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Court fees affixed Rs.80/- with court filed seal dt. 17-Mar-2020

IN THE 3RD COURT OF THE CIVIL JUDGE, (SENIOR DIVISION.), MIDNAPUR.

T.S No. :- 111 of 2020

F-237/2020

R-111/2020

Asit Baran Pramanik S/o Late Subal Chandra Pramanik
Of Mirjabazar, P.O.-Midnapur, P.S.-Kotwali, Dist-Paschim
Medinipur.

.....Plaintiff

= VS =

- 1) **Ranjit Pramanik** Son of Late Subal Chandra Pramanik
- 2) **Kajal Pramanik** Wife of Rabnindra Nath Pramanik
½ of Mirjabazar, P.O.-Midnapur, P.S.-Kotwali, Dist-Paschim
Medinipur.
- 3) **Anindita Thapa** Wife of Chandan Thapa
of Sadar Hospital Road, P.O.-Midnapur, P.S.- Kotwali,
Dist- Paschim Medinipur.
- 4) **Nivedita Das** Wife of Jayanta Das
At- Panpara, P.O.-Midnapur, P.S.-Kotwali, Dist-Paschim
Medinipur.
- 5) **Madhumita Das** W/o Pintu Das
At- Panpara, P.O. Midnapur, P.S. Kotwali, Dist- Paschim
Medinipur,
- 6) **Surajit Pramanik** Son of Late Nisith Pramanik
At-Mirzabazar, P.O.-Midnapur, P.S.-Kotwali, Dist-Paschim
Medinipur.

Sd.-Banshi badan Ganguli (Adv.)
Sd.-Asit Baran Pramanik

7) **Jhumpa Layek** W/o Sisir Layek

At-Saheb Pukur Chak, P.O.-Midnapur, P.S.-Kotwali,
Dist-Paschim Medinipur.

8) **Tanushree Pal** W/o Pathik Pal

At Vill-Onda, P.O.-Dhalika, P.S.-Garhbeta, Dist-Paschim
Medinipur.

9) **Rina Pramanik @ Ila Sahoo** W/o Late Dilip Kumar Sahoo

At-Dwaribandh, P.O.-Midnapur, P.S.-Kotwali, Dist- Paschim
Medinipur.

.....Defendants

Suit Valued at Rs.150000/-

For Partition and Separate Possession

The above named plaintiff begs to state as follows:-

- 1) That within the District-Paschim Medinipur under P.S. Midnapur, J.L. no. 173 of Mouza-Miyabazar, R.S. Kh. No. 251, 267, 768, L.R. Kh. No. 101/1, 1670/1, 1658/1, 1084/1, 1965/1, Plots No. 115, 116, 116/1729, 117, 118, Hal Plot No. 224, 225, 226, 227 total area 0.2290 acre, fully described in the 'A' schedule below of the plaint is the subject matter of this suit.
- 2) That the plaintiff has filed this suit for partition and separate possession and the present valuation of the 'A' Schedule below land is Rs.1,50,000/- as per schedule below valuation statements and the plaintiff has filed this suit by payment of fixed court fees of Rs.80/- for filling this suit.
- 3) That Subal Chandra Pramanik was the owner in respect of the 'A' schedule below land and other lands. He acquired the 'A' Schedule below land by deed No. 4715/1957 from Anantaram Pramanik registered with the Midnapur sub-registrar office and he used to possess the same by amicable arrangement with the other cowner.

- 4) That after demise of Subal Chandra Pramanik his legal heirs five sons namely Asit Baran Pramanik, the plaintiff and Rabindra Pramanik (since deceased), Ranjit Pramanik, the defendant no.1, Samar Pramanik (since deceased) and Nisith Pramanik (since deceased) and one daughter namely Rina @ Ila Pramanik inherited the lands left by Late Subal Chandra Pramanik with $1/6^{\text{th}}$ Share each. Samar Pramanik died unmarried his $1/5^{\text{th}}$ Share devolved upon his three brothers and one sister. Thereafter same land in Plot no. 113, 114 acquired by Midnapur Municipality and rest portion i.e. the 'A' Schedule below land used to possess the plaintiff and his two brothers and one sister jointly with $1/5^{\text{th}}$ Share each. After demise of Rabindra Nath Pramanik his $1/5^{\text{th}}$ Share to the 'A' Schedule below land inherited by his widow Kajal Pramanik, the defendant no. 2 and three daughter namely Anindita, Nivedita and Madhumita, the defendant no. 3, 4, 5 inherited jointly. After demise of Nisith Pramanik his $1/4^{\text{th}}$ Share inherited by his son namely Surajit Pramanik, the defendant no. 6 and two daughter namely Jhumpa and Tanushree, the defendant no. 7 and 8. The plaintiff has $1/5^{\text{th}}$ Share and the defendant no.1 has $1/5^{\text{th}}$ share, the defendant no. 2 to 5 have jointly $1/5^{\text{th}}$ share and the defendant nos. 6, 7, 8 have jointly $1/5^{\text{th}}$ Share and the defendant no. 9 has $1/5^{\text{th}}$ Share to the 'A' Schedule below land.
- 5) That the 'A' Schedule below lands never been partition by mets and bounds, there is many problems have been created up towards Ezmalı possession between the parties, in respect of the 'A' Schedule below land. As such on 01.03.2020 the plaintiff has requested to the defendants for make partition by mets and bounds according to the share of the plaintiff but with ulterior motive and bad intention the defendants have refused to make partition by mets and bounds as such the plaintiff is bound to file this suit against the defendants, for

partition in respect of the 'A' schedule below land.

6) That the cause of action arose on 01.03.2020 as stated above cause at Mouza-Miyabazar under P.S.-Kotwali, Dist- Paschim Medinipur for filling this suit.

So, it is prayed

- (a) To pass preliminary decree towards 1/5th Share of the plaintiff in respect of the 'A' schedule below land against the defendants.
- (b) To pass final decree after appointing survey passed Advocate Commissioner and after accept this report. ,
- (c) To pass such order / orders which your Honour may deem fit and proper under law and equity.

(A) Schedule below land

District - Paschim medinipur, P.S.-Midnapur(Kotwali), J.L. no. 173 of
Mouza - Miyabazar, Sabek Kh. no. 251, R.S. Kh. no. 767, 768, L.R. Kh.
no. 101/1, 1670/1, 1658/1, 1084/1, 1965/1

R.S. Plot	L.R. Plot	Nature	Area
115	224	Bastu	.0080 acre
116	225	Bastu	.1145 acre
116/1729	225	Bastu	.0070 acre
117	226	Bastu	.0635 acre
118	227	Bastu	.0360 acre

Total = .2290 acre

Valuation Statement

The present Value of the (A) Schedule below land is Rs, 1,50,000/-
No.-599 dt. 11-03-2020.

Court fees affixed Rs.1/- with notary seal

AFFIDAVIT

I, **Asit Baran Pramanik** S/o Late Subal Chandra Pramanik, aged about 61 years, by caste - Hindu, by occupation - residing of Mirjabazar, P.O.- Midnapur, P.S.- Kotwali, Dist- Paschim Medinipur, do hereby solemnly affirm and state as follows:-

- 1) That I am the plaintiff of the instant case and well conversant with facts of this case and competent person to say about facts of this case.

This is true to my knowledge.

- 2) That I swear this affidavit in support of this plaint.

This is true to my knowledge.

- 3) That the above statements made in this plaint are true to my knowledge.

- 4) That the statements made in paragraph 1 to 3 of this affidavit are true to my knowledge.

Drafted by me :

Sd/-Banshi Badan Ganguli
Advocate

Sd/-Asit Baran Pramanik

Deponent

Known to me & signed in my
presence

Sd/-Banshi Badan Ganguli
Advocate

Declared before me on oath

Sd/-Lahar Mazumder

Dt. 11.03.2020

LAHAR MAZUMDER

NOTARY (Midnapore Dist.)

Regn. No.-35/1996

Exp. Dt. 08.06.22

Govt. of W.B.

Boxibazar, Midnapore.

Typed by :- *Rajib Rana*

Compared by :- *Jaganmohan Jaisan*