

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Second Appeal No. 305/2024

Naresh Kumar Sharma S/o Sh. Mishrilal Sharma

----Appellant

Versus

Shyam Sundar Sharma S/o Sh. Nagarmal

----Respondent

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|                   |   |                                                            |
|-------------------|---|------------------------------------------------------------|
| For Appellant(s)  | : | Mr. J.P. Goyal, Sr. Adv. with<br>Ms. Meenal Bhargava, Adv. |
| For Respondent(s) | : | Mr. Shubham Bhargava, Adv.                                 |

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**29/11/2024**

1. Having considered the submissions of learned senior advocate appearing for the appellant, wherein, he referred the judgment of Hon'ble Supreme Court in case of **Shiv Developers through its Partner Sunilbhai Somabhai Ajmeri Vs. Aksharay Developers & Ors., 2022 LiveLaw (SC) 104** and submitted that a suit for enforcement of a statutory right or a common law right is maintainable even if appellant-plaintiff was a partner in an unregistered firm and marked under Section 69 of The Indian Partnership Act, 1932 is not applicable.
2. The contesting respondent-defendant is appearing as Caveator and service is complete upon him but respondent No.2 is also the party before the trial Court and subject matter is also concerned with him, therefore, it is appropriate to issue notice on proposed substantial question of law as proposed in Para H of memo of appeal.



3. Issue notice to respondent No.2 by ordinary process and by registered speed post as well.
4. Service of respondent No.3 is disposed with.
5. List this case for admission in the month of January, 2025.

**(ASHOK KUMAR JAIN),J**