

6.6.2023
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Ct. no. 652
sb

CO 158 of 2017

Dr. (Mrs.) Nibedita Halder
Vs.
Dr. Sudeb Sanyal & Ors.

Mr. Partha Pratim Roy
Mr. Kushal Chatterjee
Mr. Debrup Choudhury
Mr. Oishik Chatterjee ...for the petitioner

Mr. Sudeep Sanyal
Mr. Dibashis Basu
Mr. Sukanta Das
Mr. Arun Bandyopadhyay
Mr. Chandrachur Lahiri
..for the Opposite parties

At the time of hearing, it is submitted that the preemption application was filed on 5th June, 2006 and the entire consideration amount along with 10% interest amount was deposited on 6th June, 2006 which was received by the Cash Department on 9th June, 2006. Accordingly, both the parties submit that the deposit was made within time and accordingly, preliminary issue raised by the opposite parties, is decided in favour of the petitioner.

However, at the time of hearing, both the parties submit that property involved in the present case relates to Bastu land and the issue as to whether the right of preemption will extend to a Bastu land or not, is pending for decision before a larger Bench of this court.

In view of above, let the matter go out of list for the time being. The opposite parties will not create any third party interest in respect of the property in question till further order and the petitioner will not interfere with the peaceful possession of the opposite parties in respect of the suit property till further order.

(Ajoy Kumar Mukherjee, J.)