11.5.07. 23.5.07 23.5.07 31.5.07 31.5.07

ER-1689/2007

DISTRICT : SOUTH 24-PARGANAS

In the Court of the 9th Civil Judge(Sr. Divn) at Alipore.

Title Suit No. 132/56

Sm. Shyama Sundari Dasi ... Plaintiff

- versus -

Sm. Kusum Kumari Dasi & Ors ... Defendants

Order No. 71 dt. 6.9.60 : Parties file a petition of compromise along with a power and also with a petition for amendment of the plaint. Heard Ld. Lawyer for the parties. In prayer of the amend plaint of the plaint is allowed. Amend plaint by making the petn. a part of the plaint. The terms of compromise are legal. The same be recorded. C. F. correct.

Ordered

that the suit be finally decreed in terms of the petn. of compromise read with plan which do form part of the decree.

sd/-M. K. Roy.
Sub-Judge

Typed by :

D. BASAK dt. 31/5/07.

11.5.07 23.5.07 23.5.07 31.5.07 31.5.07

Final Decree for partition

District : 24 Parganas

In the 9th Court of the Sub-Judge at Alipore.

Title Suit No. 132 of 1956

Sm. Shyama Sundari Dasi, widow of Late Girish Chandra Chowdhuri of 189, Kasba Road, "Ram Asram" P.S. Sadar Tollygunge, District 24-Parganas ... Plaintiff

- versus -

1. Sm. Kusum Kumari Dassi, widow of Late Harish Chandra Choudhuri of 189, Kasba Road "Ram Asram" P.S. Sadar Tollygunge.

2. Sm. Kamini Dassi W/o Late Bhutnath Chowdhury.

3. Chitta Ranjan Das S/o Sashi Bhusan Das of 189, Kasba Road, P.S. Sadar Tollygunge Dt. 24-Parganas amended V.O. dt. 31.1.57. ... Defendants

Claim for partition valued at Rs. 27000/- amended v.o. dt. 6.9.60.

Schedule of properties

District 24 Parganas, Thana Sadar Tollygunge, Mouza Kasba, J.L. No. 13, Touzi 145 in the Dist. of 24 Parganas, recorded in C.S. Khatian as follows :-

Total Ejmali Paddy Land :

Schedule of cost for the copy

Application 2600

Petition and Ad. 60

Authentication

Expenditure 31.00

Searching Fee

Typing Fee

Other Fees (if any)

Total

AIRPORT, SOUTH 24-PARGANAS

Khatian No.	Plot No.	Area
915	2623	.66
"	2653	.60
"	2654	.91
"	2544	.12
"	2602	.48
"	2620	.05
"	2621	.09
"	2528	.27
"	3771	1.41
"	4010	.19
"	4200	.21
912	3712	1.57
		6.56 acre

Bhadrasan :

Kha.	Plot No.	Area	
915	1360	.48	Building & adjacent land.
	1361	.31	Tank
Part of (as sold by the owners along with plff & ors.)	1486	.12	Bank of tank
	1488	.15	" "
	1485	.05	(more or less) Bank of tank
		1.11	
minus 1/9th		.12	(more or less)
		.99	

The said land together with building are valued at Rs. 27,000/- amended V.O. dt. 6.9.60.

This suit coming on this 6th day of September, 1960 for final disposal before Sri M.K. Roy, Sub-Judge in presence of Sri Suresh Chandra Bhadra, Pleader for the pltff, and of Sri Sukumar Basu, Pleader for Defdt No.1. Sri Rabindra Nath Gan, Pleader for Defdt No. 2 and Sri Mihir Chandra Datta, Advocate for Defdt No. 3.

It is ordered and decreed that the suit is finally decreed in terms of the petn. of Compromise read with plan which do form part of the decree.

Given under my hand and the seal of this court this 6th day of September, 1960.

sd/-M. K. Roy.
Sub. Judge
12-12-60.

Typed by :
D. BASAK dt. 31/5/2007.

COPY READY ON
31 MAY 2007

Examined and found to be a true copy and correctly stamped

Comparing Clerk
Alipore
Date 31/5/07 Dist. Judge's Court

Certified to be true Copy

Head Comparing Clerk,
Copying Department, Alipore
District Judge's Court,
Attested u/s 76 Act I of 1872

District : South 24-Parganas

In the Ninth Court of the Subordinate Judge at Alipore.

Title Suit No. 132 of 1956

Sm. Shyama Sundari Dasi ... Plaintiff

- vs -

Sm. Kusum Kumar Dasi & Others ... Defendants

PETITION FOR COMPROMISE

Made part of the Final decree. Sd/- M.K. Roy Subordinate Judge. 12.12.60.

The humble petition of Smt. Shyama Sundari Dasi, the Plaintiff and Sm. Kusum Kumari Dasi, Defendant No. 1 Sm. Kamini Dasi, Defendant No. 2 and Chittaranjan Das, Defendant No. 3, in the above case,

Most Respectfully Sheweth :-

1) That your petitioners have agreed between themselves to have the above suit settled on terms mutually agreed upon as set forth in Schedule 'A' hereto.

2) That your petitioners hereby get the ancestral joint properties partitioned viz. land of Khatian No. 912 and 915 of Muja Kasba, J.L. No. 13, R.S. No. 233, P.S. Tollygunge, 24 Parganas, which are the only ancestral and joint properties after sale of some properties out of these two Khatians by your petitioners and their

predecessors-in-interest and which remaining properties are the actual subject matter of partition amongst the present petitioners co-sharers and that excepting the properties of the aforesaid Khatians there is no other ancestral or joint property or properties of your petitioners and that the petitioners do not and will not claim any right, title or interest in the properties allotted respectively to their shares in the schedule below.

3) That the petitioners viz. Plaintiff, Defendant No. 1 and Defendant No. 3 have in the 1/3 share each after excluding 1/9 share out of the whole Bastu Bhadrasan and adjacent lands thereto measuring .12 decimals of land with building's share which is the exclusive property of Defendant No. 1 Sm. Kusum Kumari Dasi as purchased by her own money from one Gangadhar Paramanik. It is admitted by the Defendants that land of C. S. Khatian No. 779 of Mouza Kasba is the exclusive property of the Plaintiff and the Defendants have no right, title or interest or possession therein. The Defendant No. 2 has no right title or interest in the suit property and she will have only right to get

predecessors-in-interest and which remaining properties are the actual subject matter of partition amongst the present petitioners co-sharers and that excepting the properties of the aforesaid Khatians there is no other ancestral or joint property or properties of your petitioners and that the petitioners do not and will not claim any right, title or interest in the properties allotted respectively to their shares in the schedule below.

3) That the petitioners viz. Plaintiff, Defendant No. 1 and Defendant No. 3 have in the 1/3 share each after excluding 1/9 share out of the whole Bastu Bhadrasan and adjacent lands thereto measuring .12 decimals of land with building's share which is the exclusive property of Defendant No. 1 Sm. Kusum Kumari Dasi as purchased by her own money from one Gangadhar Paramanik. It is admitted by the Defendants that land of C. S. Khatian No. 779 of Mouza Kasba is the exclusive property of the Plaintiff and the Defendants have no right, title or interest or possession therein. The Defendant No. 2 has no right title or interest in the suit property and she will have only right to get

a monthly maintenance of Rs. 15/-(Rupees Fifteen) from the Plaintiff till her death.

4) That there is no necessity of the case being tried as the Plaintiff has abandoned the claims of the properties other than those as stated and alloted to her share in Schedule "A" of this compromise petition which were wrongly added as ancestral properties through mistake on the part of the Plaintiff and as the Plaintiff claims her right of partition as wife of Late Kala Chand Choudhury and not as wife of Late Girish Chandra Choudhury as wrongly stated in the plaint.

5) That each party will bear its own costs. The cost of final decree will be borne by the parties according to their own shares.

In the circumstances your petitioners pray that the suit be finally decreed in terms of this petition of compromise set forth in Schedule 'A' of the present petition, together with the plaintiff which should form part of the decree.

And your petitioners, as in duty bound, shall ever pray.

SCHEDULE "A"

TERMS OF COMPROMISE

(a) The Plaintiff Shyama Sundari Dasi will get the following properties exclusively out of the total joint properties comprising paddy lands and bastu Bhadrasan and Buildings.

(I) Paddy Lands.

All that piece and parcel of land situate at Mouja Kasba J.L. No. 13 within P.S. Tollygunge, District 24 Parganas and recorded in Khatian Nos.

Khatian No.	Plot No.	Area
915	2544	.12
"	2623	.66
"	3771	1.41
	Total	2.19

(II) Bastu Bhadrasan situate at Mouja Kasba J.L. No. 13 within P.S. Tollygunge, Sadar District 24 Parganas and recorded in Khatian No.

Khatian No.	Plot No.	Area
915	1360	.18
"	1485	.05
1515	1359	.10

together with Building and adjacent land on the western

side of C.S. plot No.1360 comprising on western side along with western 2(two) rooms in the ground floor and 1(one) small room made out of the western side of the southern veranda in the ground floor and 2(two) rooms in the first floor and southern veranda just above the said small room in the ground floor 1(one) kitchen in the ground floor and one privy on the first floor on the western side of the said building and 1(one) corrugated tin-roofed cowshed on the south-western boundary line of the said Bastu i.e. Plot No.1360 together with the huts thereon. The portion allotted to the Plaintiff in the Bhadrasan is shown in the plan attached herewith with Red Border.

(III) Plaintiff will make her own privy in the ground floor and also made arrangement for the drainage for her lands and building portion allotted to her share within three years from the date of the decree.

(IV) Plaintiff will pay Rs.15/-(Rupees fifteen)per month to Defendant No.2 Sm. Kamini Dasi till her death who has only right of maintenance in the suit property allott-ed to Plaintiff and the Plaintiff will pay the same out

of the rent derived from tenants in the ground floor of the building allotted in the share of the plaintiff.

(b) Defendant No.1 Sm. Kusum Kumari Dasi will get the following paddy lands and Bastu Bhadrasan :-

(I) Paddy Lands :

All those piece and parcels of lands situate at Mouja Kasba, J.L. No.13, within P.S. Tollygunge Sadar, District 24 Parganas recorded in Khatian No.

Khatian No.	Plot No.	Area
915	2620	.05
"	2621	.09
"	2528	.27
"	4200	.21
912	3772	1.57
	Total	2.19

(II) Bastu Bhadrasan :-

i.e. All that piece and parcel of land comprising .16 decimal out of plot No.1360 Khatian No.915, J.L.No.13 P.S. Tollygunge Sadar District 24 Parganas and .12 decimal out of plot No.1486 and .01 decimal out of plot No. 1488 out of the said Khatian 915 and 3(three) rooms on the eastern side of the building in the ground floor, 1(one)

staircase on the eastern side, veranda on the southern side and eastern side and northern side of the ground floor of the building and 2(two) rooms in the first floo 1(one) Ramigunge Tile-sheded kitchen on the first floor and 1(one) Ramigunge Tile-sheded structure on the weste side of the building, along with drains and outlets whic are existing in her allotted portion. The portion of Bhadrasan allotted to Defendant No.1 is shown in the pla attached herewith in yellow border.

(III) Defendant No.1 will make her own privy and outlet drains and other requirments at her own cost and within three years from the date hereof.

(c) Defendant No.3, Chittaranjan Das son of Sashi Bhusan Das will get the following paddy lands and Bhadra-san :-

(i) Paddy Lands :-

All that piece and parcel of lands situated at Mauja Kasba J.L. No.13, P.S. Tollygunge Sadar, District 24 Parganas recorded in Khatian :-

Khatian No.	Plot No.	Area
915	2653	.60
"	2654	.91

Khatian No.	Plot No.	Area
951	2602	.48
"	4010	.19
	Total	2.18

(ii) Bastu Bhadrasan :-

i.e. All these pieces and parcels of lands comprisin .13 decimal out of plot No. 1360 Khatian No. 915 Mouja Kas J.L. No. 13, P.S. Tollygunge Sadar District 24 Parganas and .14 decimal out of Khatian 1388 of the said Khatian 915 totalling .27 decimals 3(Three) rooms in the ground floor in the middle of the building 1(one) veranda on the southern side and 1(one) veranda and on the northern sid and 3(three) rooms and 1(one) veranda on the southern side of the first floor. The portion of Bhadrasah allott to Defendant No. 3 is shown in the plan attached herewith in green border.

(iii) Defendant No. 3 will make his own privy outlet drains and staircase for upper floor and other requirements at his own cost within three years from the date of the decree.

(d) The Plaintiff Shyama Sundari Dasi will get the tank (plot No. 1359, Khatian No. 151 5 Mouja Kasba, J.L. No. 13, P.S. Tollygunge Sadar, District 24 Parganas entirely comprising .10 in exchange for her share in the tank (plot No. 1361, comprising. 10.

(e) The defendant No. 1 Kusum Kumari Dasi will get .17 decimal including her exclusive 1/9 share in the tank (plot No. 1361 in exchange for her share in the aforesaid tank (plot No. 1359) allotted to Plaintiff.

(f) The Defendant No. 3 will get .14 decimal of the Tank (Plot No. 1361 in exchange for his share in the tank (plot No. 1359).

(g) The defendant no. 2 will live in the middle room allotted to Defendant No. 1 in the first floor in which she is now living, till her death.

(h) The pucca one storied one small room along with 4' (four feet) wide lands on the eastern, western and northern side and the entire length of land on the southe -ern side of the said room upto Municipal Road known as "Gosto Mandir" comprising an area of .01 (one decimal)

more or less on the western side of the present entrance gate of the building on the Bastu - Bhadrasan will remai joint and will be maintained by all the petitioners excepting Defendant No. 2 Kamini Dasi.

(i) The parties will bear their own costs and the costs of the suit.

(j) The total value of joint properties is fixed at Rs. 27,000/- and out of this the value of the property allotted to the plaintiff is Rs. 8000/- and the value of the properties allotted to the Defendant No. 1 is Rs. 11000/ and the value of the properties allotted to the Defendant No. 3 is Rs. 8000/-.

sd/- শ্রীমতী শ্যামসুন্দরী দাসী

sd/- শিবসুন্দর দাস

sd/- প্রকাশ চন্দ্র দাস

L.T.I. of Shama Sundari Dasi by the pen of Sri Moni Chowdhury.

L.T.I. of Kamini Dasi by the pen of Prakash Chandra Dasi.

Typed by :

D. BASAK dt. 31/5/07.

COPY READY
31 MAY 2007

Examined and found to be a true copy and correctly stamped

Comparing Clerk
Asst. Judge's Court
Alipore
Date 31/5/07

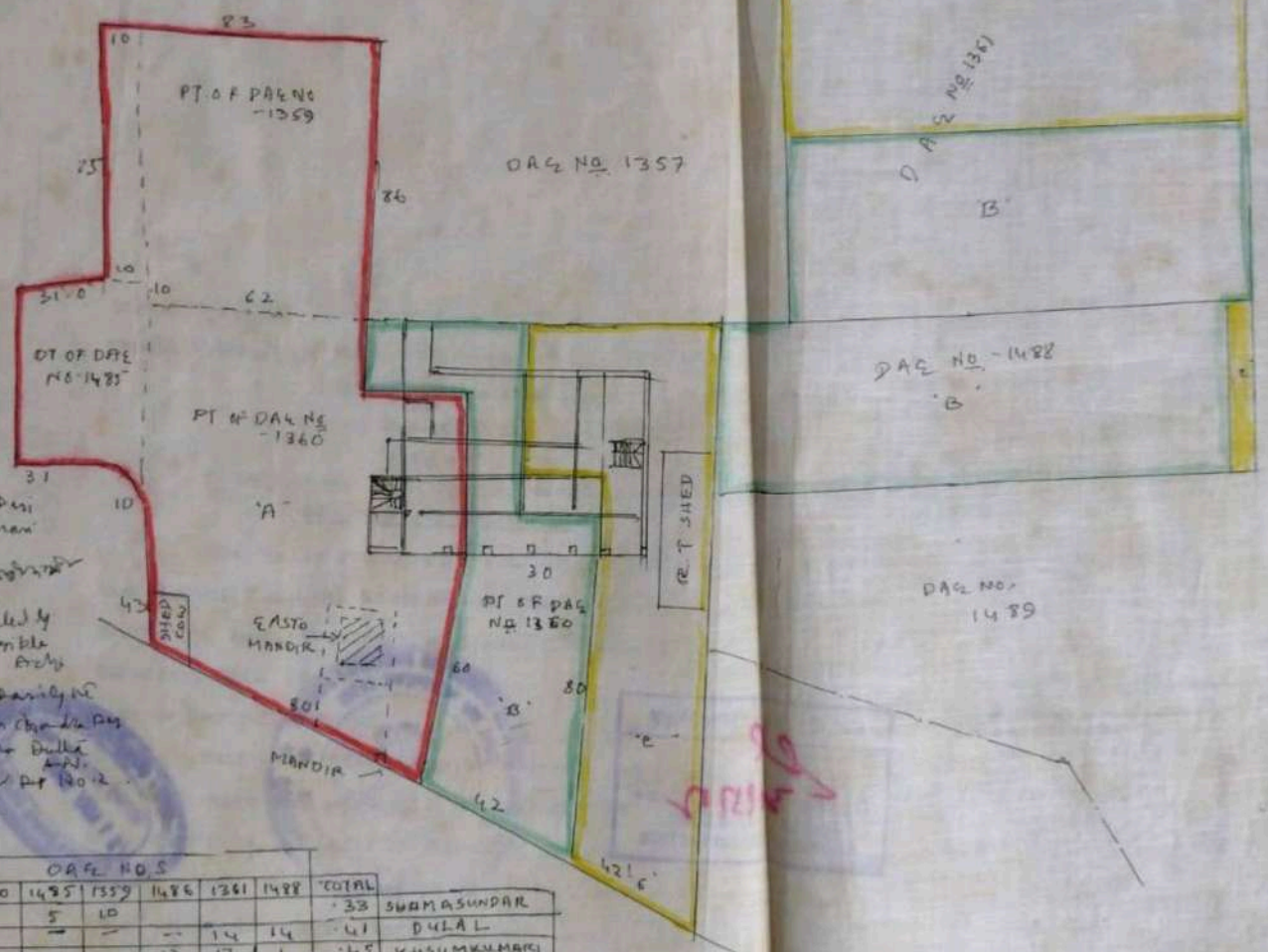
Certified to be a true Copy

Head Comparing Clerk
Copying Department, Alipore
District Judge's Court,
Attested u/s 76 Act I of 1872

PARTITION PLAN OF C.S. DAG (TORN) 1486, 1488 SHEET NO. 5 KHATIAN NO (TORN) 1015 J.L. NO. 13 TOWN NO. 115 UNDER P.S. - TOLLYGUNGE DIST. 24 PARGS

SCALE - 32'-0" = 1 INCH

Made Part of the Final decree
Sd/- M.K. Roy
Subjudge
1-12-60



OL-T 9 A- Shamasundari Dasi Wife of Sri Brahmani Chowdhury. Sd/- [illegible] Filed by Sd/- [illegible] Advocate

OL-T 9 Akamari Dasi W/o [illegible] Son of Prankrishna Chowdhury by Mishir Chandra Dullal Sd/- [illegible] Advocate

PLOT	MARKER	DAG NOS 1360	1485	1359	1486	1361	1488	TOTAL	
A		18	5	10				·33	SHAMASUNDAR
B		13	—	—	—	14	14	·41	DULAL
C		16			12	17	1	·45	KUSUMKUMARI

ER 1689
Proceed
Dulal
21-5-97

these two Khatians by your petitioners and their