

## DEED OF PARTITION BETWEEN MEMBERS OF A JOINT HINDU FAMILY

THIS DEED OF PARTITION is made on the ..... day of ..... amongst KK, son of DD (called first party) ; RK, son of DD (called second party) ; SK son of DD (called third party) and Smt. SD, wife of DD, deceased (called fourth party), members of a Joint Hindu Family belonging to ..... caste, residing principally at ....., the ancestral home of the family.

WHEREAS DD, father of parties Nos. 1, 2 & 3 and husband of party No.4, died on .....

AND WHEREAS the said DD was the Karta of the Joint Hindu family consisting of his sons and wife and was possessed of properties mentioned in Schedule I to IV attached to this deed ;

AND WHEREAS parties Nos 1 and 2 are living at ..... and both carry on their separate business out of their separate funds, and the parties Nos. 1, 2 & 3 wish to partition the joint-family properties so that no dispute should arise among them ;

AND WHEREAS at the well founded advice of the family friend Shri KC, Advocate, the parties to this deed have put all the properties belonging to each of them separately into the joint family hotchpotch, but excluding the business assets of parties Nos. 1 & 2 which are the result of their separate earnings; property in Schedule 1 valued at Rs. .... and other properties in Schedules 2, 3 & 4 valued at Rs.....

AND WHEREAS in consideration of the absolute or sole ownership acquired by each party in respect of the allotment made to such party out of the hitherto joint property and in consideration of the

covenants hereinafter mentioned and agreed to by all the aforesaid parties the said parties resolved to incorporate the terms of the partition in a deed of partition.

NOW THIS DEED WITNESES AS FOLLOWS :

1. That the parties to this deed have agreed that the properties subject to partition are of the value of Rs..... and the value of the separated share shall be Rs..... each which shall be the value for the purpose of stamp duty.

2. That the property mentioned in the Schedule 1 shall be retained by parties Nos 1 & 4 since they continue to live in that property as before and in lieu of the share in the property of Schedule 1 parties Nos.1 and 4 shall pay to parties Nos. 2 and 3 Rs.....being their combined share and parties Nos. 2 & 3 have accepted the payment of Rs..... in lieu of their share in the property in Schedule 1.

3. That the parties Nos. 2 & 3 release their interest in the property of Schedule I and convey to parties Nos 1 and 4 separately their right, title and interest thereon and similarly parties Nos. 1 and 4 release their right, title, and interest in the properties mentioned in the Schedules 2, 3 & 4, so that parties Nos. 1 & 4 and Nos.2 and 3 constitute the sole and absolute owners of the properties in Schedule 1 and in Schedules II, III and IV respectively. The title deeds in respect of the items of the property which are forthcoming have been delivered to each of the parties to whose share the items of property relating to the title-deeds have been allotted.

4. That the original deed of partition shall be retained by party No. 1 for the purpose of safe keeping and production before court or public.

5. That the parties have agreed that all the taxes and public charges in respect of the allotted properties shall be borne by the parties themselves.

IN WITNESS WHEREOF the parties aforementioned have executed this deed of partition on the date aforementioned.

Sd/- 1. KK

2. RK

Witness :

3. SK

1. \_\_\_\_\_

4. Smt. SD

DEED OF PARTITION BETWEEN MEMBERS OF A HUF (ANOTHER FORM)

THIS DEED OF PARTITION is made on the ..... Day of ..... amongst AB, son of KL of the first part (hereinafter called “Party No.1”) and CD, son of KL of the second party (hereinafter called “Party No.2”), AND EF, minor son of KL, of the third party (hereinafter called “Party No.3”) through GH, his mother and natural guardian AND GH, widow of KL of the fourth part (hereinafter called “Party No.4”) AND MN, widow of RS, son of KL of the fifth part (hereinafter called “Party No.4”) members of a joint Hindu family belonging to ..... caste, residing principally at ... the ancestral home of the family and actually at different places from time to time.

WHEREAS KL, the father of the party Nos. 1, 2 & 3 and the husband of party No.4 and father-in-law of party No.5 died on ..... Leaving behind AB, CD and EF his sons and GH his widow, and MN widow of predeceased son RS, as heirs ;

AND WHEREAS KL, was the karta of the joint Hindu family consisting of his sons and wife and was possessed of items of properties mentioned in Schedules I to V excepting Item No.3 in Schedule 1, item Nos. 2 and 3 in Schedule II and Item No.4 in Schedule V attached to his deed ;

AND WHEREAS after the demise of KL party No.1 became and acted as the karta of the said joint family and with the assistance of joint-family funds purchased a shop more particularly described as Item No.3 in Schedule (in his own name and prices of land more particularly described as item nos. 2 and 3 in Schedule II, the former in his own name and the latter in the name of GH and a house more particularly described as Item No.4 in Schedule V, in the name of Rs aforementioned ;

AND WHEREAS CD party No.2 is employed as ..... In and is at present posted at ..... ;

AND WHEREAS RS was married to MN in ..... and having practiced as lawyer in the town of .....for about 8 months only died on ..... Leaving behind MN as a widow ;

AND WHEREAS differences have arisen between the members of the family and constant disputes crop up between MN and GH, which make it undesirable that the members should continue to form a joint Hindu family ;

AND WHEREAS at the intercession of the friends of the members of the family, the aforesaid parties have agreed to divide the joint family estate which GH, as guardian of EF considers as beneficial to the interest of her minor son aforesaid and all the properties of the family irrespective of the name in which the same has been purchased or is recorded in revenue records equal in value, except that properties mentioned in Schedule II are valued at only about Rs..... while the total value of properties mentioned in each of other Schedules is about Rs..... and on lots being drawn in the presence of all the parties picked out by EF the properties mentioned in Schedules I, II, III, IV and V fell to the share of parties No.1,2,3,4 & 5, respectively but parties Nos. 1 and 5 agreed with the assent of the other parties aforementioned to interchange the lots whereby properties in Schedule II were accepted to be taken by party No.1 and those in Schedule V were accepted to be taken by Party No.5 ;

AND WHEREAS in consideration of the absolute or sole ownership acquired by each party in

respect of the allotment made to such party out of the hitherto joint property and in consideration of the covenants hereinafter mentioned and agreed to by all the aforesaid parties the said parties resolved to incorporate the terms of the partition in a deed of partition.

NOW THIS DEED WITNESSES AS FOLLOWS :

1. Allotment. – Pursuant to the aforesaid agreement, the parties to this deed of partition, hereby divide the joint-family property in five equal shares for which purpose the same had been split up into five lots, each of such lot being incorporated in a separate Schedule attached to this deed whereby the properties mentioned in Schedules I, II, III, IV and V are assigned and allotted to parties Nos. 1,2,3, 4 & 5 aforementioned, respectively.
2. Acknowledgement. – The sum of Rs..... has been paid by each of the said parties Nos.3, 4 & 5 to the party No.2 (receipt whereof the party No.2 hereby acknowledges) and party No.1 has executed a promissory-note for Rs..... payable with interest at 6 per cent, in lieu of the sum of Rs..... payable by him to Party No.2.
3. Conveyance.—Each of the said parties hereby releases his interest in the properties allotted to other parties and conveys to each of them separately his right, title and interest therein so as to constitute each party to this deed the sole and absolute owner of the property allotted to that party free and discharged from all claims and demands of the others thereto or concerning therewith, as from the date of this deed. The title-deeds in respect of the items of the property which are forthcoming have been delivered to each of the parties to whose share the item of property relating to the title-deed has been allotted, to have and to hold the said items of properties mentioned in the said schedule unto each party respectively and enjoy the same in severally absolutely and for ever.

4. Covenants

- (a) Further partition.—The parties aforementioned have agreed that this partition shall not be open to challenge even if any debt due to any allottee is not realised or becomes irrecoverable or any party is deprived of any property or part thereof by a stranger to this deed, but reserves the right to each party to claim a further partition of any property which may be found to be joint-family property but has not been included in any of the Schedules attached to this deed.
  
- (b) Partition deed. – The original deed of partition shall be retained by party No.1, a true copy thereof signed by each party has been delivered to the other said parties who shall be entitled to require production of the original from Party No.1, before any court or public office or arbitrator or bank or insurance company, etc., if so desired.
  
- (c) Payment of taxes, etc. – It has been further agreed that each party shall execute and get registered, if necessary, any deed, document or receipt which he may be required to do at the instance of any other party of this deed at a latter’s expense, in order to more effectually assure the requisitioning party of any rights or title conferred on him under this deed, or to get any property aforesaid mutated or entered in revenue or other public records as being in the exclusive and absolute possession and ownership of the party to whom the same is allotted under this deed.

IN WITNESS WHEREOF the parties aforementioned have executed this deed of partition on the date aforementioned.

1. WITNESS \_\_\_\_\_

(Sd.) 1. AB \_\_\_\_\_

2. WITNESS

(Sd.) 2. CD \_\_\_\_\_

(Sd.) 3. GH as guardian on  
behalf of her minor son EF.

(Sd.) 4. GH. \_\_\_\_\_

(Sd.) 5. MN \_\_\_\_\_