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24-PARGANAS DISTRICT

Examined and found to be a true copy and correctly stamped.
A. J. Kumar Sen
Alipore, 22/12/92
Comparing Clerk,
Dist. Judge's Court.

Certified to be true Copy
3/12/93
Sherlock J. Sub-Judge's Court
Munsif Court Alipore
Head Comparing Clerk, Alipore
Attested u/s 75 Act 1 of 1872



(63) (309) 'B'

14-10-92	10-12-93	10-12-93	23-12-93	6-1-94	
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ER-2917

District- 24 Parganas. (South).
 In the Court of the 1st Asstt. Dist. Judge at Alipore.
 Present- Sri P. L. Dutta. Asstt. Dist. Judge.
 Title suit no. 36 of 1983.

Sri Prabodh Chandra Paul.....plaintiff. -Versus-
 Sri Subhas Chandra Paul & others....Defendants.

Extract from the order sheet.
 Order no. 61 dt. 5.8.91.

Plaintiff files ^ahazira. Defendants files no hazira.

To day is fixed for hearing commissioner's report.
 No objection is filed on behalf of the parties.

Hence, the report of the commissioner is accepted.

Hence, it is,

Ordered.

That the suit be decreed finally in terms of commissioner's report. Commissioner's report, partition plan be made a part of the final decree.

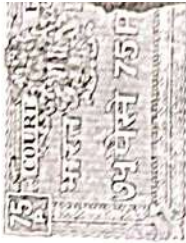
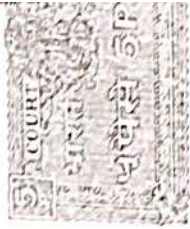
Dicted by me.

Sd/- Sri P. L. Dutta.
 Asstt. Dist. Judge.

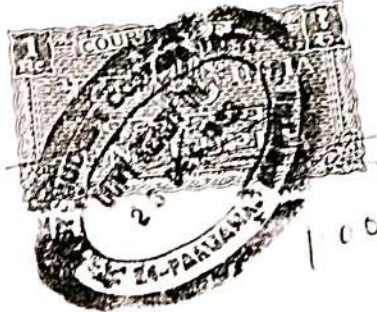
Sd/- Sri P. L. Dutta.
 Asstt. Dist. Judge.

Typed by S. San.
 dt 10-20-12-93.

112



390



In the Court of 1st Asstt. District Judge, 24 Parganas,
Alipore.

FINAL DECREE

T. suit no. 36 of 1983.

1. Sri Prabodh Chandra Paul s/o late Satkari Paul of 50, B.T. Road. P.S. Cossipore Calcutta- 50 , 24 Parganas.
2. Smt. Ratan Mala Ghosh w/o late Amar Lal Ghosh of P. K. Ganguly Road, p.s. Bally, District- Howrah. Expunged vide order dt. 29.3.93. Sd/- Sri P.L.Dutta. Asstt.D.J. 29.3.93.

- Versus-

1. Sri Subhas Chandra Paul. 2. Sri Ashok Kr. Paul.
 2. Sri Dilip Kumar Paul. 4. Sri Dipak Kumar Paul. 5. Sri Sisir Kumar Paul. 6. Kumari Suchitra Paul. 7. Kumari Sujata Paul. 8. Kumari Sumitra Paul. 9. Smt. Nilima Paul.
- Nos. 1 to 5 are sons and nos. 6, 5, 8 are daughter and no. 9 is the wife of late Bijan Behari Paul, all residing at 50 B.T. Road. P.S. Cossipore Calcutta- 50, 24 Parganas.
10. Smt. Minu Bhattacheryya. w/o Debendra Nath Bhattacharyya c/o Rabindra Nath Dutta. 10. Satinath Banerjee Lane, P.O. Batanical Gurden, Shibpur, Howrah. 3. ..Defendants



2

Claim for- Suit for partition and Injunction valued at Rs. 1,10,010/-.

This suit coming on this day for final disposal before Sri P. L. Dutta. 1st Asstt. District Judge, 24 Parganas. Alipore in presence of Sri Srikanta Banerjee. Advocate for the plaintiff and of Sri Sankar Prosad Paul and Malati Saha Advocates for the defendants.

It is ordered and decreed that the suit be decreed finally in terms of commissioners report. Commissioners report, Partition plan be made a part of the final decree.

Schedule.

All that piece and parcel of 3 cottahs, land with two storied Building lying and situate at 50 B.T. Road, p. s. Cossipore, Calcutta- 50.

Given under my hand and seal of this court, this 5th day of August 1991.

Certified that the addresses given above are filed by the parties for service.

Sd/- Sri P.L.
Dutta.

Asstt. Dist. Judge.
1st court, Alipore.

Typed by

S. Sen.

dt

20.12.93.

Prepared by- D.C. Halder.
Clerk. 19.11.91.

145



Seal of the 1st Asstt. Dist. Judge court at
Alipore, 24 Parganas, filed on 5th July 1991.

District- 24 Parganas, (South).

In the 1st Court of the Assistant District Judge at
Alipore.

Title suit no. 36 of 1983.

Prabodh Chandra Paul.....Plaintiff. -Versus-
Sri Subhas Chandra Paul & others...Defendants.

Partition Commissioner's final report.

*Filed by
Sd/- Shri B. B. Ghosh
Commissioner*

Made part of the
Final Decree.
Sd/- Sri P.L.Dutta.
Asstt. Dist. Judge.
1st Court Alipore.

Sir, Most respectfully I beg to submit my report as per
direction of the writ issued to me that to effect partiti
on of the suit property by metes and bounds as per
preliminary decree passed by the Learned Court.

To execute the commission work. I served notices
upon all the parties under certificate of posting,
fixing 9.4.1991 for holding commission at the locale. On
the sitting, both parties were present with their lawyers
Mr. Abani Bhusan Maity and Mr. Sankar Prasad Pal. In the
said sitting both parties identified me the suit premises

Handwritten signature and initials at the bottom left corner.



2

premises, i.e. 50 B.T. Road, Calcutta. 50. (page. 2)
The suit property consists of land, pucca building and ~~se~~ some tile shed building and some dilapidated structures.

The suit property situates just eastern side of B.T. Road. On consent of both parties, next sitting has been fixed on 28.4.1991.

On that sitting, that is on 28.4.1991 both parties and their lawyers were present and measurement of suit land, building including all rooms staircase, bath and privy and kitchen and store rooms and vacant portion were measured and noted in my field note, and on consent of both the parties the valuation and allotment sitting was fixed on 18.5.1991 at Court premises and the parties were directed to furnish written valuation and allotment statement within that date.

On 18.5.1991 the plaintiff no. 1 filed his valuation and allotment statement (written) but contesting defdts. did not attend the commission work neither filed any petition for adjournment.

To give the defendants for a chance, I fix 7.6.1991

for

dtc
9/11



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for valuation and allotment sitting and to file written statement, if any, notices were served upon both the parties lawyer. (page. 3)

On that sitting, the plaintiff no. 1 was present with his lawyer, but no statement was filed on behalf of the defendants, having no other alternative, I consider the statement of the plaintiff no. 1 and submit my report as per direction of the learned court Accordingly.

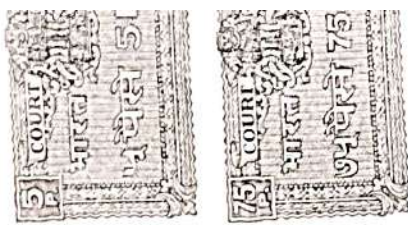
That the suit land situates just eastern side of B.T. Road, the breadth of the suit land is 28'-9" but the length is 76'2" to 2 78'-7".

The position and situation of the suit land is as such that the suit land cannot be divisible vertically, it must be divided horizontally. By such division either of the parties have to allot frontage i.e. Road side and another party have allot the back portion. As such to allot the same a passage have to be kept to ingress and egress in the back portion.

It appears that the plaintiff no. 1 is possessing the front portion ground floor room and one room in the

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27/12

das



4

the first floor and the defendants are possessing one room in the first floor as such to allotment the shares I consider to allot the front portion of the suit property to the plaintiff no. 1 and defendants were (page. 4) allotted the back portion of the suit property. Southern side of the front portion were kept common for both the parties to ingress and egress on the back portion of the suit land and for installation of electric line. sewerage lane and drain for the defendants and plaintiff no. 1. It appears that the entire suit premises is surrounded by brick walls and other lands and only frontage is western side.

That the suit land measures 2208 Sft. that is, 3 cottahs 1 chittak 3 square feet of land with partly two storied pucca building in ruinous and dilapidated condition. The building condition is very bad due to its old age. As such both the parties have to made their construction newly, to make new construction it requires corporation sanctioned plan as the suit property situates within the Calcutta Municipal Corporation. To get a new plan from

dec

des



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from the Calcutta Municipal Corporation minimum land area is required for getting sanctioned plan accordingly the land have to divide by the parties. The plaintiff no. 1 is in possession most of the rooms in the front portion as such I allotted the front portion upto the stair case, to the plaintiff no. 1. The remaining portion was allotted to the defendants to keep common area on (page. 5) on the Southern side of the suit land to ingress and egress in the both allotment. Thus the plaintiff no. 1 was allotted 956 square feet land.

The defendants were allotted 1110 square feet land area and 142 square feet has kept common for both the parties as common passage. Accordingly I made an plan Scale 1"-10' ft. which is part of my report showing the parties, portion i.e. Red portion to the plaintiff no. 1. Green portion for the defendants and yellow colour for the common passage.

The building portion were allotted to the parties, which fall within their respective allotments. I was informed that the plaintiff no. 2 has sold her share to



6

to the defendants, if that be so, the share of the plff. no. 1 will be very lessee and by which his share of area will be as such no plan for building can be made or constructed by which the purpose of partition will be infructuous as such I allotted minimum land to the plff. no .1 and remaining portion allotted to the defendants.

Valuation.

As the defendants did not submit any valuation. To consider the valuation of the land and building I (page. 6) I take up the statement of the plaintiff no. 1 and on going through the statements. I considered the value of the land Rs. 40/- per sft. for 1st belt and Rs. 30/- per sft. for 2nd belt and considering the position of land I take 50' ft. for 1st belt and remains for 2nd belt.

To consider the valuation of building the pucca building is very much dilapidated condition and as such I take Rs. 50/- per sft. for the pucca building and Rs. 25/- persft. for the pucca building without roof and tile shed structure and verandah considering the depreciation Valued.

According the valuation and allotment were calcu

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were calculated as follows-

Plaintiff no. 1's allotment and valuation shown red bordered line in the plan.

Land $(5' + 12' - 11'' + 21' - 11'') \times 24' 0''$
 $= 39' - 10'' \times 24' 0''$
 $= 956 \text{ Sft @ Rs } 40/- \text{ Per Sft} = \text{Rs. } 38240.00$

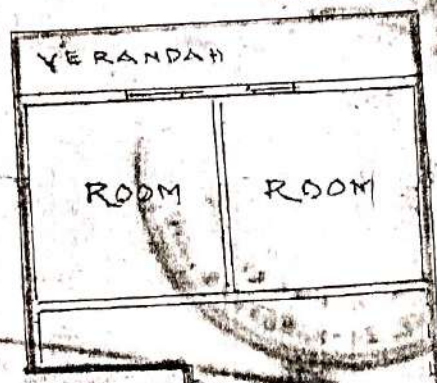
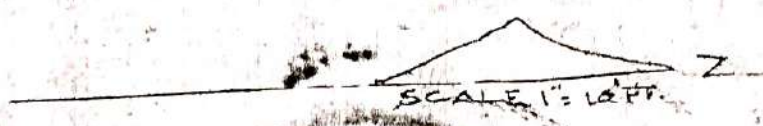
Common Passage
 $\frac{1}{2} (39' - 10'' \times 4' - 8'')$
 $= 142 \text{ Sft. @ Rs } 40/- \text{ Per Sft.} = \text{Rs. } 5680.00$
 $= \frac{1}{2} \text{ Rs. } 7400 = \text{Rs. } 3700.00$
Rs. 41,940.00

Building
Ground Floor

1. Room - $10' \times 15' = 150 \text{ Sft.}$ at the rate of Rs. 50/- Per Sft. 7500.00
2. Room $14' \times 9'' = 126 \text{ Sft.}$ at the rate of Rs. 30/- Per Sft. 6300.00
3. Small room low height. $3' \times 11' - 6'' = 34' 5 \text{ Sft}$ at the rate of Rs. 25/- Per Sft. 862.50
4. Stair case $6' 9'' \times 11' = 75 \text{ Sft}$ at the rate of Rs. 50/- Per Sft. 3750.00

del

FLOOR PLAN OF
 ROAD IN T.S. NO. 36/83
 ST. DIST. SUDGE KALIPORE
 PORTION ALLOTTED TO PLAINTIFF NO 1



Made part of
 the final order
 587
 Asst Dist Judge
 1st Comm.

Traced by
 M. S. S. S.
 29-22-23

ER 2717

Prepared by
 M. S. S. S. S.
 29-22-23

Handwritten notes and signatures in a rectangular box, including a signature and the date 29/11/23.

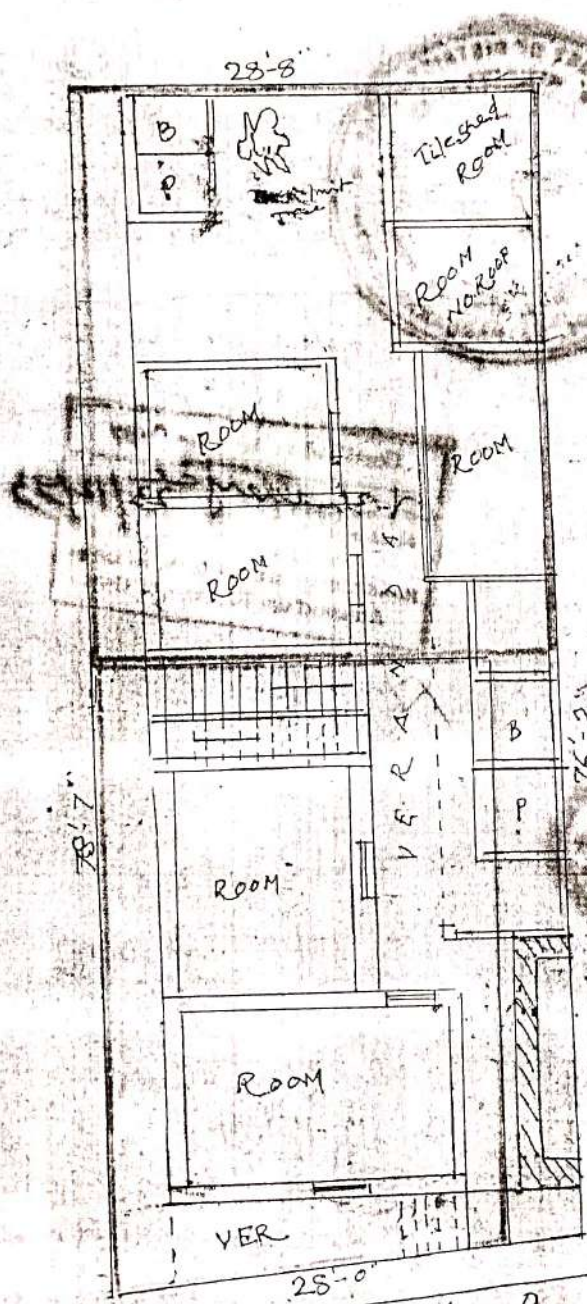
PARTITION PLAN OF

CASES NO 50 B.T. ROAD, CALCUTTA 50
S.F. NO. 36 OF 1983, PRABODH CH PAUL VS SRI SUBHAS
DR PAUL DORS IN THE 1ST COURT OF ASST. DIST JUDGE
CALIPORE.

SCALE 1"=10'FT

GROUND FLOOR

PLAINTIFF NO. 1 (RED) 956 SFT.
DEFENDANTS (GREEN) 1110 SFT.
COMMON AREA 142 SFT



Handwritten text in a rectangular box, possibly a court order or a note related to the partition plan.

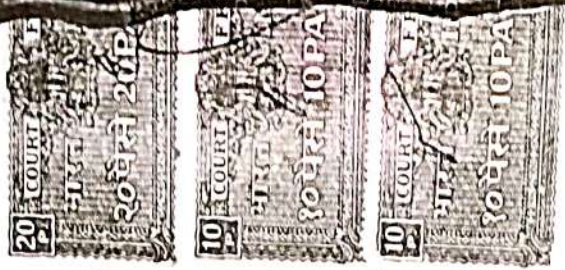
Made Part of the
Final Decree
58/
Asst Dist Judge
1st Court Calcutta

Traced by me
29.12.83
83/88 90/00
29.12.83
E.R. 2917

B.T. ROAD

Prepared by
Akintra Ghosh Naskar
A.D.V. Comm

Handwritten text in a rectangular box, possibly a court order or a note related to the partition plan.



8.

6. Southern Side Verandah.
5' x 21' 11" = 105 Sft at the
rate of ₱. 25/- per Sft. ... 2625.00

Western Side Verandah
without roof

12' x 3' = 36 Square feet
at the rate of ₱. 25/- per
Square feet. - - - 900.00

6. First floor Southern
Side room.

9' - 5" x 10' 2" = 95.5
Square feet at the rate
of ₱. 50/- per Square feet .. 4775.00

7. First floor northern side
room 10' - 9' x 10' - 2"

= 109 Square feet at the
rate of ₱. 50/- per ... 5450.00
Sq ft.

8. 1st floor western side
Verandah - 21' - 9' x 3' 4'

= 72 Sq. ft. at the rate
of ₱. 25/- per Sft. ... 1800.00

✓ Total ₱. 75902.50/-

dee

dee



9

Defendant Allotment and
valuation shown by Green
border line

Land 38'-9" x 28'-8"
= 1110 Square Feet,
rate of Rs. 40/- per
Square Feet. ... Rs. P. 11600.00

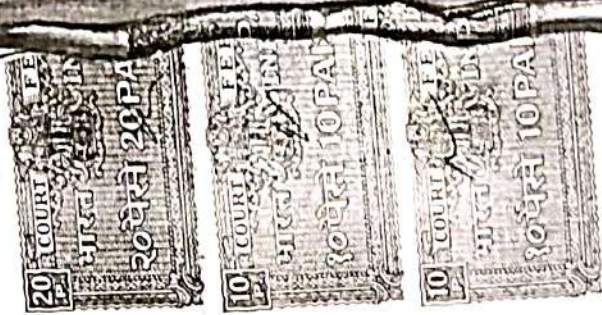
2nd Belt 28'-8" x 28'-8"
= 820 Square Feet @ Rs. 30/- = 24600.00
Per Sft. $\frac{1}{2}$ Common
Passage $\frac{1}{2}$ x 7400 ... 3700.00

Building

1. Room without roof 11'2" x
9'11" = 110.54 Sft. @ Rs.
25/- per Sft. ... 2750.00

2. Tile Shed kitchen
8'5" x 10'3"
= 86 Sft. at the rate
of Rs. 25/- 2150.00

del
at



10

3. Bath and Privy 7'-9"
x 5'-9" = 44 Sft at the
rate of Rs. 25/- Sft = 1100.00

4. Tile Shed Store room
8' x 9'-7" = 76 Sft @
Rs. 15/- per Sft. 1140.00

5. Structure with roof
8' x 9'-7" x 9'-4" = 89 Sft
@ Rs. 10/- per Sft = 890.00

6. Pucca Structure
6'-10' x 15' x 4" = 105 Sft
@ Rs. 50/- only per Sft. 5250.00

7 - one jack fruit
tree = 200.00

Rs. 53380.00

a
dcl

ok



Total value of the suit land including building is Rs. 75902.50 + Rs. 53380.00 = 129282. 50 p.

In the preliminary decree and writ issued to me to divide the suit land in 1/2 ft. share to the plaintiffs as such the value of half share is Rs. 64641-25 .

The plaintiff no. 1 has only 1/4th share and plff. no. 2 has 1/4th share.

As such the plaintiff no. 1's value is Rs. 32320.62p.

Plaintiff no. 2's share is Rs. 32320.62p.

The plaintiffs jointly have Rs. 64641.25p.

75902.50	64641.25
64641.25	53380.00
-----	-----
11261. 25	11261.25

By this allotment the plaintiff no. 1 will pay Rs. 11261. 25p. to the defendants as owelty money. As the plaintiff no. 2 has no possession as she is at present residing at P. K. Ganguly Road. P.S. Bally, District Howrah as such I made no allotment for her share in the suit premises and the plaintiff no. 2 transferr will be considered as owelty money of Rs. 32320.62p.

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12

By this allotments the plaintiff no. 1 is to construct bath and privy and the existence bath and privy will be demolished to lay out common passage as the same fall in the common passage (the value of the said materials (page- 10) in the bath and privy though considered by valued it Nil).

On the other hand the defendants were allotted more land for making construction in their allotment.

The parties were given one year time to make such arrangement from the final decree.

The common passage on the south were allotted to both the parties and neither party can make any construction in the said passage upto the ground floor roof level as the first floor the structure is existence the same was kept as it is the plaintiff no. 1 was also debarred from making any disturbance nuisance in the said common passage. Both the parties water line, sewerage line electric line and telephone line can be installed through that passage and maintenance of structural facilities also be installed through that passage.

del
del

..., one storied building and some of brick wall with

des



13

This is my report the map is also part of my report.

The proceedings field note and other incidental papers prepared at the locale are also part of my report.

I have done my duty as directed by the Court by issuing writ.

I have done my work at best of my knowledge and skill and abilities as I was directed.

~~Res~~ Pleas accept my report.

Enclo-

1. Field Note.
2. Sketch map.
3. Writ.
4. Proceedings at locale.
5. Notice with under certificate of posting.

Yours faithfully,

Sd/- Ahindra Sekhar Naskar.

Advocate Commissioner.

Made part of the Final Decree.

Sd/- Sri P. L. Dutta.

Asstt. Dist. Judge, 1st Court

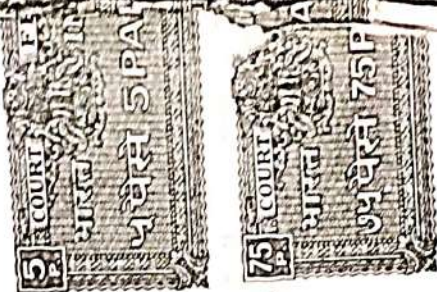
Alipore, 24 Parganas, (S).

del
del
Typed by-
Hr

S. Sen.
20.12.95.

Partly, one storied building and some of brick wall with

des



Seal of the 1st Asstt. District Judge court at Alipore, 24 Parganas, filed on 5th July 1991.

District- 24 Parganas. (S).

In the 1st Court of the Assistant District Judge at Alipur.
~~Rixkxrk~~- Title suit no. 36 of 1983.

Probodh Chandra Paul & another....Plaintiffs. -Versus-
Subhas Chandra Paul & others...Defendants.

Proceedings- 9.4.91 at 4.30 P.M.

I came to the local due service of notices upon all the parties.

At the local I found Mr. Abani Bhusan Maity Ld. lawyer of the plaintiff and plaintiff Probodh chandra Paul, Mr. Sankar Prasad Kar, ld. Advocate of the defdts. no. 1 to 9 and his ~~the~~ Client, Dilip Kumar Pal, Dipak Kr. Pal. Sisir Kr. Pal. and Sujata Paul are also present in the silling.

All the parties identified me the suit land i.e. 50 B.T. Road. Calcutta- 50.

The suit property consists of party two storied Partly, one storied building and some of brick wall with

des

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with file shed and small vacant portion.

I adjourned the commission silling for the day
Next date has been fixed. 28.4.91 at 11.00 A.M.

Sd/- Ahindra Sekhar Naskar.

Advocate Commissioner

9.4.91.

Sd/- illegible. Advocate

for the defendant nos. 1 to 9.

9.4.91.

Sd/- illegible. Advocate for plaintiff no. 1.

9.4.91.

Typed by
dt

S. Sen.
20.12.93.

for



Seal of the 1st Asstt. Dist. Judge court at
Alipore, 24 parganas, filed on 5th July 1991.

District- 24 parganas. (S).

In the 1st Court of the Asstt. Dist. Judge at Alipore.
Title suit no. 36 of 1983.

Probodh chandra Paul & Another....plaintiffs, -Versus-
Subhas Chandra Paul & others...Defendants.

Proceedings- 28.4.91 at 11.00 A.M.

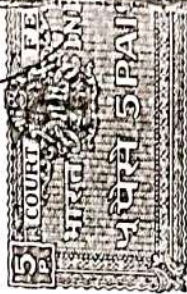
As per previous date notice I came to the local at
schedule times.

At the local I find plaintiff and defendants and their
lawyers Mr. Abani Maity and Mr. Sankar Prasad Kar.

I measured the suit land i.e. 50 B.T. Road, along
with building pucca, Tile shed building kitchen bath &
privy and other vacant portion of the said premises
~~part~~ with the assistance of both parties.

I also measured the first floor room consisting of
two rooms and roof and stair case, There is only one

~~one~~ Jaenfruit trees. This measurements are noted in
two separate sheets.



2

I also measured the boundary line of the said premises.
(page. 2) I complete my commission work regarding
measurement of premises both parties are directed to
submit their valuation and allotment statement within
15 days. Next sitting has been fixed 18.5.91. at 2.00 P.M.
at court premises.

Sd/- Ahindra Sekhar Naskar.

Advocate commissioner.

Seen.

28.4.91.

Sd/-illegible. Adv.

28.4.91.

Typed by

dt

S. Sen
20.12.93

del

Seal of the 1st Asstt. District Judge court at
Alipore, 24 parganas, filed on 5th July 1991.

District- 24 Parganas. (3).

In the 1st Court of Asstt. District Judge at Alipore.
Title suit no. 36 of 1983.

Sri Prabodh Chandra Paul & others...Plaintiffs. ~~Versus~~
Sri Subhas Chandra Paul and others...Defendant.

Proceedings- 18.5.1991 at 2.00 p.,.

As per previous date notice the sitting regarding
valuation and allotment was held at court premises. Ld.
lawyer Mr. Abani Maity is present with his client. None
on behalf of defts. are present. At that sitting the
plaintiff filed a written valuation and allotment, state-
ment. I kept it for perusal. I waited upto 4.00 P.M. none
came on behalf of defendant. I complete the commission
works. For ends of justice a date will be fixed for filing
valuation and allotment statement by the defendants.

Sd/- Ahindra Sekhar Naskar. 18.5.1991.

Seen.

Advocate Commissioner.

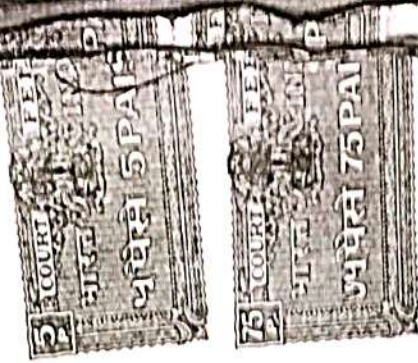
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dt. 20.12.93

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Advocate. 18.5.91.



Seal of the 1st Asstt. Dist. Judge court at
Alipore, 24 Parganas, filed on 5th July 1991.

District- 24 Parganas. (S).

In the 1st court of the Asstt. Dist. Judge at Alipore.
T. suit no. 36 of 1983.

Probodh Chandra Paul & others....Plaintiffs. -Versus-
Sri Subhas Chandra Paul....Defendants.

Proceedings- 7.6.1991 at 4.00 P.M.

As per previous dates proceedings, direction I fix
7.6.1991 for commission work regarding valuation and
allotment statement by the defendants. Accordingly I
served notices upon the parties on 30.5.1991.

The plaintiff is present with his lawyer Mr. Abani
Maity but none appears on behalf of defendants nor filed
any portion for adjournment nor submitted any valuation
and allotment statement. As such I complete my commission
work. It is now. 5.30 P.M.

Sd/- Ahindra K. Naskar.

Seen.

Advocate Commissioner. 7.6.1991.

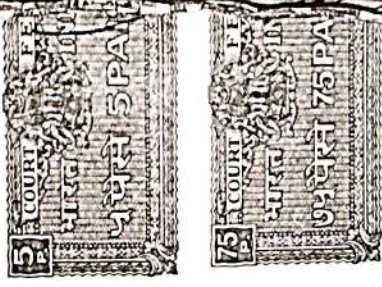
Typed by - S. Sen.

Sd/- ex illegible.

dt.

~~20.12.93.~~

Advocate. 7.6.91.



Seal of the 1st Asstt. Dist. Judge court at
Alipore, 24 Parganas, filed on 5th July 1991

Ahindra Sekhar Naskar. Advocate. Residence & Chamber.
Alipore Judges court, 31A. Alipore Road. P.S.
Calcutta- 700 027. Alipore, Calcutta- 27.

Date- 30.5.1991.

NOTICE.

- To
1. Mr. Srikanta Bhattejee. Advocate.
 2. Mr. Sankar Prasad Kar.. Advocate.

Re- T.S. no. 36 of 1983 (1st Asstt. Dist. Judge).
Probodh Ch. Paul- Versus- Subhas Ch. Paul.

You are notified that holding of commission sitting regard valuation and allotment will be held on 7.6.1991 at court premises at about 4.00 P.M.

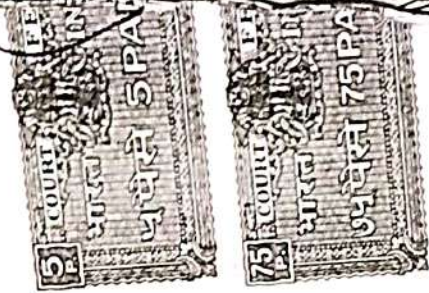
You are hereby requested to submit your valuation and allotment statement (written if any) on or before the date fixed, failing which the commission will be held exparte.

Seen- illegible.

Thanking you.

Yours faithfully,
Sd/- Ahindra Sekhar Naskar.
Commissioner

Typed by- *S. Sen*
dt *Jul 20. 12. 93.*



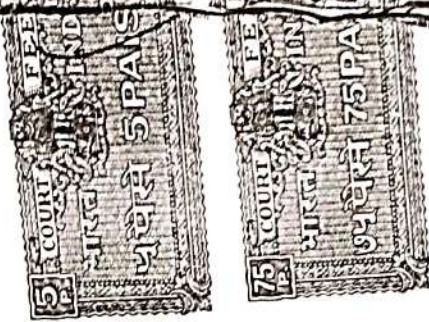
Seal of the 1st Asstt. District judge court
at Alipore, 24 parganas, filed on 5th July 1991.

U/C of Posting. _____ Commissionee. T.S. 36/83.
1st Asstt. Dist. Judge, Alipore.
9.4.91. at. 4.00 P.M. at local.

- To
1. Probodh chandra Paul. s/o Satkari Paul, 50 B.T. Road
Road, Cossipore. Calcutta- 50.
 2. Smt. Ratanmala Ghosh. w/o late Amar Lal. Ghosh.
P.K. Ganguly Road. p.s. Bally, Howrah.
 3. Sri Subhas's Ch. Paul
 4. Ashoke Kr. Paul. 6. Dilip Kr. Paul.
 7. Dipan Kr. Paul. 8. Sisir Kr. Paul.
 9. Suchitra Paul. 10. Sujata Paul.
 11. Sm. Nilima Paul .12. Sumitra Paul.
- All of 50, B.T. Road. Cossipore.
Calcutta- 50.
12. Post Card only.

Stamp. Stamp. 20.p.

Typed by- *S. Sen.*
at 20.12.93.



Seal of the 1st Asstt. Dist. Judge. at Alipore,
24 Parganas, filed on 5th July 1991.

District- 24 Parganas. (South).

In the Court of the 1st Assistant District Judge at Alipur,
Title suit no. 36 of 1983.

Sri Prabodh Chandra Paul & others....Plaintiffs- -Versus -
Sri Subhas Chandra Paul & others...Defendants.

Before the Learned partition commissioner.

The humble petition of the plaintiff no. 1
in the suit.

Most Respectfully Sheweth :-

1. That 18.5.1991 is fixed for sitting in respect of
valuation and allotments in the above suit before the
Learned Commissioner.

2. That the suit property is an ancestral property and
one Amrita Moni Dassi was the owner of the said property
being lying and situate at 50, B.T. Road. p.s. Cossipore
Calcutta- 700 050 and the parties are the legal heirs
and successors. That the suit property measuring an
area of only 3 cottahs land, more or less with partly

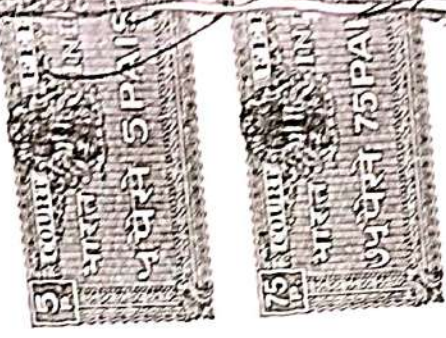


partly two storied very old structure which is within the Calcutta Municipal Corporation.

3. In the preliminary decree it is declared that the plaintiffs have 1/2 share in the suit property and the (page. 2) Commissioner was appointed accordingly. The plaintiff no. 2 with the collusion of defendants allegedly transferred her portion of the suit properties to the defendants as such the same on considering, the Learned Commissioner is to allot the persons who are residing in the premises and the plaintiff no. 1 is ready to purchase the share of plaintiff no. 2 or to pay the owelty money to the parties, who purchase the same i.e. share of the defendant no. 2.

4. That the suit property is west facing to the B.T. Road and the plaintiff no. 1 from the time of his father with his family are occupying the major portion in the western side of the property and are living there with his family. Plaintiff no. 2 is residing in her fathers in law house at P.K. Ganguly Road. P.S. Bally, District Hourah. In fact western side ground floor that the plaintiff no.

de



no. 1 and his family are occupying the ground pucca building and one room in the first floor are occupying by the defendants in the first floor.

In the eastern side portion, there is one room occupied by the plaintiff no. 1 with a kitchen and store room and another room is occupied by the defendants which is without roof. The property cannot be partitioned in two halves by southern half and northern half and it is only possible to make partition by allotment eastern and western half otherwise there cannot be sanctioned of plan as per Calcutta Municipal Corporation rules. (page. 3)

Your petitioner had made various improvements in the western side and he prays for allotment of the western portion of the disputed property to the plaintiff no. 1 so that their family can reside on the part of suit land by obtaining sanction plan.

5. So far valuation is concerned, your petitioner and the defendants made ~~pre~~ previously a valuation of the properties at Rs. 1,24,940/- only and your petitioner accepted the said valuation and valuation of the land

✓
del



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the land in western portion is valued at Rs. 35,000/- per cottah and eastern portion valued at Rs. 25,000/- per cottah and the total valuation of structures i.e. pucca building is Rs. 50/- per sq.ft. and tile shed room is Rs. 30/- + Rs. 20/- per sq.ft. considering the depression value.

Your petitioner prays for accepting the allotment and valuation stated above.
And the plaintiff, as in duty bound, shall ever pray.

Verification.

I do hereby declare and say that the statements made above are all true to my knowledge and submission. I sign this verification on 17.5.1991.

Sd/- Probodh Chandra Paul.

Seal of the 1st Asstt. Dist. Judge court
at Alipore, 24 parganas, filed on 5th
July 1991.

Typed by

S. Sen.

dt

20.12.93.

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Seal of the 1st Asstt. District Judge court at
Alipore, 24 Parganas, filed on 5th July 1991.

District- 24 Parganas.

In the Court of the First Asstt. District Judge at Alipore
Present- Sri K. P. Dutta. Judge.

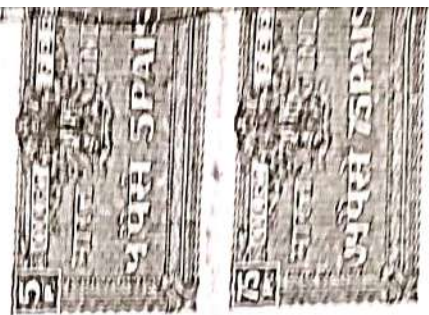
Title suit no. 36 of 1983.

Sri Probodh Ch. Paul & others. -Versus-
Sri Subhas Ch. Paul & others.

Order no. 28 dt. 3.9.86.

This is a suit for partition and injunction.
Bereft of details, the plaintiffs case is that the suit
property originally belonged to one Durga Charan Sur
Paternal grand mother of the plaintiffs purchased the
same from him as back as 30 years ago. The said paternal
grand mother died leaving two sons Satkari and Kalicharan
who had 1/2 share each in the suit properties. The
plaintiff is the son of (page. 2) is the son of Satkari
who died leaving his widow plaintiff. The plaintiff 1 and
2. He & his sister are entitled to the share of
Satkari. Their uncle had also expired. All the defendants

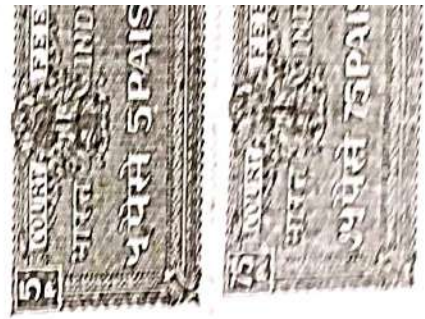
all



defendants no. 1 to 8 are the legal heirs of Kalicharan. The suit properties are in joint possession. The plffs. requested the defendants for partition, but no encouraging response was received and hence the suit.

The suit is heard *exparte*. The plaintiff no. 1 has examined himself to prove the case. He has given a oral account of the genealogical trees of the family stock. The plaintiff has relied upon the 30 years old deed which was in his custody. The deed is marked ext. 1. The plaintiff has produced the death certificate of the father ext. 2. Municipal taxes receipt ext. 3 and 3(a). The defendants did not contest the suit although they filed a written statement. In para 10 of the W.S. it is stated that the plaintiffs suit may be decreed without saddling the defendants with any costs. In para 6 of the W.S. the averment made *w.e.f.* paras 1 to 5 of the plff. have been admitted giving rise to the admission of the plaintiffs claim that they jointly get (page. 3) get 1/2 share of the suit properties described in the plaint schedule. In this view of the matter the suit stands proved *exparte*.

See



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C.F. paid is correct.

Hence, Ordered.

That the suit be and the same is hereby decreed ex parte in preliminary form, but without any costs in the circumstances of the case. The plaintiff do get a decree for partition in preliminary form in respect of 1/2 share in the suit properties described in the plaint schedule. The parties are directed to effect partition in respect of the suit properties amicably according to their respective shares within three months hence failing which any of the party shall be at liberty to apply to this court for appointing a partition commissioner in respect of the suit property by means and bounds for the purpose of final decree and on the basis of recommendation of allotment of share as may be made by the partition commissioner. The order bearing no. 2 dated 23.2.83 directing both the parties to maintain status quo by preserving the suit property as it was on that date, shall continue till the

(matter)
matter is finally disposal of.

Sd/- K.P. Dutta. 3.9.86.
Asstt.D.J.

Dictated and corrected by me.

Sd/- K.P. Dutta.
Asstt.D.J.

Typed by S. Sen
20.12.93



Seal of the 1st Asstt. Dist. Judge court at
Alipore, 24 Parganas, filed on 5th July 1991.

High Court Form No. (J) 26.

Decree in Original suit.

(Order 20, Rules 6 and 7, Code of Civil Procedure).

District- 24 Parganas

In the first court of the Asstt. District Judge at Alipore

Title suit no. 36 of 1983.

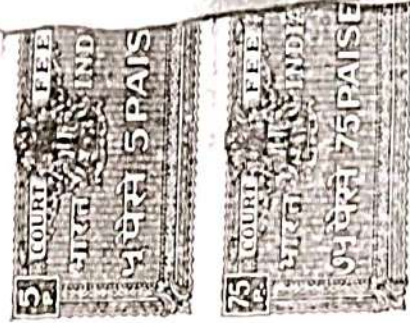
1. Sri Probodh Ch. Paul s/o late Satkari Paul, residing
at 50, B.T.Road. p.s. Cossipore. Calcutta- 50. District
24 Parganas.

2. Smt. Ratanmala Ghosh w/o late Amar Lal Ghosh residing
at P.K. Ganguly Road, P.S. Bally, District Howrah. .Pliffs.

-Versus-

1. Sri Subhash ch. Paul. 2. Sri Asoke Kumar Paul. 3. Sri
Dilip Kr. Paul. 4. Sri Dipak Kr. Paul. 5. Sri Sisir Kr.
Paul. 6. Kumari Suchitra Paul. 7. Kumari Sujata Pal.
8. Kumari Sumitra Paul. 9. Smt. Nilima Paul.

Nos. 1 to 5 are ~~sons~~ sons nos. 5 to 8 are
daughters and no. 9 is the wife of lt. Bijan Behari
Paul.



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All residing at 50 B.T. Road. Cossipore, Calcutta- 50.
District- 24 Parganas.

10. Smt. Minu Banerjee, daughters of late Tarak Nath
Ghosh residing at Kali Banerjee Lane, Howrah, P.S. Howrah.
...Defendants.

Claim for- Suit for partition and injunction valued at
Rs. 1,10,010/-.

Schedule-

All that piece and parcel of 3 cottahs, land with two
storied building lying and situate at 50, B.T. Road. P.S.
Cossipore. Calcutta- 50.

This suit coming on this day for final disposal
before Sri K. P. Dutta, Asstt. Dist. Judge 1st Court,
Alipore in the presence of Sri Bimal Chandra Nayak for
the plaintiff and of none for the defendants.

It is ordered and decreed that the suit be and the
same is hereby decreed exparte in preliminary form, but
without any costs in the circumstances of the case. The
plaintiff do get a decree for partition in preliminary
form in respect of 1/2 share in the suit properties des-