

01.10.2024
(D/L 11)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 4458 of 2023

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. 09 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. 4458 of 2023 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.)