

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 27880 OF 2024

Ganesh Pratap Lal Bahadur Singh

...Appellant

Versus

Anand Kumar Lar Bahadur Singh & Anr

...Respondents

Mr Pradeep Thorat, i/b Ashutosh Shukla, for the Appellant.

Mr BP Pandey, i/b Ridhima Mangaonkar, for the Respondents.

CORAM: ARIF S. DOCTOR, J

DATED: 21st November 2024

PC:-

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI SANJAY
MORMARE
Date: 2024.11.22
19:05:35 +0530

1. The present First Appeal impugns the final Judgment and Order dated 23rd August 2024 passed by the City Civil Court, Mumbai, in S.C. Suit No. 3773 of 2013. By the said Order, the Suit has been decreed with costs.

2. I have heard, Mr Thorat, Learned Counsel appearing on behalf of the Appellant, who does not dispute that Respondents Nos. 1 and 2 and the Appellant are all brothers, who are the tenants in respect of the Suit premises. However, his grievance is that the business which is being carried on from the said premises is not a joint business but is a business which is solely being conducted by the Appellant. He has

submitted that there is no Partnership Deed or and/or any Business Agreement/Arrangement basis which the Suit has been decreed.

3. The Learned Counsel appearing on behalf of Respondents has, on the contrary, pointed out that the said business was being carried out by the father of the Appellant and the Respondents, and after his passing, the Appellant continued running the business and remitting to the Respondents their share from the said business. He has invited my attention to the evidence led in the Suit and pointed out that there is no dispute to the fact that the Shop Establishment Certificate is jointly in the names of the Appellant and the Respondents, also the electricity connection is in the joint names.

4. Having considered the submissions, an arguable case is made out.

5. Hence, **Admit**.

6. Call for R&P. Printing dispensed with.

7. Respondents waive notice.

(ARIF S. DOCTOR, J)