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Ct. 18
19.04.2022

C.O. No. 2140 of 2016

**Sk. Samsuddin & Ors.
Vs.
Mojambel Haque & Ors.**

Mr. Ramdulal Manna,
Mr. Sayan Mukherjee ... For the petitioners.

Ms. Shila Sarkar,
Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das ... For the opposite parties.

The pre-emptees in a proceeding under Section 8 of the West Bengal Land Reforms Act, 1955 are the petitioners of the present application under Article 227 of the Constitution of India.

The application for pre-emption was allowed by the learned Trial Judge.

The petitioners, aggrieved thereby, preferred an appeal being Miscellaneous Appeal No. 05 of 2012 before the 2nd Court of learned Additional District Judge at Malda, District – Malda.

The pre-emptor/respondent died during the pendency of the said appeal.

The petitioners took out an application for substitution of the heirs and legal representatives of the said deceased respondent.

The appeal Court below by the order impugned being Order No. 37 dated April 26, 2016 has dismissed the said application as it was not moved

and consequently dismissed the said miscellaneous appeal.

The petitioners instead of seeking recall of the said order straightway assailed it in the revisional application.

Mr. Ramdulal Manna, learned advocate appearing on behalf of the petitioners submits that his clients intend to seek recall of the said order instead of pursuing the present revisional application.

In view of such stand of the petitioners, C.O. 2140 of 2016 is dismissed as not pressed without any order as to costs.

Subject to limitation, the petitioners are at liberty to seek recall of the said Order No. 37 dated April 26, 2016.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)