

37 26.03.2021

Ct. No. 02

akd

F.M.A.T. 70 of 2021

With

CAN 1 of 2021

CAN 2 of 2021

Asit Kumar Modak

Vs.

Sri Bijay Sarkar & Ors.

Mr. Ibrahim Shaikh.

... for the appellant.

Mr. Setabuddin Khondeker,

Mr. Mobaidur Hossain.

... for the opposite parties.

It appears from the report of the Stamp Reporter that the suit filed by the plaintiffs/respondents is valued at Rs.1,00,000/- and, therefore, the appeal under Order XLIII Rule 1 of the Code of Civil Procedure does not lie before this Court in view of the provisions contained under Section 21(1)(a) of the Bengal, Agra and Assam Civil Courts Act.

The appeal is dismissed as such.

However, dismissal of this appeal shall not prevent the appellant to challenge the self-same order before the appropriate forum.

Let the certified copy of the impugned order be returned to the learned Advocate for the appellant upon replacement photostat copy thereof.

(Harish Tandon, J.)

(Abhijit Gangopadhyay, J.)

