

26.07.2024  
(D/L-11)  
Ct.-19  
(Susanta)

**IN THE HIGH COURT AT CALCUTTA**  
**CIVIL REVISIONAL JURISDICTION**

C.O. 2558 of 2024

Asgari Begum

-Vs-

Sk Kabiruddin & Anr.

Mr. Pratik Ghosh ... For the Petitioner.

The pre-emptor in a proceeding under Sections 8 and 9 of the West Bengal Land Reforms Act, 1955 is the petitioner of the instant application under Article 227 of the Constitution of India.

The revisional application is directed against the order dated May 10, 2024 passed by the 1<sup>st</sup> Court of learned Additional District Judge in the Miscellaneous Appeal No. 190 of 2018 arising out of the order dated July 16, 2018 passed by the 1<sup>st</sup> Court of Learned Civil Judge(Junior Division) in L.R. Misc. Case No. 05 of 2013.

The application for pre-emption though was allowed by the learned Trial Judge but in appeal, following the judgment of the Hon'ble Supreme Court in the case of ***Barasat Eye Hospital Vs. Kaustabh Mondal*** reported in **(2019) 19 SCC 767**, it was dismissed as the pre-emptor did not deposit the entire consideration price of the dispute sale with 10% of it at the time of filing the application for pre-emption.

In view of the aforementioned judgment of the Hon'ble Supreme Court, the issue is no longer res integra, the order impugned therefore does not call for any interference.

C.O. 2558 of 2024 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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.)**