

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.27088 OF 2025
WITH
INTERIM APPLICATION NO.945 OF 2026
IN
APPEAL FROM ORDER (ST.) NO.27088 OF 2025

Vasant Ganesh Phadke and Ors.

.. Appellants

Versus

M/s. Vaishnavi Developers

.. Respondent

.....

- Mr. Vivek B. Rane, Advocate for Appellants.
- Mr. Anuj Tiwari, Advocate i/by Mr. V. V. Salunke for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 18, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 18.02.2026. Perused the praecipe.
- 2.** Heard Mr. Rane, learned Advocate for Appellants and Mr. Tiwari, learned Advocate for Respondent.
- 3.** Short point of law arises in the present Appeal from Order. The Suit has been dismissed by the learned Trial Court under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short 'CPC') on the legal ground that despite Plaintiff – Firm claiming to be a registered partnership firm it has not produced the partnership certificate neither disclosed the names of the partners which is a prime and mandatory requirement under the provisions of Section 69 (2) of the Partnership

Act, 1932.

4. Being aggrieved Plaintiff has filed Regular Civil Appeal before learned District Judge and in that proceeding by virtue of the impugned order dated 23.04.2025, the learned Judge has stayed the order and proceedings. Such an order of stay when the Suit has been dismissed under Order VII Rule 11 of the CPC is directly in the teeth of the decision of the Supreme Court in the case of *IEEE Mumbai Section Welfare Association Vs. Global IEEE Institute for Engineers*¹.

5. The Supreme Court holds that when the Plaint itself stands rejected it cannot be said that the Appeal filed against such an order can be a continuation of the suit proceedings.

6. Mr. Tiwari, learned Advocate enters appearance on behalf of original Plaintiff. He would submit that he is holding for concerned Advocate on record – Mr. V. V. Salunke. Mr. Salunke is directed to remain present on the next adjourned date failing which the Appeal from Order will have to be allowed by this Court.

7. Stand over to **20th February 2026**. To be placed under the caption '**First on Board**'.

8. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

1 Civil Appeal No(s).7235 / 2025 (@ Special Leave Petition (Civil) No(s).14208 of 2025) decided on 27.05.2025