

20.06.2023

Court : 04
Item : 20
Matter : **FMAT**
Status : **DISMISSED**
Transcriber: **NANDY**

FMAT 412 of 2022

with

CAN 1 of 2023

Samsul Huda Biswas

Vs.

Naimuddin Biswas

Mr. Md. Abdulla Gazi, Advocate

.....for the Appellant

The instant appeal has been preferred against an order no. 2 dated December 20, 2021 passed by the Civil Judge (Junior Division), Bongaon, North 24-Parganas in Title Suit No. 162 of 2021.

In view of the provisions contained under Section 21 of the Bengal, Agra & Assam Civil Courts Act, the instant appeal does not lie before the High Court. Though the instant appeal has been preferred beyond the statutory period, we find that the said proceeding is not maintainable before us.

Accordingly, the appeal being **FMAT 412 of 2022** is **dismissed as not maintainable**.

The certified copy of the impugned order be returned to the learned Advocate-on-record of the appellant by the Assistant Court Officer upon replacement of the same with a photocopy thereof.

In view of the dismissal of the appeal itself, the connected application being **CAN 1 of 2023** also stands **disposed of**.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

