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11.09.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 3239 of 2024

**Sri Santanu Adak
Vs.
Sri Tara Sankar Gumta & Ors.**

Mr. Gopal Chandra Ghosh,
Mr. Rajkrishna Mondal ... For the petitioner.

The pre-emptee 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 said proceeding being J. Misc. Case (Pre-emption) No. 31 of 2022 is pending before the learned Civil Judge, (Junior Division) at Haldia, District – Purba Medinipur.

The learned Trial Judge by the order impugned being Order No. 06 dated March 16, 2023 has dismissed an application filed by the pre-emptees under Order VII Rule 11 of the Code of Civil Procedure praying rejection of the application for pre-emption on the ground that the disputed transaction is not a sale but an exchange.

The nature of the disputed transaction would be decided at the time of final adjudication of the application for pre-emption along with other evidences on record which cannot be considered as a ground for rejection of the said application under Order VII Rule 11 of the Code of Civil Procedure.

The order impugned, for the aforesaid reason, does not call for any interference.

C.O. 3239 of 2024 is dismissed without any order as to costs.

The learned Trial Judge is requested to expedite the disposal of the Misc. case in accordance with law and in doing so shall not grant any unnecessary adjournment to either of the parties.

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.)