



# VICTOR MOSES & CO.

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DNM/1392

March 18, 2019

Falcon Tie-Up Pvt. Ltd.  
5, Chittaranjan Avenue  
Kolkata 700 072

Dear Sirs,

Re: In the court of the Ld. 3<sup>rd</sup> Civil Judge,  
(Junior Division), Sealdah  
Title Suit No. 293 of 2015  
Sanjay Dey & Anr.  
-Vs.-  
Marvellous Nirman Pvt. Ltd. & Ors.

The above suit has been filed by the plaintiffs on 22.03.2016 seeking a declaration that the plaintiffs are the joint owners of a land measuring about 5 cottahs 0 chittacks 8 square feet of land at Mouza Salua, R.S. Dag No. 525, Khatian No. 249, and R.S. Dag No. 526, Khatian No. 250, J.L. No. 3, P.S. Dum Dum Airport, District North 24 Parganas and for recovery of possession.

It appears from record that one Sri Ajit Kumar Deb had transferred by a Bengali Deed of Sale dated 13<sup>th</sup> May, 1964 registered with the Sub-Registrar, Cossipore, Dum Dum being Deed No. 3635 for the 1964 the lands containing an area of 45 decimals in Mouza Salua comprises in C.S. Dag No. 463 corresponding to R.S. Dag No. 526 under C.S. Khatian No. 319 corresponding to R.S. Khatian No. 250 and piece and parcel of land containing an area of 8 decimals in the same mouza comprising in C.S. Dag No. 464, R.S. Dag No. 525 under C.S. Khatian No. 319 corresponding to R.S. Khatian No. 250 in favour of Usha Rani Ghosh, Sukumar Ghosh, Deb Kumar Ghosh and Prashant Kumar Ghosh. After the demise of said Usha Rani Ghosh, her heir and heiresses alongwith heirs of Sukumar Ghosh, Deb Kumar Ghosh and Prashant Kumar Ghosh by various deeds disposed of the land comprising in Dag No. 525 and 526 in favour of Marvellous Nirman Pvt. Ltd and others. The said purchasers duly got their names mutated in respect of the said lands. The said purchasers alongwith others are developing the project known as Silver Oak Estates at Mouza Salua which amongst others contained the said land.

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Long after such transfer took place the heirs of Ajit Kumar Dey illegally sought to transfer a part of the said land to which they had no title. The father of the plaintiffs, Sankar Dey, wrongfully and illegally purchased 8.5 decimals of land from the heirs of Ajit Kumar Dey by a deed of sale dated 09.06.1988 being deed No. 3662 for the year 1988. Therefore such purported transfer is, on the face of it, is bad in law.

The said Sankar Dey purported to further transfer 5 decimals of land in Dag No. 525 and 5 decimals of land in Dag No. 526 in favour of Sushil Kumar Chakraborty and Bhabani Prosad Chakraborty. He further purported to transfer by another deed of sale dated 13.10.1993 being No. 8108 for the year 1993 in favour of Ananta Das and Makar Chandra Das an area of 4.13 decimals again in Dag No. 525 and 526. These transfers are all fake and illegal transfers in as much as the said Sankar Dey purported to purchase only 8.5 decimals of land, which are fake purchases.

The plaintiffs in the said suit are claiming title on the basis of such illegal transfer having no title to the said land as mentioned aforesaid.

In our view the suit filed by the plaintiff is a vexatious suit and is bound to fail. In view of the aforesaid you need not take any notice of the said suit which will die its natural death in course of time.

Yours faithfully,  
For - VICTOR MOSES & CO.,

  
(D.N. MITTRA)  
PARTNER