

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.304 of 2018

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1. Rasik Lal Gupta son of Late Panna Lall resident of C - 106,Tiyagi Bihar,
A.W.H.O., Bangla Bazar, Lucknow.

.... Petitioner/s

Versus

1. Manik Lall Gupta son of Late Panna Lall resident of at Manas Path,
West to Dr. B. Bhattacharya, Patel Nagar, Patna - 800023.
2. Arun Bose, Head Investor Service Centre, Investor's Service Centre,
India Tobacco Company Limited, 37, Jawaharlal Nehru Road, Kolkata,
M.I.D.C. Andheri (East), Mumbai - 400093.
3. The Registrar and Transfer Agent, M/S Datta Matrics Financial Services
Limited, A Unit of - State Bank of India (Equity), Plot No. - B - 5, Part 'B'
Cross Road.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 06-09-2018 Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 14.12.2017 by which the petition of the petitioner filed under Order VII Rule 11 C.P.C. has been rejected.

Petitioner is defendant No.3 in the suit. Manik Lall Gupta filed the suit for partition of the ancestral and self-acquired property, moveable and immoveable of his father, Late Panna Lall. During the pendency of the suit, the petitioner filed petition under Order VII Rule 11 C.P.C. for dismissal of the suit on the ground that Late father, Panna Lall has himself partitioned the



property on 02.04.2002 by family arrangement but the same has not been considered and the learned Sub Judge has illegally dismissed the petition.

It appears that Panna Lall said to have executed the family arrangement on a non-judicial stamp and that is not a conclusive proof of partition of the entire properties ancestral and self-acquired property of Panna Lall. On the basis of such partition agreement, I find that the learned Sub Judge has rightly held that the suit is not liable to be dismissed under Order VII Rule 11 C.P.C.

Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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