

25.04.2025
SL No.343
Court No.22
S.Gayen

CO 331 of 2016
with
CAN 1 of 2024
Seikh Nizamuddin
Versus
Sri Somenath Mondal & Anr.

Mr. Mojnu Sk
...for the Petitioner in CO 331 of 2016/
Opposite Party in CAN 1 of 2024

Mr. Fazle Rahi
...for the Opposite Party in CO 331 of 2016/
Petitioner in CAN 1 of 2024

In Re: CAN 1 of 2024

1. Both the learned counsel appearing on behalf of the parties are present.
2. Learned counsel appearing on behalf of the opposite parties/petitioner has submitted that he has filed a pre-emption application before the learned Trial Court and lost the case. Being aggrieved, the opposite parties/pre-emptor preferred an appeal before the learned District Judge, Burdwan and the same was allowed.
3. Now being aggrieved, the order passed by the learned Appellate Court the pre-emptee/petitioner of this revisional application has preferred the instant case.
4. At this stage, the learned counsel appearing on behalf of the opposite parties has submitted that the petitioner in CAN 1 of 2024 does not inclined to contest this revisional application and prays for

withdrawal of the money deposited before the learned Trial Court.

5. Considering all facts and circumstances and after hearing both the parties I find that the pre-emptor/opposite parties herein released the claim over the land which is the subject matter of the pre-emption case and intended to withdraw the money deposited by the pre-emptor.
6. Prayer is considered and allowed. Liberty is given to the petitioner/opposite parties to take appropriate steps before the learned Trial Court for withdrawal of money.
7. Accordingly, the application being CAN 1 of 2024 stands disposed of.

In Re: CO 331 of 2016

8. With the aforesaid observations, the revisional application also stands disposed of.
9. Interim order, if any, stands vacated and connected application, if any, also stands disposed of accordingly.
10. The learned advocate appearing on behalf of the petitioner is directed to intimate the order to the learned Trial Judge.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

12. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)