

S/L 2
27.6.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 4229 of 2023

Uttam Jana
Vs.
Laxmi Narayan Patra

Mr. Saptarshi Dutt

...for the Petitioner.

Mr. Dyutiman Banerjee
Ms. Pinki Saha

...for the Opposite Party.

The matter though has been brought to the list for extension of interim order, but by the consent of the parties, it is taken up for final disposal.

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

The order dated October 7, 2023 passed by the learned Civil Judge (Junior Division), Haldia, District Paschim Medinipur in J. Misc. Case (P) No.27 of 2019 is under challenge in the instant application.

The learned Trial Judge by the order impugned has dismissed an application under Order VII Rule 11 of the Code of Civil Procedure filed by the petitioner.

The grounds taken in the said application for rejection of the application for preemption though do not satisfy the requirement of Order VII Rule 11 of the Code, but admittedly the preemptor did not deposit the entire consideration price along with the application for preemption; as a consequence, in view of the judgment of

the Hon'ble Supreme Court in ***Barasat Eye Hospital & Ors. vs. Kaustabh Mondal*** reported in ***AIR 2019 (19) SCC 767***, the application for preemption is not maintainable.

Accordingly, J. Misc. Case (P) No.27 of 2019 is dismissed without any order as to costs.

CO 4229 of 2023 is disposed of 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 of all requisite formalities.

(Biswajit Basu, J.)