

D/L.17.
December 9, 2024.
MNS.

FAT No. 424 of 2023
+
CAN 1 of 2024
+
CAN 2 of 2024

Sri Basudev Karmakar and others
Vs.
Sri Arun Karmakar

Mr. Suresh Chandra Manna

... for the appellants.

Mr. Partha Sarathi Das,
Ms. Shanta Sarkar

...for the respondent.

1. We find that the present appeal arises out of a final decree passed in a partition suit valued at Rs.1,00,000/-. As such, it is the concerned the District Judge who has determination under the Bengal, Agra and Assam Civil Court's Act to take up the appeal and not this Court.
2. Accordingly, FAT 424 of 2023 and the connected applications, bearing CAN 1 of 2024 and CAN 2 of 2024, are dismissed as not maintainable on the ground of pecuniary jurisdiction with liberty to the appellants to prefer an appeal against the impugned judgment and decree before the appropriate court having pecuniary jurisdiction, subject to the law of limitation.
3. In view of the nature of the above order, no formal decree need be drawn up.
4. Leave is granted to the learned Advocate-on-record for the appellants to take back the certified copies of the

impugned judgment and decree annexed with the Memorandum of Appeal upon furnishing duly authenticated photocopies thereof.

5. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)