

## MEMORANDUM OF UNDERSTANDING

This Agreement of Memorandum of Understanding entered into on this the \_\_\_\_ day of December 2021 between Jasbir Singh Nanua, son of Late Kartar Singh, residing at 25, Debiniwas Road, P.S. DumDum, Kolkata - 700074, for self and also being the Constituted Attorney of Jasbinder Singh Nanua and Harchand Singh Saini both sons of Late Kartar Singh, hereinafter Called and referred to as the **FIRST PARTY** (which term & expression unless by or repugnant to the context shall be deemed to mean and include his/their legal heirs, executors, representatives and/or assigns) of the FIRST PART.

AND

Sri Kuldip Singh son of Late Kartar Singh, residing at 25, Debiniwas Road, P.S. Dum Dum, Kolkata -700074, herein referred to as the **SECOND PARTY** (which term & expression unless by or repugnant to the context shall be deemed to mean and include his legal heirs, executors, representatives and/or assigns) of the SECOND PART.

WHEREAS the Parties of the First Part being Jasbir Singh, Jasbinder Singh and Harchand Singh are the Owners in respect to the portion as allotted to them by virtue of a Gift deed dated 29/08/2014 duly registered at the office of ADSR Dum Dum Cossipore, 24 Paraganas (North) being no. 9389 of 2014 and similarly the Second Party is the Owner in respect to the portion allotted to him by virtue of a separate Gift Deed dated 29/08/2014 which was duly registered at the office of ADSR Dum Dum Cossipore, 24 Paraganas (North) being no. 9388 of 2014.

AND WHEREAS both the parties hereto shall vacate each other's respective Portions of Area as allotted under the said respective Gift Deeds\* and for this purpose both the parties has approached to each other and have agreed to enter into this Memorandum of Understanding under certain terms and conditions.

AND WHEREAS both the Parties desires to put down the terms of their understanding in writing and both the parties having fully aware of the terms given their consent as described here in below:-



- (i) That both the Plaintiffs and the defendants desires to put down the terms of their understanding in writing and both the parties having fully aware of the terms given their consent to settle the matter involved in the instant title Suit.
- (ii) That both the Plaintiffs and the defendants shall withdraw all the Court Cases which they have filed against each others now pending before the Court of Civil Judge, Junior Division at Bidhannagar, 24 parganas North being Title Suit no. 271/2017 filed by the Plaintiffs herein against the defendants to this Suit as well as the Title Suit no.23/2018 filed by the Defendant no.1 herein this Suit against the Plaintiffs of this Suit.
- (iii) That both the Plaintiffs and the defendants hereto shall vacate each other's respective Portions of Area as allotted under the respective Gift Deeds.
- (iv) That both the Plaintiff-Parties and the Defendants shall make their respective boundary walls at their own costs.
- (v) That both the Parties hereto shall not cause any damage to the portions of each other in any manner whatsoever. And if the same happens due to negligent acts, the same should be repaired immediately and will not disturb each other's peaceful occupation in future.
- (vi) That the Plaintiffs and the defendants shall not raise any objection or shall not claim any share apart from their respective allotted shares.
- (vii) The plaintiffs and the defendants shall have absolute right to mutate their name in respect of the their respective partitions/ holdings and continue to pay taxes and both the Parties shall co-operate with each other in all manners in perfecting their title in respect of the said portion of the property.
- (viii) The terms and conditions are binding on all the parties and this compromise petition is drafted under full will, understanding of both the parties without any coercion, influence or collusion.

7. That there is no necessity of this case being tried.

8. That this Petition is made bonafide and in the interest of Justice.

In the Circumstances your petitioners prays that the suit be decreed in terms of the compromise set forth in the present petition which may form part of the decree.

And your petitioners, as in duty bound, shall ever pray.

**NOW THIS AGREEMENT WITNESSETH AS FOLLOWS: -**

1. That both the Parties shall withdraw all the Court Cases which they have filed against each other now pending before the Court of Civil Judge, Junior Division at Bidhannagar, 24 parganas North being Title Suit no. 271/2017 filed by the First Party against the Second Party and the Title Suit no. 23/2018 filed by the Second Party against the First Party.
2. That the First Party shall pay a sum of Rs 5,00,000/- (Five Lakhs) only to the Second Party.
3. That both the parties hereto shall vacate each other's respective Portions of Area as allotted under the said respective Gift Deeds.
4. That both the Parties shall make their respective boundary walls at their own costs.
5. That both the Parties hereto shall not cause any damage to the portion of each other in any manner whatsoever. And if the same happens due to negligence of any act the same should be repaired immediately and will not disturb each other's peaceful occupation in future.

IN WITNESS WHEREOF both the parties here to have set and subscribed their respective hands and signatures on this the day, month and year first abovewritten, along with duplicate thereof

Witnesses:-

1

\_\_\_\_\_  
(Signature of the First Party)

2.

\_\_\_\_\_  
(Signature of the Second Party)

\* and ~~as to~~ which ~~both~~ the parties have filed  
suit being No. — 1 — 2 — 3 — 4 —  
arise against each other ~~between~~ and  
<sup>property</sup> described in the said suits = ...



District: North 24 Parganas

IN THE COURT OF THE LEARNED CIVIL JUDGE (JUNIOR DIVISION), AT  
BIDHANNAGAR

Ref.: Title Suit 271/2017

In the Matter of:-

Jasbir Singh Nanua & Ors.

... Plaintiffs.

-Vs-

Sri Kuldip Singh Nanua & Anr

... Defendants.

**APPLICATION FOR COMPROMISE UNDER ORDER XXIII, RULE 3 READ**  
**WITH SECTION 151 OF THE CIVIL PROCEDURE CODE, 1908 (AS**  
**AMENDED UPTO DATE)**

**Most Respectfully Sheweth:-**

1. *That the Plaintiffs have preferred this instant Title Suit being no. 271 of 2017 along with an application for Temporary Injunction under Order 39 Rules 1 and 2 read with section 151 of the Code of Civil Procedure, 1908 (as amended upto date) before this Learned Court, praying before this Learned Court for declaration and injunction and the prayer as stated therein the said Suit.*
2. *That in the said Title Suit the defendants appeared and filed their Written Statement and Written Objection as well as a Counter Claim was filed by the Defendant no.2 with regard to her contentions and rights in the Schedule property.*
3. *That the said Title Suit is pending for proper adjudication before this Ld. Court.*
4. *That in the meanwhile the parties to this instant suit for the purpose of effective adjudication and to settle all the questions involved in the suit have entered into a settlement Vide Memorandum of Understanding dated \_\_\_/12/2021 between themselves.*
5. *That your petitioners have agreed between themselves to have the suit settled on terms mutually agreed in accordance with Memorandum of Understanding dated \_\_\_/12/2021 entered by and between both the parties to this Suit as set out herein.*
6. *The terms of the agreed compromise are as under:*