

Before the court of Lt 3rd civil judge
(Sr Dim) at Barasat

TS-527/2020

Kamala Bala Koley & others -
Plaintiff

- vs -

Joy Deb Koley & others -

Defendants

Petition No- 7799 dt 27/08/21

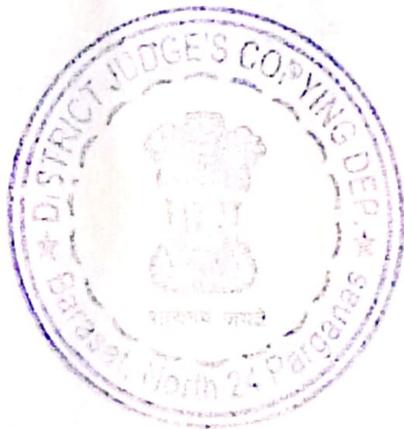
Assessment Date - 02/09/21



CF-87



Checked by



Date of application for copy..... 27/8/21
1. Date Fixed for notifying the
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2. Date of delivery of the
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24/08/2021

359
X 7799 dt 27/8/21
O/S - 1 SW
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Deposit - 2 SW
Tot 9 SW
1/9

The case record is put up today.
The plaintiffs filed a power of attorney supported by photo identity card of the plaintiffs, joined petition of compromise having "Sole Nama". The defendants also present and filed photo identity card of the defendants.

Now, the petition of compromise is taken up for hearing. In view of the petition for compromise the plaintiff number 3 Koushik Biswas is examined as PW1, cross-examined and discharged. The defendant number 1 Joydeb Koley is also examined as DW1, cross-examined and discharged.

Both the parties in their examination before the court stated that the dispute between them has been amicably settled out of court on mutually agreed terms written down in the petition of compromise having SOLENAMA. They prayed for decree on compromise on said terms.

This is a suit for partition and injunction along with counter claim filed by the defendants. After perusing the documents and going through the case record it appears to me that the instant suit or the petition of compromise is not collusive one.

Considering all, I think the instant suit should be decreed on compromise.

Hence, it is

ORDERED

that petition for compromise dated 24/08/2021 is allowed on contest under order XXIII rule 3 of the CPC.

The instant suit and the counter claim finally be and is decreed in terms of compromise petition having "Sole Nama" which will form the part of the decree.

By way of the said compromise petition the plaintiffs agreed the absolute ownership of the defendants over the suit property leaving no room for partition. As such the instant decree may be treated as final decree of this instant suit.

24/08/2021

Checked by

In the court of Civil Judge (Senior Division), 3rd Court, Barasat.
Present: Samareth Bera, WBS, JO Code: WB01017
T.S. 527/2020 CNR: WBNP03-001546-2020
(ii)

The suit is thus disposed of.

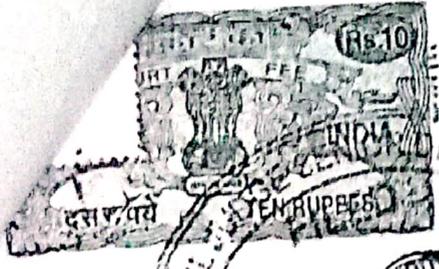
Typed and printed by me

CJSD

C 24/08/2021

Civil Judge(Sr Division), 3rd Court,
Barasat.

m
Checked by



Debarish Koley
Ava Koley
Joydev Koley
Govind
[Signature]

দীপলী দুইতা
মিস্ত্রী মিত্রা
কৌশলী বসু
[Signature]

[Signature]

DISTRICT NORTH 24 PARGANAS.
COURT

IN THE COURT OF Ld CIVIL JUDGE SENIOR DIVISION 3RD COURT AT BARASAT

Ref:- Title Suit No. 527 of 2020

Kamala Bala Koley & others.....Plaintiffs/Petitioners

VS

Joydev Kumar Koley & others.....Defendants /Petitioners.

PLAINTIFFS AND THE DEFENDENTS ARE JOINTLY FILED THIS APPLICATION FOR COIMPROMISING THIS INSTANT SUIT AMICABLY by FILING THIS SOLENAM.

1. That your above named petitioner No. 2 to No.6 are the plaintiffs and your petitioners no.1 to No.3 are the defendants in this instant suit.
2. That this instant suit for partition filed by the above named plaintiffs No. 1 to 6, for partition the suit schedule property by Mets and bounds along with one injunction application under order 39, Rule 1 & 2, C.P.C and they obtained an ex-party ad-interim temporary injunction in the form of statuesque against the above named defendants/petitioners No.1 to No.3 from this Ld. Senior Civil Judge 3 rd court of Barasat District North 24Parganas.
3. That the above named defendants/petitioners No.1 to 3,(parties to the suit) by appearance in this instant suit by filing Vakalatnama through their Ld. Advocate and the above named defendants also filed their written statements in the form of counter claim for declaration on 17.11.2020 as the defendants are jointly sole co-owners over this instant suit schedule property against the plaintiffs alleged claiming for partition of this suit schedule property of this instant Partition suit and defendants/petitioners No.1 to No.3,(parties to the suit) has also filed their written objection against the ex-party ad-interim order of temporary injunction passed by the Ld. Court in this suit , as well as defendants ,(parties to the suit) has also filed one application under Order 39 Rule 4.CP.C on 17.11.2020, before the Ld. Court for vacation the ex-party ad-interim order of temporary on the date of appearing in this suit.

during the pendency of this instant suit one of the plaintiff's senior member of the parties to the suit Kamala Bala Koley, who might be our



Checked by [Signature]

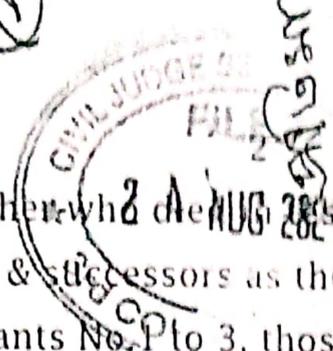
Debarish Koley,
Ava Koley,
Jot del Koley

[Handwritten signature]

গণেশ চন্দ্র বসু

Dipali Dulla
Miteli Mitra
Kaushtik Biswas

[Handwritten signature]



mother and grandmother who died on 24.01.2021, by leaving behind her legal heirs & successors as the above named plaintiffs No. 2 to No. 6, and the defendants No. 1 to 3, those who are parties to the suit as successors of the deceased plaintiff No.1, Kamala Bala Koley, who before her dying she directed/ instructed to the above named plaintiffs/petitioners No.2 to No.6 (parties to the suit) to settle the matter within the parties, as all of our near relation as brother and sisters & nephews (parties to the suit) and we the plaintiffs/petitioners No.2 to 6, the parties to the suits have been decided jointly not to contest this instant suit / case further .

5. That there after we the plaintiffs /petitioners No.2 to 6, parties to the suit approached to the above named defendants/petitioners No.1 to No.3, (parties to the suit) for compromise the case submitting "SOLENAMA" with terms and conditions specifically both the parties to the suit stated that "the defendants/petitioners No.1 to 3 (parties to the suit), counter claim have been admitted by this plaintiffs/petitioners no.2 to 6, as per schedule mentioned suit property as stated in the said petition counter claim suit property as well as mentioned in the plaint of this instant suit schedule property with eagerly without anybody/bodies undue of influence by either of the parties to the suit on any third party /parties outside the members of the family.

6. We the above named plaintiffs/petitioners No. 2 to No-6 (parties to the suit) have accepted the proposal given in the schedule below and such hence forth we the plaintiffs parties to the suit never raise any kind of claim and /or raise any shorts/kind of disputes in future in respect of any title over the suit schedule property against the above named defendants /petitioners No.1 to No.3 (parties to the suit) & we are accept the defendants counter claim of suit schedule property AGAINST US (PLAINTIFF PETITIONERS parties to the suit) as mentions in the schedule below of the said counter claim application of the above named defendants No.1 to 3 (parties to the suit) as well as we (plaintiffs/ petitioners No.2 to 6) accepting all 16(Sixteen)Anus rights title & interest of the defendants/ petitioners No.1 to 3, over the suit schedule property as mentioned in our plaint of this suit by filing this SOLENAMA declaration before the Ld. Court and we the above named plaintiffs /petitioners No 1 to No.6,(parties to the suit) further declared that by filing this SOLENAMA petition



Checked by

Debarish Koray.

Ava Koray.
Jot del Koley

Ainul
Rasheed

3
Dipoli Dutta

Dipoli Dutta

Miteli Mitra

Koushik Biswas

Prasanna

Prasanna

in future if we and /or either of our any legal heirs and/or successors raise and/or raising any question in dispute and/or claiming any shorts/kind of title over the said land/below described 'A' Schedule property of the defendants/petitioners No.1 to 3, (parties to the Suit) it would be null and void in any court of law within the territorial jurisdiction of our country.

7. We the above named plaintiffs/petitioners No.2 to 6 (parties to the suit) humbly submits before your honour kindly by accepting our this instant application pass necessary decree in favour of the above named defendants /petitioners No.1 to 3,(parties to the suit) in respect of their (defendants) counter claim of suit Schedule property as mentioned in their counter claim application in the form of written statements filed defendants/petitioners No.1 to No.3, (parities to the suit) in this suit as well as the suit schedule property mentioned in the plaint of this instant partition suit is exclusively property of the defendants/petitioner No 1 to 3 (parties to this suit) as they are 16Anus owners of this instant suit schedule property, which is specifically mention hereunder in the "A" Schedule below.
8. That we the above named plaintiffs/petitioners No.2 to No.6 (parties to the suit) and we the above named defendants/petitioners No.1 to No.3,(parties in this suit) are jointly humbly prays before your Honour kindly pass necessary "SOLENAMA " of this instant suit decree in favour of the above named defendants/petitioners No.1 to No.3(party to this suit).
9. That your petitioners have agreed between themselves to have the suit settled on terms mutually agreed upon as set out in schedule "A" hereto
10. Your petitioners are humbly submits that there is no necessity of the case being tried.
11. In the circumstances your petitioners humbly prays before the Ld. Court that suit be decreed in term of the compromise set forth in schedule "A" of the present petition which may form a part of the SOLENAMA decree of this instant suit in favour of the above named defendants/petitioners No.1 to 3. Parties to the suit.

In the premises above named plaintiff/ petitioners and the defendants / petitioners are jointly humbly prays before



Checked by

Debasish Koley.
Ara Koley
Jyoti Koley
Anuj
Anupam

Prakash Ghosh
Dipali Dutta
Mitale Mitra
Koushik Biswas
Anuj Biswas



before your Honour, that your Honour may kindly graciously pleased to pass a SOLENAMA DECREÉE of this instant suit in favour of the above named defendants /petitioners No.1 to 3, of this instant below described "A" Schedule suit property by accepting the counter claim application/petition of defendants/petitioners No.1 to No.3 according to their claim and /or pass any such order/orders as your Honour may deem fit and proper for the ends of justice.

And for this act of your kindness, your petitioners as in duty bound shall ever pray.

"A" SCHEDULE PROPERTY

ALL that piece and parcel of plot of land measuring about 7(seven) cattaahs, 5 (five) Chattaks, with residential unit standing thereon comprised in Dag No. 7276 in R.S. Khotian No.186, Toujee No. 2998, J.L. No 4, lying & situated under Mouja- Chanak Gram, situated at premises/Holding No 58/25 Hare Krishna Sarkar Road, Koley Para, Talpukur, under police station Titagarh, within the Barrackpore Municipality ward No.12, within the jurisdiction of A.D.R.S.O Barrack pore, and District Register office at Barasat within District 24 Parganas, Kolkata 700 123, Butted and bounded by :-

NORTH :- H.K Sarkar Road Municipal Road, By EAST:- House of Kalpana Das & others, By SOUTH:- Land of R.S Dag No.7276,

WEST:- Tarundal Club Thereafter House of Prakash Ghosh.

VERIFICATION

I Sri KOUSHIK BISWAS, son of Sri.Anuj Biswas aged aboutyears, by Nationality Indian, by occupation business, by Nationality Indian, by occupation part time service, residing at Dogachia, Biswas Para, Naihati, P.S. Naihati, District North 24Parganas, Pine code 743130, I am one of the plaintiff's /petitioner No.2, in this instant suit and I am duly authorized by the others plaintiffs/petitioners to verify this verification and I well conversant with the facts and circumstance with this instant suit and the forgoing statements made in this compromise petition in Paragraphs No.1 to 7, are true to my knowledge and paragraph No.8, 9, 10, and 11 and rest are my respectful submission and humbly prayer before the Ld. Court and I signee

Checked by

Debarish Koley.
Anu Koley.
Jost Deb Koley
[Signatures]

[Handwritten notes in Bengali]
Dutta
Mitaly Mitra
Kaushik Biswas
[Signatures]

[Signatures]

this verification at the Sherestha of my Ld. Advocate at Barrack pore on / 0 / 2021 .

Kaushik Biswas



BEFORE THE NOTARY PUBLIC
24-Parganas (North)

AFFIDAVIT

I Sri KOUSHIK BISWAS, son of Sri. Anuj Biswas aged aboutyears, by Nationality Indian, by occupation business, by Nationality Indian, by occupation part time service, residing at Dogachia, Biswas Para, P.S. Naihati, District North 24Parganas, Pine code 743130, I am one of the plaintiff's /petitioner No.3, in this instant suit and I am duly authorized by the others plaintiffs/petitioners do hereby solemnly affirm and declare as follows;

1. That I am one of the plaintiff's/petitioners'No.3, in this instant suit and I am duly authorized by the others plaintiffs/petitioners to affirmed this affidavit, and I well conversant with the facts and circumstance with this instant suit as well as of this SOLENAMA application.

This is true to my knowledge.

2. That the forgoing statements made in these SOLENAMA petition in Paragraphs No.1 to 7 all are true to my knowledge and the paragraph No 8 to 11 are my respectful submission & prayers before the Ld. Court.

3. That the statements are made herein above in this declarations are true to best of my knowledge and believe

Sl. No. 60 2021

Solemnly Affirmed on this 24th day of August 2021 Identified by Sri. S. Ghosh Advocate

Kaushik Biswas
Deponent

Identified by me

Mitaly Mitra
NOTARY
Regn. No.- 10285/13
GOVT OF INDIA

[Signature]
Advocate

CHECKED BY
[Signature]
NOTARY CLERK

Checked by

Debasish Kolay.
Ava Kolay,
Soubh Kolay

[Handwritten signatures]

[Handwritten signature]

Dipali Dutta

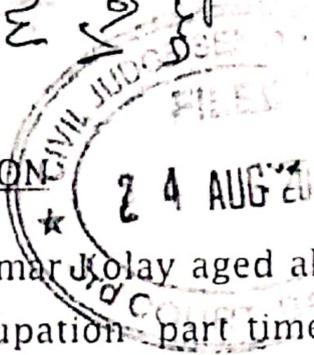
Mitaki Mitra

Noushik Biswas

[Handwritten signature]

[Handwritten signature]

VERIFICATION



I Sri Debasish Kolay son of Late Dilip Kumar Kolay aged about- 26 years, by faith Hindu, by Nationality Indian, by occupation part time service, residing at 58/25, H.K. Sarkar Road, Kolay Para, Talpukur, P.S. Titagarh, Kolkata-700123, that I am one of the defendant as defendant /petitioner No.2, in this instant suit and I am duly authorized by the others defendants to verify this verification and I well conversant with the facts and circumstance with this instant suit and that the forgoing statements made in these SOLENAMA petition in Paragraphs No.1 to 7 , are true to my/our knowledge and paragraph No. 8,9,10,&11, & rest are my respectful submission before the Ld. Court and I signee this verification at the Sherestha of my Ld. Advocate at Barrack pore

/n /2021

Debasish Kolay.



BEFORE THE NOTARY PUBLIC
24-Parganas (North)

AFFIDAVIT

Debasish Kolay son of Late Dilip Kumar Kolay, aged about 26, years by faith Hindu, by Nationality Indian, by occupation part time service, residing at 58/25, H.K. Sarkar Road, Kolay Para, Talpukur, P.S. Titagarh, Kolkata-700123. I am one of the defendants /petitioner No.3, in this instant suit and I am duly authorized by the others defendants /petitioners do hereby solemnly affirm and declare as follows;

1. That I am one of the defendants, as defendant, /petitioners' No.2, in this instant suit and I am duly authorized by the others defendants /petitioners to affirmed this affidavit, and I well conversant with the facts and circumstance with this instant suit as well as this instant SOLENAMA application.

This is true to my knowledge.

2. That the forgoing statements made in these instant SOLENAMA application in Paragraphs No.1 to 7 are true to my knowledge and the paragraph No.8, 9,10and 10 and rest are my respectful submission & prayers before the Ld. Court.

3. That the statements are made herein above in this declarations are true to

Solemnly Affirmed on this... day of... Identified by Sri... Advocate

Debasish Kolay, Deponent

Identified by me [Signature] Advocate

Mr. [Signature] Mitra NOTARY Regn. No.- 10285/13 GOVT OF INDIA

CHECKED BY [Signature] NOTARY CLERK

Checked by

SL. No. 61/2021

TS 527/2020

West Bengal Form No. 3695

HIGH COURT FORM NO. (J) I.

FORM OF THE HEADING DEPOSITION.

In the Court of Civil Judge, Sr. Divn., 3rd court, at Barasat

Present: Shri Samaresh Bera

Deposition of Witness No. *DW 1* for the *defendant* taken on
oath/solemn affirmation on the *24th* day of *August*, 2021

My name *Joydeb Kolay*

Son/Wife of *Late Gour Chandra Koley*

My age is *66* years. I presently reside at *HK Sarkar Road Koley
Para*

Police Station *Titagarh* District *North 24 Parganas*

My occupation is *retd. Employee.*

Myself along with other defendants filed counter claim along with
the written statement in this instant suit. The dispute between us has been
amicably settled out of court. We all parties signed over the petition of
compromise including its terms voluntarily. I pray for decree of the suit and
counter claim and terms of compromise petition. I am deposing on behalf
of all the defendants.

XXX

Declined.

(Concluded.)

Typed & Printed by me

CJSD

24/08/2021
Civil Judge(Sr. Div.), 3rd Court,
Barasat.

Checked by

Joydeb Koley
24/8/2021

TS 527/2020

West Bengal Form No. 3695

HIGH COURT FORM NO. (J) I.

FORM OF THE HEADING DEPOSITION.

In the Court of Civil judge, Sr. Divn., 2nd court, at Barasat(In Charge)

Present: Shri Samaresh Bera

Deposition of Witness No. *PW-1* for the *Plaintiff* taken on

oath/solemn affirmation on the *24th* day of *August*, 2021

My name *Koushik Biswas*

Son/Wife of *Anuj Kumar Biswas*

My age is *39* years. I presently reside at *Dogachia, Ghosh Para*

Police Station *Naihati* District *North 24 PGS*

My occupation is *Business*

Myself along with other plaintiffs filed this instant suit against the defendants. The other plaintiffs appointed me as their attorney. This is said power of attorney. The power of attorney is marked as Exhibit 1.

The dispute between us has been amicably settled. We all have signed the petition of compromise voluntarily. We pray for decree in this instant suit in terms of compromise petition.

XXX

We all signed the petition of compromise (Sole Nama) after knowing the contents of it.

Typed & Printed by me

CJSD

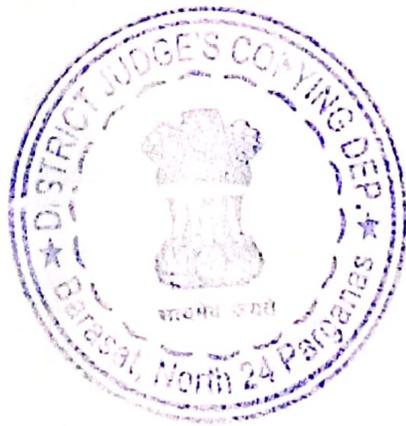
(Concluded.)

Civil Judge(Sr. Div.), 3rd Court,
Barasat.

Checked by

Koushik Biswas

24/8/21



Compared and found to be true
copy and Correctly stamped

Sima Saha 02/09/21
Comparing Clerk
District Judges Court
North 24 Parganas, Barasat

Certified to be true copy

Falguni De
Head Comparing Clerk
District Judges Civil Copying Dept.
North 24 Parganas, Barasat

02-09-21