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

+ RFA(COMM) 41/2026, CM APPL. 3422/2026 & CM APPL.  
3423/2026

LONGLASST INC

.....APPELLANT

Through: Ms. Komal, Adv.

versus

TOSHI AUTOMATIC SYSTEM PVT. LTD.....RESPONDENT

Through: Mr. Gaurav Puri, Mr. Sarthak Gupta  
and Mr. Kushagra Bali, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE DINESH MEHTA**

**HON'BLE MR. JUSTICE VINOD KUMAR**

**ORDER**

**02.02.2026**

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1. The appeal in hand is directed against the order dated 22.07.2025 passed by the learned District Judge, Commercial Court No. 3, District-West, Delhi (*hereinafter referred to as 'the Commercial Court'*) whereby the suit filed by the appellant was rejected on the ground that the appellant-plaintiff was not registered under the provisions of The Partnership Act, 1932 (*hereinafter referred to as 'the Act of 1932'*).
2. While rejecting the plaint, the Trial Court has observed that the appellant is not registered and therefore the embargo of Section 69 of the Act of 1932 will operate and the suit filed by the petitioner was incompetent.



3. Learned counsel for the appellant submitted that an application under Order VII Rule 14 of the Code of Civil Procedure 1908 was filed by the appellant-plaintiff before the Trial Court to take the Partnership Deed on record but inadvertently, the same could not be filed with the application.

4. Learned counsel for appellant further submitted that the plea of Section 69 of the Act of 1932 was taken subsequently when the suit reached the stage of defendant's evidence and therefore such plea ought not to have been considered by the Commercial Court.

5. Learned counsel for the respondent-defendant on the other hand submitted that the bar of Section 69 of the Act of 1932 operates as a jurisdictional bar and hits at the very root of the suit and since the plaintiff-appellant did not make any averment about the plaintiff being a firm registered or otherwise a sole proprietorship concerned, it was not required of the defendant to raise such plea. Only when during the course of plaintiff's evidence, it had come to its notice that the plaintiff is a partnership firm, the plea regarding the bar of Section 69 of the Act of 1932 was raised.

6. Heard learned counsel for the parties and perused the record.

7. For the purpose of the present issue, three dates above are relevant, which are enumerated here under:-

- (i) The date of filing the suit i.e. 22.02.2023.
- (ii) The date of order impugned i.e. 22.07.2025.
- (iii) The date of registration of the firm i.e. 08.08.2025.

8. In view of the aforesaid factual matrix, it is apparent that the appellant-plaintiff firm got itself registered on 08.08.2025, i.e. even after the impugned judgment and decree were passed.



9. Such being the position on the date of institution of the suit and even up to the date of passing of the impugned judgment, the appellant was not a registered partnership firm.
10. Provision contained in Section 69 of the Act of 1932 clearly puts an embargo upon any suit to be instituted by or in the name of a partnership firm in case it is not registered. And admittedly, on the date of institution of the suit the applicant was not registered under the Act of 1932.
11. The appeal, therefore clearly lacks merit and substance for which it is hereby dismissed.
12. Pending applications, if any, are also disposed of.

**DINESH MEHTA, J.**

**VINOD KUMAR, J.**

**FEBRUARY 2, 2026/cd**