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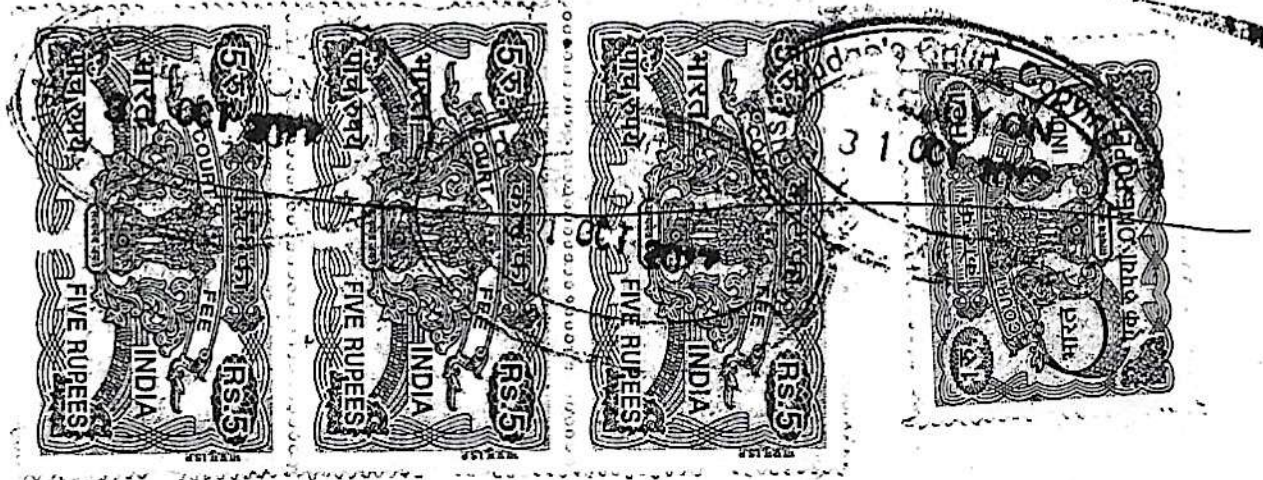
ERX-3442/12

For the court of the Id, District Delegate at Alipore
Act 39 (P) 373/10

Rabindra Nath Mukherjee

- vs -

Tapun Kumar Roy



Schedule of cost of the copy	
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WILL

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THIS IS THE FIRST AND LAST WILL AND TESTAMENT OF
SRI RABINDRA NATH MUKHERJI

R-117
I, **SRI RABINDRA NATH MUKHERJI**, son of late Nagendra Nath Mukherji, by faith Hindu Brahmin, by occupation retired Central Government pensioner at present aged about 94 years, residing at 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), Kolkata - 700 025 do hereby execute my last will and testament for disposition of my movable and immovable property/ properties after my death.

I do hereby revoke all my previous wills and codicils, hereto before made by me and declare this instant will to be my last will and testament.

I executed my first will on 10th day of February 2002. Thereafter I executed another will on 8th day of July 2003. Both the will relate to disposition of my movable and immovable properties after my death. Due to change of circumstances I execute this instant will and as such no provisions of my previous wills as aforementioned shall remain valid and effective after my death. Only the provisions of this instant will shall be treated as valid and effective after my death.

This instant will of mine relate to disposition of my moveable and immovable properties and all the terms and conditions of this will shall become effective after my death.

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That prior to 17th day of January 1991, I was the sole and absolute owner of the entire immovable property comprising land and two storied pucca structures standing thereon commonly known and numbered as premises No. 8/1A & 8/1B, Sakharam Ganesh Dauskar Sarani (Old Townshend Road), P.S. Bhowanipore, Kolkata - 700 025, lying within the limits of Kolkata Municipal Corporation Ward No. 72. Those two premises are adjacent to each other and the structures standing thereon have common walls forming one single two storied pucca dwelling house consisting of 4 (four) self contained independent flats, that is to say, one flat at the first floor and one flat at the ground floor of each premises No. 8/1A, & 8/1B, Sakharam Ganesh Dauskar Sarani (Old Townshend Road), P.S. Bhowanipore, Kolkata - 700 025.

I have already transferred one self contained flat at the ground floor of premises number 8/1A, Sakharam Ganesh Dauskar Sarani (Old Townshend Road), P.S. Bhowanipore, Kolkata-700 025, along with its undivided proportionate share of land in favour of my second daughter Smt. Arati Chatterjee by a Registered Deed of Gift, dated 17th January 1991, for her residential accommodation.

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The remaining portion of my aforementioned immovable property at present owned by me comprises three independent flats. Two flats at premises No. 8/1B, Sakham Ganesh Dauskar Sarani (Old Townshend Road), P.S. Bhowanipore, Kolkata-700 025, i.e. one flat is the entire ground floor and the other being the entire first floor of the said premises and the other is the entire first floor of premises no. 8/1A, Sakham Ganesh Dauskar Sarani (Old Townshend Road), P.S. Bhowanipore, Kolkata-700 025, along with the entire roof of both the premises and other common passages right to use and enjoy all easements and appurtenances attached thereto.

The aforementioned immovable property at present owned by me is the subject matter of this instant will. The area and accommodation of the said three flats are not equal and cannot be apportioned equally, and as such I make provisions for disposition of those flats by this instant will and which will be effective after my death.

My family consists of my wife Smt. Durga Rani Mukherji, two sons namely Sri Pranab Kumar Mukherjee and Sri Prabir Kumar Mukherjee and two daughters namely Smt Anjali Roy and Smt. Arati Chatterjee. My youngest daughter Pranati Banerjee died on 25th day of December 2003 leaving behind her only daughter Subhamita Mukherjee (nee Banerjee) wife of Sri Arindam Mukherjee, and her husband Nilangshu Banerjee as her only legal heirs and successors.

All my sons are well established in their respective life and all my daughters are married and all of them are residing at their respective matrimonial home. Be it noted here that my second daughter Smt. Arati Chatterjee is at present residing at the ground floor flat of premises No. 8/1A, Sakham Ganesh Dauskar Sarani (Old Townshend Road), P.S. Bhowanipore, Kolkata-700 025, which is owned by her and she is living there along with her family members.

I do hereby make provisions as follows:

If my wife **SMT. DURGA RANI MUKHERJI** survives me, I do not want her to be economically and financially dependent on my heirs for her residence and maintenance and further that she should not suffer in her natural position as the senior most member of the family after my death. So, I direct that my wife shall be the holder of life estate in all my properties. She shall continue to live in the first floor or upper flat of both the premises No. 8/1A, and 8/1B, Sakham Ganesh Dauskar Sarani, (old Townshend Road), Kolkata-700 025, as she is living and possessing at present. She shall collect and receive every month during the rest of her life time all rents, dues and incomes from the properties. All my movable properties shall be under the direct care, control and custody of my wife.

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I further will and direct that after my death:

a) My eldest son **SRI PRANAB KUMAR MUKHERJI** shall get the upper flat (the entire first floor) of premises No. 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), P.S. Bhowanipore, Kolkata - 700 025, including the staircase room, the mezzanine floor and the undivided half share of the terrace along with undivided half share of land on which the said house stands. The staircase of the said premises including its landings leading from the ground floor up to the roof shall remain common in between my elder son Sri Pranab Kumar Mukherjee and my second son Sri Prabir Kumar Mukherjee.

b) My younger son **SRI PRABIR KUMAR MUKHERJI** shall get the lower flat (the entire ground floor) of premises No. 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), Kolkata - 700 025, including the space in the front portion, and the adjacent garage, and the undivided half share of the terrace along with undivided half share of land on which the said house stands. The staircase of the said premises including its landings leading from the ground floor up to the roof shall remain common in between my second son Sri Prabir Kumar Mukherjee and my elder son Sri Pranab Kumar Mukherjee.

My younger son Sri Prabir Kumar Mukherji is a qualified and registered medical practitioner. Medical practice is his only source of earnings; as such I bequeath the front portion of the ground floor of the entire premises in his favor enabling him to utilize a part or portion of the same and/or the road-side room as his chamber.

At present the ground floor flat (excepting the garage) of premises number 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), P.S. Bhowanipore, Kolkata - 700 025, is lying under occupation of a monthly tenant and a suit for eviction of the said tenant is at present pending in the Court of Law of competent jurisdiction. If the said suit remains pending at the time of my death, then my said younger son shall have his right to continue and prosecute the said suit as owner of the premises subject to compliance of legal formalities.

c) As my eldest daughter **SMT. ANJALI ROY** is not in need of any residential accommodation, I am not giving her any share of my landed property. I have, however, made provision to replenish her other ways.

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I have already transferred the ground floor of house no. 8/1A, Sakham Ganesh Dauskar Sarani (old Townshend Road), Kolkata - 700 025, to my second daughter **SMT. ARATI CHATTERJI** by a Deed of Gift as she was in acute difficulty of a residential accommodation of her own. So, the ground floor of house no. 8/1A, Sakham Ganesh Dauskar Sarani (old Townshend Road), Kolkata - 700 025, does not come under the purview of this will. Due to such reasons my second daughter Smt. Arati Chatterji shall not get any allotment in respect of any flat or residential accommodation at any part or portion of my immovable property, save and except certain provisions I specifically made hereunder.

e) I make specific provision for my second daughter **SMT. ARATI CHATTERJI** that she shall be the owner in respect of the undivided half share of the terrace/roof of premises No. 8/1A, Sakham Ganesh Dauskar Sarani (old Townshend Road). I further specifically state that my second daughter shall also be the owner of undivided half share of land on which the said premises number 8/1A, Sakham Ganesh Dauskar Sarani (old Townshend Road) house stands. The staircase of the said premises including its landings leading from the ground floor up to the roof shall remain common in-between my second daughter Smt Arati Chatterjee and Smt. Subhamita Mukherjee and Sri Nilangshu Banerjee.

gape
f) My youngest daughter **PRANATI BANERJEE** died on 25th day of December 2003 leaving behind her only daughter **SMT. SUBHAMITA MUKHERJEE** (nee Banerjee) wife of Sri Arindam Mukherjee, and her husband **SRI NILANGSHU BANERJEE** as her only legal heirs and successors. In view of the aforementioned circumstances I do hereby make provisions for the legal heirs of my deceased daughter. My said grand daughter Subhamita Mukherjee and her father Sri Nilangshu Banerjee being my son-in-law (the husband of my deceased daughter) shall jointly get the upper flat (the entire first floor) of the house no. 8/1A, Sakham Ganesh Dauskar Sarani (old Townshend Road), Kolkata - 700 025, including the staircase room and the undivided half share of the terrace along with undivided half share of land on which the said house stands. The staircase of the said premises including its landings leading from the ground floor up to the roof shall remain common in-between said Smt. Subhamita Mukherjee and Sri Nilangshu Banerjee and my second daughter Smt Arati Chatterjee.

I direct that each of the beneficiaries after becoming owners of different parts or portions of premises No. 8/1A & 8/1B, Sakham Ganesh Dauskar Sarani (old Townshend Road), in the manner as aforesaid shall have common right and access for the use and occupation of their respective portions in the manner following:-

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COMMON PORTIONS:

- (i) The entire side passage on the northern side running from east to west of premises No. 8/1A, & 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road).
- (ii) The portion up to the existing electric meter board and/or up to the door, in the southern side passage at the ground floor of premises No. 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road).
- (iii) The filtered water reservoirs on the ground floor and on the roof of premises No. 8/1A, Sakharam Ganesh Dauskar Sarani (old Townshend Road), from which filtered water is supplied to the upper flat of both premises No. 8/1A & 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road).
- (iv) Each of the beneficiaries and/or the legatees shall have their facilities for erection of scaffolding and allow men and materials for carrying out repair of the premises/houses, either jointly or individually without causing obstructions to the others.
- (v) I also direct that the existing common walls running north to south with inter-communicating doors lying in between premises/houses no. 8/1A & 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), and common arrangements for supply and distribution of filtered water, drainage systems, electrical wiring, pertaining to the two houses shall continue as at present and must not be altered or disturbed without mutual written consent of the concerned legatees and heirs, the legatees and heirs of the two houses shall be jointly responsible for the repair and maintenance of the common drainage systems, filtered water supply and its distribution arrangements and common side passage on the north of the two houses 8/1A & 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), shall be responsible for repair and maintenance of the electric pump set and filtered water supply pipe lines concerning them.

EXEMPTION:

Be it specially noted here that the garage at the ground floor of premises no. 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road), shall not be treated as common, though the existing electric meter board and service line situate and lying inside the garage at the ground floor of premises No. 8/1B, Sakharam Ganesh Dauskar Sarani (old Townshend Road). Said electric meter board should be shifted at any common or convenient place. If the same be not done during my life time, all the legatees including my second daughter shall remain duty bound to do all the needful for shifting the electric meter board from the ground floor garage. On the other hand the beneficiaries shall make separate individual arrangement for installation of meter at their own respective occupations as per rules and regulations for the time being which shall remain in force.

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If any of the legatees die before receiving his or her legacy in the immovable property, his or her legal heir or heirs according to Hindu law of inheritance shall receive such legacy.

Each of the legatees shall give facilities for erection of scaffolding and allow men and materials for carrying out repairs to the houses.

It is for my wife to distribute the movable properties such as ornaments, furniture, utensils, etc. to the sons and daughters according to her discretion as and when she would consider it desirable and necessary.

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I appoint Sri Tapan Kumar Roy, son of late Bholanath Roy, of 11, Mahendra Road, P. S. Bhowanipore, Kolkata - 700 020 the husband of my eldest daughter and Smt. Anjali Roy, my eldest daughter, as joint **EXECUTOR/EXECUTRIX** of this Will and Testament. Any one or both of the appointed Executor or executrix shall have his/her/their right to obtain grant of probate of this will from the court of law of competent jurisdiction without furnishing any security in any manner whatsoever, after my death.

Lastly, I direct that none of the legatees shall have any right to challenge my above deposition. If any of them objects to the authenticity of this will and stand on the way while taking probate, he or she shall forfeit his or her claim on my immovable and movable properties.

I declare that this is my only and last will or testament. I make this will out of my free will and volition in full possession of my power and after due deliberation. I have written this will in my own free will.

THIS IS MY LAST WILL AND TESTAMENT. By this instant will all my previous Will or Testament and/or codicils (if any) shall stand cancelled. All the terms of this Will shall be effective after my death only.

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IN WITNESS WHEREOF I do hereby set and subscribe my hand and seal in sound state of mind by possessing good health, without anybody's influence, and also after going through the contents of the will thoroughly. The witnesses and I set and subscribe our respective hands and seals in front of each other this the 8th day of July 2008

Rabindra Kall...

Redu...

TESTATOR

We the witnesses and the testatrix do hereby set and Subscribe our respective hands and seals in front of each other

WITNESSES:

1) *Rana Chatterjee*
8/1A, Townshend Road
Kolkata - 700 025

2) *Susilabala Basu Advocate*
60B Chakrabarti Road (North)
Kolkata - 700 020

3) *Bipak Kumar G. (Advocate)*
Alipor Judges' Court
Kolkata - 27

4) *Shyam Sundar Gossai*
59/1, Chakrabarti Road (North)
Kolkata - 700 02

Drafted and prepared in the Office of

Bipak Kumar G.

Advocate

Typed by

Shyam Sundar Gossai
Typist





Expt 2

Det 4/13

RECEIVED
OCT 20 1961

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Examined and found to be a true
copy and correctly stamped
Ratneswar Mishra
Alipore 31/10/17
Date..... Dist. Judge's Court

Certified to be True Copy
Pratima Choudhary
Head Copying Dept.
Copying Department Alipore
District Judge's Court Alipore
Certified on 31 Oct 2017
Date-31-10-2017

Amoh
31/10/17
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