

01.10.2024
(D/L 10)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 4455 of 2023
With
I.A. No. CAN 1 of 2024

Naba Kishor Shaw & Anr.
-Vs-
Aditya Samanta & Ors.

Mr. Sashwata Nayek,
Mr. K. N. Jana,
... For the Petitioners.
Mr. Nilanjan Adhikari,
Mr. Sourav Mondal,
.... For the Opposite Parties.

Affidavit-of-service filed on behalf of the petitioners
be kept with the record.

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

The pre-emptees in a proceeding under Section 8
of the West Bengal Land Reforms Act, 1955, are the
petitioners of the instant application under Article 227
of the Constitution of India.

The application for preemption has been
registered before the 2nd Court of learned Civil Judge
(Junior Division) at Durgapur, District: Paschim
Bardhaman as *Misc. (Pre-emption) Case No. 10 of 2022*.

The learned Trial Judge by the impugned Order
No. 5 dated September 27, 2023 has refused the prayer
of the petitioners to accept the written objection sought
to be filed few months after their appearance and has

fixed the Misc. Case for *ex parte* hearing against the petitioners.

In view of the nature of the proceeding and length of delay, the order impugned is set aside.

The petitioners are permitted to file the said written objection on the next date fixed in the proceeding subject to payment of costs of **Rs. 10,000/- (Rupees ten thousand only)** to the *High Court Legal Services Committee, Calcutta* before the ensuing *Puja Vacation* of the Court.

C.O. 4455 of 2023 is disposed of with the above terms without any order as to costs.

In view of the disposal of the revisional application, the connected application being CAN 1 of 2024 for vacating the interim order taken up by the opposite party no. 1 has become infructuous and is dismissed as such.

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.)