

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 amicabl
y 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 es

tate
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Digitally signed by consisting of all the moveable and immovable

Sarita Purohit
Date: 2015.06.02
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Reason: 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

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2) Heirs of Late Chittaranjan Banerjee:-

- | | |
|--|------------|
| 2(a). Mrs. Manju Banerjee,
W/o Late Chittaranjan
Banerjee | 0.45 share |
| 2(b). Mrs. Nivedita Ghatak,
D/o Late Chittaranjan
Banerjee | 0.45 share |
| 2(c). Ms. Soma Banerjee,
D/o Late Chittaranjan
Banerjee | 0.45 share |
| 2(d). Mr. Jayabrata Banerjee,
S/o Late Chittaranjan
Banerjee | 0.45 share |
| 2(e). Mr. Ranabrata Banerjee,
S/o Late Chittaranjan
Banerjee | 0.45 share |

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

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Heirs of Late Ashish Ranjan Banerjee :-

1(a). Smt. Arati Mukhopadhyay, 0.2037 share
W/o Mr. Nritya Gopal
Mukhopadhyay

1(b). Smt. Rita Ganguly, 0.2037 share
W/o Dr. Subrata Ganguly

1(c). Smt. Mita Ganguly, 0.2037 share
W/o Mr. Dhiraj Mohan
Ganguly

1(d). Smt. Nabanita Mukherjee, 0.2037 share
W/o Dr. Satyendra Nath
Mukherjee

2. Shri Biswa Ranjan Banerjee, 2.0370 shares
S/o Late Bhubaneswar
Banerjee

3. Shri Nirmal Banerjee, 2.0370 shares
S/o Late Bhubaneswar
Banerjee

4. Shri Ujjal Banerjee, 2.0370 shares
S/o Late Bhubaneswar
Banerjee

5. Shri Utpal Banerjee, 2.0370 shares
S/o Late Bhubaneswar
Banerjee

6. Shri Arup Banerjee, 2.0370 shares
S/o Late Bhubaneswar
Banerjee

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 aforesaid 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).

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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."

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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]

