

19.02.2024
Item No.54
gd/ssd

CO/3421/2023
SK. ABDULLA
VS
SAKILA MULLIK & ANR.

Mr. Shaunak Ghosh,
Mr. Sourav Mondal
..for the petitioner.

Order No.14 dated 2nd September, 2023 passed by the learned Civil Judge (Junior Division), 2nd Court, Chandernagore, District Hooghly is under challenge in this application under Article 227 of the Constitution of India at the instance of the defendant no.2 in a suit for declaration of title and permanent injunction.

By the order impugned the application under Order VII Rule 11 of the Code stood rejected.

Mr. Ghosh, learned Advocate appearing for the petitioner submits that the suit has been undervalued and there is a huge deficit in the court fees paid by the plaintiff herein.

He submits that he has been instructed by his client not to press this application any further.

He, however, prays that liberty may be granted to the petitioner to take out an appropriate application in this regard before the learned court below.

In view of such submission, CO 3421 of 2023 stands dismissed as not pressed.

This order of dismissal shall not, however, preclude the petitioner from taking out an appropriate application raising the point of under-valuation of the suit and payment of deficit court fees before the learned court below.

(HIRANMAY BHATTACHARYYA, J.)