

M/L - 134
18/03/2025
Court. No. 6
S.Kundu

C.O. 1766 of 2024

**Amirul Gayen @ Sekh Amirul Gayen
Vs.
Shankar Prasad Patra & Ors.**

Mr. Dhananjay Banerjee,
Mr. Anup Kumar Bhowmick

...for the petitioner.

By the order impugned the application under Order VI Rule 17 of the Code of Civil Procedure filed by the petitioner herein who is the opposite party in J. Misc. Pre-emption Case No. 01 of 2019 stood rejected in part.

The petitioner herein filed an application under Order VI Rule 17 of the Code of Civil Procedure praying for amendment of the written objection filed against the application under Section 8/9 of the West Bengal Land Reforms Act, 1955. By way of such amendment, the petitioner herein sought to incorporate the fact that the petitioner has not deposited the full consideration together with 10 per cent thereof at the time of filing of pre-emption application.

The petitioner sought to introduce certain other facts by way of amendment which was, however, allowed by the learned Trial Judge by the order impugned and the petitioner is not aggrieved against

such portion of the order. After going through the pre-emption application, this Court finds that the opposite party herein sought for pre-emption in respect of the plot being Dag No. 1388.

It has been stated in the application for amendment that the petitioner has deposited only a sum of Rs.2,64,000/- instead of depositing Rs.6,60,000/- together with interest thereof.

By the impugned sale deed two plots were transferred one being Dag No. 1388 and the other being Dag No. 1388/3543. The learned Trial Judge after going through the materials on record found that the set forth value in respect of the transfer in so far as the Dag No. 1388 is concerned is Rs.2,40,000/- and the market value of such plot is Rs.2,40,000/-.

For such reason, the learned Trial Judge was of the view that the pre-emptor deposited the amount as contemplated under Section 8 of the 1955 Act and for such reason rejected the portion of the amendment sought for with regard to short deposit of the amount as stipulated under Section 8 of the 1955 Act.

After going through the materials on record, this Court finds that the learned Trial Judge was right in observing that the set forth value in the deed in respect of transfer of Dag No. 1388 was Rs.2,40,000/-. Therefore, there was no short deposit of the amount as

contemplated under Section 8 of the 1955 Act in respect of Dag No. 1388.

For such reason, this Court is not inclined to interfere with the order impugned.

Accordingly, C.O. 1766 of 2024 stands dismissed.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)