

(15) (XXI)

Rama Paul

B.A. LL.B. Advocate
ALIPORE CRIMINAL & JUDGES COURT
KOLKATA-700 027

Residence Chamber
71, Sallimpur Lane,
Kolkata-700 031.
7-9 A.M. & 8-10 P.M. ✓

Date 22.11.2013

Ref. _____

Search Report

Ref:- Subrata Deb
S/o Late Surendra Chandra Deb
P.S.Lake, Kolkata.

I have caused searches in Index No.I, in the above named person in the records of D.R.O.Alipore, A.D.S.R.O.Alipore and A.R.A.I-Kolkata from the years 1997-2013 each office with computer search.

During this period I found no entry either sale, gift, mortgage, lease, agreement or any other transfer transaction as per available records.

Hence in my opinion the present owner has got good clear and marketable title as per available records of the above registration offices concerned.

Search receipts are attached herewith.

Rama Paul


Rama Paul

B.A. LL.B. Advocate
ALIPORE CRIMINAL & JUDGES COURT
KOLKATA-700 027

Residence Chamber
71, Sallimpur Lane,
Kolkata-700 031.
7-9 A.M. & 8-10 P.M.

Date 22.11.2013

Ref. _____

Search Report

Ref:- Bitu Ray
W/o Bipratap Ray
D/o. Surendra Chandra Deb
P.S.Lake, Kolkata.

I have caused searches in Index No.I, in the above named person in the records of D.R.O. Alipore, A.D.S.R.O. Alipore and A.R.A.I-Kolkata, from the years 1997-2013, each office with computer search.

During this period I found no entry either sale, gift, mortgage, lease, agreement or any other transfer transaction as per available records.

Hence in my opinion the present owner has got good clear and marketable title as per available records of the above registration offices concerned.

Search receipts are attached herewith.

Rama Paul

Rama Paul

B.A. LL.B. ADVOCATE
ALIPORE CRIMINAL & JUDGES COURT
KOLKATA-700 027

Residence Chamber
71, Salimpur Lane,
Kolkata-700 031.
7-9 A.M. & 8-10 P.M.

Date 22.11.2013

Ref. _____

Search Report

Ref:- Samitra Deb
W/o Guru Prasanna Deb
D/o Surendra Chandra Deb
P.S. Lake, Kolkata.

I have caused searches in Index No. I, in the above named person in the records of D.R.O. Alipore, A.D.S.R.O. Alipore and A.R.A.I-Kolkata, from the years 1997-2013 each office with computer search.

During this period I found no entry either sale, gift, mortgage, lease, agreement or any other transfer transection as per available records.

Hence in my opinion the present owner has got good clear and marketable title as per available records of the above registration offices concerned.

Search receipts are attached herewith.

Rama Paul

(XXI)

✓
REPORT ON TITLE

Re: Premises No. 3, Aswini Dutta Road, P.S. Gariahat, Ward
No. 86, Kolkata-29, admeasuring 3 cottahs 7 chittacks

I. ABSTRACT OF TITLE:

- A. By a registered Indenture dated 11.3.1931 registered with Sadar Sub-Registrar, Alipore in Book No. I, Volume No. 35, Pages 60 to 65, being No. 1554 for the year 1931 Calcutta Improvement Trust sold to one Dhana Ballav Paul plot of land at premises No. 3 Aswini Dutta Road, Calcutta, admeasuring 3 cottahs 6 chittacks 7 sq. ft. more or less, but physically admeasuring 3 cottahs 7 chittacks. The said Dhana Ballav Paul constructed a dwelling house thereon. The said Dhana Ballav Paul also mortgaged the said land in favour of CIT against part consideration.
- B. By a registered Deed of Release dated 17.5.1938 the said Dhana Ballav Paul got the said property released from the Calcutta Improvement Trust upon payment of the upto date dues in full satisfaction thereof.
- C. By a registered Indenture dated 28.7.1938 registered with the District Sub-Registrar in Book No. I, Volume No. 13, Pages 281 to

287, being No. 1972 for the year 1938 the said Dhana Ballav Paul sold the said land with dwelling house to one Smt. Sarala Bala Ghosh.

- D. Saral. Bala Ghosh thereafter mortgaged the said property to Smt. Prantoshini Poddar by a registered Deed of Mortgage dated 6.4.1940 registered with Sub-Registrar, Alipore in Book No. I, Volume No. 41, Pages 190 to 193, being No. 1079 for the year 1940.
- E. By a registered Deed of Release dated 25.12.1941 registered with the District Sub-Registrar in Book No. I, Volume No. 113, Pages 145 to 147 being No. 4582 for the year 1941 the said Smt. Prantoshini Poddar released the said property to Smt. Sarala Bala Ghosh.
- F. Thereafter by a registered Indenture of Sale dated 23.12.1941 the said Sarala Bala Ghosh sold the said premises admeasuring 3 cottahs 7 chittacks of land with dwelling house to Arun Chand Mitra, Biren Chand Mitra and Hiren Chand Mitra, all sons of Anil Chand Mitra. The said Indenture is registered with District Sub-Registrar in Book No. I, Volume No. 94, Pages 277 to 282, being No. 4583 for the year 1941. The said Arun Chand Mitra, Biren Chand Mitra and Hiren Chand Mitra thereafter got their names duly mutated in respect of the said premises in the Calcutta Corporation.

The said property was recorded in the joint names of Babu Arun Chand, Biren Chand and Hiren Chand vide Assessee No. 11-085-01-0003-2 in the municipal records.

- G. The said Arun Chand Mitra died intestate while a bachelor on or about 22.8.1943 whereupon his 1/3rd share or interest in respect of the said property devolved upon his two surviving brothers namely upon Biren Chand Mitra and Hiren Chand Mitra in equal shares as per the Hindu Law then governing. Thereafter the 2nd brother Biren Chand Mitra also died intestate while a bachelor on 25.12.1986 whereupon his half share in the said property devolved upon his sole surviving brother namely Hiren Chand Mitra, whereupon the said Hiren Chand Mitra became the sole owner of the said entire property being premises No. 3, Aswini Dutta Road, Calcutta.
- H. It is recorded by the present owners vide their Affidavit that the said Hiren Chand Mitra died intestate while a bachelor on 8.12.1997 whereupon the said entire property devolved upon the heirs and heiresses of his deceased sister namely Sudha Deb, deceased as per the Hindu Law of Inheritance. It is stated by the owners that the said three brothers Arun Chand Mitra, Biren Chand Mitra and Hiren Chand Mitra had only one sister namely Sudha Deb who

died intestate on 1.6.1953 leaving her surviving seven sons and three daughters respectively being Soumendra Chandra Deb, Salilendra Chandra Deb, Sukhendu Deb, Sobhendra Deb, Sumitendra Deb and Samir Deb, all since deceased and also Subrata Deb, Smt. Rita Ray, Smt Sunanda Ghosh and Smt. Sumitra Dey who would have become entitled to the said property in the ordinary course, but three of the aforesaid sons namely Sobhendra Deb, Sumitendra Deb and Samir Deb had already expired before the death of said Hiren Chand Mitra. As such the respective heirs and heiresses of the said deceased nephews did not become entitled to any share in the said property. It is recorded by the present owners that Sobhendra Deb died on 5.8.1981, Sumitendra Deb died on 15.6.1989 and Samir Deb died on 9.3.1992.

- I. Thus the surviving nephews and nieces namely Soumendra Chandra Deb, Salilendra Chandra Deb, Sukhendu Deb, Subrata Deb, Rita Ray, Sunanda Ghosh and Sumitra Dey became entitled to the said entire property in equal undivided $1/7^{\text{th}}$ share each.
- J. Out of the said surviving nephews and nieces of Hiren Chand Mitra, it is stated by the present owners that the three of them thereafter died as bachelors namely Soumendra Chandra Deb died intestate on 24.8.2011, Salilendra Deb died on 29.11.2004 and

Sukhendu Deb died on 8.4.2011. Thus the 1/7th share each of the said deceased persons devolved upon their surviving brother and three sisters in equal ratio namely upon Subrata Deb, Rita Ray, Sunanda Ghosh and Sumitra Dey under the law of inheritance.

- K. Thus the surviving brother and sisters namely Subrata Deb, Rita Ray, Sunanda Ghosh and Sumitra Dey have become the full and absolute owners of the entirety of the said premises being premises No. 3, Aswini Dutta Road, Kolkata-29 in undivided 1/4th share each and they have also got their names duly mutated in the municipal records as such joint owners vide Assessee No 11-085-01-0003-2.

II. SEARCHES & INSPECTION

1. Registration Offices:

We have carried out the searches in Index-II in the name of the said premises for last 30 years, each at the registry offices viz. Registrar of Assurances, District Registrar and Sub-Registrar, Alipore and no entry was found. However, the Index at the District Registration Office and the Sub-Registration Office for several years were found torn. Therefore we have also carried out searches in Index-I in the personal name of Hiren Chand Mitra, son of Anil Chand Mitra till

he was alive and in the name of Subrata Deb, son of Saurav Deb, after the death of Hiren Chand Mitra upto date and no entries were found. Photocopies of field notes and Registration Office Receipts are attached hereto.

2. We have inspected the following deeds and documents produced before us:-

- (i) Certified copy of Deed No. 1554 of 1931;
- (ii) Certified copy of Deed No. 4583 of 1941;
- (iii) Mutation Certificate dated 3.10.2013 of the KMC in the names of Subrata Deb, Rita Ray, Sunanda Ghosh, Sumitra Dey by deleting the names of Arun Chand, Biren Chand, Hiren Chand Mitra;
- (iv) Death Certificates:-
 - a) those of Arun Chand, Biren Chand and Hiren Chand;
 - b) of Sudba Rani Deb (name of husband and of mother missing);
 - c) those of Soumendra, Salilendra, Sobhendra, Sumitendra, Samir Deb (Death Certificate of Sukhendu Deb not produced before me)
- (v) Voter Id Cards of Rita Ray, Subrata Deb, Sunanda Ghosh and Sumitra Dey showing their addresses.

III. LEGAL OPINION

Our opinion on inheritance by the present claimants of ownership is based on the following surmises:-

- a) That Arun Chand Mitra, Biren Chand Mitra and Hiren Chand Mitra all died as bachelors;
- b) That at the time of death of Biren Chand Mitra in the year 1986, his mother had already expired;
- c) That at the time of death of Hiren Chand Mitra in the year 1997, the only available heirs and heiresses were the surviving children of his predeceased only sister;
- d) As per entry No. IV of class II of the schedule of devolution given under the Hindu Succession Act 1954 in case of Hindu bachelor dying intestate only the surviving children would become entitled to the estate of their maternal uncle who died as a bachelor, but not the off springs or successors of any deceased ones;
- e) Further as per entry No. II of class II under Section 8 of the Hindu Succession Act the surviving brothers and sisters of the deceased ones who died bachelors would become entitled to the shares of the deceased ones in equal shares;

- f) Thus upon the successive deaths of Soumendra, Salilendra and Sukhendu, who are each stated to have died bachelors, Subrata Deb, Rita Ray, Sunanda Ghosh and Sumitra Dey being the surviving brother and sisters would finally inherit the shares of deceased ones equally;
- g) The above opinion is based on the respective facts narrated as above, for which documentary proofs must be sought or local enquiries should be made to discover any discrepancy, if any.

IV. INVESTIGATION

- a) We have inserted newspaper advertisements in the Telegraph and Ananda Bazar Patrika of the proposed sale of the subject premises by the present claimants of ownership in the month of November 2013 but no adverse claim has been received even after the expiry of the stipulated period of the Notice.
- b) The original link title deed and Mother Deed are stated to be lost from the custody of the present claimants of ownership for which police diaries and newspaper insertions should be made.
- c) Court searches in the court of the ____th Court of Civil Judge, Senior Division and ____th Court of Civil Judge, Junior Division at Alipore must be carried out in the names of the said present claimants of ownership, i.e. in the names of Subrata Deb and others

to ascertain whether any court case for declaration or injunction has been filed against them.

V. CONCLUSION

If the above narration of facts regarding devolution of title pursuant to the respective deaths and succession are correct which should be vigorously checked, the title of the present claimants of ownership should be treated as marketable.

Dated: 25.11.2013

For C.K. Deora & Company

Advocate