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04.03.2025  
Court No.6  
BP

C.O. 371 of 2025

Smt. Jamuna Bhukta & Ors.  
-versus-  
Sri Subhra Ghosh & Ors.

Mr. Kartick Kumar Bhattacharya  
Mr. Debabrata Roy  
Mr. Abir Sarkar  
Mr. Soumik Mondal  
Ms. Sarbani Mukhopadhyay  
Ms. Papiya Naskar  
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against an Order no. 62 dated 10<sup>th</sup> September, 2024 passed by the learned Civil Judge (Junior Division), 1<sup>st</sup> Court, Serampore, Hooghly in Title Suit No. 213 of 2021. By the order impugned the application for recalling of the Order No.3 dated 23<sup>rd</sup> July, 2021 stood allowed.

Mr. Kartick Kumar Bhattacharya, learned advocate appearing for the petitioners submits that by the order dated 23<sup>rd</sup> July, 2021 the application under Section 7(1) of the West Bengal Premises Tenancy Act was disposed of and after a long time the application for recalling has been filed. However, it is not in dispute that the order dated 23<sup>rd</sup> July, 2021 was passed ex parte.

In view thereof, this Court is of the considered view that the application for recalling was maintainable and the learned trial judge was right in recalling the Order no.3 dated 23<sup>rd</sup> July, 2021. This Court is not inclined to interfere with the order impugned.

C.O. 371 of 2025 stands disposed of by requesting the learned Civil Judge (Junior Division), 1<sup>st</sup> Court, Serampore, Hooghly to dispose of the application under Section 7(1) and 7 (2) of the West Bengal Premises Tenancy Act as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Hiranmay Bhattacharyya, J.)**