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

+ CS(COMM) 911/2016, CC (COMM) 29/2017 & O.A. 158/2018

JAGGI AYURVEDIC PHARMACY Plaintiff

Through: Mr. S.K. Bansal and Mr. Kapil
Kumar Giri, Advocates.

versus

JAGGI AYURVEDIC RESEARCH FOUNDATION Defendant

Through: Mr. Sujoy Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **02.04.2019**

I.A. 4742/2019 (Under Order 14 Rule 1 (4b), 2 (2) (5) r/w Sec. 151 CPC)

1. Parties have been heard for some time. During the course of the arguments, it emerges that following facts are admitted by both the parties:

a) That the Plaintiff Jaggi Ayurvedic Pharmacy was constituted as a partnership firm *vide* partnership deed dated 22nd August 1991.

b) Om Prakash Jaggi was one of the partners of the firm.

c) The said partner Shri Om Prakash Jaggi expired on 2nd February 2010.

d) The suit was filed by Defendant No. 2 (Smt. Priya Rani Jaggi) against Jaggi Ayurvedic Pharmacy and others seeking dissolution of Jaggi Ayurvedic Pharmacy.

2. The question that arises for consideration is whether the present suit is maintainable on account of the factum of the death of Om Prakash Jaggi, being one of the partners of the firm.
3. Learned counsel for the parties seeks time to address the Court on this issue. The parties are directed to file a brief note of submissions with relevant case laws.
4. List on 13th May 2019.

SANJEEV NARULA, J

APRIL 02, 2019

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