

13.08.2024  
Item No.9, DL  
Ct.19  
A.J.

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

**C.O. 2820 of 2024**

**Sri Jatiram Mondal  
-Vs-  
Mohanlal Lakhmani**

Mr. Partha Pratim Roy,  
Mr. Anirban Das,  
Ms. Poulomi Chakraborty.  
.....for the petitioner.

The preemptee 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 which is directed against order dated June 29, 2024 passed by the 3<sup>rd</sup> Court of the Learned Civil Judge (Junior Division) at Baruipur, District : 24-Parganas (South) in the Miscellaneous (Preemption) Case No.48 of 2019.

The petitioner had raised an objection as to the maintainability of the application for preemption on the ground that the entire consideration price of the disputed sale was not deposited along with the application for preemption.

The learned Trial Judge by the order impugned has overruled the said objection on the ground that by way of amendment the valuation of the application for preemption since has been

changed, the subsequent deposit has not been affected the maintainability of the proceeding.

The shortfall in depositing the entire consideration price was made good within the period of limitation prescribed to preempt a sale on the ground of adjoining ownership.

This Court though does not approve the reasoning of the order impugned but, conclusion being correct, is not inclined to interfere with it.

C.O. 2820 of 2024 is dismissed without any order as to costs.

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

**(Biswajit Basu, J.)**