

MHSN020009212023 	<u>COMMON ORDERS BELOW EXHIBIT NO. 8 and 10 IN R. C. S. NO. 147/2023</u> Everest Cement Pipe Industries Regi. Partnership Firm Legal heirs of deceased Partner. Vs. Everest Cement Pipe Industries Regi. Partnership Firm through Partners.
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The present applications are filed by the plaintiffs for the appointment of C.A. for the rendition of accounts through audit reports of the firm and the appointment of the court commissioner for ascertaining the assets of the partnership firm.

2] It is the contention of the said plaintiffs that, the plaintiffs no. 2/1 to 2/3 are the legal heirs of the deceased partners in the registered partnership firm Shri. Shantagonda Rajgonda Patil and Smt. Prabhavati Shantagonda Patil. They have filed the present suit for the settlement of the said partnership firm M/s. Everest Cement Pipe Industries and for the determination of the amount due to the plaintiffs after the settlement and for the dissolution of the partnership firm alongwith permanent injunction. The plaintiffs are not aware of the movable and immovable properties owned by the partnership firm. The market value of these properties needs to be brought on record. Similarly, as the plaintiffs prayed for settlement of accounts, for that rendition of accounts of firm is necessary. Therefore, till the passing of decree in this suit it is necessary to bring audit reports of the firm on record. The defendants have not disclosed accounts nor have any transparency in the transactions of the partnership firm. These details need to be brought on record for the just decision of the case. Therefore, these application are filed for the appointment of Court commissioner and C.A.

3] The defendants appeared and objected the contentions in the applications by filing say. It is the contention of the defendants that the

plaintiffs have no legal right in the suit property and has filed present suit against the defendants to cause troubles to them and nothing else. The plaintiffs did not come before the Court with clean hands and not by disclosing all the facts. The defendants contended that the firm is running its business on the rented premise and therefore market value of the said land is not necessary. Before passing any order, the plaintiffs have to establish their rights to claim the said relief. Therefore, these applications are nothing but an attempt by the plaintiffs to collect the evidence and an attempt to create pressure on the defendants to get huge amount of money. The defendants prayed for rejection of these applications with costs.

4] Perused the applications and say. Heard both sides. Perused the documents on record.

5] Upon the perusal of record, it appears that the trial is yet to commence and the parties are yet to lead evidence. The rights of the parties in the firm are yet to be decided. Moreover, the plaintiffs are seeking account details from the date of commencement of partnership firm. However, no reason is given for seeking account details from the said period. The rights of the plaintiffs if any, accrued in the firm only after the death of deceased partners. Therefore, this will be very primary stage to decide these applications. In result I am not inclined to allow these applications and the order :-

ORDER

01. The applications below Exh. 08 and 10 are rejected.

02. No order as to cost.

Date:- 16/10/2025.

(Rohini S. Patil)
Jt. Civil Judge, J.D., Sangli.