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15-20/6

III

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Instrument of will or Final Testament

This Instrument of will is executed to the effect following. Executed by Smt. Nihar Bala Mitra, widow of the late Upendra Nath Mitra, by faith - Hindu, Occupation - Household work, resident of 29/4 A, Hare Krishna Sen Lane, Calcutta - 700050, P.S. - Keshipur, Dist. Calcutta.

Human life is transient, it cannot be predicted as to what will happen and when, nor there is any certainty regarding the same, particularly, I have become old for that reason I consider it necessary to make settlement and distribution immediately in respect of my immovable properties.

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My five sons and four daughters are alive whose names are as follows: - (1) Sri Hiten Kumar Mitra - son. (2) Dr. Depen Kumar Mitra - son. (3) Dr. Rathan Kumar Mitra son. (4) Dr. Ranjit Kumar Mitra son. (5) Sri Sandip Kumar Mitra - son. (6) Smt. Bela Rani Deota (Mitra) - daughter (7) Smt. Ila Roy (Mitra) - daughter (8) Smt. Mira Gupta (Mitra) daughter (9) Smt. I ti Mitra (Mitra) daughter. According to

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provisions of Hindu law, my aforesaid sons and daughters are the heirs to the property to be left by me after my death. My husband has already died. I execute this Instrument of will or Final Testament while I am alive so that there does not arise any kind of quarrel, estrangement of feelings, disputes or any suits and litigations amongst my heirs over the property to be left by me after my death, and I divide and distribute my immovable properties in the manner following. Only the property that is mentioned in the schedule below shall come under the purview of this will.

I have not executed any Instrument of will or Final Testament heretofore. If a part from this will any other will or Final Testament or Codicil, comes to light after my death then the same shall be treated as cancelled always. Hence, this alone is my Instrument of Final will or Last Testament. This will or Final Testament shall come into force after my death. By this will, I am making will and distribution of my immovable properties, in the manner following. The properties are mentioned in the schedule below. Any other property, a part from the property that is mentioned in the schedule below shall not come under the purview of this will.

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All of my sons and daughters are married. I have given my daughters in marriage to suitable grooms. They are leading their lives in happiness and comfort in their respective husband's place. I have spent money to the best of my capability at the time of marriage of my daughters. I do not consider that I have any more obligations towards my daughters.

Hence, after my death my daughters shall not get any ownership whatsoever over the property to be left by me.

My elder son is married but he does not have any issues. He is also well off. Hence after death, my elder son, Sri Nitem Kumar Nitra shall not have any ownership over the property to be left by me. But if my elder son or his wife so desire, then they shall be entitled to live and reside in the property mentioned in the Schedule "A" below as long as they shall remain alive. In the event, Shri Man Sandip Welis or makes a transfer of the house, then although they shall not get any ownership, it is my desire that Shri Man Sandip shall make an alternative arrangement regarding the residence of my elder son. My second son Sri Dipen Kumar Nitra is a doctor who permanently lives and resides in Australia and he has acquired the citizenship of the said country. His financial condition is

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very sound, hence after my death my 2nd son, Sri Dipen Kumar Mitra shall not get any ownership over my property (that is mentioned in the Schedule "A" and "B" below)

My third son, Sri Ratin Kumar Mitra is a professor, he permanently lives and resides in America and he is a Citizen of the said country, his financial condition is very good. Hence he shall not get any kind of ownership over the property to be left by me.

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My fourth son, Sri Ranjit Kumar Mitra, is Scientist, he lives and resides in Bombay permanently.

My fifth son, Sri Sandip Kumar Mitra lives and resides with me along with his wife and daughter. I am pleased with the behaviour of my fifth son, he nurses me and takes care of me. Shriman Sandip has donated one of his kidneys at a very early age to my sixth son, Shriman Somen in order to save his life. I am highly pleased with his self-sacrifice and for looking after me without thinking of his career.

After my death my fifth son, Shriman Sandip Kumar Mitra shall become the sole owner of the property mentioned in the Schedule "A" below, i.e. the house

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at 29/4A, Hare Krishna Seth lane and along with that he shall get the right of ingress and egress, to and from the space that is there at 29/4B, Hare Krishna Seth lane, (mentioned in Schedule "Kha") leaving the 12 foot wide Common Passage along the Southern side of the land at 29/4B, After my death, my fourth son Sri. Shri. Ransit Kumar Mitra shall solely become the owner of the property mentioned in the schedule "Kha" below (vacant space) that he shall remain bound to give a minimum of 12 foot wide road along the South for the ingress-egress of my fifth son who shall be the owner of house at 29/4A. In the event, my fourth son sells the land mentioned in the schedule below, then he shall have to sell the land definitely after leaving 12 foot wide road to my fifth son for his ingress-egress. None of my daughters are getting the ownership what so ever over my properties. Be it mentioned here that my youngest son, Jyotirmu Mitra had died unmarried.

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The rent that is received from the house at 29/4A, Hare Krishna Seth lane, my fifth son shall receive the same solely after my death.

In the event, my two sons, Dipen and Ramin who stay abroad, visit or come to this country in connection with any work

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Then they shall be entitled to temporarily live in my house at 29/4 A (mentioned in Schedule "K") if Sandip does not see the house. The aforesaid arrangement shall be applicable to my fourth son, Ranjit also.

Terms and Conditions of this Will

1) I appoint my fifth son, Sri Sandip Mitra the Executor for implementing the terms and conditions of my this will of Final Testament.

2) After my death the Executor appointed by me shall look after, maintain and manage the property to be left by me.

3) The Executor appointed by me shall be competent to obtain probate of this will or Final Testament without furnishing any security.

4) After my death, my fourth son, Sri Ranjit Kumar Mitra and fifth son, Sri Sandip Kumar Mitra shall equally bear the expenses regarding maintenance and payment of tax of the house.

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5) My fourth son and fifth son shall equally bear the expenses for obtaining the probate.

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6) In the event if for any reason my fifth son becomes unable to obtain the probate, then his wife Sant. Rajal Mitra shall be competent to obtain the probate.

7) My fifth son shall receive the rent etc. prior to obtaining the probate of this will.

Schedule "Ka"

Partly one-storied partly two-storied pucca building, which is premises no. 29/4A, Hare Krishna Seth Lane, Calcutta-700050, under P.S. Kaskipur, within the Calcutta Municipal Corporation, the four boundaries whereof are as follows:-

On the North:- Another house no. 29/5/1 and 29/5/2, Hare Krishna Seth Lane, Calcutta-700050.

On the South:- Another house no. 29/3D and 29/3C, Hare Krishna Seth Lane.

On the East:- Another House No. 29/4B, Hare Krishna Seth Lane, Calcutta-700050 (Vacant Space) and Corporation Road.

On the West:- Another house no. 29/4C/1 and 29/4C/2, Hare Krishna Seth Lane.

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Schedule "Kha"

Vacant land no. 29/4B, Hare Krishna Seth Lane, Calcutta-700050, P.S. Kaskipur, under the Calcutta Corporation, the four boundaries whereof are as follows:-

On the North :- Another house no. 29/5J/2, Hare Krishna Seth Lane, Calcutta - 700050.

On the South :- Another house being no. 29/3H, Hare Krishna Seth Lane, Calcutta - 700050.

On the East :- Road of Calcutta Corporation.

On the West :- Another house of mine being no. 29/4A, Hare Krishna Seth Lane, Calcutta - 700050.

To this import, I, out of my own accord without being induced by others and (finding) that this Instrument of will or Final Testament has been written and typed as per my instructions and understanding fully the purports of this will, I sign and execute this will. This dated 14th Pargun 1405 B.S. corresponding to 24th February 1993 A.D.

We, the witnesses, seeing the Testatrix signing the will in our presence do sign our respective names as eye-witnesses.

Sd/- Nitish Bala Mitra
Testatrix

P. T.O.



1. Pralim Borse
29/5 H Harey Risto Seth Lane
Cal - 700050.
2. Siddhartha Bandopadhyaya.
29/2B/1A, Hare Krishna Seth Lane.
Calcutta - 700050.
3. Nalajit (J. Uggille)
Advocate
High Court, Cal.
26/2/99.

Drafted by
M.K. Saha Mondal
Advocate.

Typed by
Sri Nityamanda Guha.
12, Old Post office St.

Contd. P/10.

4. M.K. Saha Mondal
24.02.99. Advocate.

On the Reverse of the last page:

Presented for registration at 7.20 (Seal)
a.m. on the 4th day of March, 1999
at her private residence by Nihar Bala Mitra
(Testatrix)

Sd/- Nihar Bala Mitra.
(A.T.I.)

T.I.
286.

Nihar Bala Mitra
who at 1/pendra Nath Mitra
of 29/4A, Hare Krishna
Seth Lane.
P.I. Consignor.

P.T.O.



Nachajit Prasad Borse
P.S. High Court, Cal.

Smt. Nihar Datta Mitra.

Identified by
Nachajit Prasad Borse
Advocate
High Court, Cal.

A true translation of
the annexed Beng. will
Bearing Regd. No. 268/2001

Anita Banerjee
Translator
High Court, O.S. Calcutta.
Dated 27th day of Sept 2001

True copy carefully collated this
20th day of June in the year 2002
with the original will remaining
in the Registry of the High Court at
Calcutta.

Anita
20.6.02
Registrar
Registrar
High Court, Original Side
Calcutta.

Ed:
by Jm. & T.D.