

134 24.11.23

Ct. No. 04

akd

F.A.T. 563 of 2017
CAN 1 of 2019 (Old No. CAN 11743 of 2019)

Sri Kuldip Singh
Vs.
Mahindar Singh @ Mahendra Protap Singh & Ors.

Re: CAN 1 of 2019 (Old No. CAN 11743 of 2019)

Mr. Chirantan Sarkar.
... for the appellant.
Ms. Sulekha Mitra,
Mr. Manas Kumar Das.
... for the respondent no. 1.

Though the Stamp Reporter showed his inability to give a report in absence of the plaint for the purpose of verifying the valuation of the reliefs shown therein, but the learned Advocate appearing for the appellant submits that the valuation as shown in the Memorandum of Appeal is correct.

Since the suit was valued at Rs.1,50,000/-, in view of Section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887 the instant appeal is not maintainable before this Court.

In view of the above, the appeal is dismissed as not maintainable. Consequently the application is also dismissed.

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

It is made clear that the rejection of the instant appeal shall not prevent the appellant to pursue the remedy before the appropriate forum in accordance with law.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)

