

**295 03.04.
2024**

Ct. No. 04

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**FMAT 516 of 2023
IA No. CAN 1 of 2024**

**Smt. Sabita Das and another
Vs.
Sri Dibakar Manna and others.**

Ms. Mita Ghosh Das.	... for the appellants.
Mr. Tanmoy Mukherjee,	
Mr. Souvik Das,	
Mr. Rudranil Das.	... for the respondents.

Seen the report of the Stamp Reporter. It is indicated that if the value of the suit is Rs. 200/- then the appeal would not lie before this Court.

We invited the Counsels for the parties to produce the plaint of the suit before us. The respondents produce the copy of the plaint wherefrom it appears that the relief claimed in the suit is valued at Rs.1,00,051/- and not Rs. 200/-.

Even if we find that the value is much higher than what has been reflected in the Memorandum yet the appeal before the High Court is not maintainable in view of the provisions contained under Section 21(1)(a) of the Bengal, Agra and Assam Civil Courts Act, 1887.

In view of the above, the appeal is dismissed as ‘not maintainable’.

In view of the dismissal of the appeal itself, the connected application being CAN 1 of 2024 has become infructuous and the same is also dismissed.

However, dismissal of the appeal shall not prevent the appellants to approach the appropriate forum challenging the selfsame order in accordance with law.

The Assistant Court Officer is directed to return the certified copy annexed with the Memorandum of Appeal to the learned Advocate-on-Record of the appellants upon

replacement with photocopy thereof.

(Harish Tandon, J.)

(Madhuresh Prasad, J.)