

13th January,
2026
(AK)
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F.M.A.T 455 of 2025
IA No: CAN 1 of 2025

Arif Ali Mollah and another
Vs.
Ramaprasad Ghosh and another

Mr. Swarup Banerjee
Mr. Arindam Chatterjee
Mr. Subham Biswas

...for the appellants.

1. We find from the valuation statement in the Memorandum of Appeal that the same has been evaluated at Rs.19,80,000/-.
2. However, as rightly pointed out by the Additional Stamp Reporter in his report, the appeal arises out of an order passed in a miscellaneous case under Section 8 of the West Bengal Land Reforms Act, for preemption.
3. The impugned order has been passed by the First Court of learned Civil Judge, Junior Division at Chinsurah, District-Hooghly.
4. As such, the valuation cannot be in terms of the consideration amount for the sale sought to be preempted but a preemption application is treated to be a miscellaneous case within the contemplation of the Civil Rules and Orders framed by this court and has to be evaluated accordingly.

5. The appeal, as such, being against an order passed by a learned Civil Judge, Junior Division, is maintainable only before the concerned District Judge and not before this court.
6. Accordingly, FMAT 455 of 2025 is dismissed as not maintainable on the ground of pecuniary jurisdiction, with liberty to the appellants to prefer an appeal before the appropriate court having jurisdiction.
7. CAN 1 of 2025 is consequentially dismissed as well.
8. There will be no order as to costs.
9. The merits of the matter have not been entered into by this court.
10. Liberty is given to the learned Advocate-on-record for the appellants to take back the certified copy of the impugned order upon furnishing a photocopy of the same.
11. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)