

10.07.2025
Sl. No. 26
AMR
Ct.No.-6

C.O. 2439 of 2025
Harpal Singh
Vs.
Amarjeet Singh & Anr.

Mr. Tanmoy Mukherjee
Mr. Saurik Das
Mr. Rudronil Das
Mr. K. R. Ahamed
Mr. Tapas Chatterjee

...for the petitioner

Mr. S. A. Maqued
Mr. Numan Shah

...for the Respondent no. 1

This application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 and is directed against an order no. 374 dated 11th June, 2025 passed by the Learned 2nd Court of Civil Judge (Junior Division), Howrah in T.S. No. 110 of 2005.

By the order impugned, the application under Section 11 of the West Bengal Court Fees Act read with Order 7 Rule 11 of the Code of Civil Procedure stood rejected.

Mr. Mukherjee, learned advocate for the petitioner, submits that the suit has been undervalued

and he further submits that the learned Trial Judge lacks pecuniary jurisdiction to decide the instant suit. He submits that the learned Trial Judge ought to have decided such issue.

Learned advocate appearing for the opposite party submits that the suit is at the stage of argument.

Mr. Mukherjee, learned advocate appearing for the petitioner fairly submits that the application under Section 11 of the W.B. Court Fees Act read with the Order 7 Rule 11 was filed belatedly.

Since the suit is at the argument stage, this Court is not inclined to entertain this civil revisional application. According, C.O. 2439 of 2025 stands disposed of by giving liberty to the petitioner to raise all points at the time of the final hearing of the suit. If such point is raised, the learned Trial Judge shall consider the same without being influenced by any observations made in the impugned order.

There will be no order as costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)