

Item No. 12
10.10.2023
Court. No. 19
GB

C.O. 2947 of 2023

Dr. Ram Bujhawan Dhariya
Vs.
Sri Bijay Kumar Prajapati & Ors.

*Mr. Joydip Banerjee,
Mr. A. Sinha,
Mr. Rajen Kr. Chowdhury,
Ms. Swarnali Dutta*

...for the Petitioner.

Mr. Lalratan Mondal

...for the Opposite Party No.1.

The order dated May 15, 2023, passed in Title Appeal No.34 of 2023, which is pending before the learned Additional District Judge, 2nd Court at Seampore, Hooghly has been challenged before this court.

According to the petitioner, the said application for stay was never moved, but the learned court below erroneously recorded that the stay application was heard and dismissed on contest.

The learned Advocate for the opposite party no.1 submits that the application was moved by a put up petition, but the respondents in the appeal was not served. Thus there is confusion as to whether there was any contest.

The petitioner is at liberty to pray for appropriate orders before the learned court below for recalling of the order impugned on the ground of wrong recording and also pray for fresh hearing of the application for stay along with the application for condonation of delay in filing the appeal. If such approach is made, the learned court below shall pass necessary orders in accordance with law upon allowing the

opposite parties to file written objection and contest the same.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)