

District: North 24 Parganas

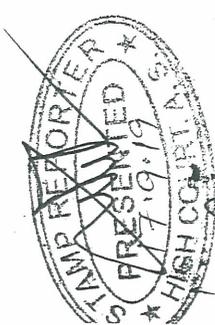
In The High Court at Calcutta

Civil Appellate Jurisdiction

Memorandum of Appeal from Original Order

Appellate Side

FMAT No. _____ of 2019



Handwritten notes: HCS = M & J, MAT, 17.9.19

- 1. Birendra Kumar Chopra,;
 - 2. Ravindra Kumar Chopra,
- Both residing at 88, College Road,
Rabindranagar Complex, Block - G, 4th
Floor, Flat No. 401, Howrah - 711 103



....Appellants

-Versus-

- 1. Tarun Kumar Das, son of Late Santi Ranjan Das, proprietor of M/s. Artland, residing at EE/13/8, Salt Lake City, Sector - II, Kolkata - 700 091, under Police Station - Bidhannagar (East), in the District of North 24 Parganas having its office earlier at CD-295, Salt

Handwritten date: 17.9.19

Handwritten number: 2517

Through Advocate



Lake City, Sector - 1, Kolkata - 700
064 and presently at CJ - 30, Salt Lake
City, Sector - II, Kolkata - 700 091, in
the District of North 24 Parganas;

....Respondent

2. Smt. Anjan Chanda, wife of Dr. Bikash
Chanda and daughter of Late
Bishnupada Das, residing at 23-D,
Bade Raipur Road, under Police Station
- Jadavpur, Kolkata - 700 032;
3. Amit Kumar Das, son of Late
Bishnupada Das, earlier residing at E-
130, Salt Lake City, Sector - 1, Kolkata
- 700 064, in the District of North 24
Parganas and also of 49 Suri Lane,
under Police Station - Muchipara,
Kolkata - 700 014;

....Proforma Respondents

01.04.10
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Serial No. 35/2022
Register of Notary

DISTRICT: NORTH 24 PARGANAS

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

APPELLATE SIDE

F.M.A.T. 944 OF 2019

WITH

C.A.N. 1 OF 2019

C.A.N. 2 OF 2019

1. Birendra Kumar Chopra;

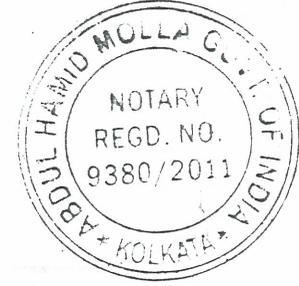
2. Ravindra Kumar Chopra,

Both residing at 88, College

Road, Rabindranagar Complex,

Block - G, 4th Floor, Flat No.

401, Howrah - 711 103



.....Appellants

Versus

1. Tarun Kumar Das, son of Late

Santi Ranjan Das, proprietor of

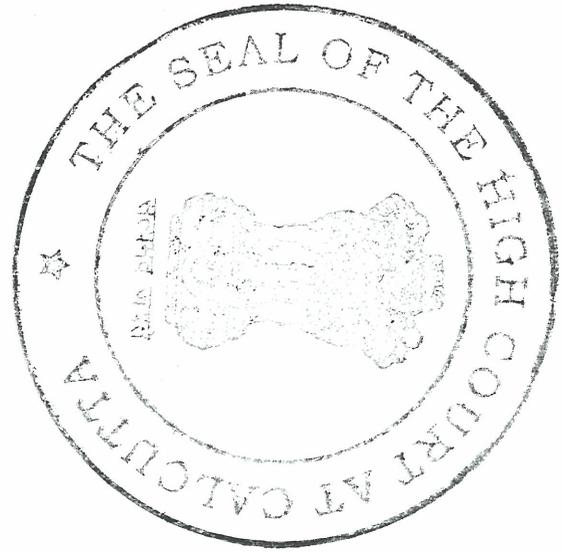
Birendra Kumar chopra

Ravindra Kumar chopra

Santi Ranjan Das

09 MAR 2022

98/M
01.04.22

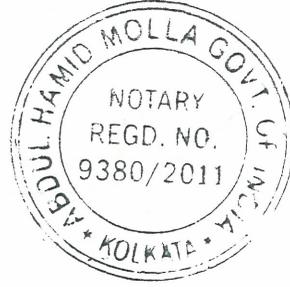


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M/s. Artland, residing at
 EE/13/8, Salt Lake City, Sector
 - II, Kolkata - 700 091, under
 Police Station - Bidhannagar
 (East), in the District of North 24
 Parganas having its office earlier
 at CD-295, Salt Lake City, Sector
 - I, Kolkata - 700 064 and
 presently at CJ - 30, Salt Lake
 Sector - II, Kolkata - 700 091, in
 the District of North 24
 Parganas;

.....Respondent

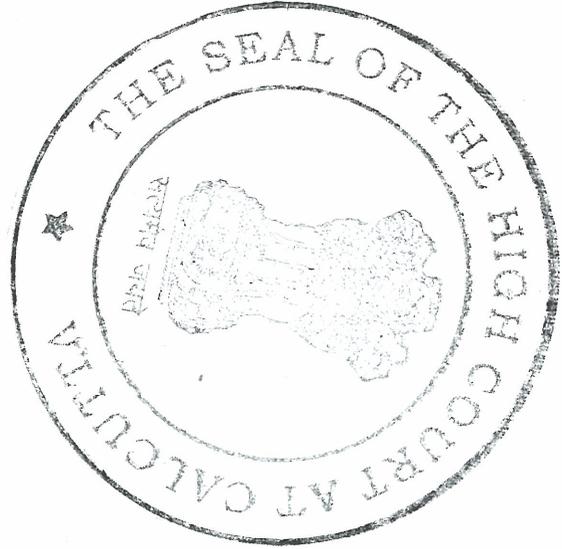
2. Smt. Anjana Chanda, wife of
 Dr. Bikash Chanda and daughter
 of Late Bishnupada Das,
 residing at 23-D, Bade Raipur
 Road, under Police Station -
 Jadavpur, Kolkata - 700 032;



Brendra Kumar Chopra
 Rawindra Kumar Chopra

(Signature)

(Signature)



13/1/1910

3. Amit Kumar Das, son of Late
Bishnupada Das, earlier residing
at E - 130, Salt Lake City, Sector
- 1, Kolkata - 700 064, in the
District of North 24 Parganas
and also of 49, Suri Lane, under
Police Station - Muchipara,
Kolkata - 700 014;
.....Proforma Respondents

TERMS OF SETTLEMENT

1. Due to intervention of common friends and well wisher and as per legal advice taken by the Appellants and the Respondent No. 1, the parties, hereto have agreed to a settlement in the abovementioned appeal along with all connected applications and the Title Appeal being Title Appeal No. 36 of 2012 pending before the Court of the Learned 3rd Additional District Judge at Barasat, North 24

Parganas, arising out of Title Suit No. 205 of 2010 in respect of

Birendra Kumar Chopra
Ravindra Kumar chopra

Charan K. Das.



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17/12/1913

4.2395 Cottath land with one storied building situated in Plot No. 130 in Block – EC, Sector – 1, Salt Lake City, under Police Station - Bidhannagar (North), in the District of North 24 Parganas (hereinafter referred to as the “Suit Property”).

2. The Respondent No. 1 had filed a Title Suit being Title Suit No. 205 of 2010 before the Learned Court of Civil Judge, Senior Division, 2nd Court at Barasat, North 24 Parganas and subsequently a Title Appeal being Title Appeal No. 36 of 2012 which is pending before the Court of the Learned 3rd Additional District Judge, Barasat, North 24 Parganas against Arati Das and the proforma respondents seeking declaration that the Respondent No. 1 has right to do construction work as per an unregistered power of attorney.

3. Subsequently the Appellants, by way of a registered deed of assignment dated 5th April, 2013 got the lease assigned in their name from the Urban Development Department, Government of West Bengal against valid consideration. The names of the

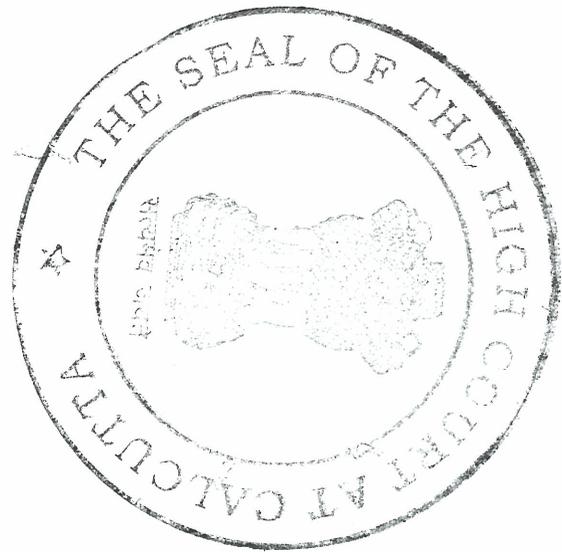
Appellants have been recorded as Lessee/ Transferee in the records

Brendra Kumar Chopra
Ravindra Kumar Chopra

Abdul Hamid Molla



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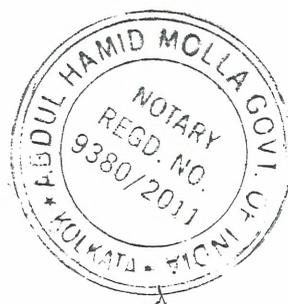


of the Urban Development Department and the Bidhannagar Municipal Corporation.

4. By an order dated 10th September, 2018, the appellants have been added as a party in the Title Suit No. 205 of 2010 and Title Appeal No. 36 of 2012, both pending before the Learned Court of Civil Judge, Senior Division, 2nd Court at Barasat, North 24 Parganas and Court of the Learned 3rd Additional District Judge, Barasat, North 24 Parganas.
5. The Respondent No. 1 accedes to the absolute and undisputed title of the Appellants in the suit property. The Appellants shall continue to enjoy right, title, interest and possession in respect of the Suit Property.
6. The Respondent No. 1 admits that the Appellants are in possession of the suit property.
7. All disputes stand settled between the parties in Title Suit No. 205 of 2010 and Title Appeal No. 36 of 2012 including all connected applications.

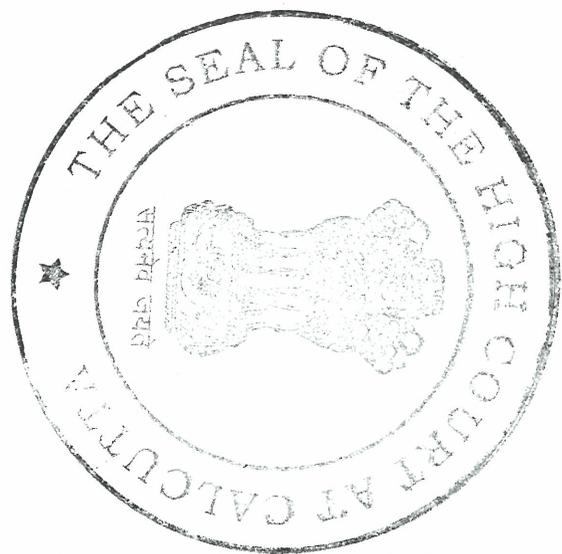
Birendra Kumar Chopra

Ravindra Kumar Chopra



Abdul Hamid Molla Govil

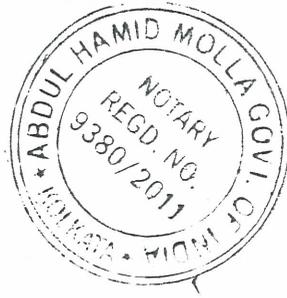
27/01/2019



14/10/15

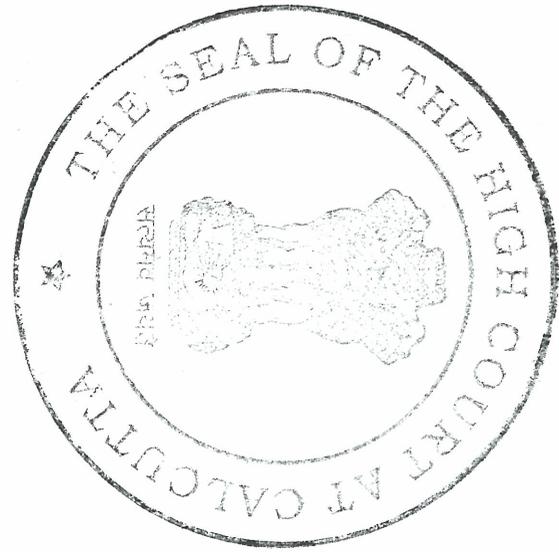
8. In view of the settlement recorded between the parties the Title Suit No. 205 of 2010 and Title Appeal No. 36 of 2012, both pending before the Learned Court of Civil Judge, Senior Division, 2nd Court at Barasat, North 24 Parganas and Court of the Learned 3rd Additional District Judge, Barasat, North 24 Parganas respectively, shall stand dismissed.
9. The Respondent No. 1 shall have no claims against the appellants in respect of the suit property.
10. All orders passed in Title Suit being Title Suit No. 205 of 2010 and Title Appeal being Title Appeal No. 36 of 2012, both pending before the Learned Court of Civil Judge, Senior Division, 2nd Court at Barasat, North 24 Parganas and Court of the Learned 3rd Additional District Judge, Barasat, North 24 Parganas respectively, and orders passed in F.M.A.T. No. 944 of 2019 and all connected applications pending before the Hon'ble High Court at Calcutta, shall stand vacated in view of this Terms of Settlement.

Ravindra Kumar Chopra
Ravindra Kumar Chopra



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01.04.20



10/11/1915

11. The Appellants do not press for any reliefs against the Proforma Respondent Nos. 2 and 3.

12. The Respondent No. 1 and the Appellants shall bear their respective costs for litigation and neither party shall have any further claims against each other.

13. The Memorandum of Appeal being F.M.A.T. No. 944 of 2019 and the connected applications being C.A.N. 1 of 2019 and C.A.N. 2 of 2019 pending before this Hon'ble Court be disposed off in terms of this Terms of Settlement.

Brendra Kumar Chopra

Ravindra Kumar Chopra

Signature of the Appellants

Dikshita Chahal

Signature of the Advocate on Record of the Appellants

Jaswanth Reddy

Signature of the Respondent No. 1

Asif Mulla

Signature of the Advocate on Record of the Respondent No. 1

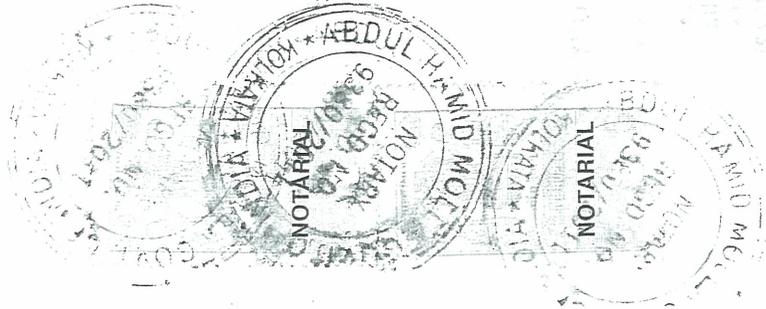
Witnesses:

1. *Dwaipayan Ghosh*
24, Mandwile gardens
Kod - 400 019

2. *Yenusree Jainmal*
37A, A.J.C. Bose Road,
Kol - 700017

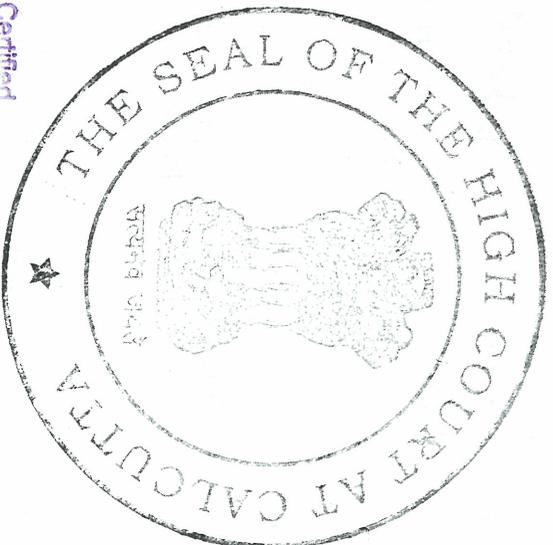
solemnly Affirmed and
Declared before me this
29th (3) CRPC

ABDUL HAMID MOLLA
Adv. NOTARY
Govt. of India, CIN-9380/201
High Court, Gate No. E
(M) 9831104098



09 MAR 2022

Asif Mulla
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High Court Appellate Side Calcutta
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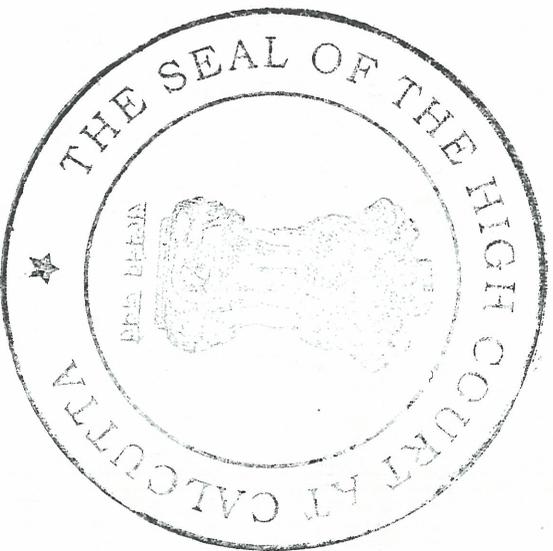
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(D)

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, Orders or proceedings with signature
07	09.03.2022		
Ct-08			<p style="text-align: center;">FMAT 944 of 2019 with I.A No. CAN 1 of 2019 (Old No. CAN 9491 of 2019) CAN 2 of 2019 (Old No. CAN 10837 of 2019)</p> <p style="text-align: center;">Birendra Kumar Chopra & Anr. Vs. Tarun Kumar Das & Ors.</p> <p>Mr. Soumabho Ghose Mr. Sagnik Majumder Ms. Dikshita Chomal ... For the Appellants</p> <p>Mr. Arnab Roy Mr. Dyutiman Banerjee Mr. Satyam Mukherjee ... For the Respondent no. 1</p> <p>During the pendency of the appeal the parties have entered into an amicable settlement by filing an application for compromise, containing the terms of settlement, duly signed by the parties and their respective attorneys in accordance with Order XXIII Rule 3 of the Code of Civil Procedure. The same is kept with the record.</p> <p>On the basis of the said terms of settlement containing in the said application, we dispose of the appeal.</p> <p>Accordingly, the compromise application filed by the parties is thus allowed. <i>and accepted.</i></p> <p>In view of disposal of the appeal, no order needs be passed in the connected applications being CAN 9491 of 2019 and CAN 10837 of 2019 and the same are accordingly disposed of.</p>

Sd/- Ajoy Kumar Mukherjee, J. Sd/- Soumen Sen, J.
(Ajoy Kumar Mukherjee, J.) (Soumen Sen, J.)

20/03/2022



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Ruley Saha 01.04.2022
 Assistant Registrar / Section Officer
 High Court Appellate Side Calcutta
 Authorised Under Section 78 of the
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6/103/1999/333 B&P (P) (S) (M) (C) (A) (P) (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

10/10/15