

D/L- 22
22/05/2025
Ct. No.-6
Aritra

C.O. 1795 of 2025

**Allauddin Ansari @ Karikar
Vs.
Mintu Karikar**

Mr. Prosenjit Mukherjee
Ms. Babita Pramanik
Ms. Raja Roy

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the preemptee and is directed against the order dated April 9, 2025 passed by the learned Additional District Judge, Fast Track Court, Kalna in Miscellaneous Application No.5 of 2025.

By the order impugned the application for stay of execution of the decree of miscellaneous pre-emption case stood rejected and a date was fixed for service returns upon the opposite parties herein.

The learned advocate appearing for the petitioner draws the attention of the Court to an order No.173 dated February 1, 2024 in Miscellaneous Pre-Emption Case No.12 of 2008 and order No.174 dated April 20, 2024 passed in the said miscellaneous case and contends that the miscellaneous case could not have been decreed as the same was dismissed for non-prosecution on April 20, 2025.

Since by the order impugned the date for appearance of the opposite parties have been fixed, this Court is not inclined to interfere at this stage. It will be open to the petitioner to raise all points before the learned Additional District Judge, Fast Track Court, Kalna in Miscellaneous Application No.5 of 2025 in accordance with law.

With the above observations CO 1794 of 2025 stands disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)