

11.11.2025
Ct. No. 30
S.L. No. 49
SM

CO 86 of 2022
Sk. Abdul Odud Ali
Versus
Emalullah Khan & Anr.

Mr. R.N Mahato
Mr. A.S. Ray
.....for the petitioner
Mr. Swapan Kr. Dutta, sr. adv.
Mr. Rajat Dutta
.....for the State

1. The revisional application has been preferred challenging an order dated 15th February, 2021 passed by the learned Civil Judge, Junior Division, Dantan, District- Midnapore (West) in Judicial Misc. Case No. 25 of 2016.

2. Vide the order under challenge the trial Court held:-

*“Now coming back to the case in hand, it is evident from the record that Petitioner has deposited an amount of only Rs. 1,00,000/-whereas the sale consideration amount, as reflected from the impugned deed, is Rs. 11,00,000/-observation of the Hon'ble Court in **Barasat Eye Hospital Thr. Its Now, having regard to the Rep. vs Kaustabh Mondal (supra)** petitioner ought to have deposited the entire sale consideration amount of Rs. 11,00,000/-along with 10% levy on that consideration within the stipulated period which in this case was one year from*

the date of registration of the impugned deed. But despite passing of more than four years, Petitioner has not deposited the entire sale consideration amount. Thus, the right as provided in section 8 or 9 of the West Bengal Land Reforms Act cannot be triggered off. Accordingly in view of the deficient deposit, the instant case is barred under section 8(1) of the W.B.L.R Act.

Hence, this issue is decided against the Petitioner.

Hence, it is

ORDERED

That the petition dated 19.10.2020 is allowed on contest.

That the application/plaint under section 8/9 of the West Bengal Land Reforms Act is rejected under Order 7 Rule 11 of the CPC.”

3. Learned counsel for the petitioner has placed a judgment dated 16.07.2021 passed in CO 785 of 2021 by a Co-ordinate Bench of this Court, wherein a similar issue as in the present revisional application, has been referred to a larger Bench and the larger Bench has also taken up the matter for hearing and the same is pending before the larger Bench for final adjudication.

4. The petitioner therefore prays for consideration of the present revisional application after disposal of the issue before the larger Bench.

5. In view of the facts and circumstances, the revisional application be placed before the larger Bench for consideration along with the other revisional applications.

[Shampa Dutt (Paul). J]