

22.04.2022
SL No.2
Court No.8
(gc)

**FMAT 106 of 2022
With
CAN 1 of 2022**

**Jatinder Kaur & Anr.
Vs.
Sisir Kumar Kundu & Ors.**

Mr. Sudarsan Roy,
...for the Appellants.

The learned Counsel for the appellants has fairly submitted that the appeal is not maintainable before this Court in view of provision laid down under Section 21(1)(a) of the Bengal, Agra and Assam, Civil Court (W.B. Amendment) Act, 2000. In fact, the Additional Stamp Reporter in his report dated 20th April, 2022 has pointed out the said defect.

In view thereof, the appeal being FMAT 106 of 2022 and the application being CAN 1 of 2022 are dismissed for want of jurisdiction.

The department is directed to return the certified copy of the memo of appeal and the application to the learned Advocate-on-record of the appellants upon furnishing a Photostat copy thereof for the purpose of record.

In the event the appeal is found to be barred by limitation due to the pendency of this proceeding before this Court, the time spent in this Court shall be excluded under Section 14 of the Limitation Act.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)