

Mat. Suit No.830/2018

Order No.19, dt.10.05.2022:

Today is fixed for hearing of the recall petition.

The O.P. is present. The petitioner is absent on repeated calls without any steps.

Perused and considered the contents of the petition in light of the materials in record.

The instant petition is for recalling the order dt.20.11.2019 alleging that -

The suit was fixed for the exparte hearing on 11.07.2019 and on 20.11.2019 respondent appeared and prayed for vacating the exparte order which was accordingly allowed and the allegation is that the order is liable to be rejected as the same has been scrounged by misleading the Court and also the petition is time barred.

Though the petitioner is absent, I am prompted to note the protracting attitude of the petitioner. The petitioner has filed the application on 04.08.2018 but it was only on 04.04.2019 that track report was filed without filing the requisite for service through Court and exparte hearing was fixed on the basis of that track report by Ld. District Judge on 14.06.2019. But the petitioner has not turned up on 11.07.2019 for hearing the suit exparte. There is nothing anomaly in allowing the petition when the justice demand disposal of a dispute in presence of the parties. I find no merit in the petition and the same is liable to be rejected. It is also strengthen when the petitioner is found to have filed the petition long after 15 months.

Hence, it is,

ORDERED

that the petition 25.02.2021 for recalling the order dt.20.11.2019 is and the same be rejected.

Fix 14.07.2022 for hearing on issues.

Parties to file suggested issues.

Addl. District Judge, 1<sup>st</sup> Court,  
Howrah