

Misc. Appeal No. 14 of 2025
CNR NO. WBUD 01003627-2025
JO NO. WB00883

Order No. 13
Dated 09.06.2026

Today is fixed for delivery of judgement.

Both the parties are present through their Ld. Lawyers.

The judgement is ready which is typed in separate sheets containing 17 pages.

The Judgement is singed, sealed and pronounced in the open Court and in presence of both the sides.

The ordering portion of the Judgement is as under :

Hence, it is

ORDERED

that the instant appeal stands **allowed** on contest to the limited extent indicated hereinabove.

The observations contained in the Final Order dated 19.09.2025 passed by the learned Civil Judge (Junior Division), Raiganj, Uttar Dinajpur, in Miscellaneous Pre-emption Case no. 05 of 2023, describing the appellant as a **co-sharer** in relation to the property in question, are hereby modified and shall be read as recognising the appellant's status as **an adjoining landowner** possessing the requisite common boundary with the transferred holding.

Save for the correction aforesaid, the impugned order is left wholly untouched. The adjudicatory conclusion reached by the learned Trial Court, recognizing the appellant's entitlement to pre-empt the transfer effected through Deed No. I-1804-18810 of 2022 dated 15.12.2022, remains undisturbed and shall continue to govern the rights of the parties with the same force and effect as before.

There shall, however, be no order as to costs.

Let a copy of this judgment, together with the Trial Court's Records, be transmitted forthwith to the learned Civil Judge (Junior Division), Raiganj, Uttar Dinajpur, for information and necessary action. While doing so, this Court requests the learned Trial Court to ensure faithful compliance with the mandate embodied in Section 9(5) of the West Bengal Land Reforms Act, 1955, in its true spirit, purpose and legislative object.

Dictated and corrected

1st ADJ, Raiganj
Uttar Dinajpur

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Uttar Dinajpur.