

14. 24.01.2024
Court No.4
(Tanmoy)

FMAT 438 of 2023

**Ruma Bhowmick
-Versus-
Leap Infraprojects Limited**

**With
IA No: CAN/1/2023**

Mr. Rishad Medora, Adv.,
Ms. Vidisha Gupta, Adv.

...for the appellant.

Mr. Gopal Chandra Ghosh, Adv.,
Mr. Supratim Dhar, Adv.,
Mr. Dhananjoy Nayak, Adv.,
Ms. Megha Sarkar, Adv.

...for the respondent.

Preliminary objection is raised by the learned Advocate appearing for the respondent on the maintainability of the instant appeal before this Court. Even the Stamp Reporter put an endorsement that since the valuation of the suit is Rs.65,000/-, therefore, the appeal before this Court is not maintainable in view of the provisions contained in Section 21(1)(a) of the Bengal, Agra and Assam Civil Courts (W.B. Amendment) Act, 2000.

Our attention is drawn to the plaint annexed to the application wherefrom it appears that the reliefs claimed in the suit is valued at Rs.65,000/-.

In view of the provisions as quoted hereinabove, the instant appeal is not maintainable before this Court and,

therefore, the instant appeal is dismissed as not maintainable. However, the dismissal of the instant appeal shall not preclude the appellant to challenge the selfsame order before the appropriate forum.

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

(Harish Tandon, J.)

(Madhuresh Prasad, J.)