

TA No. 342 of 2007
IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

PROSANTO KUMAR MULLICK
Versus
SMT. JUTHIKA MULLICK & ORS.

APPEARANCE :
MR. P.K. DUTTA, ADV.

BEFORE:

The Hon'ble JUSTICE MAHARAJ SINHA

Date : 16th October, 2007.

The Court : The application of the petitioners under section 34 of the Trust Act pending in this Court has been settled on the basis of the Terms of Settlement placed before this Court today.

Needless to mention that the parties have settled the above proceeding on the basis of the Terms of Settlement filed in Court today. The said application is settled in terms of the Terms of Settlement, which, I find have been signed by all the parties and their learned advocates.

Let the order be drawn up accordingly.

The above order is passed treating the matter as on day's list.

All parties concerned are to act on a signed xerox copy of the minutes of the order on the usual undertakings.

Sd/- maharaj sinha - J

ASur
15/11/07
Assistant Registrar
High Court, O.S. Calcutta.

19/11/07

68-227/2008

**G.A. NO. 2271 OF 2007
A.T.A NO. 6 OF 2006
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN THE MATTER OF :
Indian Trust Act, 1882;
AND

IN THE MATTER OF :
An application under Section 34 of the said
Act.
AND

IN THE MATTER OF :
A Deed of Trust dated December 6, 1850
created by Ram Sundar Mullick, since
deceased;
And

IN THE MATTER OF :

1. **SMT. JUTHIKA MULLICK,**
266A, Chittaranjan Avenue,
Kolkata- 700 006.
2. **SEETAL CH. MULLICK,**
120/2B, Masjid Bari Street, Kolkata-
700 006.
3. **GOUTAM MULLICK,**
155/ 11 , A.P.C. Road,
Kolkata- 700 006.
4. **PROSANTO KUMAR MULLICK**
36/ 1, Hari Ghosh Street,
Kolkata- 700 006.
5. **GOUR MULLICK,**
3/ 1, Becharam Chatterjee Lane,
Kolkata- 700 005.

AND



IN THE MATTER OF:

1. PROSANTO KUMAR MULLICK

36/1, Hari Ghosh Street,

Kolkata- 700 006.

... **PETITIONER**

-Versus-

1. SMT. JUTHIKA MULLICK,

266A, Chittaranjan Avenue,

Kolkata- 700 006.

2. SEETAL CH. MULLICK,

120/2B, Masjid Bari Street, Kolkata-

700 006.

3. GOUTAM MULLICK,

155/11, A.P.C. Road,

Kolkata- 700 006.

4. GOUR MULLICK,

3/1, Becharam Chatterjee Lane,

Kolkata- 700 005.

... **RESPONDENTS**

3317.

15/11/2007

4/8



G.A. No. 2271 of 2007.

A.T.A. No. 6 of 2006.

In the High Court At Calcutta
ordinary original civil jurisdiction.

1-17-7
2008

president of the Union of India.

The Hon'ble Justice
Maharaj Sinha.

In the Matter of:
Indian Trust Act, 1882;
- And -

In the Matter of:
An application under Section 34 of the
Said Act;
- And -

In the Matter of:
A Deed of Trust dated December 6, 1850
created by Ram Sundar Mullick,
since deceased;
- And -

In the Matter of:

1. Smt. Juthika Mullick, 266A, Chitt
- Charan Avenue, Kolkata - 700006.
2. Sektal Ch. Mullick, 120/2 B,
Masjid Bari Street, Kolkata - 700006.

3.

3. Goutam Mullick, 155/11, A.P.C. Road, Kolkata - 700006. 4. Prasanto Kumar Mullick 36/1, Hari Ghosh Street, Kolkata - 700006. 5. Gour Mullick, 3/1, Becharan Chatterjee Lane, Kolkata - 700005.
- And -

In the matter of:

1. Prasanto Kumar Mullick 36/1, Hari Ghosh Street, Kolkata - 700006.

petitioner.

- versus -

1. Smt. Jyotika Mullick, 266 A, Chittaranjan Avenue, Kolkata - 700006.
 2. Seetal Ch. Mullick, 120/2B, Masjid Bari Street, Kolkata - 700006. 3. Goutam Mullick, 155/11, A.P.C. Road, Kolkata - 700006. 4. Gour Mullick, 3/1, Becharan Chatterjee Lane, Kolkata - 700005. Respondents.

Upon reading on the part of Prasanto Kumar Mullick above named (hereinafter referred to as the said applicant) a notice of motion bearing date the twenty-second day of June in the year

1972

(3)

two thousand and seven from Ranjit Kumar Basu, Advocate for the said applicants to the respondents above-named and an affidavit of Rabin Das of the due Service thereof affirmed on the thirteenth day of June in the year two thousand and seven and the exhibits annexed thereto and marked "A" both filed herein And an application of the said applicants and an affidavit of Krishna Mukherjee in verification thereof affirmed on the twenty first day of June in the year two thousand and seven and the exhibits annexed to the said application and marked respectively P-1, P-2, P-3, P-4, P-5 and P-6 - all filed on the twenty second day of June in the year two thousand and seven And upon hearing Mr. P. K. Datta, Advocate for the said applicants And upon the said Advocate for the said applicants putting in certain terms of Settlement

Signed

(1)

Signed by the said applicants and the respondents abovenamed as well as by their respective advocates (a copy whereof is set out in the Schedule hereunder written) arrived at between the parties regarding the Subject matter of this case.

It is ordered that the terms of the said Terms of Settlement be recorded herein and carried out And the above order is being passed by treating the matter as on the day's list And it is further ordered that all parties do act on a ~~xxxx~~ copy of the minutes of this order duly signed by an officer of this Court being produced before them.

Witness:- Shri Bhaskar Bhattacharya, Acting
Chief Justice at Calcutta aforesaid
the Sixteenth day of October in the
year two thousand and seven
Ranjit K. Basu - Advocate.)
S. Sen - Advocate.)

16.7.08

88-A

Schedule

17.7.08
For Registrar.
17.7.2008

(5)

Schedule above referred to:

Terms of Settlement.

With the intervention of common friends and relations the aforementioned matter being T.A. No. 342 of 2007 arising out of A.T.A. No. 6 of 2006 (Prasanto Kumar Mullick vs - Juthika Mullick & ors.) is being settled on the following terms:-

1. D.M. properties expresses its willingness to develop the property being premises No. 18A, Vivekananda Road, Kolkata, which was permitted by order dated 21st August, 06 passed by the Hon'ble Justice Aniruddha Bose in A.T.A. No. 6 of 2006.
2. D.M. properties in terms of the order dated 21st August, 06 has assigned its right to develop the said property in favour of its nominee Maruti Nandan properties (P) Ltd of 2, Digamber Jain Temple Road, (Gr. Fl.) Kolkata - 700007 on the same terms and conditions as quoted by D.M. properties by its letter dated 27th September, 07. Such assignment has been accepted by Maruti Nandan properties (P) Ltd.

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(6)

3. The petitioner and the respondents accept the Maruti Nandan properties (P) Ltd as nominee of the D. M. properties who shall develop the properties in terms of the offer made by the D. M. properties which was confirmed by an order dated 21st August, 06 within 24 months from the date of the sanction of the building plan or 30 months from the date of the handing over possession whichever ever is earlier.
4. It is further agreed that the petitioner and the respondents shall jointly execute and register a deed of Lease in favour of Maruti Nandan properties (P) Ltd. in terms of the order dated 21st August, 06 at the cost and expenses of the said Maruti Nandan properties (P) Ltd being the nominee of D. M. properties within 25th October, 07.
5. At the time of execution of the

the deed of lease in terms of the order dated 21st August, of the Maruti Nandan properties (P) Ltd shall pay the premium and other payments in the name of the Trust.

6. By Consent of the parties the Maruti Nandan properties (P) Ltd the nominee of the D. M. properties be added as the party respondent in the matter.

7. On filing this terms and interim order passed on 2nd July, 07 stands vacated.

8. All parties including Maruti Nandan properties (P) Ltd to act on the basis of the terms of the Settlement.

Chandh
17.7.2008
For Registrar
Jay
17/7/2008

rs. Singh
16.7.08

P-7
E-8
Sumi Sarkar
22/7/08

CERTIFIED TO BE A TRUE COPY
Anooze Bab 22/7/08
Authorised Under Section 76 of the
Indian Evidence Act, 1872 (Act of 1872)

22/7

Received Xerox order
for Subhdeep Sen
Adv.
Aniruddh Jyoti Chandra,
18-7-08

Received
B.C. Mondal.
For Ranjit Basu
Advocate
18/7/08

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G.A. No. 2271 of 2007

A.T.A. No. 6 of 2006.

In the High Court at Calcutta
ordinary original civil jurisdiction

In the matter of etc etc.

And


In the matter of:

prosecuto Kumar Mullick

- versus -

Smt. Jyotika Mullick

vs.

order 

on the 16th day of October 2007.

Filed this 18th day of July, 2008


18/7/2008

Sub-intendant
order Department.

18/7/08
19/7/08
19/7/08
22/7/08
22/7/08

22/7/08
Copyists' Department,
High Court, O.S.

Ranjit Kumar Basu
Advocate

8, old post office Street
Calcutta - 700001