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High court form no. (J). 2.

Heading of judgement in original in

District 24-parganas.

In the court of the 3rd subordinate judge

Present : Sri R.N. Mukherjee sub- judge.

This day, the day of August 1971

Title suit no. 58 of 1965.

1. Hare Krishna Mondal , 2. Sm Saifatsla Mondal.. pliffs

-versus-

1. Khogendra Nath Mondal 2. Radha Gobinda Mondal andrs

Defendants

This suit coming on for final hearing on 21.7.71, 22.7.71
26.7.71, 27.7.71, 28.7.71, 29.7.71 , 6.8.71 in the presence
of Sri Tarapada Lahiri and Sri Biswanath Ghosh advocates
for plaintiff and Sri K.C. Basu advocate for defendant not
and having stood for consideration to this day, the court
delivered the following judgement :- This is a suit for
partition of the suit properties by metes and bounds on
declaration of the shares of the respective parties the main

The plaintiffs' case, briefly stated in the plaint
is that the suit properties originally belonged to Kanai
Mondal who died more than 50 years ago leaving behind

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S. C. Ghosh
S. C. GHOSH, Notary
Dist. of India,

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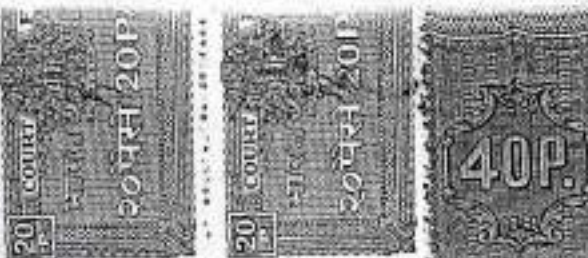
his only son Braja Mohan Mondal as his sole heir. Kamal Mondal also left behind his widow Jhata (defendant no.5 - since deceased). Under the law prevailing Braja Mohan alone inherited the properties left by Kamal Mondal and Jhata. Jhata inherited the properties of K Kamal Mondal as she was not legally the heir of Kamal Mondal under the law at the time of his death. Braja Mohan had two sons and one daughter. The plaintiff no.1 is one of his sons. His another son Harihar predeceased him and the defendants 1 and 2 are the sons of Harihar and defendant no.4 is the daughter of Harihar. Plaintiff no.2 is the daughter of Braja Mohan and defendant no.3 is the widow of Harihar - So, under the law, on the death of Braja Mohan, the plaintiff no.1 and 2 each inherited 1/3rd share in the suit properties and the defendants no. 1 to 4 jointly inherited the remaining 1/3rd share therein. The plaintiffs and the defendants 1 to 4 have also by mutual consent built separate pucca houses on separate portions within the suit properties and they are living in those respective houses made by them. The plaintiffs and the defendants 1 to 4 are in equal possession of the suit properties and there has been no partition between them.



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The plaintiffs are finding difficulties in the suit properies jointly with the defendants the defendants no. 1 to 4 having failed to the partition inspite of the plaintiffs request have filed this suit for their reliefs claimed.



Defendant no. 1 alone is contesting the suit by filing a written statement. Defendant no. 1 has denied in the written statement about the date of death of Kamal Mondal. He has alleged that Kamal Mondal died on 19th March 1947 B.S. and not long more than 50 years ago as alleged by the plaintiffs. According to him, the properties of Kamal Mondal were inherited by Braja Mohan and the proforma defendant no. 5 (widow of Kamal Mondal) in moiety shares. Defendant no. 1 has not disputed about the genealogy of Harihar Mondal, namely, of his father. Defendant no. 1 has claimed that he has purchased the interest of Jhuti Bala which she acquired by way of inheritance from her husband Kamal Mondal by virtue of a registered kotala dated 13.9.63. He has also claimed to have acquired the interest of his master, defendant no. 4, by two registered kotalas dated 19.4.61. Thus, according to the defendant no. 1 the plaintiffs do not have one third share each as they have claimed in the plaint of the suit. Defendant no. 1 has also

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स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख
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अपेक्षित स्टाम्प और फोलियो देने की तारीख
Date of delivery of the requisite stamps and folios.

तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी
Date on which the copy was ready for delivery.

आवेदक को प्रतिलिपि देने की तारीख
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properties of the parties in suit have been brought into hotchpot. I decide both these issues in favour of the plaintiffs.

Issues no 3 and 4 :- These two issues have been taken together for the sake of convenience as they are closely linked.

Admittedly, the suit properties along with other properties previously belonged to Kamal Mondal. The defendant no. 1 admitted that Kamal Mondal died leaving his only son Raja Mohan Mondal and (P4) and his widow (second wife) Jhadi Bala, the proforma defendant no. 5 (since deceased). It is further admitted that Rajamohan had two sons- Hari Krishna (plaintiff no. 1) and Harihar (father of defendant no. 1, 2 and 4 and husband of defendant no. 3) and that Harihar predeceased Raja Mohan, and also one daughter Ssilibala Mondal (the plaintiff no. 2). The only dispute in this suit is as to whether Kamal Mondal died more than 50 years ago as alleged by the plaintiffs or as to whether he died on 19th Magh 1347 B.S., as alleged by the defendant no. 1.

Admittedly, if Kamal Mondal had died more than 50 years ago i.e. before the Hindu Women's Right to



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आवेदन के लिए आवेदन की तारीख	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख	अपेक्षित स्टाम्प और फोलियो देने की तारीख	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी	आवेदक को प्रतिनिधि देने की तारीख
Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.

to property Act 1937 came into operation (which came into operation on 14.4.37) then his widow, namely, the profirma defendant no.5 would not have inherited any share in the properties left by Kamal Mondal. But if it is found that Kamal Mondal died after the said Act came into operation then the profirma defendant no.5 and Braja Moran would have inherited the properties left by Kamal Mondal in her share and Jhuti Bala, being the widow would have her interest as limited owner during her life time after the Hindu Succession Act 1956 came into operation (on 17.6.56) she would have acquired full title with intx. & respect to her moiety share therein.



Let us now see what Kamal Mondal died, whether before the Hindu Women's Right to property Act 1937 came into operation or after that. The plaintiffs have filed the c.s. parchas (marked Exts 1c, 1g and 1i) showing that the suit plots were recorded in the name of Braja Moran Mondal as son of Kamal Mondal in the last c.s. operation and it further appears from these c.s. khatians that these were prepared before 1.9.31. From these c.s. khatians, the learned lawyer for the plaintiffs has argued that that it can be seen therein that Kamal Mondal

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had died before 1.9.31; otherwise the suit plots would have been recorded in the name of Kamal Mondal instead of his son B raja MohanMondal. Defendant no.1 has not alleged that the entries in the c.s. record of rights showing the suit plots to have been recorded in the name of Mohan Mondal are incorrect. On the other hand, in the deposition of defendant no. 1 (D.W. 1) has stated that he attended the District Settlement Operation which was held in the year 1930, but he cannot say if the suit plots were recorded in the name of Kamal Mondal or not. He has further stated in his cross examination that he does not remember if Kamal Mondal died before or after the District Settlement operation. P.w. 1 Patit Paban Mondal (son of plaintiff no.1) has stated that his age is 49 years and that Kamal Mondal his great grand father, died before his birth. The aforesaid documentary evidence, namely, the c.s. Parchas (as referred to above) support the statement of p.w. 1. D.W. 2 Joy Krishna Mondal, according to whom Kamal Mondal was his father's elder brother, has stated that Kamal Mondal died 29/30 years ago. It is the certified copy of the c.s. parcha in respect of khatians no. 302 of the suitmouja, shows that this khatian



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Advocate



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no. 302 of the suit mouja, shows that this khatian was recorded in the name of Joy krishna Mondal and Srikrishna Mondal having 4/ annas a share each and Braja Mohan Mondal son of Kamal Mondal having 8/- annas share therein. If really Kamal Mondal was alive during the operation then this khatian also ought to have been recorded in the name of Kamal Mondal along with Joy Krishna and Srikrishna. This D.W. 2 Joy krishna Mondal has not stated about the correctness or otherwise of the entries of this khatian no. 302. In his cross examination this D.W. 2 was stated that Braja Mohan died about 12/13 years ago and he has stated that Harihar died 6/7 years ago. although it is in the admitted case of the parties that Harihar predeceased Braja Mohan - According to this D.W. 2, Harihar died about 22/23 years after Kamal Mondal's death, and so if we take the admitted case of the parties that Harihar predeceased Braja Mohan then Harihar had died more than 12/13 years ago. So, according to the admitted case of the parties and the statement of D. W. 2 we get that Kamal Mondal must have died much more than 35/36 years ago. i.e. long before the Hindu Women's Right to Property Act 1937 came into operation, but as I have already observed that



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observed that the documentary evidence, namely, the c.s. ~~xxxxx~~ parchas go to support the plaintiffs' case that Kamal Mondal died before the c.s. operation which took place before the year 1931 and as such the plaintiffs' case that Kamal Mondal died long before the Hindu Women's Property Act 1937 came into operation becomes ~~proved~~ ^{proved} the defendants' story that Kamal Mondal died on 19th March 1347 B.S. becomes disproved by the evidence also D.W. 1 the defendant no.1 himself and also by the aforesaid documentary evidence on record.



Much has been stressed by the defendant no.1 on the evidence which has been adduced in the suit to the effect that Kamal Mondal was cremated in the Garia Mahasman and shortly after his death a marble slab in his memory was affixed on the wall of this Sman and so it has been argued for the defendant no.1 that Kamal Mondal had died sometime in the year 1347 B.S. i.e. after the aforesaid Act of 1937 came into operation. Defendant no.1 has filed two photographs of the slab allegedly affixed on the wall of the Garia Mahasman which have been ~~marked~~ ^{marked} X and XI for identification in this suit. No attempt has been made by the defendant no.1 to get these photographs ~~marked~~ ^{marked} and

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and to show when these photographs were taken. Defendant no.1 has examined Gour Mohon Banerjee (D.W. 1) who has claimed to be the Honorary Secretary of Adi Mahasasan at Garia. He has stated that he used to know Kamal Mondal and that he died in the year 1347 B.S. He has stated that there is a slab affixed in this Smasan showing the date of birth and death of Kamal Mondal and that the slab was affixed there 2¹/₂ or 3 months after his death. In his evidence D.W. 1 has stated that he was a member of the Smasan Samity prior to his becoming its Secretary in the year 1954 and that he was its member since 1939. D.W. 2 has stated that he knows D.W. 1 and that D.W. 1 has become a member of the Smasan Samity recently. Not a single paper has been filed by the D.W. 1 to show that he is the secretary of the Smasan since 1934 or that he is connected with the Smasan Samity since 1939. D.W. 2 contradicts the statements of D.W. 1 in this respect. There is also no paper to show as to when the slab was affixed on the wall of the Garia Mahasasan. As I have already mentioned above that the defendant no.1 has not taken any step to prove the alleged photographs showing the affixation of the slab in the memory of Kamal Mondal on the wall of Garia Mahasasan.



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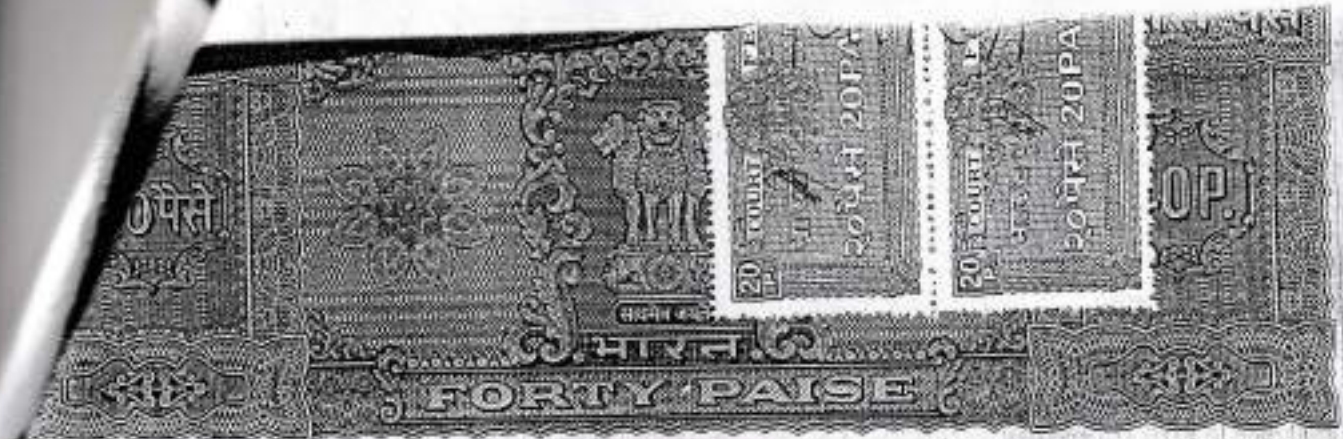
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Sanja Mahasman and in view of the aforesaid contradictory statements of D.W. 1 and D.W. 2, I am unable to place any reliance on the story told by the defendant no.1 about the affixation of the slab on the wall of the Mahasman shortly after the death of Kamal Mondal. The defendant no.1 has not also been able to produce any evidence as to when the alleged marble slab was prepared by whom. I am unable to believe the statements and also the statements of D.Ws. 2 and 3. In this connection it may be mentioned that defendant no.1 who is stating about this story of affixations of a slab on the wall of the Mahasman at the time of trial, has not make a whisper about this important fact in his written statement. If really the slab was affixed before the filing of the written statement then surely we would have certainly found its mention in his written statement. But he has not done so. This shows that it is an after thought of the defendant no.1 and it can be said that all these about affixations of the slab and taking of photographs etc were done after the filing of the written statements in the suit. Thus, I find that the plaintiffs are unable to prove beyond doubt that Kamal Mondal died before



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doubt that Kamal Mondal died before the c. s. operation which took place before the year 1931 and that, as such, I find that Kamal Mondal having died long before the Hindu Womens' right to property act 1937 came into operation. the proforma defendant no. 5, namely his wife, acquired no interest in the properties left by Kamal Mondal after his death. Accordingly, I find that the defendant no.1 acquired no title to the suit property by virtue of his purchase from proforma defendant no.5 and the defendant no.1 only acquired title to the suit property to the extent of his share by virtue of maintenance and also by virtue of maintenance and also by virtue of his admitted purchase from defendant no.4, his sister. I find that Braja Mohan alone inherited the suit properties from Kamal Mondal and, as such, after his death, the plaintiffs and the defendants no.1 to 4 acquired title to the suit properties by virtue of inheritance in accordance with their respective shares therein.



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S. C. GHOSH, Notary
No. 1, India

Now, let us come to the question of whereat which the plaintiff parties have acquired in the suit properties. Admittedly, Braja Mohan died leaving the plaintiff no.1 as his son, plaintiff no.2 as his daughter and the defendants 1 to 4, the heirs of his predeceased son

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son Harihar. Accordingly, I find that the plaintiff to no. 1 and plaintiff no. 2 acquired 1/3rd share each in the suit properties and the defendants 1 to 4 jointly acquired 1/3rd share in the suit properties by virtue of inheritance from Braja Mohan Mondal. Thus, taking the purchase of the defendant no. 4's share by the defendant no. 1 in consideration. I find that the defendant no. 1 has 1/12th share in the suit properties and the defendants 2, 3 and 4 each have 1/12th share therein. Defendant no. 1 has no objection to the partition of the suit properties by metes and bounds. I accordingly find that the plaintiffs are entitled to a decree for partition in respect of their shares as stated above by metes and bounds. The defendants aforesaid shares in the suit properties shall also be partitioned by metes and bounds. In the result, I find that the plaintiffs are entitled to a decree for partition for their respective shares in the suit properties as prayed for.



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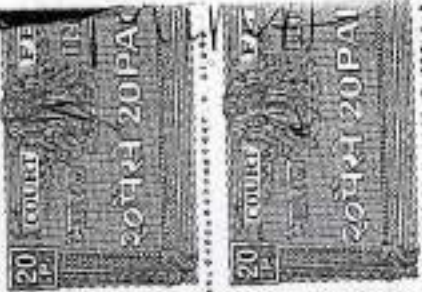
I decide both these issues in favour of the plaintiffs.

Issue no. 5 :- In the result, the suit succeeds. Court fees paid on the plaint are correct.

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Notary Public

It is accordingly ordered that the suit be and

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प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निर्दिष्ट तारीख Date fixed for notifying the requisite number of stamps and folios.	अवश्या स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

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suit be and the same is hereby decreed in preliminary form on contest against the defendant no.1 and ex parte against the rest without any costs upto this stage. The plaintiff -s 1/3rd share each (i.e. 1/3rd for plaintiff no.1 and 1/3rd share for plain iff no. 2) in the suit properties is hereby declared and it is further declared that defendant no.1 has 1/6th share and the defendant nos 3 each have 1/12th share in the suit properties. The plaintiffs do get a decree for partition of their aforesaid shares in the suit properties against the defendants by metes and bounds , The defendants are given one month's time to effect amicable partition of the suit properties in accordance with the aforesaid shares of the respective parties therein, failing which a commissioner shall be appointed on the prayer of the plaintiffs or any of the defendants nos 1, 2 and 3 to effect partition of the suit properties by metes and bounds, as stated above.



**TRUE COPY
ATTESTED BY ME**

Sd/-
S. C. GHOSH, Notary
Notary Public

Dictated and corrected by me
Sd/- R.N. Mukherjee
S.J. 17.8.71

Sd/- R.N. Mukherjee
Sub-judge 3rd court
Alipore.
17.8.71.

typed by jaim dep. 31702. 2006

प्रतिपि के लिए आवेदन की तारीख Date of application for the copy.	राम्य और कोरि संख्या सुचित न तारीख Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	प्रतिपि देने की तारीख Date of making over the copy to the applicant.
21.9.87	5.2.88	8.2.88	27.2.88	4.9.88

-15-

Filed on 16th August 1977.

Final decree.

In the court of 3rd subordinate judge Alipore.

T.S. no. 58/1965. Instituted on 21.4.65.

1. Harekrishna Mondal s/o late Brojmoohan Mondal
 2. Sm Shaila Bala Mondal w/o late Suresh Mondal
- both residing at Brojmoohan Mondal Road, p.s. Jadavpur, District 24-parganas



-versus-

1. Khagendra Nath Mondal
 2. Radha Gobinda Mondal
 3. Harihar Mondal
 4. Padmstala Naskar
- no. 1 to 3 residing at Brojmoohan Mondal Road, at Purba Rajpur p.s. Jadavpur, 24-parganas
4. Padmstala Naskar w/o Sri Lalit Mohan Naskar, residing at village Kheyadaha p.s. Sonarpur, 24-parganas

Defendants

5. Sm Jhathi Mondal w/o late Kansal Mondal (Amended v.o. dt 7.2.66) pro-defendant

Suit for partition, valued at Rs. 69,000/-

This suit coming on this day before Sri B.Pal sub-judge in the presence of Sri Biswanath Ghosh advocate for the plaintiffs and none for the defendants. It is ordered that the suit be decreed finally in terms of the commissioner's

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**L. S. GHOSH, Notary
Govt. of India.**

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-16-

commissioners report, Field book and map. which do form part of the Final decree.

Schedule (I) All those pieces and parcels of land in R.S. Khatian no. 132 of J.L. No. 14, Mouza Rajapur, p.s. Jadavpur, in R.S. Plotno. 979, of the said Mouza Area 0.49 acres. Value Rs. 6,000/-

2. All these pieces and parcels of land recorded in R.S. Khatian no. 129 of the said Mouza p.s. and District

Plot no.	Nature	Area
601		.13
608		.06
614		.24
640		.07
		<u>.50 acres</u>



Valued at Rs. 15,000/-

3. All these piece and parcels of land in R.S. Khatian no. 127 of said Mouza and the said p.s. and District in plot no. 370 of the said Mouza Area .17 acres valued at Rs. 10,000/-

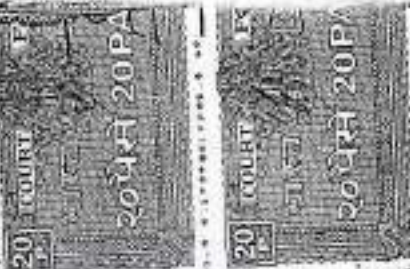
4. All these piece and parcels of land recorded in R.S. Khatian no. 470 of the said Mouza p.s. and District comprised in R.S. Plot no. 689 of the said Mouza Area 41 acres. Valued at Rs. 20,000/-

5. All these piece and parcels of land recorded in R.S. Khatian no. 122 of the said Mouza p.s. and District.

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S.C. Ghosh
 S. C. GHOSH, Notary
 Dist. of India

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-16-

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Schedule (I) All those pieces and parcels of land in R.S. Khatian no. 132 of J.L. No. 14, Mouza Rajapur, p.s. Jadavpur, in R.S. Plotno. 979, of the said Mouza Area 0.49 acres. Value Rs. 6,000/-

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Plot no.	Nature	Area
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		.50 acres

Valued at Rs. 15,000/-

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4. All those piece and parcels of land recorded in R.S. Khatian no. 470 of the said Mouza p.s. and District comprised in R.S. Plot no. 689 of the said Mouza Area 41 acres. Valued at Rs. 20,000/-

5. All those piece and parcels of land recorded in R.S. Khatian no. 122 of the said Mouza p.s. and District.



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S. C. GHOSH, Notary
Govt. of India

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भारत
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36
प्रतिनिधि के लिए आवेदन की
तारीख
Date of application for
the copy
May - 7/77
ER

स्टाम्प और फोलियो की अपेक्षित
संख्या सूचित करने की तिथि
तारीख
Date fixed for notifying
the requisite number of
stamps and folios.

F-74 PFI-75D
अपेक्षित स्टाम्प और फोलियो
देने की तारीख
Date of delivery of the
requisite stamps and
folios.

तारीख, जबकि कॉपी के लिए
प्रतिनिधि तैयार थी
Date on which the copy
was ready for delivery.

आवेदक को प्रतिनिधि देने की
तारीख
Date of making over the
copy to the applicant.

ER - 3783
dt. 5/2

Plots nos

1. 462 .03 acre

2. 686 .33 acres.

Total .36 . Value det Rs.

Total value of the dit properties Rs. 65,000/-

Given under my hand and the seal of this court this 14th
day of September 1976.



Sd/- B.Pal
sub-ordinate judge 3rd
court, Alipore 24-9-76
7.9.77.

typed by :mim cas.

17.2.88

Mim

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ATTESTED BY ME

[Signature]
T. G. GROSE, Notary
Govt. of India.

Attested by me
[Signature]

13 OCT 2006



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

-1-

Filed on 9th December 1975.
 In the Third court of the subordinate judge at Alipore.
 Title suit no. 58 of 1965.

Patit Baban Mondal and another.....pl

-versus-

Khagendra Nath Mondal and other...



Sir,

Having been appointed commissioner for settling partition in the above noted suit. I started work after service of due notices to the parties. The work was started on 9.3.1975, and is now completed. The plaintiff no.1 Patit Baban Mondal, the plaintiff no.2 Sm Sailabala Mondal and the defendant no.1 Khagendra Nath Mondal representing himself and other defendants were always present at the locale at the time of measurements of the suit lands, and took part in the identification of the suit lands. The measurements were made with a 100 ft tape and a prismatic compass.

The parties could not identify the suit property as some of the plots got mixed up with the contiguous plots of the third parties. It was suggested by the parties that the recent survey map namely the Revisional

*Made Part of the
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 Sd/- B. Pat.
 7.9.79*

*As per
 ✓ C*

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-2-

Revisional survey map which they have supplied should be relayed on the spot to find out the exact positions of the suit plots. The suit plots were accordingly relayed on the spot to separate them from the contiguous plots of the third parties. The red- lines indicate the stations nos 1,2,3, 4 x The four corners of the plaintiff no.1 and the defendant no.1 state these stations nos 1- 4 are fixed in position and I found them in position since before the R.S. survey operations.



My map is drawn in black firm and dotted lines. The R.S. Map which is a replice of the c.s. map is drawn in red lines and the R.S. daga and their corresponding c.s. daga nos are given in red figures. My Chitta daga numbers are given in green figures. The saham of the plaintiff no 1 Patit Paban Mondal is shaded jambage. The saham of the plaintiff no.2 Sm Sailebala Mondal is shaded orange and in residuary saham of the defendants is shaded blue. The Egnali Saham of the three parties is coloured burnt amber. The case map is drawn to a scale of 66' ft= 1"inch. other details may be gathered from the case map. Saham

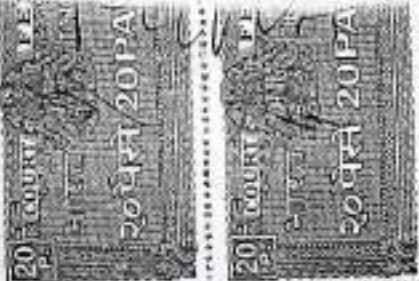
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T. G. Ghosh
T. G. GHOSH, Notary
 Govt. of India
C/2

Compared by *[Signature]*

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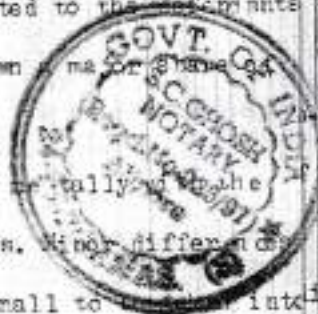


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Saham no. (b) that is my chitta deg no. 194 which is kept -t ejmali as between the plaintiff no.1 and the defendants to afford them a common passage or approach to the main road is coloured. light green. The undivided .06 acres of the tank in R.S. deg no. 674 allotted to the defendants is left uncoloured as third parties own a part of this tank.



The suit plots as measured by the survey are as recorded in the R.S. Khatisans. Minor differences in area in one or two cases are too small to be taken into consideration (vide my chitta sheets which are made a part of this report together with valuations and saham sheets).

I now take up the suit plot adseriation.

R.S. plot no. 420/ C.S. Plot no. 370 1-

This is the most valuable plot as it is situated within less than half a forlong of the main Jadabpur -Sanahpur metalled road. A portion of this plot on the east side of the road forms the major part of a road called the ... ja Mohan Mondal Road. I am told that the three parties to the suit, the plaintiff no.1, the plaintiff no.2 and the defendants or their predecessors contributed some

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C. C. GHOSH, Notary
Govt. of India

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[Signature]



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some lands for this road named after their grand father late Braja Mohan Mondal. The relayed red line forming the eastern boundary of this plot indicate the extent of the area engulfed by this road from trees R.S.



The value of this plot per katta as stated by the plaintiff no.1 as Rs. 2500/- . But the defendant no. 1 put the price of even the hinder part of the plot namely the southern most portion at Rs. 3250/-. I take the mean and put its value at Rs. 3000/- per katta. Most part of this suit dag on the north had been sold off and only about five cottaks thereof forming the southern most part now actually come under partition (vide ekitta valuation sakhs sheets which are all made parts of this report). This southern most 5 cottaks land is divided amongst all the three sharers the plaintiff no.1 the plaintiff no.2 and the defendants almost equally and as desired by them. vide case map and sakhs sheets which are made parts of this report).

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**C. CHOSH, Notary
Govt. of India**

R.S. Dag no. 689/ C.S. Dag no. 623-

This plot is a sali & land. But the plaintiff no.2 has now constructed her pucca house on the western part of this dag. The western part of the dag is now a

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a raised white land and measured 5K.7Ch. 33 sq.ft On the northern portion of this plot there was a doha about 3 kettas in area. This doha has now been enlarged. During the pendency of the proceeding. This enlarged portion beyond the previous 3 katta Doha is therefore valued along with the remaining lands of this dag which is 3 ft lower in level than the homestead land of the plaintiff no.1 and the defendants and the homestead of the plaintiff no.2 is valued per katta @ Rs. 2250/- It may be noted here that this plot through original land and its western partition was raised by the plaintiff no.2 at her own costs, its front portion forming the homestead of the plaintiff no.2 which abuts on the Rojan-chan Mondal Road is valued at Rs. 2500/- per katta and its hinder portion on the east further off from the road is valued at Rs 2250/- per katta. There are no fruit bearing trees on this plot. This entire plot is allotted to the plaintiff no.2.



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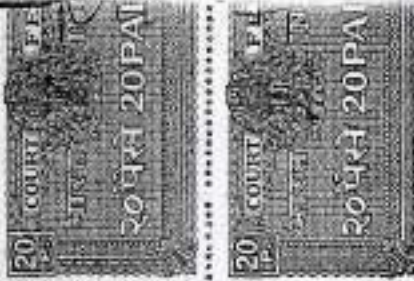
J.C. Ghosh
 J. C. GHOSH, Notary
 Govt. of India

P.S. dag no. 686/C.S. 620:-

This plot is a danga land and is about 2-3 ft higher level than the hinder partition of the R.S. Dag no. 689. The northern half of this plot constitute the Homestead

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of the defendants and on the southern half stands the Homestead of the plaintiff no. 1. There are a good number of fruit bearing co- coconut trees on this plot in common of both the plaintiff no.1 and the defendant. The value of this plot per kavta is laid at Re. 300/- as stated by the plaintiff no.1 and acquired in 1911 by the plaintiff no.2 and the defendants no.1 (vide their depositions). I accept this valuation and allot the northern half of this plot to the defendants and the southern half to the plaintiff no.1 as desired by all the three parties. The trees go with the lands and are not separate valued. The parties did not desire it either.



R.S. dag no. 706/ C.S. 640 in

This dag is a darga land its further off from the main road and has no direct approach to any of the two roads on the east or the west. The value of this dag is put by the plaintiff no.1 at Re. 1000/- and acquired in by the two other sets of shares. The plaintiff no.2 and the defendants. I accept this valuation. The plot is allotted to the defendants as desired by all the three parties.

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A. G. SHUKLA, Notary
Govt. of India

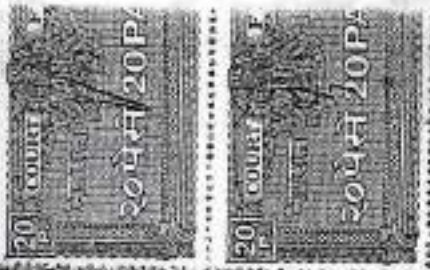
R.S. dag no. 674/ C.S. Dag no. 608 in

Compared by ME

Only a portion of this dag which is a tax

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-7-

tank is in suit. The area of the partition in suit is .06 acres (6 cents) which is equal to ₹. 10 ch. 3 sft. The value of this tank portion is put at Rs. 200/- per katta. All other tanks or dobas in suit have been valued at the same rate. All the three parties agreed that I should put the value of the Dha or tank in suit @ Rs. 200/- per katta as there is no demand for them at the rate served to me too low and I called for documents in support of the statements of the parties. Documents could be produced. I accepted this low value of Rs. 200/- per katta for the dobas and tanks with some mental reservation. According to the Land Acquisition Manual the value of tank or doba is generally calculated at half the rate of the solid lands. This undivided share six decimals in area is allotted to the defendants as desired and agreed to by all the three parties and is left uncoloured as third parties own major share of this tank.



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[Signature]
S. S. GEORGE Notary
Notary of Tank

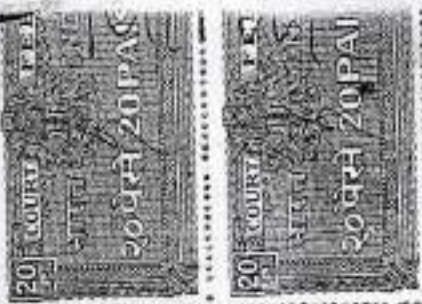
R.S. 660/C.S. 614 :-

This deg is divided into two parts. Its northern half is a tank and its southern six half is a homestead. The tank partition is valued @ Rs. 200/- per katta for reasons embodied in the foregoing paragraphs. The

13 OCT 2006

[Signature]
Advocate

उपैसे



भारत
FORTY PAISE

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Date of application for
the copy.

स्टाम्प और फोलियो की अपेक्षित
संख्या सूचित करने की निश्चित
तारीख
Date fixed for notifying
the requisite number of
stamps and folios.

अपेक्षित स्टाम्प और फोलियो
देने की तारीख
Date of delivery of the
requisite stamps and
folios.

तारीख, जबकि देने के लिए
प्रतिलिपि तैयार थी
Date on which the copy
was ready for delivery.

अवेदक को प्रतिलिपि देने की
तारीख
Date of making over the
copy to the applicant.

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The Homestead portion on the south together with the west-
ern bank of the tank is valued per katta @ Rs. 2000/- as
stated by the plaintiff no.1 and acquiesced in by all the
other interesting parties namely the plaintiff no.2 and the
defendants. There are good many fruit bearing trees
of various descriptions including co-conut trees on the
southern half of this dag and on the western bank of this
dag. The trees go with the lands as desired by the parties
and are not separately valued. This dag is somewhat in
the interior and is about 400 ft further east of the Brajmohan
Kondal Road on the west. This plot is allotted to the
defendants as agreed to by all the three parties.



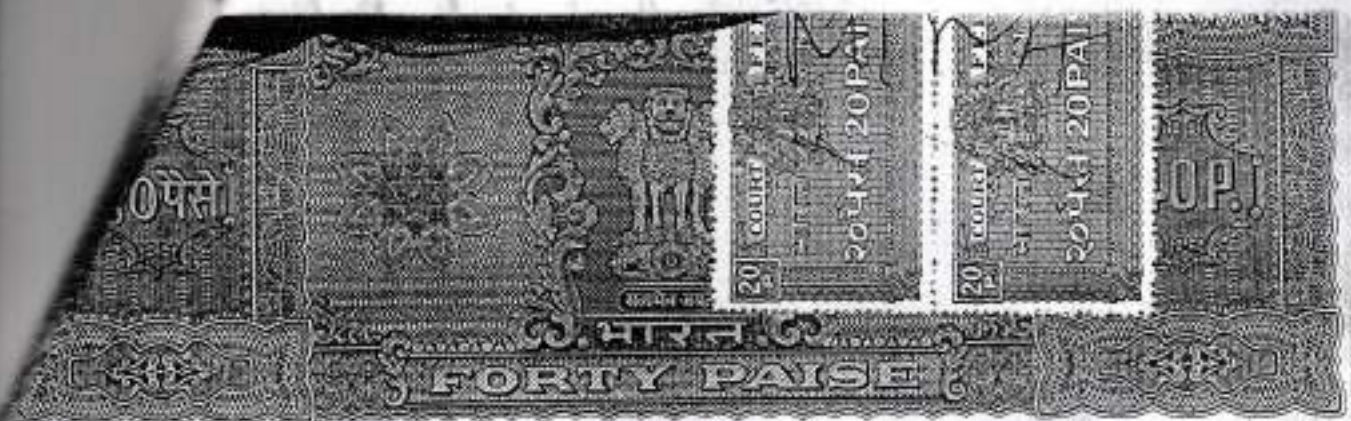
R.S. dag no. 667/C.S. 601 :-

This dag is a danga land. It is about 50 ft off from the
Main Road (Broja Mohan Kondal Road) and has a further
advantage of an - eight foot or 6600/- passage to its
immediate north connecting it to the Brajmohan Kondal Road
-d. The plaintiff no.1 in his deposition put the value
of this plot per katta at Rs. 2000/- . This seemed to me
a bit low in view of the fact that the rate of valuation
per katta of R.S. Dag no. 680 which is about 100 ft fur-
ther east in the interior is valued by the plaintiff no.1

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Notary of India

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at the same rate of Rs. 200/- . The two plots apparently cannot be valued at the same rate because the R.S. dag no. 667 stands at a far more advantageous position than the R.S. plot no. 660. Though this plot has had some bearing trees. I am told by the plaintiff no. 1 that the plaintiff no. 2 on this plot does not bear any fruit. And the defendant no. 3 on it is in a lying condition. This plot was allotted to the plaintiff no. 1 as desired by him and was acquired in by all the three parties.



R.S. dag no. 1034/ C.S. 979 :-

This dag is a low Bill land further off from the other out lands. The plot is nearer to Baghajatin Railway station . The crew fly distance of this plot from the Baghajatin Railway station would be about one forlong. But there is no direct route connecting this plot with this Railway station for the present. The plaintiff no. 1 wanted this plot to be allotted to him and the other two parties namely the plaintiff no. 2 and the defendant did not raise any objection. The plot is therefore allotted to the plaintiff no. 1. The plaintiff no. 1 put the valuation of this plot @ Rs. 200/- per katta. I could not accept it for the obvious reason that it is very near to the Baghajatin Railway

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पैसे

40P.

40 Paise
FORTY PAISE

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station and has a potential value all its own. The plot dries up in winter. I found it dry at the time of my survey I put the value of this plot at Rs. 300/- per katta.

I now take up the sahan and seriation.

Sahan no. 1(a) - This is the ejmali sahan allotted to the plaintiff no.1 the plaintiff no.2 and the defendant. It consists of my chitta daga nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and measure 26400 sq.ft and is valued at Rs. 13200/- only.

Sahan no. 2 :- This sahan is allotted separately to the plaintiff no.1. And it consists of my chitta daga nos 1a, 2a, 3a, 4a, 5a, 6a, 7a, 8a, 9a, 10a, 11a, 12a, 13a, 14a, 15a, 16a, 17a, 18a, 19a, 20a, 21a, 22a, 23a, 24a, 25a, 26a, 27a, 28a, 29a, 30a, 31a, 32a, 33a, 34a, 35a, 36a, 37a, 38a, 39a, 40a, 41a, 42a, 43a, 44a, 45a, 46a, 47a, 48a, 49a, 50a, 51a, 52a, 53a, 54a, 55a, 56a, 57a, 58a, 59a, 60a, 61a, 62a, 63a, 64a, 65a, 66a, 67a, 68a, 69a, 70a, 71a, 72a, 73a, 74a, 75a, 76a, 77a, 78a, 79a, 80a, 81a, 82a, 83a, 84a, 85a, 86a, 87a, 88a, 89a, 90a, 91a, 92a, 93a, 94a, 95a, 96a, 97a, 98a, 99a, 100a and measures 35713 sq.ft and is valued at Rs. 56917.60 paise.

The plaintiff in his 1/3rd share in the suit property is allotted Rs. 56917.60 paise .

But he is entitled in his 1/3rd share to property worth

Rs- 54279.29 $\frac{1}{3}$ P

Excess- Rs. 2638.30 $\frac{2}{3}$ P

This excess amount of Rs. 2638.30 $\frac{2}{3}$ P the plaintiff 1 shall pay as owelty money to the defendants nos 1- 3 who suffer from deficit of Rs. 2781.15 $\frac{1}{3}$ P.

Sahan no. 3 - This sahan is allotted to the plaintiff no.2

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exclusively in her 1/3rd share. It comprises my chitta plots nos 3, 4+ 4c, 4b, 1a3 and measure 18316 1/2 sqft and its value is Rs. 54422.14 paise.

The plaintiff no.2 in her 1/3rd share is allotted to property worth Rs. 54422.14 paise.

But she is entitled to property worth Rs. 54279.29 1/3 p.

Excess. Rs. 142.84 2/3



This excess amount of Rs. 142.84 2/3 the plaintiff shall pay as owelty money to the defendants nos 1-3 who suffer from deficit to make good the remainder of their deficit.

Saham no. 4- This saham is allotted to the defendants in their residuary 1/3rd share. It comprises my chitta daga nos 1a2, 5, 7, 12, 13, 14+ 14a chitta 8+ 9+ 10/ .06 acres 1/2 of chitta 1a4 and measures 25047 1/2 sq.ft and its total valuation is Rs. 514.98 .14 paise.

The defendants in their 1/3rd share are entitled to the property worth Rs. 54279.29 1/3 p.

But they are allotted property worth Rs. 51498.14 paise

Deficit Rs. 2781.15 1/3

The defendants shall get from the plaintiff and the

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was ago leaving behind him



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and the plaintiff no.2 owelty money to the extent of Rs. $2636.30 \frac{2}{3}$ and Rs $142.84 \frac{2}{3}$ p respectively to make good in the deficit they suffer from the total amount being Rs. $2781.15 \frac{1}{3}$ p

As directed by the writ of commi-
 vided the properties in suit amongst the several shares to the best of my skill and ability in the shares set any in the decree and have awarded sums to be paid by one party to the other to equalise the value of the shares.



I have allotted the several plots to the respective parties according to the agreed suggestions as put forward in their statements before me. As regards valuations I have practically accepted the rates as suggested by the parties with slight variations for cogent reasons as embodied herein in the foregoing pages. Possession of the several parties have been respected and maintained as far as practicable.

The total area of the suit lands is 107565 sq.ft and only and the total value thereof is Rs. 276084.98 paise.

The case map, the field book the ditta valuations and the zabans Book are all made parts of this report and are noted at the margin.

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Attested by me
G. S. GEORGE



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All papers taken from the court or supplied by the parties
 at returned herewith as per firisti.

Paper filed. 1. Report- 8 k sheets. 2. Case map- 1 sheet
 3. Field Book- 8 sheets. 4. Chitta - valuation Saham Book
 6 sheets. Total - 23 sheets.

I have the honour to be

Sir

Yours most faithfully

Harendra Kumar Chakraborty.

Advocate commissioners



5/6.12.75

typed by jimi m das.

[Handwritten signature]
 17.2.88

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[Handwritten signature]
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Compared by MS
[Handwritten signature]
 Adrooid

... years ago leaving behind him