

OD-1

CS 305 of 2010
IA NO: GA/5/2018(Old No:GA/2620/2018)

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

ANAND HOTEL
VS
SMT. SAVITA SINGH & ORS.

BEFORE:
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA
Date : 7th October, 2021.

Appearance:
Mr. Debojyoti Datta, Adv.
Mr. GAnesh Prasad Shaw, Adv.
Ms. Sananda Ganguli, Adv.

The Court: Learned counsel appearing for the plaintiff and the defendant nos. 3 and 4 submit that the dispute has been settled by way of an undated Terms of Settlement. The Terms of Settlement have been filed in Court as part enclosing the agreements between the parties and the orders passed in the proceedings. Clause 7 of the Terms of Settlement records that the partition suit has been compromised between the defendant nos.1, 2, 3 and 4 by a decree dated 25th September, 2013 passed in Partition Suit No.284 of 2009 and further that the defendant nos.3 and 4 became the absolute owners of the property situated at Chittaranjan Avenue, Kolkata- 700 072. Clause 7 further provides that the defendant no.1 died on 17th February, 2020 and the legal heirs of the defendant no.2 and that the defendant nos.3 and 4 are the legal heirs of the original defendant no.2. The original defendant no.2 died on 31st March, 2012 and the heirs of the defendant no.2 has been substituted but have not contested the suit.

Learned counsel appearing for the plaintiff prays for withdrawal of Rs.60 lakhs which was deposited with the Registrar, Original Side of this Court pursuant to an order dated 7th December, 2015 which is being part of Clauses 4 and 5 of the Terms.

Upon perusing the Terms and finding the same in accordance with law, this Court is of the view that CS No.305 of 2010 may be decreed in accordance with the Terms of Settlement which are kept on record. Since the defendant nos.3 and 4, as represented, do not have any objection to the plaintiff withdrawing Rs.60 lakhs deposited with the Registrar, Original Side of this Court, the plaintiff is given liberty to withdraw the said amount along with the accrued interest. It is recorded that the defendants have no objection to the same which also finds mention in Clause 13 of the Terms.

CS No. 305 of 2010 is, accordingly, decreed in accordance with the Terms of Settlement which is kept on record.

All interim orders shall stand vacated and all connected applications stand disposed of in terms of this order.

(MOUSHUMI BHATTACHARYA, J.)