

41 19.12.23

Ct. No. 04

akd

F.M.A.T. 287 of 2023

CAN 1 of 2023

CAN 2 of 2023

Sri Banik Pal & Ors.

Vs.

Sri Partha Sarathi Nayak & Ors.

Mr. Subhas Chandra Atha,

Ms. Payel Paramanick.

... for the appellants.

The Stamp Reporter has indicated that the instant appeal has not only filed beyond the statutory period of limitation provided therefor but also the valuation disclosed does not warrant an appeal to be filed before this Court, if the order/judgement is passed by the Civil Judge (Senior Division) exercising original jurisdiction.

In view of the above, the instant appeal is not maintainable under Section 21(1)(a) of the Bengal, Agra and Assam Civil Courts Act.

The appeal is thus dismissed as not maintainable. In view of the dismissal of the appeal the connected application is also dismissed.

However, the dismissal of the appeal shall not preclude the appellants to assail the self-same order before the appropriate forum in accordance with law.

Assistant Court Officer is directed to return the certified copy of the impugned judgement and order to the learned Advocate on record of the appellants upon replacement with a photocopy thereof.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

