
CPC O. 21 R. 10 – Equitable transfer of decree.

Description

Vivian Bose, J., Said (at p. 315):

“It is argued on behalf of the defendants that O. 30, R. 1, Civil P. C. indicates that a suit can be filed in the name of the firm by some of the partners only if the partnership is existing at the date of the filing of the suit. The argument has no force in view of the finding that the firm was not dissolved by reason of the insolvency of one of its partners, But even if it has been dissolved, the effect of dissolution is not to render the firm non-existent. It continues to exist for all purposes necessary for its winding up. One of these is of course the recovery of moneys due to it by suit or otherwise.”

Nagpur High Court in Agarwal Jorawarmal v. Kasam, (AIR 1937 Nag 314)

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