District : South 24-Parganas.

In the Court of the 7th Assistant District Judge at Alipore.

Title Suit No. 1 of 1963

Nanda Rani Ghose & Others .....Plaintiffs.

-Versus-

Bejoy Ghose & Others ..... Defendants.

FINAL DECREE IN PARTITION SUIT.

Amended V/O No. 216 dt. 25.7.1986

Smt. Nanda Rani Ghosh

2. Being dead.

2(a) Sm. Kalala Ghosh W/o. Late Jiban Ghosh,

2(b) Biswanath Ghosh S/o. Late Jiban Ghosh

2(c) Sambhu Ghosh S/o. Late Jiban Ghosh

2(d) Sm. Annapurna Ghosh D/o. Late Jiban Krishna Ghosh.

2(e) Sm. Uma Ghosh D/o. Late Jiban Ghosh

all of 11, Biren Roy Road, Nabaliapara , Behala P.S. Calcutta- 8.

2(f) Maya Ghosh W/o. Manmatha Ghosh 125A, Beharam Chatterjee Road, Calcutta-34, Substituted V/o. No. 219 dated 12.7.1988.

(3)

For THE NET CONSTRUCTION

Partner

Partner

Schedule of cost for the copy

Applicant

Fee

Auditor

Exp

Search

Tracing Fees

Other Fees (if any)

SEAL OF THE COURT OF SUB JUDGE
আলিপুর বার্ষিক ২৪-পরগনা
ALIPORE, SOUTH 24-PARGANAS

(২)

মাদারহাট, থানা - বেহালা, জেলা - ২৪ পরগনা,

(৪) শ্রীমতী লক্ষ্মীমনি দেবী স্বামী - গোকুলচন্দ্র দেবী
Amended. V/O. No. 29 dated - 26.3.63

বনাম

বিবাদী —

(১) শ্রী বিজয় চন্দ্র দেবী,
(২) শ্রী সঞ্জয় কুমার দেবী,
(৩) শ্রী সুভাষ দেবী,
(৪) শ্রী বিমলকুমার দেবী পিতা - মৃত নৃপেন্দ্র নাথ দেবী, সাং - ১১ নং নারকেলডাঙ্গা নাতার রোড মাদারহাট থানা - বেহালা জেলা - ২৪ পরগনা,
(৫) শ্রীমতী উমারাণী দেবী স্ত্রী ও নৃপেন্দ্র নাথ দেবী Amended V/O No. 29 dated. 29.9.63 এজমালি সম্পত্তির মৃত পিতার বিভিন্ন বিভাগ বণ্টন ও নিষ্পত্তির দাবীর জন্য - সমস্ত - ৬০০০, টাকার ২৫ টাকা, সর্বমোট ৬০২৫ টাকা।

This suit coming on this day for final disposal before Sri A.K.Das Assitant District Judge 7th Court, Alipore in presence of Sri

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Partner

Partner

in presence of Sri Arabinda Barma Advocate for the Plaintiff and Sri Sushil Kumar Chatterjee Advocate for the defendants.

It is ordered.

that the suit be brought back to file and decreed finally in terms of the Commissioner's report. The report submitted by the Commissioner procedings, field Book and plan are made part of the final decree.

বাদীপক্ষ- উকীল অর্ধেন্দুর- বাদীপক্ষ,

(১) জেলা ২৪ পরগণার আলিপুর-বেহালার অন্তর্গত মৌজা মুরাদপুর গ্রামের মোট ২২৯ নং তপশিলভুক্ত ২৮৯ নং দাগের উক্ত কারণে নিষ্কর শ্রীধর বসু জমি যার ভিন্নরূপ দিয়াং-৩ হইবে,

(২) এই মৌজার মোট ~~৭৯~~ ৭২ নং amended vide order no. 29 dated 26.9.63 সংযুক্ত ২৭৯ দাগের এই কারণে ২৭৮ দাগের ০৭ কাঠা বিধিবদ্ধ বাদী শ্রীধর ভিন্নরূপ

For THE NET CONSTRUCTION

Partner Partner

(৪)

জমি।

(৩) ঐ মৌজার মৌ.নং ১৭৭/১ নং খাতিয়ান সংযুক্ত
মৌ, মৌ: ২১২ দাগের .৩৮ একর জমি।

(৪) ঐ মৌজার মৌ: মৌ: ১৪ একর সংযুক্ত মৌ মৌ:
১৪ নং দাগের .৮০ একর জমি,

(৫). ঐ মৌজার মৌ. মৌ: ৩০২ নং খাঃ সংযুক্ত
মৌ.মৌ: ৬৭৩ দাগে ৬৭৪ দাগে .০৬
দাগের জমি।

(৬) ঐ মৌজার মৌ: মৌ: ১২৩ নং খাঃ সংযুক্ত
মৌ: মৌ: ৬৭৭ নং দাগের .২৪ একর দাগের
জমি।

(৭) মোট ২৪ কাঠার অধিক বেহালার
অন্তর্গত মৌজার অধিবাসীর স্থায়ী
নিবাস, মৌ. মৌ: ১৫৪ নং খাঃ সংযুক্ত মৌ:মৌ:
৪৭৩ নং দাগের .৪৪ একর জমি।

(৮) ঐ মৌজার মৌ: মৌ: ১৩১ নং খাঃ সংযুক্ত ৪৭০নং
দাগের .৫৩ একর দাগের জমি।

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Partner Partner

(5)

এই আদালত ৪৩২ নং মামলা - ৩০ তারিখ
সালের সূচিত Amended Amended V. O. No.
95 dt. 6. 4. 67.

Given under my hand and seal
of this court this 15th day of
June 1993.

certified that the addresses
given above are the same
filed by the parties.

sd/- Illegible.
D. W.

sd/- A. K. Das
Assistant District Judge
7th court, Alipore
South 24-parganas,
6. 4. 95

Typed by me:
Samanta
22/12/98

For THE NET CONSTRUCTION

Partner Partner

Made Part of the Final Decree :

District : South 24-Parganas.

In the Ld. 7th Court of Asstt. District Judge at Alipore.

Title Suit No. 1 of 1963.

1. Smt. Nanda Rani Ghosh wife of Late Nepal Chandra Ghosh,

2. Sri Jiban Krishan Ghosh, son of Late Haoul Chandra Ghosh

3. Sri Anath Bandhu Ghosh, son of Late Gopal Chandra Ghosh

all are residing at 11, Nabalia Para Road, Muradpore, P.S. Behala, at present Thakurpukur, Calcutta- 700 034, District : South 24-Parganas.

4. Smt. Laxmi Rani Ghosh,

wife of late Gopal Chandra Ghosh, residing at 11, Nabalia Para Road, Muradpore, P.S. Behala at present Thakurpukur, Calcutta- 700 034, District : South 24-Parganas.

....Plaintiffs.

.Versus-

1. Sri Bijoy Krishna Ghosh,

2. Sri Ajoy Kumar Ghosh,

3. Sri Mritunjoy Ghosh,

4) Sri Bimal Kumar Ghosh,

sons of Late Debendra Nath Ghosh, all are resiing at 11, Nabalia Para Road, Murradpore, P.S. Behala, at present

For THE NET CONSTRUCTION

Partner Partner

at prewent Thakurpur, District : South 24-Parganas, Calcutta- 34.

5. Smt. Ushabala Ghosh,

wife of late Debendra Nath Ghosh, residing at 11, Nabalia Para Road, Muradpore, P.S. Behala at present Thakurpukur, Calcutta- 34, District : South 24-Parganas.

..... Defendants.

S I R,

FINAL REPORT OF THE PARTITION COMMISSIONER:

I have the Honour to state most respectfully that being appointed Commissioner for making partition of the suit properties in the shome suit, I have completed the commission work and her to submit my final report as follows :-

1. That I have been appointed Commissioner for effecting partition of the suit properties according to the shares of t the plaintiffs and the defendants in present of the suit properties as per preliminary decree passed in the above suit.

2. Subject matter of pertition of the instant suit are the bastu land along with structures, bagan land and sali land and pukur lying and situate within Mouza- Muradpore, under Khatian No. 9 Dag No. 251, under Khatian No. 72, Dag No. 279, under Khatian No. 171/1, Dag No. 212, under Khati ... 14,

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Partner Partner

No. 44, Dag No. 45/64, under Khatian No. 302, Dag No. 693, and 694, under Khatian No. 120, Dag No. 677, within Mouza Mondalpara, under Khatian No. 154, Dag No. 493, under Khatian No. 151, Dag No. 470, and 492. The instant suit was decreed in preliminary form on the 5th day of July, 1967, and declaring plaintiffs' jointly and 8 annas share and the defendants jointly got 8 annas share in the suit properties. The plaintiff No. 1 filed an application praying for declaring her 1/6th share in the suit properties and for direction upon the ld. Commissioner to give secrate allotmentt of 1/6th share in the suit properties and your Honour was pleased of declare the plaintiff no. 1's 1/6th share and directed me for separate allotment of the plaintiff No. 1, Smt. Nanda Rani Ghosh's 1/6th share in the suit properties.

3. After issuing notices upon the parties I went to the suit properties on 6.9.1984, 31.3.1985, 21.12.1985, 4.1.19 28.2.1987, 8.4.1967, 25.4.1967, 4.5.1991, 23.3.1991, and made my local investigation in respect of the suit properties in presenceof the plaintiffs and the defendants with reference to the preliminary decree, R.S. Map No R.S. Record o Rights, etc.

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Partner

Partner

4. That the plaintiff No. 1 filed before me certified copy of preliminary decree, passed in the instant suit R.S. Maps for all the Mouzas, R.S. Record of rights, for all the mouza, and all other relevant papers for the purpose of the instant commission work.

5. That I made my local investigation of all the suit properties and verified the suit properties with the R.S. Maps, R.S. Record of Hights, with reference to the preliminary decree passed in the instnat suit. I measured the suit properties wherever necessary for proper identification of the suit properties with the help of metalic tag and I noted the same in my field books, I duly checked the metallic tag before my survey work and found it to be in order. During the survey work I took due precaution so that no error can be made. I selected all the old building corners being the fired points and those are reliable fixed points and I verified their fixities by independent measurement and I was fully satisfied regarding the fixed points and I noted all the measurements in my field book which are filed herewith

6. After returning home, I inked my field book and plotted the same in the scale of 40' ft. 1" inch and

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Partner Partner

inch and prepared partition plan with reference to the preliminary decree. R.S. Maps, R,S. Plan, in such a way that the aforesaid fixed points may exactly coincide and the general lie of the field may also satisfactorily agreed then I expected the areas left fro partition.

7. That I prepared my batulation and classification sheet and also allotment sheet showing the added plaintiff No. 1 's 1/6th share, plaintiffs nos. 2 So 4's 1/3rd share and defendants' 1/2 share. I extracted the area according to the shares of the parties in my allotment sheet and the allotment of added plaintiff No. 1 has been shown within red border line plaintiff Nos. 2 to 4's joint allotments have been shown within green border line and defendants joint allotment have been shown within blue border line and the common areas for common use of the parties have been shown within yellow border line in the partition plans which are annexed with my report and which do form part of my report.

8. Now I shall deal with the valuation as per respective allotment according to the shares of the parties,

It appears that the defendants have constructed building at theri own cos. in Mouza- Muradpore in Dag No. 261

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281 and at Mouza- Mondalpara on portionof Dag No. 493 and accordingly all those buildings have been allotted to the defendants jointly. The defendants and plaintiff. s Nos. 2 to 4 failed to file any valuation allotment report and accordingly I tried my best to ~~maintain~~ maintain the existing possession of the parties at the time of making my allotment. I verified and perused the present market value of the suit properties on local enquiry and I came to the conclusion that the suit properties are valued @ Rs 20,000,00 per cottah. i.e. @ Rs 28/- per suare feet.

1. Valuation of the plaintiff No. 1's 1/5th share in the suit properties are as follows :-

a) In mouza Muradpore, Dag No. 281	4483 sq. ft.
b) In Mouza Muradpore, Dag No. 279 & 278	4095 Sq. ft.
c) In Mouza Muradpore, Dag No. 693 & 694	825 sq. ft
d) In Mouza Muradpore, Dag No. 677	1740 sq. ft.
e) In Mouza Muradpore, Dag No. 212	5662 sq. ft.
f) In Mouza Muradpore, Dag No. 46/64	5296 sq. ft.
g) In Mouza Mondalpara, Dag No. 470 492,493	8205 sq. ft.
Total	30306 sq. ft.

Valuation of the land : 30306 sft. x Rs 28/- Rs 8,48,568.00
Building after depreaction Rs 30,000.00
Total valuation :- Rs8,7 ,568.00

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V i) Valuation of the allotment of the plaintiff Nos. 1 to 4's 1/3rd share in the suit properties as follows :-

a) In Mouza Muradpore, Dag No. 281	8965 sq. ft.
b) In Mouza Muradpore, Dag No. 279 & 278	8190 sq. ft.
c) In Mouza Muradpore, Dag No. 693 & 694	1650 sq. ft.
d) In Mouza Muradpore, Dag No. 677	3480 sq. ft.
e) In Mouza Muradpore, Dag No. 212	11324 sq. ft.
f) In Mouza Muradpore, Dag No. 46/64	10592 sq. ft.
g) In Mouza Mondalpara, Dag No. 470, 492 & 493	16410 sq. ft.
Total :-	60611 sq. ft.

Valuatition of land : 60611 sq. ft. x Rs 28/- Rs16,97,108.00

Building after depreciation (including bath & Privy)	Rs 60,000.00
Total Valuation :-	Rs17,57,108.00

iii) Valuation of the defendant's 1/2 share in the suit properties are as follows :-

a) In Mouza Muradpore, Dag No. 281	13447 sq. ft.
b) In Mouza Muradpore, Dag No. 279 & 278	12285 sq. ft.
c) In Mouza Muradpore, Dag No. 693 & 694	2479 sq. ft.
d) In Mouza Muradpore, Dag No. 677	5220 sq. ft.
e) In Mouza Muradpore, Dag No. 212	16989 sq. ft.

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f) In Mouza Muradpore, Dag No. 46/64 — 15888 sq. ft

g) In Mouza Mondalpara, Dag No. 470,492,493 — 24615 sq. ft

Total : :- — 90923 sq. ft

Valuation of the land : 90923 sq. ft. Rs 28/- Rs 25,458,44/-

Building after depreciation including bath & privy — Rs 90,000/-

Rs 26,35,844/-

9. The total valuation of the suit properties for the purpose of stamp duty is as follows :-

a) Total valuation of the plaintiff No. 1's 1/6th share — Rs 8,78,568.00

b) Total valuation of the plaintiff No. 2 to 4's 1/3rd share in the suit properties — Rs 17,57,108.00

c) Total valuation of the defendants' 1/2 share in the suit properties — Rs 26,35,844.00

Rs 52,71,520.00

Total valuation of the suit properti s is Rs 52,71,520.00 (Rupees fifty two lacs seventy one thousand and five hund hundred twenty) only for the purpose of the Stamp Duty and and no oalty money is payable in terms of preliminary judgement and the allotment has been made according to the share of the parties.

9. Thus I beg to submit my report along with the writ, proceedings, field, book, partition plan and other

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Partner

Partner

and other papers which may kindly be treated as part of this report.

Yours faithfully,

Sd/- Sukumar Chaudhuri,
Advocate.

Enclo : as above

Dated :- 26.5.1993

Typed by me :-

Bonanlu
22/12/98

For THE NET CONSTRUCTION

Partner

Partner

COPY READY ON
23 DEC 1998

Examined and found to be a true
copy and strongly stamped
Govinda Nath
23/12/98
Clerk,

Certified to be true copy
23/12/98
Bansidhar Bar Judges Court
Board Civil Court Allahabad
Rent Controlling No. 1, Allahabad
Allahabad U/S 18 Act I of 1976