

JP-02
Ct No.07
16.06.2026
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction

C.O. 74 of 2026

Fr. Sebastian Basteppa Martis
Vs
Bee Gee Wood Craft Udyog Private Limited and
others

Mr. Momenur Rahman
Mr. Bikash Singha

.... for the petitioner.

1. Affidavit-of-service filed in court today be kept on record.
2. Despite service, none appears for the opposite parties. Accordingly, the revisional application is taken up for hearing *ex parte*.
3. In a suit filed by the plaintiff/opposite party no.1 for declaration of title and recovery of possession, the defendant/petitioner took out an application under Order VII Rule 11 of the Code of Civil Procedure, seeking a rejection of the plaint on the ground that the suit is undervalued.
4. Order VII Rule 11(b) of the Code of Civil Procedure stipulates that the plaint shall be rejected where the relief claimed is undervalued and the plaintiff, on being required by the court

to correct the valuation within a time to be fixed by the court, fails to do so.

5. However, in the present case, the learned Trial Judge, on a consideration of the said provision, dismissed the application under Order VII Rule 11 outright on the ground that the principal relief sought in the suit was declaration of title and as such the suit was correctly valued.
6. However, from the tenor of the plaint, it transpires that it is required to be adverted to as to whether, in the context of the plaint pleadings, declaration of title is essentially the principal relief or the prayer for eviction on the ground of unauthorised possession was the cardinal relief, in support of which the other reliefs have sought.
7. Hence, the learned Trial Judge was required to adjudicate *prima facie* as to whether the suit is undervalued or not, taking into consideration and adverting to the pleadings in the plaint, taken as a whole.
8. Accordingly, C.O. 74 of 2026 is allowed in part, thereby setting aside the impugned order dated February 10, 2026 passed by the learned Civil Judge, Junior Division at Jalpaiguri in Title Suit No. 534 of 2024(R) and remanding the application under Order VII Rule 11 of the Code

of Civil Procedure for a fresh adjudication by the learned Trial Judge on merits, upon adverting to the pleadings in the plaint as a whole and reconsidering as to whether the suit is undervalued.

- 9.** Upon such exercise being concluded, the learned Trial Judge shall, if of the opinion that the suit is undervalued, direct the plaintiff/opposite party no.1 to correct the valuation and pay court fees accordingly; in default, rejecting the plaint.
- 10.** It will be open, in such circumstances, for the trial court also to relegate the matter to the court having determination, if the valuation is found to be more than the pecuniary jurisdiction of the trial court.
- 11.** In such event, the transferee court shall also be at liberty, if the plaintiff/opposite party no.1 violates Order VII Rule 11(b) of the Code, to reject the plaint.
- 12.** However, this court is not pre-judging the issue at this stage and it will be open to the learned Trial Judge to decide the issue of whether the suit has been valued properly independently on its own merits without being unduly influenced by any of the observations.

13. The entire exercise, it is expected, shall be concluded within a month from the date of communication of this order to the learned Trial Judge.
14. There will be no order as to costs.
15. Urgent certified copies, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)