

12.09.2025  
SL No.21  
Court No.16  
(gc)

**FMAT 398 of 2025  
CAN 1 of 2025**

**The Institution of Engineers (India) & Ors.  
Vs.  
Aniruddha Bhaumik**

Mr. Krishnaraj Thaker, Sr. Adv.,  
Mr. Biswaroop Bhattacharya, Sr. Adv.,  
Mr. Indranil Munshi,  
Ms. Anushka Sarkhel,  
Ms. Ahona A. Guha Majumder  
...for the Appellants.  
Mr. Siddhartha Banerjee,  
Mr. Bratin Kumar Dey,  
Ms. Anjana Banerjee,  
Mr. Subhankar Banerjee  
...for the Respondent.

1. In view of the fact that this appeal would not be maintainable before this Court in view of Section 21(1)(a) of the Bengal, Agra and Assam, Civil Court Act, 1887, and the learned District Judge is the first appellate authority, we are unable to entertain this appeal.
2. It would be open for the appellants to approach the learned District Judge.
3. Mr. Krishnaraj Thaker, learned Senior Counsel appearing on behalf of the appellants submits that they were unaware of the valuation of the suit as the plaint was received only on 11<sup>th</sup> September, 2025 and the leave of this Court was obtained on an assumption that this Court would have the jurisdiction, the said appeal was

filed in this Court. It is further submitted that the impugned order was snatched by suppressing material facts. However, we are not inclined to go into this matter as admittedly the appeal was not maintainable in this Court due to suit valuation.

4. It is submitted that the notice of the meeting is dated 25<sup>th</sup> July, 2025 and the plaint was filed on 9<sup>th</sup> September, 2025 knowing fully well that hundreds of delegates would participate in the said meeting from India and abroad at Andaman and the said order would cause serious hardship to the Institute and its delegates. Mr. Thaker has placed the plaint before us wherefrom it appears that the plaintiff has challenged the notice dated 25<sup>th</sup> July, 2025. Whether it would have been proper for the Trial Court with regard to the aforesaid fact to pass any ad-interim relief at the instance of a member to stall the entire meeting schedule, would be for the Appellate Court to decide if an appeal is preferred. Whether the Institute would continue with the meeting or not in view of the impugned order is for the Institute to decide. We refrain ourselves from making any observation in this regard.

5. Mr. Siddhartha Banerjee, learned Counsel appearing for the respondent has denied the allegations made in the petition.
6. We make it clear that we have not gone into the merits of the matter.
7. It would be for the First Appellate Court to decide in the event any appeal is preferred in the meantime.
8. Accordingly, the appeal and the application stand dismissed for want of jurisdiction.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Soumen Sen, J.)**

**(Apurba Sinha Ray, J.)**