

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 1102 of 2022
with
IA No. CAN 1 of 2022
(Application not in the file)

Sk. Masud Ali & Anr.
Vs.
Sk. Sohrab Ali

Mr. Amzad Hossain
... For the petitioners

Ms. Farnaz Nasim
... For the opposite party

1. Supplementary affidavit filed on behalf of the petitioners is taken on record.
2. This revisional application has been filed assailing the Order No.18 dated 6th April, 2022 passed in connection with Title Suit No.34 of 2021 wherein the learned Civil Judge (Junior Division), Amta, Howrah refused a prayer under Order VII Rule 10 of the Code of Civil Procedure only on the ground that the defendants/ petitioners herein could not produce any document in support of the valuation of the property in question in the suit for partition.
3. Learned counsel appearing on behalf of the petitioners has submitted that valuation of the suit is beyond the pecuniary jurisdiction of the learned Civil Judge (Junior Division), Amta, Howrah. In support of the

contention, the impugned order has been relied on wherein the learned Judge considered a deed filed from the side of the plaintiff/opposite party herein and it is also found from the record that the valuation of the property purchased by the plaintiff was at Rs.1,31,000/- and other portion of the suit property was valued at Rs.26,71,300/-.

4. Learned counsel appearing on behalf of the petitioners has submitted that the partition suit was filed by the opposite party wherein an order of status quo was obtained with regard to the nature and character of the respective possession in the suit property and also in addition, the defendants were restrained from forcibly dispossessing the plaintiff from the suit property without due process of law. Both the parties were also restrained from changing the nature and character of the suit property by making any construction or otherwise.

5. However, on perusal of the order impugned in this revisional application, it is clear that a deed was filed on behalf of the possession of the plaintiff and the valuation of the property was Rs.1,31,000/-, which is, indisputably, beyond the pecuniary jurisdiction of the Civil Judge (Junior Division). Therefore, the plaint is liable to be returned to the plaintiff with a direction to present it to a Court in which the suit has been instituted in terms of Order VII Rule 10(1) of the Code of Civil Procedure.

6. As a sequel, the order impugned in this revisional application stands set aside.

7. Learned Civil Judge (Junior Division), Amta, Howrah, is directed to return the plaint in compliance with the provision of Rule 10(2) of Order VII of the Code of Civil Procedure.

8. With the aforesaid observation, the revisional application stands disposed of.

9. Connected application, being CAN 1 of 2022, is also disposed of.

10. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)