

SUIT No.

704

OF 1941

IN THE HIGH COURT AT CALCUTTA

Ordinary Original Civil Jurisdiction

Smt.
President of the Union of
India,



110 251 08-1977-1978
The said suit is a bill stamp duty chargeable on the
1105 Rs. 1.980.10 P (Rupees one thousand nine hundred
eighty and paise ten) only has been paid in stamps
under chalan No. 412 dated 11.10.77.
Collector Calcutta
The 11.10.77

sd/Illegible 11.10.77
Collector of Stamp Revenue
Calcutta.



sd/Illegible 11.10.77

sd/Illegible 11.10.77

Calcutta Collectorate
Stamp department
No. 251 08-1977-78

Adjudication fee

50/- Paid under
Section 31 Act
11 08 1899.

Rs. Five only.

sm. Maama say (widow) Sushil Kumar say (son) Mohit
Kumar say (son) lately minor but now having
attained majority, Chandhi Charan say (son) lately
minor but now having attained majority Bidyut
Kumar say (son) Kumari Kalpana say (unmarried
daughter) the last two named being lately
minors but now having attained majority all
being heirs heiresses and legal representatives
of Jayram say deceased all residing at No-7,
Wellington Lane in Calcutta within the said
jurisdiction, landholders the said deceased
lately acting for self and as reversionary
heir of Raja Ram say deceased

- versus -

Plaintiffs

MADHUMITA KUNDU
MAGISTRATE AT CALCUTTA

3/27/183 DEC 1999

1. Benaras Bank Ltd. now in liquidation
through

(2)



Enough 15. Liquidator Mr. Indu Bhawan Banerjee
of No. 6, Market Road, Allahabad having his
office at No. 8, Sardar Street in Calcutta within
the said jurisdiction 2. Sm. Jaganmoy Say (widow)
2A. Manichalal Say, 2B. Parvatalal Say, 2C. Jitendra
lal Say, 2D. Ananta Lal Say the last named
being minor under the age of 18 years
Nos. 2A to 2D being sons of Balaram Say
deceased all residing at No. 7, Wellington
Lane (now Raj Kumar Basu Lane) Calcutta
within the said jurisdiction 2E. Lokshmi
Ray residing at No. 15, Kali Krishna Tagore
Street Calcutta within the afore said
jurisdiction. 2F. Sm. Mangala Sutt residing
at No. 6A, Creek Road, Calcutta - 14. 2G. Sm.
Saraswati Sutt residing at No. 14/1 Akbar
Sutt Lane, Calcutta, and 2H. Sm. Manjila
Nandi (their unmarried and called Manjila
Say but now married) residing at No. 13,
Antony Bagan Lane in Calcutta within
the said jurisdiction the defendants
Nos. 2A to 2H, being heirs heiresses and
legal representatives of Balaram Say
deceased the said deceased lately
being as reversionary heir of Raja
Ram Say deceased.

Defendants

suit

(3)

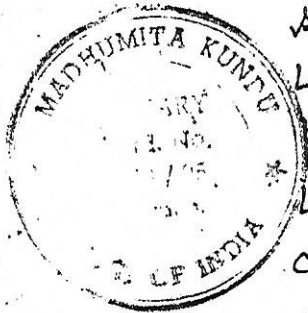


suit for a declaration that Jayram say was prior to the events mentioned in paragraph 19 of the plaint herein entitled to one third share in premises Nos. 8 and 8/1, Sardul Street. (ii) declaration that the defendant Balaram say had no right or authority to create any mortgage in respect of the share of Jayram say in the said premises Nos. 8 and 8/1, Sardul Street Calcutta (iii) declaration that mortgage dated the ninth day of October one thousand nine hundred and twenty nine mentioned in the plaint is invalid inoperative and not binding on Jayram say or on his share in the said premises (iv) declaration that the sale in Suit No. 1631 of 1932 held on the nineteenth day of January one thousand nine hundred and thirty eight is not valid or binding on Jayram say or on his share in the said premises (v) declaration that Jayram say and Sm. Lilibati Sassi and Benares Bank Ltd. were prior to the events mentioned in paragraph 19 of the plaint herein jointly entitled to the said premises in the shares as mentioned in the said paragraph 19 of the plaint (vi) declaration that the plaintiff

Dec 25/99

MADHUMITA KUNDU
Notary Public, CP India

13 DEC 1999



(4)

are entitled to $5/6$ th shares in the premises Nos. 8 and 8/1, Sandel Street Calcutta and half share in the premises No. 5, Sumanth Bazar Lane and also in the divided Eastern back portion of premises No. 7, Wellington Lane now named as Raj Kumar Bose Lane Calcutta (vii) decree for partition and separate allotments in respect of the several properties mentioned in paragraph 31 of the plaint according to shares as indicated in the said paragraph 31 thereof (viii) Appointment of a Receiver (ix) Injunction (x) Mesne profits (xi) All accounts and enquiries as may be necessary to give complete relief to the plaintiffs.

Application pursuant to notice dated the seventh day of September one thousand nine hundred and sixty-eight taken out by Mr. T. C. Pyne attorney for the plaintiff to Messrs. Dutt & Sen attorneys for the defendant ^{Senares Banerjee, Id. and Sri Sanat Kumar Sen} ~~the defendant~~ ^{being made to the Honorable} ~~Balaram Say~~ ^{Sayed Sadat Abul Masud, one of the judges} of this Court by the advocate for the plaintiff in the presence of the advocate for the defendant ~~Sm. Jamuna Say~~ (other defendants not appearing either in person or by advocates) And this Court being of opinion that it would be for the benefit of the minor defendant Ananta Lal Say if following decree be made and granted

MADHUMITA KUNDU
Notary Public, India

13 DEC 1999

(5)



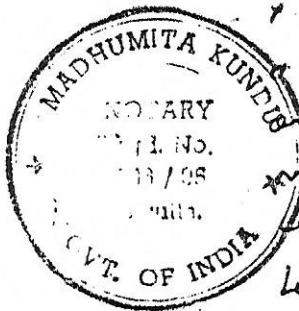
leave to the Guardian ad-litem of the said minor defendant to compromise this suit. It is upon reading on the part of the plaintiff the said notice and the affidavit of service thereof affirmed by Sri Krishnakish Chash on the twelfth day of September one thousand nine hundred and sixty-eight their petition verified by an affidavit of Sushil Kumar say affirmed on the fourth day of September one thousand nine hundred and sixty-eight and the consent of the defendant Balaram say endorsed on the said petition and filed on the twelfth day of September one thousand nine hundred and sixty-eight. And the appearing adult parties and the Guardian ad-litem of the said minor defendant Anan Lal say consenting to a decree being made a hereinafter directed.

It is declared and directed that the premises No. 5, Sreemath Babu Lane and the divided eastern back portion of premises No. 7, Wellington Lane, Calcutta, now named Raj Kumar Bose's Calcutta be included in and added as further items of properties in addition to premises Nos. 8 and 8/1, Sardul Street Calcutta for division and partition in this suit.

It is ordered and decreed that the said divided eastern back portion of the said premises No. 7, Wellington Lane Calcutta now named Raj Kumar Bose's Calcutta be included in and added as further items of properties in addition to premises Nos. 8 and 8/1, Sardul Street Calcutta for division and partition in this suit.

True Copy
Madhumita Kundu
Notary Public, Govt. of India

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(6)
shown and delineated in the plan being annexed "A" to the said Petition of the plaintiffs
drawn and by an affidavit of Sushil K. Ray
on the fourth day of September one thousand
nine hundred and sixty eight and therein
enclosed with red borders and marked
lot I valued at Rupees eleven thousand
one hundred and seventeen and the said
one-third part or share of and in the
said premises Nos. 8 and 8 1/1, Sardel Street,
Calcutta also left by the said Sm. Lilobati
Sassi valued at Rupees fifty nine thousand
four hundred and eighty nine and
eighty paise be allotted to and obtained
by the plaintiffs to the end and intent
that the said one-third share of and
in the said premises Nos. 8 and 8 1/1, Sardel
Street, Calcutta being an item of properties
mentioned and referred to in the said
Petition be held and enjoyed by the
plaintiffs together with the two-third
parts or shares of and in the said premises
Nos. 7 and 8 1/1, Sardel Street owned and held
by the plaintiffs in their own right and
sole power and independently of the estates
of Rojaram Ray deceased and left by the
said Sm. Lilobati Sassi so as to make the
entireties of the said premises Nos. 8 and
8 1/1, Sardel Street Calcutta and the said
part of the said divided eastern back
portion of the said premises No. 7 Bellington
Lane

Notary Public

MADHUMITA KUNDER
Notary Public of India

13 DEC 1999



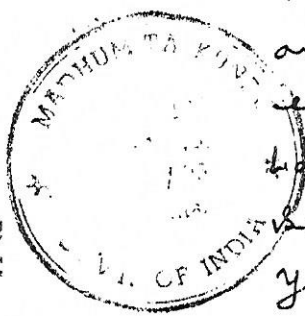
Lane now Raj Kumar Bose Lane, Calcutta,
 the sale and absolute properties of the
 plaintiffs, the said part of the divided
 eastern back portion of the said premises
 No. 7, Wellington Lane now Raj Kumar Bose
 Lane Calcutta, mentioned and referred
 to in the said petition and the said
 one-third part or share of and in the
 said premises Nos. 8 and 811, Sandel Street
 Calcutta mentioned in the said petition
 as well as in Part B in the report of the valua-
 tion made by Mr. T. K. Chakrabarty a copy of which
 is annexed to the said petition and
 marked with the letter B, allotment to the
 plaintiffs of the said part of the said
 divided eastern back portion of the said
 premises No. 7, Wellington Lane now Raj Kumar
 Bose Lane Calcutta and the said one-third
 part or share of and in the said premises
 Nos. 8 and 811, Sandel Street, Calcutta being in
 lieu and satisfaction of the plaintiffs
 shares and right of and in the several
 items of properties appertaining to the estate
 of the said Rajaram Day deceased such est-
 ate having devolved upon the said Rajaram
 Day since deceased and Baharam Day
 upon the death of the said Sm. Kulabati
 Dasgupta as aforesaid.

True Copy

MADHUMITA KUNDU
 Honorary Genl. of Inds.

13 DEC 1999

It is declared that (i) the entirety
 of the said premises No. 5, Sourath Bazar Lane
 Calcutta



(3)
 Calcutta valued at Rupees thirty seven thousand
 and five hundred and (ii) part of the divided
 eastern back portion of premises No. 7, Wellington
 now called Raj Kumar Bose have Calcutta
 such part being shown and enclosed within
 yellow borders and marked List II in the said
 plan valued at Rupees fifty six
 thousand four hundred and eight the
 said properties in items (i) and (ii)
 above being included in List "A" of the
 said part of valuation made by Mr.
 T. K. Chash. be allotted to and obtained by
 Balaram say in lieu of his share in
 the several properties hereinbefore mentioned.

It is further ordered and decreed that
 the defendant Balaram say do pay to the
 plaintiffs being the heirs, heiresses and
 legal representatives of the said Gayram
 say deceased the sum of Rupees eleven
 thousand six hundred and fifty as
 aforesaid for equalising the partition afo-
 resaid as determined by the said Mr. T. K.
 Chash.

It is further ordered and decreed
 that the scheme of Partition making
 allotment of properties to the parties
 concerned as next hereinbefore appear-
 ing be acted upon by the plaintiffs and
 the defendant Balaram say

AND BY ATTORNEY

MADRAS HIGH COURT

CHENNAI

13 DEC 1993

It is further ordered and decreed that the proceedings in this suit be terminated and the said Mr. T.K. Bhattacharya be discharged from further acting as the Commissioner of Partition in this suit.

And it is further ordered and decreed that the costs of all proceedings herein be costs in the suit.

Witness: Shri Deep Narayan Sinha, Chief Justice at Calcutta bore said the seventeenth day of September in the year one thousand nine hundred and sixty-eight.

T. C. Pyne — Attorney
S. K. Sanyal — Attorney

Salil K. Ray Chowdhury
Judge

Seal of the Collector of
Stamp Revenue Calcutta.

S. K. Ghose
Master.

3.12.77.

MADHUMITA BUNDS
Notary Court of India

For Registrar of the High Court
at Calcutta Original 214.

15 Oct 1999

Handwritten notes at bottom left corner.

Signed by the judge

5.12.77.

S.K. Chose



SUIT No. 704 OF 1941
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction

Sm. Waawa Saye ors.

versus

Bewares Bank Ltd. ors.

- (i) Date when the decree or order was completed 13.1.78 ✓
- (ii) Date of application for copy 13.1.78 ✓
- (iii) Date of notifying the requisite number of folios and stamp 13.1.78 ✓
- (iv) Date of delivery of the requisite folios and stamp 13.1.78 ✓
- (v) Date on which the copy is ready for delivery 27.1.78
- (vi) Date when delivery was taken of the copy by the applicant 27.1.78 ✓

Order/Decree of
Filed this

17th
13th

day of September
day of 1968
January
1978

Assistant-Registrar
Superintendent
Order Department

Superintendent
Copyists' Department
High Court, O. S.

MADHUMITA KUNDU
Notary Public of India

WBQP.70/7-8801C-5M

Attorney

T.C. Byrne

13 DEC 1999

JOYRAM DEY LOT A
BALARAM DEY LOT B

PLAN OF
PREMISES NO 59 CREEK ROW BASE LANE, CAL-13
SCALE: 1/4" = 1' 0"
AREA OF LAND - 4 RT. 11 IN - 175 FT.

PLAN A

