

20.09.2022
Item No.145ML
Ct. No.7
CHC

C.O.2116 of 2022

**Sri Gobinda Laha
Vs.
Shri Sudip Ghosh & ors.**

Mr. Surya Prasad Chattopadhyay,
Mr. Ankit Chatterjee
...for the petitioner

The subject-matter of challenge in this case is against the order dated 15th March, 2022, passed by learned Civil Judge (Junior Division), 1st Court, Krishnanagar, at Nadia, in Title Suit No.64 of 2018, dismissing a prayer under Section 151 C.P.C.

Mr. Ankit Chatterjee, learned advocate appearing for the petitioner submits that though in the pending eviction suit, the petitioner has been described to be tenant, against whom eviction has been proposed, but after having obtained preemption decree, passed in Preemption Case No.45 of 2017, the petitioner has become owner of the suit property.

It is further submitted that the final order permitting the preemption was made on 18th February, 2022.

It is thus contended that the status of the petitioner has now been converted to owner, and as such, there cannot be any eviction decree granted.

It is also submitted that there has been an erroneous decision reached by the court below, while making dismissal of the suit.

The arguable point thus raised needs to be addressed touching upon the merits of the case.

In the meantime, let there be an order directing stay of all further proceedings pending in the court below till the end of November, 2022, or until further order whichever is earlier.

Petitioner is directed to serve copy of this revisional application upon the opposite parties and their learned advocate appearing in the court below, by Speed Post with Acknowledgement Due and furnish affidavit-of-service on the next returnable date.

List the matter two weeks after the Puja Vacation of this Court for the year 2022.

(Subhasis Dasgupta, J.)