

22.08.2024
(D/L-14)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2918 of 2024

Malay Ray
-Vs-
Suparna Sau & Ors.

Mr. Souri Ghosal,

... For the Petitioner.

The pre-emptor in a proceeding under Section 8 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as "*the said Act of 1955*" in short) is the petitioner of the instant revisional application under Article 227 of the Constitution of India.

The application for preemption was dismissed for the failure of the pre-emptor to deposit the entire consideration price of the disputed sale along with the application for pre-emption.

The pre-emptor aggrieved by the said order had preferred the miscellaneous appeal no.16 of 2022, the said appeal got dismissed for default.

The pre-emptor took out an application under Order XLI Rule 19 of the Code of Civil Procedure for restoration of the said appeal registered as *Misc. Case no. 7 of 2022*.

The learned Additional District Judge at Amta, District: Howrah by the order impugned being order no.11 dated September 20, 2023 has dismissed the said Misc. Case 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*.

To exercise the right of preemption, the preemptor is required to deposit the entire consideration price of the sale sought to be preempted along with 10% interest thereon, that being not done, no fruitful purpose would be served by restoring the said miscellaneous appeal.

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

C.O. 2918 of 2024 is disposed of with the above terms 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.)