



D/L.3.
September 9, 2026.
MNS.

FAT No. 295 of 2026

Sri Romi Hirawat
Vs.
Sri Mrinal Roy and another

Mr. Pratyush Patwari,
Mr. Mostafizur Rahaman, Advs.

... for the appellant.

1. Learned counsel for the appellant, in his usual fairness, submits that the appeal has been filed erroneously before this Court, although the concerned District Court has pecuniary jurisdiction to take up the appeal.
2. We find substance in such contention, as the valuation of the suit from which the appeal arises is Rs. 60,100/-.
3. Accordingly, FAT No. 295 of 2026 is dismissed as not maintainable before this Court, with liberty to the appellant to file an appeal against the judgment and decree impugned herein before the appropriate Court having pecuniary jurisdiction.
4. However, in view of the apparent *bona fide* error on the part of the appellant in preferring the appeal before this Court, it will be open for the Court, where the fresh appeal (if any) is preferred, to consider the question of applicability of Section 14 of the Limitation Act, 1963 to the said proposed appeal.



5. We make it abundantly clear and reiterate that the dismissal of the present appeal is not on merits and shall not preclude the appellant from preferring a challenge against the judgment and decree impugned herein before the appropriate Court having pecuniary jurisdiction.

6. Leave is granted to the learned Advocate-on-record for the appellant to take back the certified copies of the impugned judgment and decree upon furnishing photocopies of the same for the records.

7. There will be no order as to costs.

(Sandip Kumar De, J.)

(Sabyasachi Bhattacharyya, J.)