

GAHC010168462023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : FAO/52/2023

SEEMA SAHA
D/O LATE BAIDYANATH SAHA ALIAS DULU SAHA,
VILL.- DUMUNI BAZAR, MOUZA- CHAIRAIMARI, P.O. AND P.S.- DUMNI,
DIST.- BAKSA (BTAD), ASSAM, PIN- 781372.

VERSUS

SUDEEP SAHA
S/O LATE NEDHULAL SAHA,
R/O BARPETA ROAD TOWN, BABUPARA, WARD NO. 7, P.O. AND P.S.-
BARPETA ROAD, DIST.- BARPETA, ASSAM- 781315.

For the Petitioner(s) : None appears.

For the Respondent(s) : None appears.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 08.05.2024

1. None appears on behalf of the Appellant on call.
2. From a perusal of the appeal memo, it reveals that the appeal is directed

against an order dated 29.04.2023 passed in Misc. (J) Case No.142/2022 by the Court of the learned Civil Judge, Barpeta whereby the application so filed under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 for rejection of the plaint was rejected.

3. It is relevant to take note of that no appeal lies against an order rejecting an application seeking rejection of the plaint. Under such circumstances, the instant appeal stands dismissed as not maintainable.

4. It is made clear that the dismissal of the instant appeal as not maintainable shall not preclude the Appellant to avail such other remedies as available under law, if otherwise permissible.

JUDGE

Comparing Assistant