

22.09.2021
KC(82)

F.M.A.T. 549 of 2021
M/s. Murthy & Associates, SVL Developers
-versus-
Sudhanshu Kumar Singh and Anr.
With
CAN 1 of 2021
(Via Video Conference)

Mr. Debdut Mukherjee,
Mr. Dibesh Dwivedi,
Mr. Ramendu Agarwal.....For the appellant.

Mr. Rajat Dutta.....For the respondent
no. 1.

Mr. Rajat Dutta, learned advocate for the respondent no. 1 takes the point of maintainability. He submits that this appeal is not competent before this Court.

The suit is valued at Rs. 60,500/- (Rupees sixty thousand five hundred). The impugned order is passed by the learned Civil Judge (Senior Division). Section 21 of The Bengal, Agra and Assam Civil Courts Act, 1887 makes it explicit that appeal from an order of the civil judge (senior division) shall be to the District Judge, where the value of the original suit does not exceed one Lakh and fifty thousand rupees.

In those circumstances, the objection regarding maintainability of the appeal is sustained. The appeal and the connected application are dismissed with express liberty to the appellants to prefer the self-same appeal on the self-same grounds before the appropriate

court and also with a request to the learned judge of the court below to decide the interim application expeditiously.

The department is directed to return the certified copy of the impugned order to the advocate-on-record for the appellant after his furnishing a true photocopy of the same which shall be retained in the records of this court.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)