

09.02.2026

Item no.DL 7
Court No. 06

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side

Case No.

CO 2586 of 2025

In the matter of :

SMT. PRIYANKA GANGULY

... Petitioner

VS.

SRI MANIK LAL BANIK & ANR.

... Opposite Parties

For the Petitioner :

Mr. Aniruddha Chatterjee, Sr. Advocate

Mr. Arkaprava Sen

Mr. Sayantan Kar

... Advocates

For the Opposite Parties :

Mr. Jewel Chanda

Mr. Rumki Guha

Mr. Banti Shaw

... Advocates

1. Affidavit of service filed in Court today be kept with the record.
2. This revisional application has been filed challenging an order dated June 13, 2025 passed by the learned Civil Judge (Senior Division), 8th Court at Alipore in Title Suit no.119 of 2025.
3. By the order impugned, the learned Court rejected an application preferred in the nature of Order VII Rule 11 of the Code of Civil Procedure.
4. The defendant filed an application seeking rejection of the plaint on the ground that the suit was not properly valued.

5. According to Mr. Chatterjee, learned Senior Advocate appearing for the petitioner, when the reliefs claimed were undervalued the Court was required to make an enquiry as to the valuation.
6. Although, it is true that even if the suit is found to be undervalued, the Court can direct proper court fees to be paid at the time of passing of the decree, from the order impugned, it does not appear to this Court that the reasons which led to dismissal of the application under Order VII Rule 11 of the Code of Civil Procedure have been disclosed.
7. Under such circumstances, the order impugned is hereby set aside. The learned Court is directed to rehear the matter on merits and dispose of the application within a period of one month from date upon giving adequate opportunity to the respective parties to put forward their rival contentions.
8. Accordingly, **CO 2586 of 2025** stands **disposed of**.
9. CO 2587 of 2025, appearing along with the instant revisional application, be detagged.

10. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.
11. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shampa Sarkar, J.)