

HIGH COURT FORM NO. ( J ) 53

GRANT OF PROBATE OF WILL (1)

Dist: 24 Parganas (South) [SECTION 289 OF THE INDIAN SUCCESSION ACT 1925 ]

IN THE COURT OF THE LEARNED DISTRICT DELEGATE AT ALIPORE  
ACT 39 CASE NO. 44 OF 2008 (PROBATE)

I, C.H. KARIM, CIVIL JUDGE (JR. DIVN.) 3RD C ALIPORE.

(1) Judge of the District  
or of Delegate  
appointed for granting  
Probate or Letters  
of administration in  
(Here insert the limit  
of the Delegate's  
Jurisdiction)

hereby make known that on the 26TH day of OCTOBE

In the year 2009. the last will

of Bimal Chandra Bhattacharjee ~~late~~ s/o late  
Ashutosh Bhattacharjee of 30, Kabir Road, P.S.  
Tollygunge, Kolkata - 700 026. .. Deceased.

a copy whereof is hereunto annexed, was proved and

registered before me, and that administration of the property  
and credits of the said deceased, and in any way concerning

his will, was granted to 'Shri Utpal Bhattacharyya, 2. Shri  
Himangsu Bhattacharyya both sons of late Bimal Chan  
Bhattacharjee, both residing at 30, Kabir Road, P.S.  
Tollygunge, Kolkata- 700 026, District 24-Parganas(  
the Executor in the said Will named, he having undertaken

to administer the same and to make full and true inventory  
of the said property and credits, and exhibit the same in the  
Court within six months from the date of this grant or within  
such further time as the court may from time to time appoint  
and also to render to this court a true account of the said  
property and credits within one year from the same date  
or within such further time as the Court may from time to  
time appoint.

Granted 7th day of December, in the

15 DEC 2009 year 2009.

under the seal of Court:

1. The maximum court of Rs.50,000/- is paid.
2. The court fees are found correct.

xdcy

ATTESTED

SUKUMAR GHOSMI  
NOTARY GOVT OF INDIA  
199 OF 1985

DISTRICT DELEGATE,  
ALIPORE, SOUTH 24 PARGANAS.

Chief Delegates  
South 24 Parganas  
Alipore



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SCHEDULE 'A'

(Schedule of Assets in respect of which probate is applied for).

- 1) ~~X~~ ✓ Entire three storied brick built building lying and situate at the Municipal premises No.2A, Kabir Road, Kolkata-700 026.
2. Undivided 1/9th share of the building lying and situate at 30, Kabir Road, Kolkata-700 026.
3. Undivided half share of the house property lying and situated at 14A, Nepal Bhattacharjee Street, Kolkata-700 026.
4. 14A, Nepal Bhattacharjee Street, Kolkata-700 026, situates in partnership firm M/s. Deepcon.
5. Undivided 1/9th share of the premises No.67D, Tollygunge road, Kolkata-700 026.
6. Undivided 1/9th share of the house property at the premises No.1B, Mukherjee Para Road, Kolkata-700 026.
7. Undivided 1/9th share of Basty land at Tollygunge Road, Kolkata-700 033.
8. Property of land with tin shed godowns at 69/1/1 and 69/2, Chetla Road, Kolkata-700 027.
9. Undivided 1/9th share of premises No.1B, Mukherjee Para Road, Kolkata-700 026.
10. The premises Nos. 69/1/1 and 69/2, Chetla Road, Kolkata-27
11. Also Cash Bank Balances, Fixed Deposits, Shares, Kishan Vikas Patra, Deposits with Unit Trust of India, Deposit with Post Office.

Total Valued at Rs. 10,00,000/- (Approx).



15 DEC 2009

*[Signature]*  
District Delegate  
South 24-Parganas  
Alipore

**ATTESTED**  
*[Signature]*  
**(SUKUMAR WISMI)**  
NOTARY GOVT OF INDIA  
199 OF 1985.

Bimal Kumar Banerjee

Notary

B. Com. LL. B.

CALCUTTA & 24-PARGANAS.

Professional Address:

C. M. M's Court

Compound

2, Bankshall Street.

Calcutta-700001.

### Notarial Certificate

(Pursuant to section 8 of The Notaries Act, 1952)

TO ALL TO WHOM THESE PRESENTS shall come, I, B.K. Banerjee, duly authorised by the Central Government to practise as a NOTARY do hereby verify, authenticate, certify, attest as under the execution of the instrument annexed hereto collectively marked "A" on its being executed, admitted and identified by the respective signatories as to the matters contained therein, presented before me.

According to that this is to certify, authenticate and attest that the annexed instrument "A" is the original will executed by late Bimal Chandra as per Bhattacharyya the late

PRIMA FACIE the annexed instrument "A" appears to be in the usual procedure to serve and avail as needs or occasions shall or may require for the same.

IN FAITH AND TESTIMONY WHEREOF being required of a NOTARY I, the said notary do hereby subscribe my hand and affix my seal of office at Calcutta on this the 20 day of May in the year of Christ 1999

*B.K. Banerjee*  
B. K. BANERJEA  
NOTARY

26/5/1999



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W I L L

THIS IS THE LAST WILL AND TESTAMENT OF ME, SRI BIMAL CHANDRA BHATTACHARYYA son of Late Ashutosh Bhattacharyya aged about 79 years, by faith Hindu, by occupation Landlord at present residing at 30, Kabir Road, P.S. - Tollygunge, Calcutta - 700 026.

I am to-day in good health and of sound mind.

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- 1) I do hereby revoke all my former wills or codicils, if any, heretobefore made or done by me and DECLARE this to be my LAST WILL AND TESTAMENT which shall come into force and operation after my death.
  
- 2) My wife Smt. Hiranmayee Bhattacharyya died on 26.03.1997. My present family consists of my two sons namely Utpal Bhattacharyya aged about 48 years and Himangshu Bhattacharyya aged about 47 years, both are married. I have also two daughters, namely Manjushree Bhattacharyya aged about 52 years married to Sri Triptisampad Bhattacharyya and Shila Saha aged about 50 years married to Sri Sanjib Kumar Saha. All my sons-in-law are well placed in lives and they have been living in perfect peace and happiness.

BIMAL KUMAR BANERJEA,  
NOTARY  
C. M. M.'S COURT CAMPUS,  
8, BANKSHALI STREET,  
CALCUTTA - 700 001

26 MAR 1998

*Bimal chandra Bhattacharyya*

Contd...2

*Bimal chandra Bhattacharyya*



- 3) I am now absolutely seized and possessed of
- a) Entire three storied brick built building lying and situated at the Municipal Premises No. 2A, Kabir Road, Calcutta - 700 026.
  - b) Undivided 1/9th share of the building lying and situated at 30, Kabir Road, Calcutta - 700 026 at present myself and my other family members are residing at the same premises. The said building was inherited by me from my father Ashutosh Bhattacharyya on his death on 6th April, 1991.
  - c) Undivided half share of the House Property lying and situated at 14A, Nepal Bhattacharjee Street, Calcutta - 700 026 and remaining half share (undivided) is at present seized and possessed jointly by my two sons namely Utpal Bhattacharyya and Himangshu Bhattacharyya. The said house property was purchased jointly by myself and my brother Nirmal Chandra Bhattacharyya in the year 1948. My said brother Nirmal Chandra Bhattacharyya died in the Month of December, 1975 and his portion (half share) was vested to my father Ashutosh Bhattacharyya by virtue of succession as per Hindu Succession Act and subsequently my father Ashutosh Bhattacharyya gifted his half share of the said property alongwith rights to land and easement and also other rights to my said two sons namely Utpal and Himangshu.

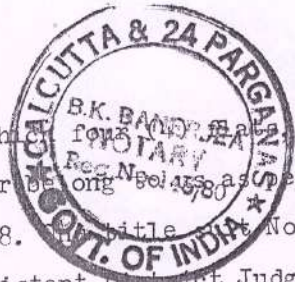
That an agreement was made between myself and my father Late Ashutosh Bhattacharyya with one Partnership Firm styled M/s. Deepcon having its office at Kali Temple Road, Calcutta - 700 026 now at 14A, Nepal Bhattacharjee Street, Calcutta - 700 026 on 3rd June, 1988 for Developing and Constructing a four storied

**BIMAL KUMAR BANERJEA,**  
N O T A R Y  
C. M. M'S COURT CAMPOS  
2, BANKBEALL STREET,  
CALCUTTA - 700 001

building on the vacant plot of Land in front portion of the old building at 14A, Nepal Bhattacharjee Street, Calcutta - 700 026. Accordingly developer constructed four storied building on the

said land measuring an area of 2 cottah 9 chittach and contained

*Bimal Chandra Bhattacharyya*  
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8 (eight) self contained flats out of which four flats are on the roof right and one garage on the ground floor belong to me as per Development Agreement dt. 3rd June, 1988. A title suit No. 69 of 1992 is pending in the 4th Court of Assistant District Judge, Alipore in respect of the said newly constructed building.

The old building is lying on the back portion of the newly constructed building lying and situated at 14A, Nepal Bhattacharjee Street, Calcutta - 700 026. The said building contain 7 flats. Out of 7 flats five are occupied by Tenants, one flat is vacant and one flat is occupied by my eldest daughter Smt. Manjushree Bhattacharyya who at present residing there with her other family members free of rent. I possess undivided half share of the said old building.

- d) Undivided 1/9th share of the premises No. 67D, Tollygunge Road, Calcutta - 700 026 from my father Late Ashutosh Bhattacharyya on his death. The said house property is at present fully occupied by the Tenants.
- e) Undivided 1/9th share of vacant land measuring an area of one Bigha ten cottahs lying and situated at 91, Majlish Ara Road, P.S. Behala, Calcutta - 700 053 from my father on his death.
- f) Undivided 1/9th share of the house property at the premises No. 1B, Mukherjee Para Road, Calcutta - 700 026 from my father on his death.
- g) Undivided 1/9th share of Busty Land from my father which was purchased from one Sri Charan Mondal lying and situated at Tollygung Road, Calcutta - 700 033.

**BIMAL KUMAR BANERJEA.**  
N O T A R Y  
C. M. M.'S COURT CAMPUS,  
2, BANKSALL STREET,  
CALCUTTA - 700 001  
Portion of Land with tin sheed godowns therein lying and situated at 69/1 and 69/2, Chetla Road, Calcutta - 700 027.

*Bimal Chandra Bhattacharyya*



4) I hereby give devise and bequeath my above mentioned immovable properties to my beneficierees which shall take effect after my death fully and specifically detailed hereunder:-

a) Premises No. 2A, Kabir Road, Calcutta - 700 026 shall vest in my two sons namely Utpal Bhattacharyya and Himangshu Bhattacharyya in equal shares who shall hold and enjoy the same alongwith easement and all other rights attached thereto absolutely and forever.

b) My undivided 1/9th share in the premises No. 30, Kabir Road, Calcutta - 700 026 shall vest in my two sons namely Utpal Bhattacharyya and Himangshu Bhattacharyya in equal shares who shall hold and enjoy my said undivided 1/9th share in the said building alongwith easement and all other rights attached thereto absolutely and forever.

c)  
i) Out of my undivided 50% (half share) in the newly constructed building lying and situated at 14A, Nepal Bhattacharjee Street, Calcutta - 700 026 25% share (out of 50%) therein shall vest in my second daughter Smt. Shila Saha wife of Sri Sanjib Kumar Saha alongwith proportionate rights to land and easement and all other rights attached thereto and remaining 25% share shall vest in my eldest daughter Smt. Manjushree Bhattacharyya wife of Sri Triptisampad Bhattacharyya alongwith proportionate rights to land and easement and all other rights attached thereto provided she legally and completely vacate the possessin of the flat at old building as stated earlier lying and situated at 14A, Nepal Bhattacharjee Street, Calcutta - 700 026 (back portion of new

building) to my said two sons Utpal and Himangshu. If my daughter Manjushree will not vacate the said flat the remaining undivided 25% share in the newly constructed building shall vest in my two sons namely Utpal and Himangshu absolutely and forever.

BIMAL KUMAR BANERJEE,  
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C. M. M'S COURT CAMPUS,  
B. BANERJEE STREET,  
CALCUTTA - 700 001

Bimal Chandra Bhattacharyya



- c) ii) My undivided 1/2 (half share) in the old building with the vacant land lying and situated at the back portion of the newly constructed building being premises No. 14A, Chatterjee Street, Calcutta - 700 026 shall vest in my two sons namely Utpal and Himangshu in equal shares alongwith easement and all other rights attached thereto absolutely and forever.
- d) My undivided 1/9th share of the Premises No. 67D, Tollygunge Road, Calcutta - 700 033 shall vest in my two sons Utpal and Himangshu in equal shares alongwith easement all other rights attached thereto absolutely and forever.
- e) My undivided 1/9th share of vacant land lying and situated at 91, Majlish Ara Road, P.S. Behala, Calcutta - 700 053 shall vest in my two sons namely Utpal and Himangshu in equal shares absolutely and forever.
- f) My undivided 1/9th share in the premises No. 1B, Mukherjee Para Road, Calcutta - 700 026 shall vest in my two sons Utpal and Himangshu in equal shares alongwith easement and all other rights attached thereto absolutely and forever.
- g) My undivided 1/9th share at mainly Busty Land at Tollygunge Road, Calcutta - 700 033 shall vest in my two sons namely Utpal and Himangshu in equal shares alongwith easement and all other rights attached thereto absolutely and forever.
- h) The premises Nos. 69/1/1 and 69/2, Chetla Road, Calcutta-700 027 shall vest in my two sons Utpal and Himangshu in equal shares who shall hold and enjoy the said property absolutely and forever.

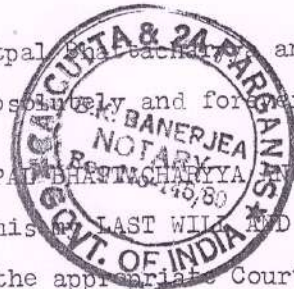
**BIMAL KUMAR BANERJEA**  
NOTARY  
G. M. M.'S COURT CAMPUS  
2, BANKSHALL STREET,  
CALCUTTA - 700 001

I HEREBY state that whatever estates, movables, immovables not specificall  
stated herein but which I possessed and also which I shall possess  
subsequently and also cash, Bank Balances, Fixed Deposits, Shares,  
Kishan Vikas Patra, Deposits with Unit Trust of India, Deposits wit  
Post Office and any other dues receivable by me at the time of my

*Bimal Chandra Bhattacharya* Contd...6



demise shall vest in my two sons namely Utpal and Himangshu Bhattacharyya in equal shares absolutely and forever.



- 6) I DO HEREBY APPOINT my two sons namely UTPAL BHATTACHARYYA AND HIMANGSHU BHATTACHARYYA as EXECUTORS to this my LAST WILL AND TESTAMENT who will take out probate from the appropriate Court of Law without furnishing any security therefor.
- 7) My Executors shall collect all my just dues and pay off my liabilities, if there be any, remaining unpaid at the time of my death.
- 8) My Executors shall spend such money as they may deem fit and proper for my funeral expenses and Sradh Ceremonies.

IN WITNESS WHEREOF I, BIMAL CHANDRA BHATTACHARYYA, have hereunto put my signature to this my LAST WILL AND TESTAMENT out of my free will and in good health and sound mind after fully understanding full meaning and impact of the same.

Dated, Calcutta the 26th day of March 1999.

Signed by Sri Bimal Chandra Bhattacharyya the TESTATOR as his LAST WILL AND TESTAMENT in presence of us, present at the same time who at the request and direction of the TESTATOR and in his presence and in presence of each other have hereunto set and subscribed our names as witnesses:

*Bimal Chandra Bhattacharyya*  
*Bimal Chandra Bhattacharyya*  
(Bimal Chandra Bhattacharyya)

- 1. Manju sree Bhattacharyya  
14A, Nepal Bhattacharjee Street  
Calcutta - 700026.
- 2. Shila Saha  
40D, Southend Park,  
Calcutta - 700029
- 3.
- 4.

Identified by me  
Saurin Kumar Mitra  
Advocate  
26/03/99

TESTATOR HAS APPEARED TO  
BY THE NOTARIAL CERTIFICATE

*[Signature]*  
E. BANERJEE  
NOTARY

26 MAR 1999 26/3/99

BIMAL KUMAR BANERJEE,  
N O T A R Y  
C. M. M.'S COURT CAMPUS,  
2, BANKSHALL STREET,  
CALCUTTA - 700 002

INSTRUMENT "A" dated... 26... day of  
..... March 19 99  
with

*Notarial Certificate*  
Dated. 26. day of. March 19 99



Shri B. K. Banerjee  
NOTARY PUBLIC  
CALCUTTA & 24-PARGANAS  
C. M. M's Court Compound.  
2, Bankshall Street,  
Calcutta-700 001.

