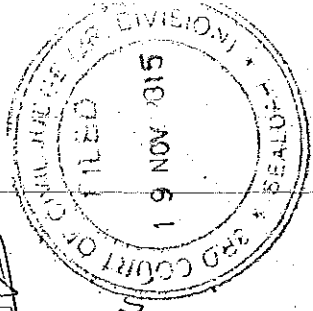


Regd. Post *Amal Kumar Ghosh*



West Bengal Form No. 3234

HIGH COURT FORM NO. (P) 5

Order 5, Rule 1 and 5, Code of the Civil Procedure

Common form of Summons [1] final disposal [2] ascertaining whether a suit contested or not and if contested for immediate disposal [3] settlement of issue

To be filled up by Office		To be filled up by Plaintiff	
Date of depositing talabans		Date of which funds over to pawn	
Date of depositing dist. money etc.		Date of return by pawn after service	
Date of filing of process		Date of actual return of process to Plaintiff	
Date of issuing of <i>Writ of Habeas Corpus</i> (R)		Date of return by Plaintiff to court	

DISTRICT *Cal. 3rd Civil Judge (H. Div.)* sealed at *29/3/15*

In the Court of Title Suit at *29/3/15*

No. 4) *M/s Piller Realtors Private Limited* of 20
represented by Mr. Anil Sarda

*1. Executed Lapse
 P.S. - Home Street
 Kankarna - 700069*

*2. Saijaya Dex & another
 76, F. Bajarani, Dex Street
 Kankarna - 700066*

Whereas *Restoration & recovery of possession & injunction valued Rs. 1*

has instituted a suit against you for you are hereby summoned to appear in this court in person or by a pleader duly instructed and able to answer all material questions relating to the suit for who shall be accompanied by some person able to answer all such questions on the 30.6.15 at 10 o'clock in the noon

1) To answer the claim and fixed for your appearance is appointed for the time disposed of the suit you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

2) To state whether you contest the claim either in whole or in part and if you contest to receive directions of the Court as to the date on which your witness statement is to be filed the witness upon whose evidence you intend to rely in support of your defence are to be produced the document (if any) upon which you intend to rely are to be filed also the date of trial and other matters take notice that in the event of your admitting the claim either in whole or in part the Court will forth with pass judgement in accordance with such admission or in the event of the claim not being contested the suit shall be decided aforesaid.

(3) To answer the claim and you are directed to produce on the day all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before mentioned the suit will be heard and determined in your absence.

Give under my hand and the seal of the Court this *22.3.15* day of *March* 1915

Notice—1. Should you apprehend you witness will not attend of their own accord you can have a summons from this Court to compel the attendance of any witness and production of any document that you have a right to call upon the witness to produce as applying to the Court and in depositing the necessary expenses.
 2. If you admit the claim, you should pay the money in the Court together with the cost of the suit to avoid execution of the decree which may be against your person or property or both.

IN THE COURT OF THE LD. 3RD. CIVIL JUDGE (JR. DIW.)

AT SEALDAH.

Title Suit No: 293 Of 2015.

- 1) Sri Sanjay Dey
 - 2) Sri Sanjay Dey^{Sanjay}
- both son of late Sankar Dey,
residing at 76F, Belaram Dey Street,
P. S. Girish Park,
Kolkata-700006.

.. Plaintiffs.

-Versus-

- 1) Amit Sarde,
son of Jugal Kishore Sarde,
at 12/1, Nellie Sengupta Sarani,
P.O. & P.S. New Market,
Kolkata-700087.
- 2) M/s. Marvellous Niman Private Limited,
- 3) M/s. Paramount Niman Private Limited,
- 4) M/s. Pillar Realtors Private Limited,
- 5) M/s. Triveni Promoters Private Limited,
- 6) Arunoday Suppliers Private Limited,
- 7) Prestige Deal Comm Private Limited,
- 8) Forture Suppliers Private Limited,
- 9) Gravity Trade Comm Private Limited,

contd.



2.

- 10) Dhanishta Apartments Private Limited,
- 11) Kritartha Real Estate Private Limited,
Nos. 2 to 5 all having its Registered Office
at 11, Crooked Lane, Police Station,
Hare Street, Kolkata-700069 and Nos. 6 to 9
all having its Registered Office at
23A, Netaji Subhas Road, Kolkata-700001
and Nos. 10 and 11 having their/its
Registered Office at 7, Chittaranjan
Avenue, Kolkata-700072. All being
Nos. 2 to 11 represented by their
representative authority Mr. Amit Sarda,
son of Jugal Kishore Sarda, residing at
12/1, Nellie Sengupta Sarani, Post
Office and Police Station New Market,
Kolkata-700087.

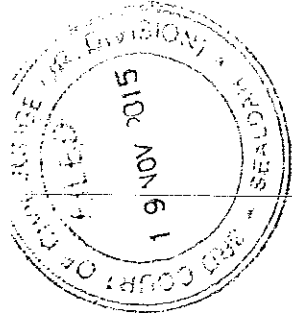
.. Defendants.

Suit for declaration and recovery of possession
Valued at Rs. 100/- tentatively Valued at Rs. 50/-
for declaration, Rs. 25/- for khas possession
and Rs. 25/- for injunction.

The Plaintiffs state as follows :-

- 1) That one Sankar Dey, since deceased was the owner of a
piece and parcel of Sali Land measuring about 5 Cottahs
0 Chittack 8 Square feet of land lying and situated at

contd.



3.

Mouza Salua, R.S.Dag No. 525, under Khatian No. 249 and R.S.Dag No. 526 under Khatian no. 250, J.L.no. 3 in the District 24 Parganas (North), old P.S. Rajerhat at present Dum Dum Airport under Rajerhat Gopalpur Municipality which is the jurisdiction of this Ld. Court, hereinafter referred to as the "said land" and fully described in the schedule herein below by way of purchase dated 15.12.1988 which was Registered in the Office of D. R. Barasat and was recorded in Book no. I, Volume no. 276, Pages 84 to 99, Being no. 3662 for the year 1988, purchased from Sri Swepan Deb and Bela Das against the valuable consideration thereof and possessed the said land by the said Sankar Dey till his death, as owner of the said land.

2) That the said Sankar Dey died on 5.4.2006 leaving behind surviving his wife namely Baby Dey and two sons namely Sanjay Dey and Sanjive Dey as the only legal heirs of Sankar Dey and accordingly the said land vested upon the aforesaid legal heirs of late Sankar Dey by way of inheritance.

3) That Smt. Baby Dey, wife of late Sankar Dey visited the aforesaid land, after the demise of her husband namely Sankar Dey on or about 3.3.2010 and found that the said land has been encroached ^{and} ~~has~~ encircled/covered by the tin wall enjoying with other's land without the consent of the plaintiffs and/or their predecessor in interest. The plaintiffs' mother namely Baby Dey enquired on the spot from the local people in that regard but none of

contd.

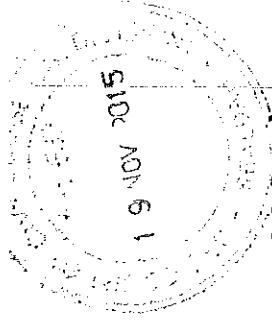
4.

the local people able to furnished the satisfactory answer regarding the said encroachment of the Land in De9 no. 525 & 526 at Mouze Salua, District North 24 Parganas under P.S. Airport and finding no other alternative the said Baby Dey lodged a written complaint before the Dum Dum Airport Police Station dated 4.3.2010 by stating the said facts for immediate action in order to get the said property return back to the legal heirs of late Sanker Dey but the Police authorities did not take any steps respecting the above matter till the death of Baby Dey.

4.

That the said Baby Dey, wife of late Sanker Dey died on 17.6.2012 and after the death of Baby Dey has sons i.e. the plaintiffs personally visited and investigated the said land on 26.4.2015 and found a boundary wall with a big size gate keeping under lock and key where the land of the plaintiffs is situated and as such the plaintiffs could not entered and/or visited the said land. The plaintiffs also found that a big size of sign board affixed in the boundary wall of the said land displaying the name of the Project "Silver Oak" having found no other alternative the plaintiffs lodged a written complain to the Officer-in-Charge, Dum Dum Airport Police Station for proper remedy. But the said police Authority failed to give any assistance for appropriate remedy regarding the possession of the said land.

contd.



5. That as the defendants are occupying the aforesaid land which is mentioned of the Schedule herein below without any consent of the plaintiffs, so the defendants are guilty for trespassing the Schedule Land in question.
6. That the defendant no.1 is sole and on behalf of the other defendants i.e. defendant nos.2 to 11 represented by doing several business in the Schedule mentioned Land with other lands where the plaintiffs' land is situated without any consent of the plaintiffs.
7. That the such occupation of the defendants in the land as aforesaid is illegal, void and arbitrary. And in the circumstances the defendants are liable to be evicted by the Court of Law.
8. That thereafter the plaintiffs served a notice to quit, vacate and deliver up the said land to the plaintiffs holding therein as the trespasser by Speed Post to Amit Barda, Proprietor of Silver Oak Estate, 5th Floor, Room no.503, Tobacco House, 1, Old Court House Corner, Kolkata-700001 through Sirendra Kumar Ghosh, Advocate dated 10.7.2015. The defendant no.1 i.e. Amit Barda received the said notice and replied through M/s. Victor Moses & Co., Solicitors, Advocates, dated 10.8.2015 and also filed an application under Section 148A of the Civil Procedure Code against the plaintiffs before the Ld. Court.

contd.

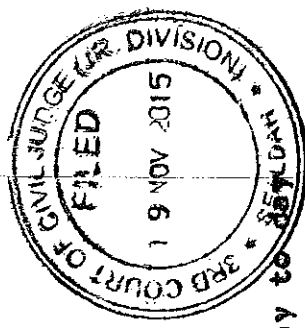
9. That inspite of service of the said notice the defendant no. 1, failed and neglected to quit, vacate and deliver up of the Schedule mentioned Land to the plaintiff and are still illegally occupying the said Schedule mentioned land illegally and forcibly as trespasser thereof. In the circumstances, the plaintiffs have no other way but to file the instant suit against the defendants for evicting them from the said land.

10. That the plaintiffs are entitle to get damage, against the defendants for their wrongful possession of the schedule mentioned land as and when the Ld. Court impose the damage cost and the plaintiffs are given liberty to pay the Court fee on that account.

11. That the plaintiffs therefore pray for order of injunction by an order of temporary injunction against the defendants from transferring and/or sale out the constructed building in the Schedule mentioned land and/or make any further construction in the said Schedule land where the plaintiffs land is situated, then the valuable right of the plaintiffs will be Geopadised and object of the suit will become infructuous.

12. That the cause of action of this suit arose on 4.3.2010 and 7.5.2015 when the plaintiffs get knowledge for illegal possession of the defendants and also on 10.7.2015 when the Advocate's notice was sent to the defendant no.1 and failed to vacate the suit land inspite of demand and the

contd.



said cause of action is still continuing day to day at Mouza Salua, Bablatela in Dag no. 525, 525 under Khatian no. 249, 250, J.L.No.3, R.S.109, P.S. Dum Dum Airport, District 24 Parganas (North) within the jurisdiction of this Ld. Court.

13. That for the purpose of the jurisdiction and Court fees the suit is valued at Rs. 100/- (tentatively valued at Rs. 50/- for declaration, Rs. 25/- for khas possession and Rs. 25/- for injunction) and the Court fees thereof are paid accordingly. The plaintiffs undertake to pay additional Court fees, as and when ordered.

14. The plaintiffs craves leave of the Ld. Court to file a separate suit against the defendants for damage towards illegal possession of the land in question of the plaintiffs.

The Plaintiffs, therefore, pray
for :-

(a) declaration that the plaintiffs are the joint owners of a land measuring about 5 Cottahs 0 Chittacks 8 square feet of land at Mouza Salua, R.S. Dag no. 525, Khatian no. 249 and Dag No. 526, Khatian no. 250, J.L.No.3, P.S. Dum Dum Airport, District 24 Parganas (North) under Rajarhat Gopalpur Municipality;

contd.

8.

- (b) Declaration that the defendants are the rank trespassers in the Schedule below mentioned property ;
- (c) Decree for recovery of possession of the land mentioned in the Schedule by evicting the defendants and their men and agents if any therefrom;
- (d) Injunction against the defendants not to transfer any portion of the property which has been erected in the Schedule land thereof ;
- (e) Injunction not to make any further construction in the Schedule mentioned land ;
- (f) Mandatory injunction ;
- (g) Commission ;
- (h) Receiver ;
- (i) Cost of the suit ;
- (j) And such other and further relief or reliefs as the Ld. Court may deem fit and proper.

contd.

9.

SCHEDULE ABOVE REFERRED TO :

ALL THAT Land measuring about 5 Cottahs 0 Chittack and 8 square feet lying and situated at Mouza Salua, R.S. Dag no. 525, Khatian no. 249 and Dag no. 526, Khatian no. 250, J.L. No. 3, P.S. Dum Dum Airport in the District of 24 Perganas (North) under Rajarhat Bopaiapur Municipality butted and bounded as follows :-

On the North : Road of P.W.D. ;

On the South : Land in Dag no. 523 ;

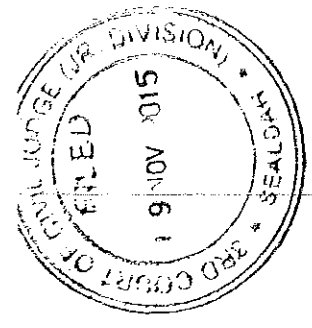
On the East : Rest land of Dag no. 525 and 526, owner Swapan Deb and Smt. Bela Das;

On the West : Land of Sri Tapan Kumar Chatterjee in Dag no. 525.

V E R I F I C A T I O N

I, Sri Sanjay Dey, the Plaintiff no. 1, do hereby declare that the statements made in paragraph 1 to 13 and the Schedule of the foregoing Plaint are true to my knowledge and the rest thereof are my submission before this Id. Court. I sign this Verification on this the 18th day of ^{November} ~~October~~, 2015 at the Court Premises,

Sealdah.



AFFIDAVIT ..

A F F I D A V I T

I, Sri Sanjay Day, son of late Sankar Day, aged about 32 years, by faith Hindu, by occupation business, residing at premises No.76F, Balaram Day Street, P.S. Girish Park, Kolkata-700006, do hereby solemnly affirm and say as follows :-

1. That I am Plaintiff no.1 and am fully conversant with the facts and circumstances of the suit and am competent to swear this affidavit for self and on behalf of the Plaintiff no.2 as well.

This is true to my knowledge. 1 to 13

2. That the statements made in paragraph and the Schedule of the foregoing Plaintiff are true to my knowledge and the rest thereof are my submission before this Ld. Court.

Identified by me,

Advocate.

Deponent.