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C.O. 3147 of 2022

**Sri Sukdev Saha
Vs
Sri Tusher Kanti Sengupta**

Mr. Purnasish Gupta,
Ms. Mary Datta,
... For the petitioner.
Mr. Suvadip Bhattacharya,
Mr. Balaram Patra. ... for the opposite party.

Mr. Purnasish Gupta, learned advocate appearing for the petitioner, while assailing the impugned order, submits that the commitment and liability, supposed to be discharged by the petitioner has not been taken into account, while granting three installments to pay off the arrears of licence fees/rent to the defendant/opposite party.

It is submitted by Mr. Gupta that a little enhancement of the installments would, however, help the petitioner to pay off the outstanding dues to the opposite party.

Per contra, Mr. Suvadip Bhattacharya, learned advocate appearing for the opposite party submits that the petitioner/plaintiff is 88 years old, and the fruits of the litigation may not be allowed to be delayed, taking a mere plea of improper grant of installments.

Having considered the submission of both sides, it appears that the pending suit has already been set for peremptory hearing. It is a suit of 2019.

Bearing in mind, the commitment liability of the

petitioner together with his earning capacity, if the period of installments is enhanced from three installments to six installments, that will ensure a balance between the parties subscribing justice for the purpose.

The revisional application stands disposed of with a modification of the order dated 11th August, 2022 passed by learned Civil Judge (Junior Division), Bidhannagar in Title Suit No. 63 of 2019 granting six installments instead of three installments from the date of the order already passed by the Court below.

The other portion of the order will however, remain unchanged.

The impugned order thus modified, mentioned hereinabove.

The logical conclusion of the suit may be reached at an early date without granting unnecessary adjournment, unless it is extremely unavoidable.

(Subhasis Dasgupta, J)