

**23.08.
2023**

Ct. No. 04

Ab

**FMAT 236 of 2023
IA No. CAN 1 of 2023**

**Chaitali Paul
Vs.
Monowara Bibi and others.**

**Mr. A. K. Routh,
Ms. Ananya Mondal.**

... for the appellant.

**Mr. Mukteswar Maity,
Ms. Manika Sarkar.**

... for the respondent no. 1.

The instant appeal has been filed assailing an order passed on an application for temporary injunction in a suit valued at Rs. 60,200/-.

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 2023 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.)

(Ajay Kumar Gupta, J.)

