

16.01.2024

Court : 04
Item : 05
Matter : FAT
Status : DNM
Bench ID : 266176
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FAT 272 of 2023
with
CAN 1 of 2023

Gupi Nath Ray & Ors.
Vs.
Kalyani Mondal & Ors.

Ms. Esha Das, Advocate

.....for the Appellants

1. Seen the report of the Stamp Reporter put on the reverse of the first page of the Memorandum of Appeal.
2. It appears that the order impugned passed by the Civil Judge (Senior Division), Katwa, Purba Bardhaman, exercising original jurisdiction in relation to a suit having pecuniary value of Rs.1,00,000/- (Rupees One Lakh) which according to the Stamp Reporter is not maintainable before this Court in view of the provisions contained under Section 21(1)(a) of the Bengal, Agra and Assam Civil Court (W.B. Amendment) Act, 2000.
3. Learned Counsel for the appellants fairly submits that the value of the suit is Rs.1,00,000/- and in view of the provisions, as indicated above, the instant appeal is not maintainable before this Court.
4. The instant appeal being **FAT 272 of 2023** is accordingly **dismissed** as '**not maintainable**'. The connected application being CAN 1 of 2023 also stands dismissed.
5. Let the certified copy of the impugned judgment and decree be returned to the learned Advocate-on-record of the appellants by the Assistant Court Officer upon replacement of the same with a photocopy thereof.

6. It is, however, made clear that dismissal of the instant appeal shall not prevent the appellants to assail the self-same judgment and decree before the appropriate forum, in accordance with law.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)