motion No.3190 of 2023. By the said Notice of Motion, the Appellant has sought a temporary injunction restraining the Respondent from raising an objection to the renewal of license of a Beer and Wine Shop.

2. The Appellant claims to be the owner of a commercial premises bearing No.AA-3, BMC Colony, Anand Nagar, Oshiwara, Jogeshwari (W), Mumbai. He asserts that he commenced a Beer and Wine Shop therein and inducted the Respondent as a partner under a Partnership Deed dated 15<sup>th</sup> July 2021 forming a

partnership firm styled *M/s. Rajni Beer and Wine Shop*. According to Appellant, all necessary permits and licenses were obtained by him and the Respondent neither contributed any capital nor played any role in the business. It is his case that the Respondent created obstacles and failed to cooperate, resulting in non-renewal of the license and closure of the business with effect from 31<sup>st</sup> March 2023. The partnership being one 'at Will', it was also dissolved by the Appellant by a notice dated 27<sup>th</sup> July 2023. The Appellant thereafter instituted the suit *inter alia* seeking a permanent injunction restraining the Respondent from raising objections to renewal of the licence.

3. The Respondent, on the other hand, contends that she was married to one Ravi Prakash Shetty and had a son with him. Owing to matrimonial disputes, she had been residing separately from her husband and since 6 to 7 years, she has been residing with the Appellant in a live-in-relationship. She claims to have contributed ₹ 55,00,000/- towards partnership and alleges that the Appellant is in custody of the business documents. She further alleges that the Appellant is a habitual offender against whom multiple criminal cases are pending, and that she herself was constrained to lodge an FIR against him. On these grounds, she submits that the Appellant is not entitled to any equitable relief or

injunction.

4. Having heard the Appellant and perused the record and proceedings, I find that the present Appeal is essentially an attempt to secure a renewal of the license through a judicial order.

5. The impugned order has comprehensively recorded the rival pleadings and submissions and has dismissed the Notice of Motion. I find no infirmity either in the narration of facts or in the conclusion drawn by the learned Trial Judge. The order correctly notes that the suit is not barred under Section 69(2A) of the Partnership Act, 1932 in view of the decision of the Supreme Court in *V Subramaniam v Rajesh Raghuvandra Rao*<sup>1</sup>. No ground whatsoever is made out to warrant interference with the Order dated 5th February 2024.

6. It is further undisputed that the license granted in the name of partnership lapsed on 31<sup>st</sup> March 2023 and that the partnership itself stood dissolved by the Appellant's notice dated 27<sup>th</sup> July 2023. In the absence of a subsisting partnership, there can be no question of renewal of a license standing in the name of a firm that no longer exists. In view of the above, reliance placed on the decision in *Aruna Mohanbabu Jaiswal v Collector, State Excise Department and Ors.*<sup>2</sup> is misplaced, as in that case the licence was

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<sup>1</sup> (2009) 5 SCC 608

<sup>2</sup> 2022 SCC OnLine Bom 2976

suspended pending adjudication of disputes, whereas in the present case the license has expired by efflux of time and the partnership itself stands dissolved by the Appellant. The Appellant cannot approbate and reprobate by dissolving the partnership on the one hand and seeking continuation of its statutory license on the other. It is well settled that an injunction cannot be granted in the absence of a subsisting legal right *Gujarat Bottling Co. Ltd. v. Coca Cola Co.*<sup>3</sup>

7. The primary contention urged on behalf of the Appellant was that the Trial Court failed to consider that the Respondent's affidavit-in-reply dated 16th October 2022, wherein she had pleaded that suit is not maintainable in view of the provisions of the Section 69(2) of the Partnership Act, 1932. According to the Appellant, this averment amounted to an objection to renewal of the licence. The submission is wholly misconceived and has been rightly rejected by the Trial Court.

8. Despite being specifically called upon to point out any documentary material evidencing refusal or obstruction by the Respondent in the renewal of the licence – which forms the very foundation of the suit – the learned Advocate for the Appellant was unable to do so. Even this Court, therefore, finds no cause of action against the Respondent.

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<sup>3</sup> (1995) 5 SCC 545

9. A party seeking equitable relief must approach the Court with clean hands *Dalip Singh v. State of Uttar Pradesh*<sup>4</sup>. The present proceedings reflect an attempt to obtain judicial assistance for continuation of a licence in circumstances where such continuation is legally impermissible.

10. Lastly, this Appeal arises from an interim order. Applying the settled principles governing Appellate Court's interference with discretionary interim orders, as laid down in *Wander Ltd. v Antox India Pvt Ltd.*,<sup>5</sup> and the view taken by the Trial Court being a plausible one, this Court finds no reason to interfere.

11. In view of the foregoing discussion, I find no reason to interfere with the impugned order. The Appeal is accordingly dismissed.

12. In view of the dismissal of the Appeal the Interim Application No.6484 of 2024 also stands dismissed.

**(KAMAL KHATA, J.)**

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<sup>4</sup> (2010) 2 SCC 114

<sup>5</sup> (1990) Supp SCC 727