

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS.21-22 OF 2015

IN

CIVIL APPEAL NO.4448-4449 OF 2007

MANORANJAN BANERJEE (DEAD) THR LRS.
& ORS. ... APPELLANT(S)

VS.

ASISH RANJAN BANERJEE (D) THR LRS.
& ORS. ... RESPONDENT(S)

O R D E R

It has been submitted by the learned counsel appearing for the parties that the parties to the litigation have settled their disputes amicably by arriving at a compromise on 24th April, 2015.

In pursuance of the said compromise, it is directed that the preliminary decree shall stand modified as per the terms of the afore-stated compromise, the relevant portion thereof is reproduced hereinbelow :

"It is agreed by and between all the Appellants and the Respondents herein that on the terms and conditions as specified in Clause Nos.1-A, B, C and D as aforesaid and in terms of the compromise of the parties herein, the extent of shares of each of the Appellants and the Respondents herein in the entire estate consisting of all the moveable and immovable properties, lands, business, investments, assets and realizable debts of the said

deceased testator, upon partition, are as specifically stipulated in the Schedule of Shares appearing herein below for each of the individual Appellants and the Respondents out of the said total 30 (thirty) shares constituting the entire estate consisting of all the moveable and immovable properties, land and business, investments, assets and realizable debts of the said deceased testator:-

1) Heirs of Late Manoranjan Banerjee :-

- | | |
|--|-------------|
| 1(a). Mrs. Sova Banerjee,
W/o Late Manoranjan Banerjee | 0.375 share |
| 1(b). Mr. Sibabrata Banerjee,
S/o Late Manoranjan Banerjee | 0.375 share |
| 1(c). Mrs. Bijaya Mukherjee,
D/o Late Manoranjan Banerjee | 0.375 share |
| 1(d). Mrs. Sukla Bhattacharjee,
D/o Late Manoranjan Banerjee | 0.375 share |
| 1(e). Mrs. Sumita Kahali,
D/o Late Manoranjan Banerjee | 0.375 share |
| 1(f). Mrs. Jayati Banerjee,
W/o Late Debabrata Banerjee,
the predeceased son of Late
Manoranjan Banerjee | 0.125 share |
| 1(g). Mr. Tathagata Banerjee,
S/o Late Debabrata Banerjee,
the predeceased son of Late
Manoranjan Banerjee | 0.125 share |
| 1(h). Ms. Tania Banerjee, alias
Debarati Banerjee, now major,
D/o Late Debabrata Banerjee,
the predeceased son of
Late Manoranjan Banerjee | 0.125 share |

Total:- 2.25 shares

2) Heirs of Late Chittaranjan Banerjee:-

2(a). Mrs. Manju Banerjee, 0.45 share
W/o Late Chittaranjan
Banerjee

2(b). Mrs. Nivedita Ghatak, 0.45 share
D/o Late Chittaranjan
Banerjee

2(c). Ms. Soma Banerjee, 0.45 share
D/o Late Chittaranjan
Banerjee

2(d). Mr. Jayabrata Banerjee, 0.45 share
S/o Late Chittaranjan
Banerjee

2(e). Mr. Ranabrata Banerjee, 0.45 share
S/o Late Chittaranjan
Banerjee

Total:- 2.25 shares

3) Heirs of Late Sisir Ranjan Banerjee and
his Wife Late Kalyani Banerjee:-

3(b). Ms. Bhaswati Mukherjee 1.125 shares
D/o Late Sisir Ranjan
Banerjee

3(c). Mr. Subhabrata Banerjee 1.125 shares
S/o Late Sisir Ranjan
Banerjee

Total:- 2.25 shares

4) Heirs of Late Satya Ranjan Banerjee and
his Wife Late Monika Devi:-

5) Mrs. Pinki Banerjee, 1.125 shares
D/o Late Satya Ranjan
Banerjee

6) Mr. Achintya Banerjee, 1.125 shares
S/o Late Satya Ranjan
Banerjee

Total:- 2.25 shares

Grand Total:- 9.00 shares

Heirs of Late Ashish Ranjan Banerjee :-

1(a).	Smt. Arati Mukhopadhyay, W/o Mr. Nritya Gopal Mukhopadhyay	0.2037 share
1(b).	Smt. Rita Ganguly, W/o Dr. Subrata Ganguly	0.2037 share
1(c).	Smt. Mita Ganguly, W/o Mr. Dhiraj Mohan Ganguly	0.2037 share
1(d).	Smt. Nabanita Mukherjee, W/o Dr. Satyendra Nath Mukherjee	0.2037 share
2.	Shri Biswa Ranjan Banerjee, S/o Late Bhubaneswar Banerjee	2.0370 shares
3.	Shri Nirmal Banerjee, S/o Late Bhubaneswar Banerjee	2.0370 shares
4.	Shri Ujjal Banerjee, S/o Late Bhubaneswar Banerjee	2.0370 shares
5.	Shri Utpal Banerjee, S/o Late Bhubaneswar Banerjee	2.0370 shares
6.	Shri Arup Banerjee, S/o Late Bhubaneswar Banerjee	2.0370 shares

Total:- 11.00 shares

(Note: The shares of the Respondent Nos.2 to 6 and 4 to 8 in Civil Appeal Nos.4448-4449 of 2007 respectively (both inclusive) as aforestated viz., 2.0370 shares each are inclusive of the share of 0.2037 as the legal heir of their brother, Late Asish Ranjan Banerjee and the balance 1.8333 shares represent their own individual shares upon partition, in the entire estate, properties & business of the said deceased testator).

Heirs of Late Bireswar Banerjee :-

7(a). Mrs. Parul Banerjee, 5.00 shares
 W/o Late Bireswar Banerjee

7(b). Mrs. Gayatri Kahali, 5.00 shares
 D/o Late Bireswar Banerjee

Total:- 10.00 shares"

It has been further decided by the parties that till the final decree is passed, the parties shall maintain status quo, as agreed by them in Paragraph 5 of the afore-stated compromise, which is reproduced hereinbelow:

"5. That it is agreed by and between all the parties i.e., the Appellants and Respondents herein, that they shall absolutely continue to maintain status quo in regard to all other joint estates, movable and immovable properties, lands, business, investments, assets and realizable debts left behind by the said deceased testator until and unless partition takes place amongst all the Appellants and Respondents herein or their respective heirs and legal representatives and none of the parties herein i.e., the Appellants and Respondents and their legal representatives and heirs shall, whether directly or indirectly, encumber, transfer, sell, alienate, part with any sort of possession, assign and/or create any sort of third party rights/interests in any of such joint properties, estate lands or business etc. in any manner whatsoever."

It is directed that the parties shall act according to the afore-stated compromise.

I.A.Nos.21 & 22 of 2015 and the civil appeals are disposed of in terms of the compromise.

.....J.
[ANIL R. DAVE]

.....J.
[R.K. AGRAWAL]

New Delhi;
15th May, 2015.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.Nos.21-22/2015 IN Civil Appeal No(s).4448-4449/2007

MANORANJAN BANERJEE (DEAD) THR LRS.& ORS Appellant(s)

VERSUS

ASISH RANJAN BANERJEE (D) THR LRS & ORS. Respondent(s)
(For joint application of the appellants and the respondents in
terms of compromise and office report)

Date : 15/05/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE R.K. AGRAWALFor Appellant(s) Mr. Manish Goswami,Adv.
For Mr. Rameshwar Prasad Goyal,Adv.For Respondent(s)
Mr. Bijan Kumar Ghosh,Adv.

Mr. Asit Rasi,Adv.
Mr. Chanchal Kumar Ganguli,Adv.

Mr. Rajesh Srivastava,Adv.UPON hearing the counsel the Court made the following
O R D E RI.A.Nos.21 & 22 and the civil appeals are disposed
of in terms of the signed order.As agreed by the parties in the terms of compromise,
they shall maintain status quo till the final decree is
passed.(Sarita Purohit)
Court Master(Sneh Bala Mehra)
Assistant Registrar

(Signed order is placed on the file)