

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

RSA No. 6 of 2026

Md. Karimuddin Moulvi

... *Appellant*

- *Versus* -

M/s Ereicha Indane Gramin Vitrak and 4 Ors.

... *Respondents*

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

09.06.2026

[1] Heard Mr. M. Chittaranjan, learned counsel for the appellant.

[2] The appellant/plaintiff is aggrieved by an order dated 10.03.2026 passed by the Ld. District Judge, Thoubal in Misc. Civil Appeal Case No. 5 of 2025 confirming the deemed decree/order dated 01.09.2025 passed by Ld. Civil Judge (Sr. Divn.), Thoubal in Judl. Misc. Case No. 155 of 2023 dismissing the Original Suit (For Injunction) No. 29 of 2023. The appellant filed the suit for injunction being O.S. No. 29 of 2023 regarding settlement of account for a partnership. The respondent/defendant filed an application being Judl. Misc. Case No. 155 of 2023 praying for rejection of the plaint and by an order dated 01.09.2025 the application was allowed on the ground that the partnership is based on oral agreement as it is an unregistered in view of the provision of Section 69 of the Partnership Act. The order of the Ld. Civil Judge (Sr. Divn.), Thoubal has been confirmed by the Ld. District Judge, Thoubal by the impugned order dated 10.03.2026.

[3] The learned counsel for the appellant/plaintiff refers to the contradiction in the findings of the Ld. Civil Judge (Sr. Divn.), Thoubal and Ld. District Judge, Thoubal with regard to the status of the family partnership, while the Ld. Civil Judge (Sr. Divn.), Thoubal held that it is an unregistered partnership

firm and the Ld. District Judge, Thoubal held that there is no materials to confirm whether the partnership is registered or not. In the circumstances, rejection of the plaint without framing the issue is not in terms of the provision of C.P.C.

[4] Issue notice to the respondents.

[5] Appellant is directed to take steps on the respondents by speed post within 1(one) week and file affidavit of proof of service.

[6] List this case on 17.07.2026

JUDGE

Thoiba