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February 19,
2021

**In the High Court at Calcutta
(Via Video Conference)**

**C.O. No.1194 of 2020
With
CAN 1 of 2020
With
CAN 2 of 2020**

**Partha Dan
Versus
Shyamananda Sahana and others**

Mr. K.C. Das,
Mr. Sk. Sahjahan.
...for the applicant in CAN 2 of 2020.

Mr. S.K. Haldar,
Mr. Ashok Sarkar.
...for the opposite party no.1
in CO1194 of 2020.

Mr. Rudranil De,
Mr. Ziahul Haque.
...for the petitioner in CO 1194
of 2020.

Re: CAN 2 of 2020

The applicant has raised a serious question as regards the sustainability of the order dated September 30, 2020 passed by this Court in CO 1194 of 2020, with I.A (CAN 1 of 2020). By virtue of the said order, the suit was directed to be disposed of ex parte. However, learned counsel for the present applicant submits, by relying on an order dated November 11, 2014, annexed at page 28 of the recalling application, that all further proceedings in

the suit had been stayed previously by a co-ordinate Bench on the serious allegation of fraud of mammoth proportions having been perpetrated on the Court. It is further submitted by learned counsel for the applicant that I had appeared on behalf of one of the parties prior to my elevation of a Judge of this Court, in a connected matter, which was apparently suppressed while moving CO 1194 of 2020.

In view of the gravity of the allegations raised, the respondents are directed to file their respective affidavit(s)-in-opposition within a fortnight from date. Reply, if any, shall be filed within three days thereafter.

The matter shall next be enlisted on March 10, 2021 at 10.45 a.m. for hearing.

There will be stay of operation of the order under recall dated September 30, 2020, passed by this Court in CO 1194 of 2020 with CAN 1 of 2020, till disposal of the recalling application.

(Sabyasachi Bhattacharyya, J.)