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June, 2024
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Ct. 19
13.06.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. 237 of 2024

**Pravash Mandal
Vs.
Bilwa Rani Mandal & Ors.**

Mr. Akash Dutta,
Mr. Nikhil Kumar Gupta ... For the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for declaration and is directed against the Order No. 19 dated December 13, 2023 passed by the 3rd Court of learned Civil Judge, (Junior Division), at Bashirhat, District – 24 Parganas (North), in the said suit being Title Suit No. 82 of 2022, whereby the learned Trial Judge has dismissed an application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure.

The petitioner has prayed for rejection of the plaint of the suit on the ground that the suit is undervalued as Court Fees has not been paid as per the market value of the suit property.

The learned Trial Judge has dismissed the said application holding that the suit being a suit for declaration and permanent injunction, Court Fees paid is sufficient.

In view of the nature of the suit, the plaintiff, in terms of section 7(iv)(b) of the West Bengal Court Fees Act, 1970 is entitled to fix the value of the relief sought, therefore the learned Trial Judge has rightly rejected the said application filed by the petitioner.

The order impugned does not call for any interference.

C.O. 237 of 2024 is therefore dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite

formalities.

(Biswajit Basu, J.)