

31.07.2024
(D/L-16)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2668 of 2024

Kailash Singh Yadav

-Vs-

Asha Yadav & Anr.

Mr. Asif Hussain,
Mr. Adipta Kumar Pandit,

... For the Petitioner.

The pre-emptor in a proceeding under Sections 8 & 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 application for preemption being *Misc. Preemption Case No. 23 of 2012* was allowed by the 1st Court of Learned Civil Judge Junior Division, Hooghly; but on appeal, in *Misc. Appeal No. 18 of 2020*, the order of the learned Trial Judge has been set aside by the impugned judgment and order dated March 20, 2024 passed by the 2nd Court of learned Additional District Judge, Chinsurah, District: Hooghly for the failure of the petitioner to deposit the entire consideration price of the sale deed sought to be preempted along with the application for pre-emption.

In view of the judgment of the Hon'ble Supreme Court in the case of *Barasat Eye Hospital Vs. Kaustabh Mondal* reported in **(2019) 19 SCC 767**, the issue is no longer *res integra*.

The order impugned, therefore, does not call for any interference.

C.O. 2668 of 2024 is dismissed with the above observations 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.)