

with the final order passed by the appropriate authority and did not challenge it in this Court although he had approached this Court on two occasions after his representation against the adverse remarks had been rejected.

(18) Coming to the fifth submission of the learned counsel, the official noting on the file relating to promotion to the post of Director of Marketing reveal that the Vigilance Department enjoyed concurrent power of all the Departments in disciplinary matters. The Vigilance Department inflicted punishment of 'censure' on the petitioner after giving him full opportunity. His representation against this punishment was considered and rejected by the Vigilance Department. The petitioner did not challenge the order of the Vigilance Department on the review petition against the Punishment of 'censure' before any Court and it is not open to him to challenge the same in these proceedings.

(19) For the reasons aforementioned, both the writ petitions are devoid of merit and are dismissed, but without any order as to costs.

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*J.S.T.*

*Before : G. R. Majithia, J.*

MOHINDER SINGH AND ANOTHER,—*Appellants.*

*versus*

RAM NATH AND OTHERS.—*Respondents.*

*Regular Second Appeal No. 3251 of 1986*

16th April, 1991.

*Partnership Act 1932 (9 of 1932)—S. 69—Suit for dissolution of partnership firm and rendition of accounts—Partnership firm not made a party—Not proved that partnership firm registered—However, constitution of partnership not denied—Objection that suit against unregistered firm and firm not been made party to suit—Not maintainable.*

*Held*, that indisputably, the parties to the suit are partners of the firm. The constitution of the partnership firm is not denied. The objection that a suit, against an unregistered firm or that the firm having been not made a party to the suit is not maintainable, cannot be sustained for the reason that the partnership is admitted. The partnership firm is a compendious name for the partners constituting

it. The partners are parties to the suit. Non impleading of the firm does not render the suit bad for non-joinder of parties. The suit for dissolution or rendition of accounts is maintainable even against an unregistered firm.

(Para 3)

Regular Second Appeal from the decree of the Court of Shri R. D. Single, Addl. District Judge, Jalandhar, dated the 1st day of August 1986 affirming with costs that of Shri J. S. Mander, PCS, Sub Judge 1st Class, Nakodar, dated the 8th February, 1984 passing a decree for dissolution of accounts and with a decree of injunction restraining the defendants not to sell the property mentioned in Para A of the head note of the plaint, in favour of the plaintiff and against the defendants and leaving the parties to bear their own costs.

"CLAIM" : A suit for grant of a decree for permanent injunction restraining the said defendants from removing or selling the following articles from the site or vessel (Bhandha) of brick kiln situated at Village Bal Hukmi, Tehsil Nakodar:—

Bricks 1st Class, 50,000, Bricks 2nd class 1,70,000, Bricks 3rd class 45,000, Tiles 1,20,000, wood 100 Qts, Coal 150 Tons, Chimney one, Sache 30 number, Engine Kirlosker Diesel One Earth (soil) one acre.

'B' Suit for rendition of accounts of the said brick kiln from October 1980 upto date and for appointment of receiver.

'C' Suit for dissolution of the firms.

Claim in Appeal For reversal of the order of both the courts below.

O. P. Hoshiarpuri, Advocate, for the appellants.

R. K. Battas, Advocate, for the respondents.

#### JUDGMENT

G. R. Majithia, J.

The unsuccessful defendants have come to this Court in Regular Second Appeal against the judgment and decree of the first Appellate Court affirming on appeal those of the trial judge decreeing the suit of the plaintiffs.

(2) The plaintiff/respondents filed a suit for dissolution of partnership and rendition of accounts and also for permanent injunction restraining the defendant/appellants from removing or selling the articles belonging to the partnership business. The suit was decreed by the courts below.

(3) The only objection raised in the Regular Second Appeal is that the partnership firm was not a party defendant to the suit and that it is not proved that the partnership firm was registered. Indisputably, the parties to the suit are partners of the firm. The constitution of the partnership firm is not denied. The objection that a suit, against an unregistered firm or that the firm having been not made a party to the suit is not maintainable, cannot be sustained for the reason that the partnership is admitted. The partnership firm is a compendious name for the partners constituting it. The partners are parties to the suit. Non-impleading of the firm does not render the suit bad for non-joinder of parties. The suit for dissolution or rendition of accounts is maintainable even against an unregistered firm. Reliance can usefully be made to *D. C. Upreti v. B. D. Karnatak* (1), where it was held thus :—

“In the instant case it is obvious that it was a suit for dissolution and accounts of an unregistered partnership Firm and such a suit is well protected by sub-section (3)(a) of section 69 of the Partnership Act. This exception excluded such suit from the operation of the General Rule as laid in section 69, sub-section (2) of the aforesaid Act.

Under the circumstances the finding that such type of suit is saved by the aforesaid exception and is not barred by Section 69 of the partnership Act is correct.”

(4) For the aforesaid reasons, the appeal is devoid of any merit and is dismissed.

J.S.T.

Before : S. S. Sodhi & Ashok Bhan, JJ.

KURUKSHETRA UNIVERSITY, KURUKSHETRA AND ANOTHER.  
—Appellants.

versus

SHAILENDER DHAWAN.—Respondents.

Letters Patent Appeal No. 548 of 1990.

22nd August, 1991.

*Letters Patent, 1919—Cl. 10—Petitioner-respondent found guilty of using unfair means—Only incriminating material found from his possession was some matter written on question paper of subject he*

(1) A.I.R. 1986 Allahabad 32.