

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

**Present:
The Hon'ble Justice Md. Shabbar Rashidi**

CO 1837 of 2019

**Sri Ayan Koley & Ors.
Vs.
Sri Ram Chandra Koley**

**For the petitioners : Mr. Md. Jalaluddin, Advocate
Mr. Syed Nasirul Hossain, Advocate**

Heard & Judgment on : April 25, 2025

MD. SHABBAR RASHIDI, J.:-

1. The revisional application is directed against an order dated March 16, 2019 passed in L.R. Misc. Case No. 168 of 2017.

2. It has been submitted on behalf of the petitioners that, the suit properties jointly held by the petitioners along with one Jaladhar Koley and Sristidhar Koley. There were other co-sharers. It has also been submitted that the co-sharers Sukumar Koley and Prasanta Kumar Koley sold out their shares in the suit properties. The present petitioners purchased the aforesaid share of Sukumar Koley and Prasanta Kumar Koley measuring an area of 1 cottah 20 sq.ft by a sale deed dated October 12, 2017. Upon such purchase, the petitioners applied for mutation of their names in respect of the suit properties.
3. The opposite parties herein filed an application under Sections 8 and 9 of the West Bengal land Reforms Act before the learned 7th Civil Judge (Junior Division) at Howrah being L.R. Misc. Case No.168 of 2017.
4. By an order passed in the said Misc. Case, the learned Trial Court directed the petitioners to deposit the consideration money at which the suit properties were sold out by the deed dated October 12, 2017 including 10 per cent of the consideration money as required under the provisions of the West Bengal Land Reforms Act.
5. Being aggrieved with such order dated November 23, 2017, the petitioners preferred a revisional application being CO No.4072

of 2017 before this Court. The aforesaid revisional application was allowed by this Court on November 22, 2018.

6. By the said order it was directed that, the petitioner/preemptor was given a liberty to file appropriate application disputing the correctness of the consideration price mentioned in the impugned deed. It was the contention of the petitioners that the consideration money mentioned in the impugned deed dated October 12, 2017 was exaggerated. A time-frame was fixed by the revisional court. Such petition was to be filed within seven days.
7. It has been submitted on behalf of the petitioners that such application was filed by the preemptor after a delay of 86 days. The petitioners submit that such delay on the part of the opposite parties in filing the revisional application was in violation of the time-limit framed by the revisional court in CO No.4072 of 2017. As such, the learned Trial Court was not justified in allowing the petitioners and directing the opposite parties to deposit the admitted consideration money pending an enquiry with regard to the correctness of the valuation set forth in the impugned deed.
8. Having heard the learned Advocate for the petitioners and upon going through the order impugned, it transpires that the learned Trial Court took into consideration the delay made in

depositing the consideration money as directed in the order passed in the earlier revisional application. Nevertheless, the learned Trial Court went on to direct the petitioners to pay the admitted sum of Rs.40,000/- at the initial stage condoning the delay. It was also directed in the order impugned that the opposite parties would be bound to pay the entire consideration price, if so proved by the opposite parties, if the petitioners failed to prove that the valuation of the suit properties was Rs.40,000/-.

9. The aforesaid order has been challenged by the present petitioners merely on the ground of delay caused in non-compliance of order passed by the earlier revisional court so far as the time-frame is concerned. It transpires from the impugned order that the learned Trial Court was not agreeable to go into the details of the technical flaws and was minded to look into the case on merits.
10. It is trite law that in revisional jurisdiction, if two views are possible and one has been accepted by the trial court, the order of the trial court cannot be said to be perverse, illegal or improper.
11. As noted above, in the instant case, learned Trial Court took a view that instead of going into the technicalities, the dispute involved in the petition under Sections 8 and 9 of the West

Bengal Land Reforms Act should be decided on merits and in such view of the facts, the learned Trial Court allowed and directed the opposite parties to deposit the admitted rent pending determination of the actual consideration by the Court. Such view taken by the learned Trial Court cannot be faulted merely on the ground of delay in view of the liberty granted by the revisional court. In such view of the fact, I am not minded to interfere with the impugned order dated March 16, 2019.

12. CO 1837 of 2019 is disposed of accordingly without any order as to costs.

(Md. Shabbar Rashidi, J.)

S.D/AD/DD.