

N.22Sl  
151/CL

**CO 1092 of 2026**

**Shri Dipak Kumar Paul**

**v.**

**Dilip Kumar Paul, since deceased,  
his legal heirs & Ors.**

06.04.26  
ML-12  
Ct-06  
(S.R.)

Mr. Subir Kumar Bhattacharyya  
... for the petitioner.

1. This revisional application is directed against an order dated January 21, 2026 passed by the learned Civil Judge (Senior Division), 4<sup>th</sup> Court, Alipore, South 24-Parganas in Misc. Case No.7 of 2020 whereby the said Misc. Case has been dismissed upon holding the same to be not maintainable.
2. Learned advocate appearing for the petitioner submits that the petitioner had filed an application under Section 22 of Hindu Succession Act claimed preemption. The said application has been dismissed by the learned Trial Court upon concluding that the provisions of Section 22 of the Hindu Succession Act would not be attracted to a case of transfer by way of gift where monetary consideration is not there.
3. Relying on a judgment of the Hon'ble Division Bench of this Court in Arati Das v. Bharati Sarkar & Ors. (FA 172 of 2001) decided on July 18, 2008,

it is submitted that the conclusion reached by the learned Trial Court is not correct.

4. The petitioner shall serve a copy of the revisional application along with notice on the opposite parties intimating the opposite parties that the matter shall be taken up next on May 6, 2026.

**(Om Narayan Rai, J.)**