



District : South 24-Parganas.

In the Court of the 7th Assistant District Judge at Alipore

Title Suit No. 1 of 1963

Nanda Rani Ghose & Others Plaintiffs.

-Versus-

Bejoy Ghose & Others Defendants.

FINAL DECREE IN PARTITION SUIT.

শ্রী শ্রী বৈষ্ণব চন্দ্র ঘোষ

Amended V/O No. 216 dt. 25.7.1986

Smt. Nanda Rani Ghosh

2. *শ্রী শ্রী বৈষ্ণব চন্দ্র ঘোষ - মৃত জীবন ঘোষ (দেহ)*
Being dead.

2(a) Sm. Kalala Ghosh W/o. Late Jiban Ghosh,

2(b) Biswanath Ghosh S/o. Late Jiban Ghosh

2(c) Sambhu Ghosh S/o. Late Jiban Ghosh

2(d) Sm. Annapurna Ghosh D/o. Late Jiban Krihsna Ghosh.

2(e) Sm. Uma Ghosh D/o. Late Jiban Ghosh

all of 11, Biren Roy Road, Nabaliapara, Behala P.S.

Calcutta- 8.

2(f) Maya Ghosh W/o. Manmatha Ghosh 125A, Becharam Chatterjee Road, Calcutta-34, Substituted V/o. No. 219 dated

12.7.1988.

(3) *শ্রী অমল চন্দ্র (দেহ), মৃত: মৃত জীবন ঘোষ (দেহ), মৃত: - ১১৩০ মনোহর চন্দ্র (দেহ)*

Schedule of cost for the copla

Application	
Folio and Ad. Stamp	
Authentication Fees	
Expenditure Fees	
Searching Fees	
Tracing Fees	
Other Fees (if any)	



(2)

ଆନବେଷଣ, ଆଦେଶ - (ଅନୁମତି, ଦିନ - 28 ଅଗଷ୍ଟ, 1963)

④ ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମୀବତୀ - (ବୋଲି ଶ୍ରୀମତୀ - ଗୋପାଳନାଥ ବୋଲି)

Recommended V/O No. 29 dated - 26.3.63

ସଂକ୍ଷେପ

ବିଷୟ -

- ① ଶ୍ରୀ ବିଜୟ ଚନ୍ଦ୍ର ବୋଲି,
- ② ଶ୍ରୀ ବିଜୟ ଚନ୍ଦ୍ର ଚନ୍ଦ୍ର - (ବୋଲି,
- ③ ଶ୍ରୀ ବିଜୟ ଚନ୍ଦ୍ର - (ବୋଲି,
- ④ ଶ୍ରୀ ବିଜୟ ଚନ୍ଦ୍ର - (ବୋଲି ବିଜୟ - ଶ୍ରୀ ବିଜୟ ଚନ୍ଦ୍ର - (ବୋଲି, ଆଦେଶ - 22 ଓ 23 ଅଗଷ୍ଟ - 1963 ଆନବେଷଣ - ଆଦେଶ - (ଅନୁମତି, ଦିନ - 28 ଅଗଷ୍ଟ, 1963)
- ⑤ ଶ୍ରୀମତୀ - ବିଜୟବତୀ (ବୋଲି ଶ୍ରୀମତୀ ବିଜୟବତୀ - (ବୋଲି Recommended V/O No. 29 dated - 29.9.63
ଏହିକାର୍ଯ୍ୟ ଶ୍ରୀ ବିଜୟ ଚନ୍ଦ୍ର ବିଜୟ ବିଜୟବତୀ
ସଂକ୍ଷେପ ଓ ବିଜୟବତୀ କାର୍ଯ୍ୟକାରୀ ଦ୍ଵାରା - ଆନବେଷଣ -
ଦିନ, ଦିନ 28 ଅଗଷ୍ଟ, ଆନବେଷଣ 1963
ଦିନ ।

This suit coming on this day for final disposal before Sri A.K.Das

Assitant District Judge 7th Court, Alipore in presence of Sri

: 3 :

in presence of Sri Arabinda Berma Advocate for the Plaintiff and Sri Sushil Kumar Chatterjee Advocate for the defendants.

It is ordered.

that the suit be brought back to file and decreed finally in terms of the Commissioner's report. The report submitted by the Commissioner proceedings, field Book and plan are made part of the final decree.

ସମସ୍ୟା- ଭୋକିଲା ଶହୀଦ-ପାମର,

- [illegible]

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ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ ।

⑥ ଶ୍ରୀ ଲକ୍ଷ୍ମୀନାରାୟଣ ଲକ୍ଷ୍ମୀ, ୧୭୭ / ୦ ଏବଂ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ
ଲକ୍ଷ୍ମୀ, ଲକ୍ଷ୍ମୀ: ୨୦୨ ନମ୍ବର. ୦୮ କାରିକା ପଞ୍ଜୀକୃତ
ହୁଅନ୍ତୁ ।

⑦ ଶ୍ରୀ ଲକ୍ଷ୍ମୀନାରାୟଣ ଲକ୍ଷ୍ମୀ: ଲକ୍ଷ୍ମୀ: ୧୫ କାରିକା ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମୀ:
୨୫ ଏବଂ ନମ୍ବର. ୦୮ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ,

⑧ ଶ୍ରୀ ଲକ୍ଷ୍ମୀନାରାୟଣ ଲକ୍ଷ୍ମୀ: ଲକ୍ଷ୍ମୀ: ୦୦୨ ଏବଂ ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମୀ:
ଲକ୍ଷ୍ମୀ: ୦୦୮ ନମ୍ବର. ୦୮ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ,

⑨ ଶ୍ରୀ ଲକ୍ଷ୍ମୀନାରାୟଣ ଲକ୍ଷ୍ମୀ: ଲକ୍ଷ୍ମୀ: ୨୨୦ ଏବଂ ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମୀ:
ଲକ୍ଷ୍ମୀ: ୨୨୨ ଏବଂ ନମ୍ବର. ୨୫ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ,

⑩ ଶ୍ରୀମତୀ ୨୫ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ, ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମୀନାରାୟଣ ଲକ୍ଷ୍ମୀ:
ଲକ୍ଷ୍ମୀ: ୨୨୨ ଏବଂ ନମ୍ବର. ୨୫ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ, ଲକ୍ଷ୍ମୀ:
ଲକ୍ଷ୍ମୀ: ୨୨୨ ଏବଂ ନମ୍ବର. ୨୫ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ,

⑪ ଶ୍ରୀ ଲକ୍ଷ୍ମୀନାରାୟଣ ଲକ୍ଷ୍ମୀ: ଲକ୍ଷ୍ମୀ: ୨୨୨ ଏବଂ ଶ୍ରୀମତୀ ଲକ୍ଷ୍ମୀ:
ଲକ୍ଷ୍ମୀ: ୨୨୨ ଏବଂ ନମ୍ବର. ୨୫ କାରିକା ପଞ୍ଜୀକୃତ ହୁଅନ୍ତୁ,

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ସି କମିଶନର ୫୭୨ ଶ୍ରୀ ନିମ୍ନ-୨୦ କାର୍ତ୍ତବ୍ୟ
କାର୍ତ୍ତବ୍ୟ ଶ୍ରୀ ନିମ୍ନ-୨୦ କାର୍ତ୍ତବ୍ୟ V.O. No.
95 dt. 6.4.67.

Given under my hand and seal
of this court this 15th day of
June 1993.

certified that the addresses
given above are the same
filed by the parties.

Sd/- Illegible.
D.W.

Sd/- A.K.Das

Assistant District Judge
7th court, Alipore
Soul 24-parganas,
6.4.95

Typed by one:
Damanlu
22/12/98

Made Part of the Final Decree :

District : South 24-Parganas.

In the Ld. 7th Court of Asstt. District Judge at Alipore.

Title Suit No. 1 of 1963.

1. Smt. Nanda Rani Ghosh wife of Late Nepal Chandra Ghosh,

2. Sri Jiban Krishan Ghosh, son of Late Habul Chandra Ghosh

3. Sri Anath Bandhu Ghosh, son of Late Gopal Chandra Ghosh

all are residing at 11, Nabalia Para Road, Muradpore, P.S.

Behala, at present Thakurpukur, Calcutta- 700 034,

District : South 24-Parganas.

4. Smt. Laxmi Rani Ghosh,

wife of late Gopal Chandra Ghosh, residing at 11, Nabalia

Para Road, Muradpore, P.S. Behala at present Thakurpukur,

Calcutta- 700 034, District : South 24-Parganas.

....Plaintiffs.

.Versus-

1. Sri Bijoy Krishna Ghosh,

2. Sri Ajoy Kumar Ghosh,

3. Sri Mritunjoy Ghosh,

4) Sri Bimal Kumar Ghosh,

sons of Late Debendra Nath Ghosh, all are residing at 11,

Nabalia Para Road, Muradpore, P.S. Behala, at present

: 2 :

at present Thakurpur, District : South 24-Parganas,
Calcutta- 34.

5. Smt. Ushabala Ghosh,
wife of late Debendra Nath Ghosh, residing at 11, Mabalila
Para Road, Muradpore, P.S. Behala at present Thakurpukur,
Calcutta- 34, District : South 24-Parganas.

..... Defendants.

S I R,

FINAL REPORT OF THE PARTITION COMMISSIONER:

I have the Honour to state most respectfully that being
appointed Commissioner for making partition of the suit
properties in the above suit, I have completed the commission
work and her to submit my final report as follows :-

1. That I have been appointed Commissioner for effecting
partition of the suit properties according to the shares of
the plaintiffs and the defendants in present of the suit
properties as per preliminary decree passed in the above
suit.

2. Subject matter of partition of the instant suit are the
bastu land along with structures, began land and sali land
and pukur lying and situate within Mouza- Muradpore, under
Khatian No. 9 Dag No. 251, under Khatian No. 72, Dag No. 279,
under Khatian No. 171/1, Dag No. 212, under Khatian No. 14,

: 3 :

No. 44, Dag No. 45/64, under Khatian No. 302, Dag No. 693, and 694, under Khatian No. 120, Dag No. 677, within Mouza Mondalpara, under Khatian No. 154, Dag No. 493, under Khatian No. 151, Dag No. 470, and 492. The instant suit was decreed in preliminary form on the 5th day of July, 1967, and declaring plaintiffs' jointly and 8 anna share and the defendants jointly got 8 annas share in the suit properties. The plaintiff No. 1 filed an application praying for declaring her 1/6th share in the suit properties and for ~~the~~ direction upon the ld. Commissioner to give secrate allotmentt of 1/6th share in the suit properties and your Honour was pleased of declare the plaintiff no. 1's 1/6th share and directed me for separate allotment of the plaintiff No. 1, Smt. Nanda Rani Ghosh' 1/6th share in the suit properties.

3. After issuing notices upon the parties I went to the suit properties on 6.9.1984, 31.3.1985, 21.12.1985, 4.1.1987, 8.4.1967, 25.4.1967, 4.5.1991, 23.3.1991, and made my local investigation in respect of the suit properties in presence of the plaintiffs and the defendants with reference to the preliminary decree, R.S. Map No R.S. Record Rights, etc.

: 3 :

No. 44, Dag No. 45/64, under Khatian No. 302, Dag No. 693, and 694, under Khatian No. 120, Dag No. 677, within Mouza Mondalpara, under Khatian No. 154, Dag No. 493, under Khatian No. 151, Dag No. 470, and 492. The instant suit was decreed in preliminary form on the 5th day of July, 1967, and declaring plaintiffs' jointly and 8 anna share and the defendants jointly got 8 annas share in the suit properties. The plaintiff No. 1 filed an application praying for declaring her 1/6th share in the suit properties and for ~~the~~ direction upon the ld. Commissioner to give secrate allotmentt of 1/6th share in the suit properties and your Honour was pleased of declare the plaintiff no. 1's 1/6th share and directed me for separate allotment of the plaintiff No. 1, Smt. Nanda Rani Ghosh' 1/6th share in the suit properties.

3. After issuing notices upon the parties I went to the suit properties on 6.9.1984, 31.3.1985, 21.12.1985, 4.1.1987, 28.2.1987, 8.4.1967, 25.4.1967, 4.5.1991, 23.3.1991, and made my local investigation in respect of the suit properties in presence of the plaintiffs and the defendants with reference to the preliminary decree, R.S. Map No R.S. Record Rights, etc.

: 4 :

4. That the plaintiff No. 1 filed before me certified copy of preliminary decree, passed in the instant suit R.^{S.} Maps for all the Mouzas, R.^{S.} Record of rights, for all the mouza, and all other relevant papers for the purpose of the instant commission work.

5. That I made my local investigation of all the suit properties and verified the suit properties with the R.^{S.} Maps, R.^{S.} Record of Rights, with reference to the preliminary decree passed in the instant suit. I measured the suit properties wherever necessary for proper identification of the suit properties with the help of metallic tap and I noted the same in my field books, I duly checked the metallic tap before my survey work and found it to be in order. During the survey work I took due precaution so that no error can be made. I selected all the old building corners being the fixed points and those are reliable fixed points and I ~~ex~~ verified their fixities by independent measurement and I was fully satisfied regarding the fixed points and I noted all the measurements in my field book which are filed herewith

6. After returning home, I inked my field book and plotted the same in the scale of 40' ft. 1" inch and

: 5 :

inch and prepared partition plan with reference to the preliminary decree. R.S. Maps, R.S. Plan, in such a way that the aforesaid fixed points may exactly coincide at the general lie of the field may also satisfactorily agreed then I expected the areas left fro partition.

7. That I prepared my batulation and classification sheet and also allotment sheet showing the added plaintiff No. 1 's $\frac{1}{6}$ th share, plaintiffs nos. 2 to 4's $\frac{1}{3}$ rd share and defendants' $\frac{1}{2}$ share. I extracted the area according to the shares of the parties in my allotment sheet and the allotment of added plaintiff No. 1 has been shown within red border line plaintiff Nos. 2 to 4's joint allotments have been shown within green border line and defendants joint allotment have been shown within blue border line and the common areas for common use of the parties have been shown within yellow border line in the partition plans which are annexed with my report and which do form part of my report.

8. Now I shall deal with the valuation as per respective allotment according to the shares of the parties,

It appears that the defendants have constructed building

at their own cost in Mouza- Muradpore in Dag No. 281

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281 and at Mouza- Mondalpara on portion of Dag No. 493 and accordingly all those buildings have been allotted to the defendants jointly. The defendants and plaintiffs Nos. 2 to 4 failed to file any valuation allotment report and accordingly I tried my best to ~~maintain~~ maintain the existing possession of the parties at the time of making my allotment. I verified and perused the present market value of the suit properties on local enquiry and I came to the conclusion that the suit properties are valued @ Rs 20,000.00 per cottah. i.e. @ Rs 28/- per square feet.

1. Valuation of the plaintiff No. 1's 1/5th share in the suit properties are as follows :-	
a) In mouza Muradpore, Dag No. 281	4483 sq.ft.
b) In Mouza Muradpore, Dag No. 279 & 278	4095 Sq.ft.
c) In Mouza Muradpore, Dag No. 693 & 694	825 sq. ft
d) In Mouza Muradpore, Dag No. 677	1740 sq. ft.
e) In Mouza Muradpore, Dag No. 212	5662 sq. ft.
f) In Mouza Muradpore, Dag No. 46/64	5296 sq. ft. 8205 sq.ft.
g) In Mouza Mondalpara, Dag No. 470 492, 493	8285 sq
Total	30306 sq.ft.

Valuation of the land : 30306 sft. x Rs 28/-Rs8,48,568.00

Building after depreaction Rs 30,000.00

Total valuation :-

Rs8,78,568.00

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V i) Valuation of the allotment of the plaintiff
Nos. 2 to 4's 1/3rd share in the suit properties as
follows :-

a) In Mouza Muradpore, Dag No. 281	8965 sq. ft.
b) In Mouza Muradpore, Dag No. 279 & 278	8190 sq. ft.
c) In Mouza Muradpore, Dag No. 693 & 694	1650 sq. ft.
d) In Mouza Muradpore, Dag No. 677	3480 sq. ft.
e) In Mouza Muradpore, Dag No. 212	11324 sq. ft.
f) In Mouza Muradpore, Dag No. 46/64	10592 sq. ft.
g) In Mouza Mondalpara, Dag No. 470 , 492 & 493	16410 sq. ft.
Total :-	60611 sq. ft.

Valuation of land : 60611 sq. ft. x Rs 28/-Rs16,97,108.00

Building after depreciation
(including bath & Privy)

Rs 60,000.00
Total Valuation :- Rs17,57,108.00

iii) Valuation of the defendant's 1/2 share in the suit
properties are as follows :-

a) In Mouza Muradpore, Dag No. 281	13447 sq. ft.
b) In Mouza Muradpore, Dag No. 279 & 278	12285 sq. ft.
c) In Mouza Muradpore, Dag No. 693 & 694	2479 sq. ft.
d) In Mouza Muradpore, Dag No. 677	5220 sq. ft.
e) In Mouza Muradpore, Dag No. 212	16989 sq. ft.

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f) In Mouza Muradpore, Dag No. 46/64	15888 sq. ft.
g) In Mouza Mondalpara, Dag No. 470,492,493	24615 sq. ft.
Total : :-	<u>90923 sq. ft.</u>

Valuation of the land : 90923 sq. ft. Rs 28/- Rs 25,458,44/-

Building after depreciation including
bath & privy

Rs	90,000/-
Rs	<u>26,35,844/-</u>

9. The total valuation of the suit properties for the purpose of stamp duty is as follows :-

a) Total valuation of the plaintiff No. 1's

1/6th share	Rs 8,78,568.00
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b) Total valuation of the plaintiff No. 2 to 4's

1/3rd share in the suit properties	Rs 17,57,108.00
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c) Total valuation of the defendants'

1/2 share in the suit properties	Rs 26,35,844.00
	<u>Rs 52,71,520.00</u>

Total valuation of the suit properties is Rs 52,71,520.00

(Rupees fifty two lacs seventy one thousand and five hundred hundred twenty) only for the purpose of the Stamp Duty and and no oalty money is payable in terms of preliminary judgement and the allotment has been made according to the share of the parties.

9. Thus I beg to submit my report along with the writ, proceedings, field, book, partition plan and other

: 9 :

and other papers which may kindly be treated as part of this report.

Yours faithfully,
Sd/- Sukumar Chaudhuri,
Advocate.

Enclo : as above

Dated :- 26.5.1993

Typed by me :-

Daman
22/12/98

