



4042

ANWAR HUSSAIN Sr. Counsel
Advocate
HIGH COURT CALCUTTA
Bar Association Room No. 6
Phones : 2248-3169/3190/2243-7363
Fax : (033) 2248-2313
E-mail : barassohccal@vsnl.net
Residence :

13/6, Palm Avenue
Kolkata-700 019.

(M) 9830843586 & 9007538512.

To

14th Sept, 2009.

Shri Anup poddar,
60E, New Alipore, Block 'D'
Kolkata.

Sub: Searching of the Property at Premises
Nos. 36A, 36B, & 36C Pratapaditya Road,
P.S. Tollygunj, Dist-24 Pgs (South)
Kolkata-

Towards payment of professional fees and costs

for Searching of the Registry Offices of (1) Registrar

of Assurances, Calcutta, (2) District Registrar, Alipore

24 Parganas ^(S) (3) Sub-Registrar (Re: P.S. Tollygunj),

Alipore, 24 Pgs (S) and (4) Office of Civil Judge (Sr.

Adv.) , 3rd Court, Alipore, 24-Parganas (S) through three

Ld. Advocates and my professional fees, besides all

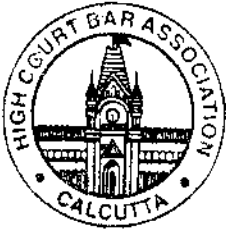
costs for the same (consolidated)

All Total

Rs. 6500/-

(Rupees Six thousand & five hundred on

A. Hussain
14.09.09
ANWAR HUSSAIN
Advocate
High Court, Calcutta



4050

Searching Report

ANWAR HUSSAIN, Sr. Counsel
Advocate
HIGH COURT CALCUTTA
Bar Association Room No. 6
Phones : 2248-3169/3190/2243-7363
Fax : (033) 2248-2313
E-mail : barassohccal@vsnl.net
Residence :

13/6, Palm Avenue,
Kolkata-700 019.

(M) 9830843586
& 9007538512.

14th September, 2009.

Schedule of Property:-

ALL THAT Piece or Parcel of land containing by estimation Nine
(9) Cottahs One (1) Chittack Six (6) Square Feet be the same a
little more or less together with the old dilapidated three stories
building and one storied ~~in~~ tin-shaded structure aggregating to
6000 Square Feet be the same little more or less situate lying at
and being premises NO. 36A, 36B and 36C Pratapaditya Road within
the Municipal limits of Kolkata.700 026 in Division VI Sub-
Division G Dihi Panchannagram Sub- Registry office Alipore under
Police Station Tollygange in the District of 24 Parganas (South)
Kolkata Municipal Corporation under Ward No.88 and marked and
delineated in the Map or Plan hereto annexed and thereon bordered
red and butted and bounded as follows:-

ON THE NORTH : By Premises Nos. 34E & 34F Pratapaditya Road.

ON THE EAST : By Pratapaditya Road.

A. Hazra

Cont. 2

ON THE SOUTH : By Premises No. 38J, Pratapaditya Road,

ON THE WEST : By Premises No. 7 Sree Mohan Lane.

Brief History of the above scheduled Property.

(1) By a Registered Deed of Conveyance dated 7th November, 1941 and registered in the office of the Joint Sub- Registrar of Alipore at Behala in Book I, Volume 17 page 95 to 104 Being No. 1379 for the year 1941 as made between one Preonath Ganguly therein referred to as the Vendor of the One Part and Heramba Chandra Chowdhury therein referred to as the purchaser of the Other Part, the said Heramba Chandra Chowdhury purchased all that three storied building and ~~in~~ tin shed with brick built structure constructed around the year 1900 together with a piece or parcel of rent free land containing by estimation Nine (9) Cottahs One (1) Chittack Six (6) square feet be the same a little more or less situate lying at and being Premises No. 36A , 36B and 36C Pratapaditya Road Police Station- Tollygunge Kolkata- 700 026 fully described

A. J. H. S.

in the Schedule of Property above mentioned.

(2) The said Heramba Chandra Chowdhury died intestate on 17th January, 1951 leaving behind him surviving his widow Rajabala Devi two sons Sasanka Sekhar Chowdhury and Kalikesh Chowdhury and four married daughters and inter alia the said premises No.36A, 36B and 36C Pratapaditya Road which devolved upon the said Rajabala Devi for life and Sasanka Shekhar Chowdhury and Kalikesh Chowdhury absolutely each having undivided One- third share each.

(3) Thereafter, on the passing of the Hindu Succession Act, 1956 the life estate of Rajabala Devi became her absolute estate.

(4) The said Rajabala Devi died on 14th November, 1972 after making and publishing her last Will and testament dated 11th August 1957 and bequeathed her undivided One-Third share in the said property to her said two sons in equal share.

(5) Probate of the said Last Will and Testament dated

A. H. K.

11th August, 1957 was duly granted by the District Judge Alipore on 23rd December, 1974.

(6) The said Sasanka Shekhar Chowdhury and the said Kalikesh Chowdhury thus became entitled to the said properties each having undivided equal half share therein.

(7) A portion of the said premises was let out to a tenant being Oriental Mercantile Company Ltd.

(8) However, a suit for ejectment being Title Suit No. 728 of 1984 was filed by the said Sasanka Sekhar Chowdhury and Kalikesh Chowdhury for ejectment against the Oriental Mercantile Company Ltd., a tenant in respect of the premises No. 36A and 36B save and except ground floor and part of 36C with three ^{tin} shed rooms which was duly decreed in favour of the plaintiffs by the 1st Court of the Learned Munsiff at Alipore and confirmed by the District Judge Alipore and the Hon'ble High Court at Calcutta.

(9) During the pendency of the aforesaid Title Suit/

L. X. X.

Appeal the said Sasanka Sekhar Chowdhury died intestate on 28th January, 1995 leaving behind him sur-viving his widow the said Dhira Chowdhury and his married daughter Runu Mukherjee as his only heirs and legal representatives in respect of the undivided half share in the said premises No.36A, 36B, and 36C pratapaditya Road, Calcutta who were duly substituted in the said Suit/Appeal.

(10) The said Kalikesh Chowdhury Dhira Chowdhury and Runu Mukherjee started Execution case No.1 of 1998 before the 1st Court of the Learned Munsiff at Alipore against the said Oriental Mercantile Company Limited for obtaining possession as aforesaid terms of the said decree .

(11) By a Deed of gift dated 30th April, 2002 made between the said Kalikesh Chowdhury Dhira Chowdhury Runu Mukherjee therein collectively described as Donors of the One Part AND Benud Behari Dutt Trust therein described as the Donee of the other part and registered in the office of the

Additional Registrar of Assurance I Calcutta in Book I

L. H. e.

Volume 1 page 1 to 7 Being No.00981 for the year 2006 the said Kalikesh Chowdhury Dhira Chowdhury Runu Mukherjee for the consideration therein mentioned transferred and conveyed unto the said Benud Behari Dutta Trust (hereinafter mentioned as ' the said Trust') the said property absolutely and forever with the right of execute ~~an~~ the decree and to take necessary steps against other occupiers.

(12) After the said Deed of Gift the Vendor duly applied for and have its name substituted in the pending execution proceedings as also took further steps in the said execution application for recovery of possession from the said judgement debtors.

(13) The said Judgement Debtor Oriental Mercantile Company Limited filed a suit before the Hon'ble High Court of Calcutta being C.S.No.168 of 2006 challenging the validity and legality of the said Deed of Gift and filed an application for injunction against the decree for eviction passed against the ssid Oriental Mercantile Company Limited.

[Handwritten signature]

(14) The said application was heard and disposed of by the Hon'ble High Court at Calcutta by the Judgement and Order dated 8th May, 2007 whereby the said application was dismissed and interim orders were vacated.

(15) Thereafter being aggrieved by the said Judgement and order dated 8th May, 2007 an Appeal being A.P.C.T. No.309 of 2007 was preferred by the said Oriental Mercantile Company Limited which was disposed of by the Hon'ble High Court by ^{an} ~~the~~ order dated 18th July, 2007 whereby the said Appeal and also the Suit were dismissed.

(16) The said Oriental Mercantile Company Limited instituted a Suit on or about 11th May, 2007 being Title Suit No. 18 of 2007 ~~vs~~ (Oriental Mercantile Company Limited Versus-Benud Behari Dutt Trust and others) in the 3rd Court of the Learned Civil Judge (Senior Division) at Alipore inter-alia praying for a Declaration that the Decree passed on September, 30, 1997 in Title Suit No. 128 of 1984 by the 1st Court of the Learned Munsiff at Alipore inter-alia

f. Hand

on the grounds of bonafide personal requirement be declared as a nullity not binding on the plaintiff as the same has been obtained by fraud and be set aside accordingly.

(17) However, some portion of the said building is in occupation of different persons including illegal sub-tenants unauthorized occupants and there is hardly any income to carry out the objects of the trust and to maintain the building by paying the Municipal Taxes amongst others and as such the said Premises and the building which is about hundred year old and is in a state of dilapidated condition and there was no likelihood of getting possession of the premises at any time in future without incurring further litigation costs which the trust could not afford.

(18) Thus the said Benud Behari Dutt Trust is seized and possessed of and absolutely entitled to ALL THAT the three storied buildings and tin shed with brick built structure constructed around the year 1900 together with a piece or parcel of rent free land containing by estimation 9 (Nine)

A. Shank

Cottahs 1(One) Chittack 6 (Six) Square feet be the same a little more or less situate lying at and being Premises No.36A, 36B and 36C Pratapaditya Road, Kolkata-700 026, more-fully described in the Schedule above mentioned.

(19) The said Trust being a charitable Trust can no longer afford to continue with such enormous expenses for further pursuing the litigation as required in the circumstances aforesaid in spite of achieving favourable decision as aforesaid.

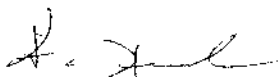
✓ (20) Thereafter M/S ~~Enclave~~ Enclave, Trade Co. Pvt Ltd. a company under the Company's Act, 1956, having its registered Office at 18, British India Street, BIA Martin Chamber Kolkata-700 069 (hereinafter mentioned as "the said Company") has taken physical inspection of the Premises 36A, 36B and 36C Pratapaditya Road to ascertain the actual nature of the physical possession and has also gone through the documents to ascertain the basis of such possession.

A. Paul

(21) Accordingly the Trustees of the said Trust unanimously resolved at a meeting of the said Trustees held on August 8, 2008 that the said property will be transferred by the Trust in favour of the said Company at a consideration of Rupees 1,00,00,000/- (Rupees One Crore) only.

(22) The said Trust agreed with said Company for absolute sale to them on as is where is basis the three storied building and tin shed with brick built structure constructed around the year 1900 together with a piece or parcel of rent Free land containing by estimation 9 Cottahs 1 Chittacks 6 square Feet be the same a little more or less situate lying at and being Premises No.36A, 36B and 36C Pratapaditya Road, Kolkata 700 026 fully described in the Schedule above mentioned at a total consideration of Rs.1,00,00,000/- (Rupees One Crore) with the right to execute the Decree against the said Oriental Mercantile Company Limited and to take further steps against the illegal sub tenants and unauthorised occupants.

(23) Thus in pursuance of the said agreement and in



consideration of the sum of Rs.1,00,00,000/- (Rupees One Crore only) paid to the said Trust and on receiving the said amount of Rs.1,00,00,000/- the said Trust acquitted, released and for discharged the said Company for payment of the same and every part thereof the three storied building and tin shed with brick built structure constructed around the year 1900 together with a piece or parcel of rent free land containing by a estimation Nine (9) Cottahs One (1) Chittack Six (6) Square feet be the same a little more or less situat lying at and being premises No.36A, 36B and 36C, Pratapaditya Road, kolkata-700 026, under police Station Tollygunge fully described in the Schedulr above mentioned and accordingly the said Trust as Vendor sold, conveyed and transferred into and in favour of the said Company a registered Deed of Sale dated 30.8.2008 (Registered in Book-I CD Volume No.1 Pages 7252 to 7271, being No. 00342 for the year 2009. ALL THAT the said three storied building and tin shed with brick built structure constructed around the year 1900 together

J. H. H.

With a piece or parcel of rent free land containing by estimation Nine (9) Cottahs One (1) Chitteck Six(6) square feet be the same a little more or less situate lying at and being Premises No.36A, 36B and 36C Pratapditya Road, Kolkata ~~xxxxx~~ 700 026 under Police Station Tollygunge fully described schedule in the/above mentioned on where is basis together with the right to execute the decree agaonst the said Oriental Mercantile Company Limited and to take further steps against the illegal sub tenants and unauthorized occupants.

Thus, the said M/s. Enclave Tradecon Pvt. Ltd. became entitled to the right, title and interest of the above scheduled property.

Searching, etc.

- (1) Searching was made in respect of the above Scheduled property in Index-II at the Registrar of Assurances, Calcutta for the period from 1997 to 2008 (uptodate) by a Clerk Sm. Mala Ghosh of the said

1 *Handwritten signature*

Registry Office and for which Relevant Receipts as well as her notes (both of original) are enclosed hereto.

Regarding the said searching Mr. Karali Charan Karmakar, Advocate by his report dated 10.09.2009 has certified that no entry was found in the said Index-II for the years 1997 to 2009 (upto date) Accordingly he has certified that the aforesaid property is free from all encumbrances and marketable is for the period stated above. The said Certificate dated 10.09.2009 (in ~~original~~ original) is enclosed herewith.

2. Searching was also made in respect of the above Scheduled property in Index- II in the records of the District Registrar, Alipore and Sub-Registrar, Alipore, (3 Searching Receipts in original/are enclosed herewith) for the years 1997 to 2009 (Upto date).

Rama Paul ,Advocate of the Alipore Criminal and Judges Court has certified that the above mentioned property is free from encumbrances having good and clear title

R. Paul

as per the said Searching, . The Original Searching , report of the Learned Advocate is enclosed herewith.

(3) Regarding the ~~pending~~ pendency of any suit in respect of the above Scheduled property, searching was made through Mr. S.A. Rahman, Advocate, High Court, Calcutta by separate applications made by him for obtaining Informations from the relevant records at the office of the Civil Judge, 3rd Court at Alipore ~~Civil Judge, 3rd Court at~~ Alipore, 24 Parganas (south).

The two separate reports as given by the said office shows that no Title Suit or Money suit had been filed in respect of the Scheduled property against the said M/S. Enclave Tradecom Pvt. Limited of 18, British India Streetm Kolkata- 700 069, .for the period from 2008 to 2009. The said two Information ships in original are enclosed herewith.

A. Anil



4058

Advocate
HIGH COURT CALCUTTA
Bar Association Room No.
Phones : 2248-3169/3190/2243-7363
Fax : (033) 2248-2313
E-mail : barassohccal@vsnl.net
Residence :



(15)

Conclusion:-

In consideration of the above facts and
circumstances as well as the searching reports of the
three Ld. Advocates as aforesaid, I am of the view ^{of opinion} that
the said M/S Encalve Tradecom Pvt. Ltd. has acquired
good and valid title, interest and possession of the above
Scheduled properties, free from all ~~known~~ circumstances,
~~whatsoever.~~

Anwar Hussain
ANWAR HUSSAIN 14.09.08
Advocate
High Court, Calcutta

HIGH COURT FORM NO. (M) 55 Civil/(H) 30 (Criminal) APPLICATION FOR INFORMATION


Serial No. & Date	Name & residence of the applicant	Nature of information is required	Date on which information is to be ready	Signature of Officer receiving the application	REMARKS
1 32/11/09	S. A. Rahman Advocate High Court, Calcutta	In the case of 1st Civil - Judge of 3rd Court at Midnapore, where the Civil Title Suit/ has been filed against Enclave Trade Com - Private Limited of 18, Batala Trade Street, Calcutta - 700 694 - subject of Petition No. 36 A, Metropolitan Code, P. S. - Gallying within the jurisdiction of Cal - cutta Municipal Corp. Dist 24-Box 1 (1)	11.9.09		<p>It appears from the Court Register that no such case has been filed during the period from 2008.10.10.09.</p> <p>3/11.9.09</p> 

to be a s



HIGH COURT FORM NO. (M) 55 Civil/(H) 30 (Criminal)

APPLICATION FOR INFORMATION

Serial No. & Date	Name & residence of the applicant	Nature of Information is required	Date on which information is to be ready	Signature of Officer receiving the application	REMARKS
1 33/11/09	S. A. Rahaman Barrister High Court, Calcutta	In the Court of H.C. Civil - Judge at 3rd Court at Alipore relating my Navy Suit has been filed against Enclave Trade Com. Private Limited of 18, British India Street Calcutta. For 9 weeks of service no. 36A, 36B - Debalata Road, P.S. - Tollygunj within the jurisdiction of Calcutta - numerical certificate no. 24-198(S)	11.9.09		If appears from the films register that no such case M has been filed during the period from 2008 to 10



Rama Paul

B.A, L.L.B. Advocate
ALIPORE CRIMINAL & JUDGES COURT
KOLKATA-700 027

Residence Chamber
71, Salimpur Lane
Kolkata-700 031
7-9 A.M. & 8-10 P.M.

Ref.

Date 11/9/09

SEARCH REPORT

Ref: Premises No.36A, 36B, 36C, Pratapaditya Road,
under K.M.C. Ward No.88, within P.S. Tollygunge,
Kolkata-700026, an area of land measuring 9
Cottahs 1 Chittaks and 6 Sq.ft. more or less.

Present Owner: ENCLAVE TRADECOM EMT. of 18, British India Street
Kolkata-700069.

I have caused necessary searches in Index No. II, in the
records of the offices of D.A. Alipore and S.R. Alipore from
the years 1997 to 2009 both offices up to date, in respect of
the above mentioned property.

During those periods of searching as per available records
concerned, I have found no deed or any other kinds of transaction
i.e. sale, gift, trust, lease, mortgage etc. in respect of the
above mentioned property.

Hence in, those periods of searching as per available
records concerned, my opinion that the said property related
to the above mentioned premises during those periods of searching
the said property is free from encumbrances and holds good,
clear and marketable title over the said land.

Search receipt is enclosed herewith:-

Rama Paul
ALIPORE CRIMINAL & JUDGES COURT
11-9-09

No. REGN P . 979320

Receipt for Fees Deposited for Search or Inspection

Serial Number of application..... 31380

Date of application..... 4.1.20

Search for the year(s)..... 1997-2000

Name of office to which the record to be searched or inspected relates..... D.A. Alipore J.S.

Name of person or property to be searched..... Alipore

Nature of document..... PM - 36A Postpaid

Particulars of record to be inspected (year, number, book, volume and page in the case of registered document)..... Ad. Since II

3. From whom received..... R. K. M.

4. Fees paid under Article—

F (1) (i) 28/-

F (1) (ii)

F (2)



Registrar of.....

No. REGN P - 979319

Receipt for Fees Deposited for Search or Inspection

Serial Number of application..... 31375

Date of application..... 1.1.19

Search for the year(s)..... 1987-2001

Name of office to which the record to be searched or inspected relates..... D. A. Alipore H. C. Alipore

Name of person or property to be searched.....

Nature of document..... Pu - 36 B Prastapaditya

Particulars of record to be inspected (year, number, book, volume and page in the case of registered document)..... Read.

From whom received..... Sameer R.

Fees paid under Article— 12. 19. 11.

2 (1) (i) 28/-

2 (1) (ii)

2 (2)



Registrar of

No. REGN P - 979318

Receipt for Fees Deposited for Search or Inspection

- Serial Number of application..... 31378
- Date of application..... 4.9.09
3. Search for the year(s)..... 1897-2009
4. Name of office to which the record to be searched or inspected relates..... D. A. M. S. C.
5. Name of person or property to be searched..... Alipur
6. Nature of document..... PM - 36 C Protsaditya
7. Particulars of record to be inspected (year, number, book, volume and page in the case of registered document)..... Road.
8. From whom received..... Sankar II
9. Fees paid under Article— R. Paw.
- F (1) (i) 28/-
- F (1) (ii)
- F (2)



Registrar of.....

Karali Charan Karmoker
ADVOCATE

High Court, Kolkata
Bar Association Room No. 14

CHAMBER :
1, Kalitota Lane
Bally, Howrah
Pin - 711 201

© : 2663-7528
29, J. K. Street,
Flat No. S/2
P.O. : Uttarpara
Hooghly - 712 258

Ref.

Date 10/09/2009

Ref:- 36A, 36B, 36C, Pratapaditya
Road.

Index No. II

This is to certify that Smt. M. Ghosh has caused necessary search in the office of the Registrar of Assurances Calcutta for the period from 1997 to 2009 (up to date).

As per her searching report no entry has been found in the said Index and thus the above mentioned property is free from all encumbrances and marketable too for the said period (i.e. 1997 to 2009).

The Receipt of the relevant searches and searching report are enclosed hereto.

Karali Charan Karmoker
Advocate

Encl:- As above

No. REGN P 936148

Receipt for Fees Deposited for Search or Inspection

Serial Number of application..... 22623

Date of application..... 12/9/09

Search for the year(s)..... 1997/09

Name of office to which the record to be searched or inspected relates..... 36A 36B 36C

5. Name of person or property to be searched..... psalapsidly

6. Nature of document..... hel

Particulars of record to be inspected (year, number, book, volume and page in the case of registered document).....

From whom received..... M. Ghosh

Fees paid under Article—

(1) (i) 147

(1) (ii)

.....Registrar of.....