

**Sri Ajit Sarkar @ Ajit Kumar Sarkar
Vs
Sushil Sarkar & Ors.**

Ms. Manali Biswas

... For the petitioner.

Petitioner assails order dated 13th June, 2022 passed by the learned Civil Judge (Senior Division), 2nd Court, Berhampore in partition Suit No. 44 of 2022, deferring the hearing of recalling application, filed by the petitioner.

Admittedly recalling application was filed by the petitioner being dissatisfied with the order dated 3rd June, 2022.

Further admitted position is that operation of the order dated 3rd June, 2022 has been stayed with an observation of the court below to the effect that the prayer for recalling application would be heard in presence of both sides.

The fundamental contention raised by the petitioner in this case is that recalling application has not yet been disposed of, though there has been stay granted as against the operation of the order dated 3rd June, 2022.

In a situation like this, when recalling application has not yet been disposed of, which is kept pending for

decision, it would not be appropriate to intervene into the matter, and accordingly the revisional application be disposed of directing the court below to hear out the recalling application, filed by the petitioner, within four weeks from the date of communication of this order to the court below.

While endeavouring such exercise, an opportunity of hearing must be extended to the opposite parties, so that the recalling application may be disposed of in an expeditious manner, as mentioned hereinabove in accordance with law.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)