

13.04.2022  
SL No.12  
Court No.8  
(gc)

**FMAT 87 of 2022  
With  
CAN 1 of 2022**

**Nishakar Dhara & Anr.  
Vs.  
The State of West Bengal & Ors.**

Ms. Saachi Agarwal,  
...for the Appellants.  
Mr. Tapan Kumar Mukherjee, A.G.P,  
Ms. Debdooti Dutta,  
...for the State.  
Mrs. Shohini Chakraborty,  
Ms. Prajaaini Das,  
...for the Respondent No.3.

The Additional Stamp Reporter has drawn our attention to the fact that the instant appeal has been preferred against the order of the learned Civil Judge (Junior Division), 2<sup>nd</sup> Court, Burdwan and, accordingly, the appeal may not be maintainable under Section 21 of the Bengal, Agra, Assam Civil Courts Act, 1887.

We agree with the observations made by Additional Stamp Reporter in his report dated 30<sup>th</sup> March, 2022.

Accordingly, the appeal and the application are dismissed for want of jurisdiction.

The department is directed to return the certified copy of the impugned judgment or decree to the learned Advocate-on-record of the appellant upon furnishing a Photostat copy thereof.

The time spent in this Court shall be excluded under Section 14 of the Limitation Act.

**(Ajoy Kumar Mukherjee, J.)**

**(Soumen Sen, J.)**