

17.5.2023
212
Ct. no. 652
sb

**C.O. 1738 of 2018
With
CAN 2 of 2023**

**Ratna Ghosh & Anr.
Vs.
Narayan Ghosh@ Tarun Ghosh & Anr.**

Mr. Sanjib Seth ...for the Petitioners

Ms. Shebatee Datta
Ms. Poulami Roy ...for the opposite parties

In Re: CAN 2 of 2023

Affidavit of service filed by the opposite parties is taken on record.

This is an application for recalling of the order dated 1.2.2022 passed by this court on the ground that the learned advocate representing the opposite parties, could not attend the court at the very moment when the matter was called, since she was unable to come to court on that day as she was unwell and as such the aforesaid matter remained unrepresented and was disposed of ex parte. She further submits that she was prevented by sufficient reason for appearing in court and as such the order is required to be recalled and is required to be heard afresh.

I have gone through the order impugned. The entire aspect of the case has been discussed in detail in the order. Whether the petitioner was represented on that day

or not and whether sufficient reason had prevented the opposite parties, when the case was called on for hearing, or not, cannot be the ground for recalling the order, which was passed on merit. There is no mention in the instant application how and in what manner, petitioner got prejudiced by the said order passed ex parte. Present application is absolutely meritless.

Accordingly, the prayer for recalling stands dismissed.

CAN 2 of 2023 is accordingly disposed of.

(Ajoy Kumar Mukherjee, J.)