

**Misc.(J) No. 41/2022**

**Ismail Ali Vs Naradhoj Adhikari**

12-09-2022

Both sides represented.

Today was fixed for maintainability and jurisdiction of this case.

Heard.

Perused.

This Misc.(J) case is arising out of Misc. Appeal No. 07/2021, which was filed against the order dated 23-11-2021 passed by Id. Munsiff No. 1, Tezpur, in Misc.(J) Case No. 257/2019 arising out of T.S Case No. 146/2019 passed. However, for the change of the limit of pecuniary jurisdiction vide notification of the Hon'ble High Court, the Hon'ble District Judge, Sonitpur has transferred the T.S No. 146/2019 to this court which was renumbered here as T.S No. 66/2019 on 24-02-2022. Hence, after transfer, this court became the trial court of T.S No. 146/2019(old)/ T.S No. 66/2019(new). As Misc.(J) Case No.257/2019 was an offshoot of T.S No. 146/2019(old)/ T.S No 66/2019(new), this court, as on today, can not be the appellate court of Misc.(J) Case No. 257/2019. In other words this court being the trial court of T.S No. 146/2019(old)/ T.S No 66/2019(new), has no jurisdiction to proceed with the Misc. Appeal No. 07/2021. This Misc.(J) Case No. 41/2022 is an offshoot of Misc. Appeal No. 07/2022. Hence, this court has no jurisdiction to proceed with this Misc.(J) Case No. 41/2022 also.

As such, send the C/R, of this Misc.(J) case No. 41/2022 to the Hon'ble District Judge, Sonitpur for necessary order.

Civil Judge  
Sonitpur, Tezpur