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District : North 24 Parganas

In the Court of Ld. District Judge at Barasat

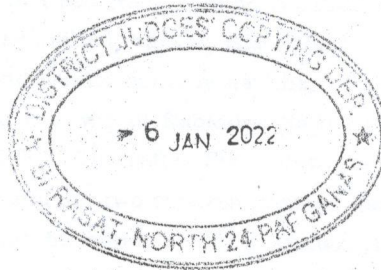
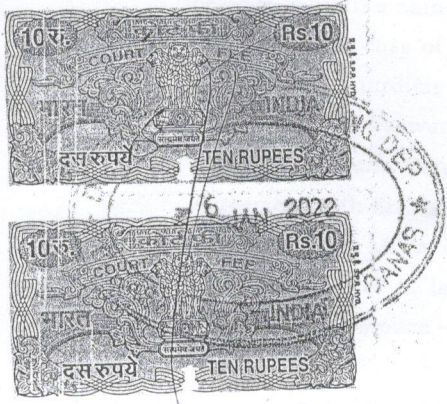
Misc. Case No. 166 of 2021

Sambhu Kumar

.....Petitioner

Petition No. X- 314 dated 06/01/2022

Assessment Date : 06/01/2022



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In the Court of Learned District Judge, North 24 Parganas at Barasat
Present : Smt. Rai Chattopadhyay,
District Judge, North 24 Pgs.

Misc. Case No.166 of 2021 (VIII)

Sri Sambhu Kumar Petitioner

Order No.10

Dated 05.01.2022

Today has been fixed for passing order.

Petitioner is present by filing his hazira through his Learned Advocate.

This is a Misc. Case under Section 8 of Hindu Minority and Guardianship Act, 1956 for seeking permission for development of the property belongs to minors namely, Akriti Paswan and Saroj Vaibhaw Paswan.

It is the case of the petitioner that the petitioner is the biological father and natural guardian of the two minor children namely, Akriti Paswan and Saroj Vaibhaw Paswan. It is submitted by the petitioner that one developer namely, Tilottama Construction entered into a Development and Construction Agreement with Sri Rabindra Nath Mitra, son of Late Ratish Chandra Mitra and Smt. Ramayani Mitra, daughter of Sri Rabindra Nath Mitra in respect of all that piece and parcel of land measuring an area of 20 Cottahs 4 Chittacks 38 Square Feet at Mouza - Ganganagar within J.L. No.49, Touzi No.1562, L.R. Dag Nos.234 and 235. It is further submitted by the petitioner that the said Development and Construction Agreement was executed on 22.01.2020 and registered on 22.01.2020 at the office of DSR - II, North 24-Parganas vide Deed No.150200204 for the year 2020 in Book No.I, Volume No.1502-2020 pages from 6977 to 7026. It is further submitted that the parties herein entered into another Development and Construction Agreement executed on 18.06.2020 in respect of land measuring 23 Cottahs at Mouza - Ganganagar within J.L. No.49, Touzi No.1562, L.R. Dag No.236. It is further submitted that the said Development and Construction Agreement was executed on 18.06.2020 and registered on 18.06.2020 at the office of DSR-II, Barasat vide Deed No.150200985 for the year 2020 in Book No.I, Volume No.1502-2020 pages from 29618 to 29663. It is further submitted that the said Rabindra Nath Mitra died intestate on 05.01.2021 leaving behind his only daughter, Smt. Ramyani Mitra. It is further submitted that the wife of Rabindra Nath Mitra namely, Manju Mitra had died on 22.11.2003. Thereafter Smt. Ramyani Mitra died intestate on 14.05.2021 leaving behind her two children namely, Akriti Paswan and Saroj Vaibhaw Paswan and her husband, Sambhu Kumar. It is further submitted that after demise of Rabindra Nath Mitra all his shares of the property devolved upon Smt. Ramyani Mitra. The said Smt. Ramyani Mitra had

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executed two numbers of fresh Development Power of Attorney which one was registered at DSR - II Barasat recorded in Book No.1, Volume No.1502-2021 pages from 19119-19152 vide Deed No.150200563 for the year 2021 and another was registered at DSR - II at Barasat recorded in Book No.I, Volume No.1502-2021 pages from 19153-19184 vide Deed No.150200564 for the year 2021 in respect of entire property as per same terms and conditions of two existing development and construction agreement which was executed on 22.01.2020 and 18.06.2020 respectively. It is further submitted that after demise of Ramyani Mitra her inherited share as referred hereinbefore in the following manner :

1. The owner/executants of these presents will not get any share of the inherited property of deceased, Ramyani Mitra.
2. Two minor children namely, Akriti Paswan and Saroj Vaibhaw Paswan will get $\frac{1}{2}$ undivided share each over the property inherited by deceased Ramyani Mitra.

It is further submitted by the petitioner that after demise of Ramyani Mitra her share acquired from Deed of Gift as referred hereinbefore in the following manners :

1. The Owner/Executant of these presents get $\frac{1}{3}$ rd undivided share over the property which deceased Ramyani Mitra acquired during her lifetime.
2. Minor two children namely, Akriti Paswan and Saroj Vaibhaw Paswan will get $\frac{1}{3}$ rd undivided share each over the property gifted by Rabindra Nath Mitra to her daughter deceased Ramyani Mitra.

Hence, by filing the instant Misc. Case the petitioner has prayed for appointing as natural guardianship to deal with the said property inherited by the two minor children for protection, benefit and paramount welfare of the two minor children.

In order to prove his case the petitioner deposed as PW1 and has tendered his evidence under Order 18 Rule 4 of the C.P.C.

The petitioner has filed his original Aadhaar Card marked Exhibit - 1, death certificates of Ramayani Mitra, Manju Mitra and Rabindra Nath Mitra marked Exhibit - 2 series; birth certificates of two minor children namely, Akriti

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Paswan and Saroj Vaibhaw Paswan marked Exhibit - 3 series, 3 Nos. of original Bengal Deeds of Sale being Nos. 5028, 2564 and 4055 marked Exhibit - 4 series, 2 Nos. of original Development Agreements dated 22nd, January, 2020 and 18th June, 2020 marked Exhibit - 5 series, 2 Nos. of original Development Power of Attorneys both dated 10th February, 2021 marked Exhibit - 6 series, 2 Nos. of original Deeds of Gift dated 19th December, 2019 and 12th March, 2020 marked Exhibit - 7 series and 4 Nos. of E-Assessment Slips marked Exhibit - 8 series.

Perused the petition, evidence and the documents filed.
Considered.

Upon consideration of the documents filed by the petitioner, it appears that the petitioner is the biological father of two minor children and the said two minor children are under care and custody of the petitioner being the biological/natural guardian of two minor children.

As such, it is fit to be declared that the petitioner is the guardian of two minor children namely, Akriti Paswan and Saroj Vaibhaw Paswan and this Court is allowed the petitioner to deal with the property inherited by the minor children for protection, benefit and paramount welfare of the two minor children. There is no legal impediment in granting the prayer.

Hence, it is


ORDERED

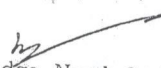
That the instant Misc. Case No. 166 of 2021 be and the same is considered and allowed on merit.


The petitioner namely, Sambhu Kumar is declared and appointed as guardian of two minor children and to permit to deal with the property inherited by the minor children for protection, benefit and paramount welfare of the two minor children namely, Akriti Paswan and Saroj Vaibhaw Paswan.

That the instant Misc. Case being No. 166 of 2021 is thus disposed of.

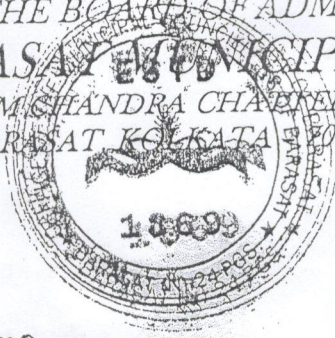
Dict. & corrected by me :-


District Judge, North 24 Pgs.


District Judge, North 24 Pgs.


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OFFICE OF THE BOARD OF ADMINISTRATORS
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Website:-www.barasatmunicipality.org
Date 02/11/2021

Memo No. 861 - BM/W.C/2021-2022

TO WHOM IT MAY CONCERN

Certified that Shri / Smt. / Late Ramayani Mitra S/o., D/o.,
W/o., Shri / Smt. / Late Shambhu Kumar a resident of
Maheswaripur, P.O. Bachu,
P.S. Barasat, Dist. North 24 Parganas, Ward No. 21 under this municipality
died on 14/05/2021 leaving behind the following legal heirs.

Sl. No.	Name of the Legal Heirs	Relation with the deceased person	Age	Signature
1.	Shambhu Kumar	Husband	41	
2.	Akshita Paswan	Daughter	12	
3.	Saraj Raibhaw Paswan	Son	08	


Chairperson
Board of Administrators
Barasat Municipality.
Sunil Mukherjee
Chairperson
Board of Administrators
Barasat Municipality
Sunil Mukherjee
Chairperson
Board of Administrators
Barasat Municipality

> N.B: Certificate is valid when the signature column is duly signed by each legal heir.