

15.07.2025
Item no. 18.
Court No.6.
AKG

C. O. 2480 of 2025

**Jay Prakash Manna
Vs
Smt. Kakali Maity**

Mr. Gopal Ch. Ghosh,
Mr. Rajkrishna Mondal,
Ms. Sunandana Saha

.....for the Petitioner

This application under Article 227 of the Constitution of India is at the instance of the pre-emptee and is directed against an order no. 25 dated 19th June, 2025, passed by the learned Civil Judge (Jr. Division), Haldia, Purba Medinipur in J. Misc. (Pre-emption) 35 of 2022.

By the order impugned, the application under Order 8 Rule 9 of the Code of Civil Procedure stood rejected.

Mr. Ghosh, learned senior advocate appearing for the petitioner submits that the preemptor along with her son entered into an agreement with the third-party and collected money for the purpose of making a deposit in terms of Section 8 and 9 of the West Bengal Land Reforms Act, 1955. He further submits that the petitioner sought to incorporate the subsequent events by way of filing the subsequent pleading under the

provisions of Order 8 Rule 9 of the Code of Civil Procedure.

The opposite party herein filed an application under Section 8 and 9 of the West Bengal Land Reforms Act, 1955, alleging that Dipali Maity and Krishnendu Maity transferred their shares in the land in question in favour of the petitioner herein by a registered sale deed dated May 25, 2022. In the application under Order 8 Rule 9 of the Code of Civil Procedure, the petitioner sought to incorporate the fact that the son of the opposite party namely, Dibyendu Maity transferred a portion of his share in the suit land in favour of the third-party for a valuable consideration.

After going through the averments made in the application Order 8 Rule 9 of the Code of Civil Procedure, this Court finds that nothing has been stated to the effect that the preemptor has transferred her share in the suit land.

Transfer of a portion of the share of the suit land by the son of the pre-emptor cannot have any bearing on the dispute between the parties in a preemption case.

For such reason, this Court is of the considered view that the subsequent pleading filed by the petitioner herein cannot be said to come to the

assistance of the Court for the purpose of adjudicating the preemption application.

The learned trial Judge was right in refusing to grant leave to the petitioner to file the subsequent pleading.

This Court is not inclined to interfere with the order impugned.

Accordingly, C. O. No. 2480 of 2025 stands dismissed.

However, there shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)