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ORDER SHEET  
WPO/171/2026  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

DIPTA KUMAR CHINA AND ANR.  
VS  
THE STATE OF WEST BENGAL AND ORS.

BEFORE:  
The Hon'ble JUSTICE SMITA DAS DE  
Date: 10<sup>th</sup> April, 2026.

*Appearance:*  
*Mr. Ramesh Dhara, Adv.*  
*Mr. Gourav Banerji, Adv.*  
*...for the petitioner*

*Mr. Amal Kr Sen, Ld. AAG*  
*Mr. Parikshit Goswami, Adv.*  
*...for the State*

The Court: In the instant case, the State respondent raises a preliminary objection as to maintainability on the ground that the petitioner nos.1 and 2 are partners of a firm, namely, M/s. D.K. Enterprises. There is no indication in the documents or in the pleadings as to whether M/s. D.K. Enterprises is a registered partnership firm or not.

The learned AAG fairly submits that if the firm is unregistered, the bar under Section 69(2) of the Indian Partnership Act, 1932, would apply.

Section 69(2) is reproduced below:

“(2) No suit to enforce a right arising from a contract shall be instituted in any Court by or on behalf of a firm against any

third party unless the firm is registered and the persons suing are or have been shown in the Register of Firms as partners in the firm.”

Let this matter appear in the list on 8<sup>th</sup> May, 2026 for further hearing.

(SMITA DAS DE , J.)