

IA No.GA 3 of 2023
In
CS 184 of 2021
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

RESHMA SAMBTANI & ORS.
VS.
IDEAL REAL ESTATE PRIVATE LIMITED & ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 19th December, 2023.

Mr. A. C. Kar, Mr. Anirban Kar, Mr. Munshi Ashiq Elahi,
Advocates for the plaintiff.
Mr. Debnath Ghosh, Mr. Manoj Kr. Tiwari, Mr. Satwik Beriwal,
Advocates for defendant no.1.
Mr. Basudeb Mukherjee, Advocate for defendant no.2.

The Court : Learned Advocate for the defendant no.1 has taken instructions in terms of the order dated 12th December, 2023. It is submitted by the defendant no.1 that the said defendant will be in a position to pay Rs.1,20,000/- per month to liquidate the claim of the defendant no.2.

The defendant no. 2, however, insisted for a higher amount which on being negotiated has been increased by the defendant no.1 to Rs. 1,50,000/-.

The suit is treated as on the day's list by consent of the parties and is decreed in the following manner :

- i) The defendant no.1 shall continue to pay the defendant no.2 at Rs.1,50,000/- per month will be paid by the defendant no.1 to the

defendant no.2 from January, 2024 onwards till the principal sum of Rs.57,39,171/- due along with interest at the rate of 10% per annum stands liquidated. The payment shall be made by 10th of each month. It is made clear that in the event of any default of two successive instalments or the last instalment, the defendant no.2 shall be at liberty to apply for execution of the unpaid amount.

- ii) The defendant no.1 shall pay and continue to pay to liquidate the claim of the plaintiff in the manner as recorded in the order dated 5th October, 2023 and to the defendant no.2 in terms of the instant order.
- iii) The plaintiff is absolved from any liability which may arise in case of any default in making payment by the defendant no.1 to the defendant no.2 in the manner as directed.
- iv) The plaintiff shall be entitled to put this decree into execution in case of any default of instalment as directed by the order dated 5th October, 2023.

Let a decree be drawn up in terms of this order and the order dated 5th October, 2023 as expeditiously as possible.

The suit and all connected applications filed in the suit which are pending are accordingly disposed of.

(ARINDAM MUKHERJEE, J.)