

15.03.2022
Item No.05
Court No.18
AJ.

C.O. 167 of 2022

Chandan Naskar

-Vs-

Prabir Naskar & Anr.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.
....for the petitioner.

Mr. Tarak Nath Halder.
.....for the opposite party no.2.

The defendant no.1 in a suit for partition is the petitioner of the present application under Article 227 of the Constitution of India.

The learned Trial Judge by the Order No.9 dated August 09, 2021 permitted the defendant no.2 to construct rooms over the portion of the suit property under his possession.

The petitioner has filed an application for recalling of the said order.

The petitioner by the present application is praying a direction upon the learned Trial Judge for expeditious disposal of the said application.

Mr. Halder, learned advocate appearing on behalf of the defendant/opposite party no.2 submits that the application for recalling of the order dated August 09, 2021 has become infructuous as the construction work has already been executed.

Be that as it may, the 2nd Court of the learned Civil Judge (Senior Division), Baruipur,

District 24-Parganas (South) is requested to dispose of the application filed by the petitioner in Title Suit No. 152 of 2020 for recalling of the Order No.9 dated August 09, 2021 as expeditiously as possible in accordance with law.

C.O. 167 of 2022 is disposed of with the above observations without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)