

02.12.2020
SL-1
ns Ct.19

**C.O. No.1160 of 2020
With
CAN 2 of 2020**

**Alingan Enclave Private Limited
Versus
Soumendra Nath Ghosh & anr.**

Mr. Surajit Nath Mitra, Sr. Adv.,
Mr. Shyamal Sarkar, Sr. Adv.,
Mr. Sankarsan Sarkar,
Mr. Arnab Sardar ... for applicant.

Mr. Ranjan Kali,
Mr. Diganta Das ... for opposite party no.2

CAN 2 of 2020 is application, by which petitioner in the disposed of revision petition has prayed for modification and / or clarification of the disposal order dated 6th October, 2020.

Mr. Mitra, learned senior advocate appears on behalf of applicant and submits, there has been inadvertent omission in the order. He reminds Court that the petition was filed by his client being aggrieved by impugned order, whereby, inter alia, his client's execution case and application for police help were rejected. The setting aside of the rejection of his cases have been omitted in the disposal order and also omitted is direction of time frame for the application made under section 47 of the Code and converted by impugned order, be dealt with

and disposed of. The execution case has been pending for six years. Mr. Kali, learned advocate appears on behalf of opposite party no.2 and reiterates his submissions made at the hearing of the revision case.

There is clear recollection of above submissions, as made by Mr. Mitra at the time of hearing and disposal. More so, there cannot be resistance to decree when the execution case itself stands rejected. As such, following is to be read into said order dated 6th October, 2020, in correction thereof, as deemed to have been made:-

“The rejection of Title Execution Case 9 of 2014 and J. Misc. Case 39 of 2015 are set aside and are to be decided alongwith or immediately after the converted case.”

This sentence be inserted as the second sentence in the second last paragraph of said order.

The application is disposed of.

(Arindam Sinha, J.)