

Item No.2
08.09.2023
Court. No. 19
GB

C.O. 1988 of 2022

Sri Muktaram Santra
Vs.
Sekh Sukur Ali Halder & Ors.

*Mr. Kushal Chatterjee,
Mr. Debrup Choudhury*

...for the Opposite Parties.

Mr. Kushal Chatterjee, learned advocate for the opposite parties submits that the revisional application merits no consideration at all. He refers to the decision of the Hon'ble Apex Court in the matter of ***Barasat Eye Hospital and Others versus Kaustabh Mondal*** reported in ***(2019) 19 Supreme Court Cases 767***, especially paragraphs 23 to 28 and the final conclusion arrived at in paragraph 29.

Mr. Chatterjee submits that the erstwhile advocates appearing for the petitioner were informed that the matter has been mentioned before this Court.

The petitioner has challenged an order dated May 17, 2022, passed by the learned Civil Judge (Junior Division), 2nd Court at Chinsurah, Hooghly in Preemption Misc. Case No.197 of 2014. By the order impugned, the prayer of the petitioner/preemptor, seeking permission to deposit the remaining consideration amount filed a couple of years after institution of the preemption case, was disallowed.

Mr. Chatterjee's submission has some force. However, in the absence of the petitioner, it would not be proper for this Court to adjudicate the issue on merits.

Hence, the revisional application is dismissed for default.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)