

D/L. 24.
June 10, 2026.
MNS.

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CO No. 242 of 2025

Jyotsna Roy
Vs.
Niru Roy @ Nirobala Roy and another

Ms. Suman Sehanabis,
Mr. Alok Sah,
Ms. Rajarshree Mukherjee, Advs.

...for the petitioner.

Mr. Jagesh Ch. Roy,
Mr. Hrishikesh Roy

...for the opposite party no. 1.

1. The limited question which falls for consideration in the present revisional application, preferred by the preempttee against a judgment of affirmance, whereby both the courts below granted preemption on the ground of co-sharership under Section 8 of the West Bengal Land Reforms Act, 1955, is whether in view of the petitioner having purchased the entire share of the petitioner's vendor, the provisions of Section 8 of the 1955 Act are applicable.

2. Since the question is at present *sub judice* before a larger Bench, the revisional application is required to be heard on the above question.

3. Hence, there shall be stay of operation of the impugned judgment dated July 19, 2025 passed by the learned Additional District Judge, Second Court at Cooch Behar in Miscellaneous Appeal No. 13 of 2023 as well as

the judgment and order dated January 17, 2023 passed by the learned Civil Judge (Junior Division), Sadar, Cooch Behar in Miscellaneous (Preemption) Case No. 3 of 2018 till disposal of the revisional application.

4. Liberty is granted to the parties to mention the matter for inclusion in the list for hearing before the next Circuit.

5. On the prayer of learned counsel for the petitioner, leave is granted to the petitioner to carry out the necessary rectifications in the cause title of the present revisional application.

(Sabyasachi Bhattacharyya, J.)