

Ct. No.3
70
BP

**10.07.
2024**

**In the High Court at Calcutta
Jalpaiguri Circuit Bench**

C.O. 109 of 2024

**Udai Lama @ Uday Lama
-Versus-
Chhaya Lama**

Mr. Urgen Lama
Mr. Mayank Bhandari
...for the petitioner

This is an application filed against order Order No. 07 dated 9th May, 2024 passed by learned Civil Judge (Senior Division), Kurseong in Partition Suit No. 01 of 2023. By the impugned order court below rejected the petitioner's application under Order 7 Rule 11(a) of the Code of Civil Procedure on the ground that the suit is a partition suit and as such it involves recurrent cause of action and cannot be rejected on the ground of absence of cause of action.

Petitioner is directed to serve copy of application along with notice intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear before the next available Circuit Bench.

(Ajoy Kumar Mukherjee, J.)