



CR-6791-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CR-6791-2025 (O&M)
Decided on :- 24.09.2025**

Satish Grover

....Petitioner

VERSUS

Shree Atmanand Jain Sabha and Another

...Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Rajan Bansal, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present revision petition has been filed by the petitioner challenging the impugned order dated 22.08.2025 passed by the learned Rent Controller, Bathinda, vide which the Rent Controller directed the petitioner to file an affidavit/furnish information regarding the nature of M/s Indian Furniture Store and his status as a partner therein, in an application filed by the petitioner under Order 30 Rule 8 read with Section 151 CPC.

Brief Facts

2. The brief facts, as borne out from the record, are that the respondents filed an eviction petition under Section 13 of the East Punjab Urban Rent Restriction Act, 1949, seeking eviction of M/s Indian Furniture Store through its alleged partner, Satish Grover, from the demised shop. The present petitioner appeared and filed an application under Order 30 Rule 8 CPC read with Section 151 CPC, praying that his appearance be treated as under protest, and the Court must first determine whether M/s Indian Furniture Store is in fact a partnership



firm and whether the petitioner is a partner thereof, before proceeding further in the eviction matter.

Submission of learned counsel for the petitioner

3. It is the contention of the petitioner that as per Order 30 Rule 8 CPC, the Court is under a statutory obligation to first decide the objection regarding the partnership and the liability of the alleged partner, and until such determination is made, no direction for furnishing information or affidavit can be issued against him. The learned Rent Controller, however, vide the impugned order, directed the petitioner to furnish affidavit disclosing details of partnership, period of membership, and dissolution, if any, without first adjudicating upon the application.

Findings

4. I have considered the submissions of learned counsel for the petitioner and perused the record.

5. A plain reading of Rule 8 CPC makes it clear that where a person is summoned as a partner but denies such status, he is entitled to enter appearance under protest. Thereafter, it is incumbent upon the Court to determine the question whether that person was in fact a partner of the firm and liable as such. Only upon such determination can further proceedings in the main case take place.

6. The scheme of Rule 8 CPC, therefore, envisages a preliminary adjudication. The liability of the alleged partner cannot be presumed nor can he be compelled to furnish details of partnership unless and until the Court decides the application under Order 30 Rule 8 CPC. The object is to protect a person who disputes being a partner from being unnecessarily entangled in litigation or made liable for acts of a firm of which he is not a member.



7. In the present case, instead of deciding the application filed by the petitioner, the learned Rent Controller called upon him to disclose on affidavit the very facts which were in dispute. Such a course virtually compels the petitioner to admit or deny partnership on oath before his objection under Order 30 Rule 8 CPC is determined. This approach is contrary to the scheme of the Code.

Conclusion

8. In view of the above, this Court is of the opinion that the Rent Controller was not justified in directing the petitioner to file an affidavit/information without deciding the application under Order 30 Rule 8 CPC. The impugned order dated 22.08.2025 is, therefore, set aside.

9. The Rent Controller, Bathinda, is directed to first decide the application filed by the petitioner under Order 30 Rule 8 read with Section 151 CPC, in accordance with law, and only thereafter proceed with the eviction petition.

10. The present civil revision is accordingly allowed.

11. Pending application(s), if any, also stand disposed of.

September 24, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No