

17 **06.09.
2023**

Ct. No. 04

Ab

**FMAT 349 of 2023
IA No. CAN 1 of 2023**

**Smt. Poka Rani Mal and others
Vs.
Ranu Bala Mal and others.**

Mr. Sujit Banerjee.

... for the appellants.

The instant appeal is filed against an order dated 13th June 2023 passed by the learned Civil Judge, Senior Division, 1st Court at Howrah in Title Suit No. 295 of 2023.

The relief is valued at Rs. 70,000/- and in view of the provisions contained under Section 21(1)(a) of the Bengal, Agra and Assam Civil Courts Act, the appeal does not lie before this Court.

As such, the instant 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 instant appeal shall not prevent the appellants from challenging the selfsame order before the appropriate forum in accordance with law.

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

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

