

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2082 of 2020
(Arising out of SLP(C)No.9184/2015)

VIRENDER KUMAR SETH (DECEASED) THROUGH LRS & ANR. Appellant(s)

VERSUS

IRESH DUGGAL

Respondent(s)

O R D E R

Leave granted.

The respondent filed a suit for dissolution of partnership and rendition of accounts apart from relief of permanent injunction.

The trial Court decreed the suit and dissolved the firm. In order to distribute the assets of the firm as per the rights of the partners, entirety of accounts of the firm were directed to be given to Mr. Vinod Goel, Chartered Accountant, for examination.

The respondent filed an application that the local Commissioner should be directed to suggest the mode of partition of the tenant premises at property No.18/39, Gali No.5, New Rohtak Road, Sarai Rohilla, Delhi. The respondent sought partition of the said premises by metes and bounds and that he should be handed over 1/3 share. The trial Court rejected the application by holding that the tenancy rights are indivisible under the law. The appeal filed by the respondent was allowed by the High Court of Delhi. The

High Court found that tenanted premises can always be partitioned for inter-se use amongst the tenants and inter-se division amongst tenants alone would not amount to sub-letting leading to partition of the tenanted premises.

It is trite law that the partners of the firm are co-tenants. We are in agreement with the trial Court that the tenancy rights are indivisible. While leaving it open to the parties to workout their rights in a suitable forum, we dispose of this appeal by declaring that the appellants and the respondents are co-tenants of the premises, the details of which are mentioned above.

The appeal stands disposed of accordingly. Pending applications, if any stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
06th March, 2020

ITEM NO.43

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9184/2015

(Arising out of impugned final judgment and order dated 24-11-2014 in CMM No. 551/2010 passed by the High Court Of Delhi At New Delhi)

VIRENDER KUMAR SETH (DECEASED) THROUGH LRS & ANR. Petitioner(s)

VERSUS

IRESH DUGGAL Respondent(s)
(IA No. 48809/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

Date : 06-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Ashish Dholakia, Adv.
Mr. Akash Panwal, Adv.
Mr. P.S.Sudheer, AOR
Mr. Bharat Sood, Adv.
Ms. Shruti Jose, Adv.
Mr. Akash Panwar, Adv.

For Respondent(s) Mr. Surender Kumar Gupta, AOR
Mr. Ashok Mathur, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the
signed order. Pending applications, if any stand
disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)