

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Arb. Appeal No. 10 of 2008

M/s Bharat Coking Ltd. ... Appellant
Versus
New Satnam Transport company ... Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant : Mr. Anoop Kr. Mehta, Adv.
For the respondent : Mr. J.K. Pasari, Adv.

11 / 08.07.2020

I.A. no. 3587 of 2020

Heard the parties through Video Conferencing.

Mr. J.K.Pasari, learned counsel for the respondent-petitioner submits that this interlocutory application has been filed with a prayer to amend the cause title of this appeal memo by modifying the description of the respondent in place of "proprietor-Santokh Singh, S/o Nariyan Singh" as is existing now, with "its partner Sri Tirath Singh, S/o Late Santokh Singh". It is further submitted by Mr. Pasari that after passing of the impugned judgment and decree, the respondent proprietorship firm has been converted into a partnership firm by the deed of partnership dated 01.04.2008 and the earlier proprietor namely Santokh Singh also became partner of the respondent-firm along with his two sons, who became the partners. So it is next submitted by Mr. Pasari that status of the respondent namely "New Satnam Transport Company, proprietor Santokh Singh" has been changed as "New Satnam Transport Company, a partnership firm with Sri Santokh Singh, S/o Nariyan Singh, Sri Tirath Singh, S/o Late Santokh Singh and Sri Gurpal Singh, S/o Late Santokh Singh all by faith Sikh and by occupation- business and residents of Katras Road, Matkuria, P.O., P.S. and District- Dhanbad". It is next submitted by Mr. Pasari that thereafter Sri Santokh Singh has retired from partnership firm on 01.11.2009, so thereafter the said partnership firm- New Satnam Transport Company became a partnership firm with the said Sri Tirath Singh and Sri Gurpal

Singh as the partners of the said firm. It is next submitted by learned counsel for the respondent that subsequently on 01.04.2018, Sri Gurpal Singh retired from the said partnership firm and Sri Tirath Singh and Smt. Pritpal Kaur, wife of Sri Gurpal Singh are the partners of the said respondent firm namely New Satnam Transport Company, hence, Mr. Pasari modifying his prayer made in this interlocutory application submits that the respondent by amendment of the cause title be described as "New Satnam Transport Company, proprietor- Santokh Singh, son of Late Nariyan Singh, residents of Katras Road, Matkuria, Bank More, P.O.- Dhansar and District- Dhanbad, now converted into partnership firm with "Sri Tirath Singh, son of Sri Santokh Singh and Smt. Pritpal Kaur, wife of Sri Gurpal Singh, as partners both residents of Katras Road, Matkuria, P.O., P.S. & District- Dhanbad".

Mr. Anoop Kr. Mehta, learned counsel for the appellant, submits that he has no objection if the said amendment is carried out at the risk of respondent.

Considering the facts and circumstances of this appeal and the submission made at the bar the prayer for amendment of the cause title of the appeal memo by modifying the description of the respondent as "New Satnam Transport Company, proprietor- Santokh Singh, son of Late Nariyan Singh, residents of Katras Road, Matkuria, Bank More, P.O.- Dhansar and District- Dhanbad, now converted into partnership firm with "Sri Tirath Singh, son of Sri Santokh Singh and Smt. Pritpal Kaur, wife of Sri Gurpal Singh, as partners both residents of Katras Road, Matkuria, P.O., P.S. & District- Dhanbad" is allowed.

Registry is directed to amend the description of the respondent in cause title of the appeal memo by changing the respondent as "New Satnam Transport Company, proprietor- Santokh Singh, son of Late Nariyan Singh, residents of Katras Road, Matkuria, Bank More, P.O.- Dhansar and District- Dhanbad, now converted into partnership firm with "Sri Tirath Singh, son of Sri Santokh Singh and Smt. Pritpal Kaur, wife of Sri Gurpal Singh, as partners both residents of Katras Road, Matkuria, P.O., P.S. & District- Dhanbad"

The I.A. no. 3587 of 2020 is allowed accordingly.

(ANIL KUMAR CHOUDHARY, J.)

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Learned counsel for the appellant prays for time.

Prayer for time is allowed as the last chance.

List this appeal six weeks after the lockdown is over.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-