

143 **24.11.**
2023

Ct. No. 04

ab

FAT 121 of 2022
IA No. CAN 1 of 2022

Mojammel Haque Halsana
@ Mojammel Halsana
Vs.
Abdul Bari Halsana and another.

Mrs. Sulekha Mitra,
Mr. Asrat Mondal,
Mr. Tushar Sil.

... for the appellant.

Mrs. Shohini Chakraborty,
Mr. Amanul Islam.

... for the respondents.

The instant appeal is filed against an order dated 17th February 2022 passed by the learned Civil Judge (Senior Division), 1st Court, Krishnanagar, Nadia in Title Suit No. 31 of 2008 in a suit valued at Rs. 95,000/-.

In view of the provisions contained under Section 21(1)(a) of the Bengal, Agra and Assam Civil Courts Act, the appeal lies before the District Judge and not in the High Court.

In view of the above, the appeal is dismissed as 'not maintainable'.

In view of the dismissal of the appeal itself, the connected application being CAN 1 of 2022 has become infructuous and the same is also dismissed.

However, dismissal of the appeal shall not prevent the appellant to challenge the selfsame order before the appropriate forum.

The Assistant Court Officer is directed to return the certified copy of the impugned order to the learned Advocate-on-Record of the appellant upon replacement with photocopy thereof.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

