

**Item No. 07**

**Ct 22**

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IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**C.O. 3639 of 2023**

**Gopeswar Ghosh & Ors.**  
**Vs**  
**Tapan Kumar Ghosh & Ors.**

Mr. Atarup Banerjee,  
Mr. Rajdeep Pramanik.

.... For the petitioners.

1. The instant revisional application has been filed assailing the Order No. 26 dated 21.09.2023 in connection with Misc. Pre. Case No. 68 of 2018 passed by the learned Civil Judge (Junior Division), Kalna, wherein learned Judge heard the pre-emption case on the point of maintainability and dismissed the plea at the instance of opposite parties/petitioners herein.
2. Having heard the learned counsel appearing on behalf of the petitioners as well as having gone through the impugned order, I find that the matter should be heard in presence of opposite parties.
3. Petitioners are directed to serve notice upon the opposite parties through speed post with A/D and to file affidavit of service on the returnable date.
4. Learned counsel appearing on behalf of the petitioners has submitted that preemptors claimed the property under Section 8 of the West Bengal

Land Reforms Act, claiming themselves to be the bargadar of the land though their claim of bargadar was refused by the SDL & LRO and that was affirmed by the West Bengal Land Reforms and Tenancy Tribunal by the order date 31<sup>st</sup> January, 2011 as well as by the High Court in connection with W.P.L.R.T. No. 107 of 2011.

5. Learned counsel appearing on behalf of the petitioners has submitted that the hearing of the Misc. Case has been fixed in the next week before the Trial Court and accordingly prays for stay of the proceeding in connection with Misc. Pre. Case No. 68 of 2018.
6. Considering all facts and circumstances, the proceeding in connection with Misc. Pre. Case No. 68 of 2018 be stayed for a period of 12 weeks from date or until further order, whichever is earlier.
7. Let the matter be listed on 28<sup>th</sup> November, 2024 under the heading "Contested Application".
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

***(Bibhas Ranjan De, J.)***