

October 24, 2025
Sl. No.21
Court No.6
s.biswas

CO 3575 of 2025

Smt. Sati Karar
vs.
Tapas Kumar Roy and others

Mr. Pinaki Ranjan Mitra

... for the petitioner

This revisional application under Article 227 of the Constitution is at the instance of the defendant no.1 and is directed against the order dated 21.08.2025 passed by the learned Civil Judge (Senior Division), 2nd Court at Howrah in Title Suit No.75 of 2007. By the impugned order, the application under Section 11 of the West Bengal Court Fees Act was directed to be heard along with final argument of the suit.

Mr. Mitra, learned counsel for the petitioner submits that the suit was grossly undervalued and for which the petitioner filed an application under Section 11 of the West Bengal Court Fees Act. He submits that the issue relating to valuation goes to the jurisdiction of the learned Trial Judge and for which the same ought to have been heard prior to the final hearing of the suit.

It is not in dispute that the application under Section 11 of the West Bengal Court Fees Act was filed at the stage of argument. The suit is pending before the learned Civil Judge (Senior Division), 2nd Court at Howrah. There is no outer limit with regard

to pecuniary jurisdiction of the learned Civil Judge (Senior Division), 2nd Court at Howrah. Even if the argument of Mr. Mitra is accepted that the suit has been grossly undervalued, the same can be taken care of at the final hearing of the suit and if it is found that the suit was undervalued, it will be open to the learned Trial Judge to pass orders accordingly.

In the facts of the instant case, this court is of the considered view that learned Trial Judge was right in directing the application under Section 11 of the West Bengal Court Fees Act to be heard at the time of hearing of the final argument of the suit.

The order impugned does not suffer from infirmity warranting interference under Article 227 of the Constitution of India. C.O. 3575 of 2025 stands dismissed accordingly.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)