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This Deed of Trust made this the 22nd day of November, 1996
between:-

✓ Sri Suraj Prakash Vohra S/O Late Chanan Lal Vohra, by
caste Hindu, by profession businessman, residing at present at
Punjabipara, Siliguri in the District of Darjeeling;

2. Sri Ved Prakash Goel S/O Late Gopiram Goel by caste Hindu, by profession business-man, residing at present at Vidya Sagar Road, Siliguri in the District of Darjeeling;

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7/11/96

Maharshi Dayanand Smriti Mission

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Presented for Registration at: 22.11.96 12.30 PM A.M./P.M. 19 76.1
Swraj Prakash Vohra
EXECUTANT/CLAIMANT/ATTORNEY



swaj' haath vohra

1) Swraj Prakash Vohra
2) Chohan Lal Vohra
Present of Pangali Park ps. slg
3) Ved Prakash Boral
4) Ved Prakash Boral
5) Bopram Boral
6) Present of Vignya Sagar Rd
7) Subhash Ch. Nalkipura P. slg
8) Ram Bilash Nagawale
9) Present of Milanpally

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Swaj' haath vohra

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Ved Prakash

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Swaj' haath vohra Identified

Om Prakash Chaudhury
Shokedar Nath Chaudhury

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Milanpally
P. B. ...
Dist. Durgam/Deopalli
by Com. Hinder
for Professions Business

Om Prakash Chaudhury

Shokedar Nath Chaudhury

22-11-96

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Surya Prakash Vohra
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Surya Chandra Nakipuria

3. ✓ Sri Subhash Chandra Nakipuria S/O Sri Rambilash Agarwal
by caste, Hindu, by profession business-man, residing at present
at Milanpalli Siliguri in the District of Darjeeling.

all the above parties hereby collectively referred to as SETTLORS
of the one part.

A. B. C.

- ✓ 1. Sri Raj Kumar Sharma S/O Sri Ratiram Sharma
- ✓ 2. Sri Suraj Prakash Vohra S/O Late Dhananial Vohra
- ✓ 3. Sri Bhagwandass Goel S/O Late Rammurti Goel
- ✓ 4. Sri Ved Prakash Goel S/O Late Gopiram Goel
- ✓ 5. Sri Subhash Chandra Nakipuria S/O Sri Rambilash Agarwal
- ✓ 6. Sri Subhas Arya S/O Late Jawaharlal Arya
- ✓ 7. Sri Kamal Mangia S/O Sri Wishandas Mangia
- ✓ 8. Sri Roohanial Agarwal S/O Late Chiranjilal Agarwal
- ✓ 9. Sri Kailash Chandra Nakipuria S/O Sri Jaydayal Nakipuria
- ✓ 10. Sri Prakash Chandra Agarwal S/O Late Lakhmichand Agarwal
- ✓ 11. Sri Suresh Kumar Garg S/O Late Anilal Garg

All residents of Siliguri District Darjeeling in the State
of West Bengal hereinafter collectively referred to as the
"TRUSTEES" (which expression shall unless excluded by or
repugnant to the context include the TRUSTEES and each one of
them for the time being and from time to time appointed and/or
holding office under those presents and their survivor or
survivors or successor or successors in office) of the OTHER
PART.

Whereas the Settlers are business-men and respectable and
religious-minded persons of the society who are desirous of
forming a Charitable Trust for the upliftment of the society and
for undertaking various service projects and who have keen and

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New Delhi

and other institution of like nature at any place in India for the development and/or advancement of education & diffusion of knowledge amongst the Public in general.

iii) To establish, maintain, support or help Dharma-shalas, Marriage Places and night shelters for poor persons.

iv) To establish, maintain and/or run studentships, scholarships and render other kinds of aid to poor students, including supply of books, stipends, medals and other incentives to study and to provide board and residence to the students in general.

v) To grant aid to, promote, establish, support and/or maintain institutions for the promotion of Science, literature and fine arts and diffusion of knowledge and for research and such other institutions having the similar objects for the benefit of the Public in general.

vi) To establish, maintain and/or grant aid in cash and/or kind to Hospital, Medical Schools, Colleges, Nursing Institutions, Sanatoriums, Charitable and/or mobile dispensaries, child welfare centre, orphanages, centres for training of physically and mentally disabled or handicapped persons and/or such other similar charitable institutions in India for the benefits of students and for the benefit and use of the Public in general.

vii) To establish, maintain and grant aid to Old Houses, Orphanages or other establishments for relief of and to give help to poor and destitute students orphans and widows and otherwise provide for them.

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Swamy Prasad v. State
of Madras - 1954
11 SCR 1013

vii) To grant relief during natural calamities, such as Famine, Earthquake, Flood, Fire, Pestilence and other occasions of calamities of similar nature and to give donations, subscriptions or contributions to institutions, establishments or persons doing such relief work.

viii) To promote physical, culture and education and to assist and promote sports and games and generally to do all acts for the improvement of national and physical development.

ix) To Provide food, clothings and/or shelter to poor persons.

x) To help or give aid to poor, disabled persons, orphans infants, indigent, destitute, helpless or distressed persons in cash or kind.

xi) To supply water to the public wherever and whenever required and for that purpose to construct and maintain or help in the construction or maintenance of Ponds, wells, water supply centre, stalls and provide or help in the provisions of water supplying vehicles and other accessories thereto.

xii) To render assistance and/or grant aid to recognised public Charitable Trust or Institutions.

xiii) To do any other charitable activity not involving the carrying on of any activity for profit, without distinction of caste colour and creed.

4. For the furtherance of the objects of the Trust and in accordance with and subject to the provisions of the Indian Income Tax Act, for the time being in force, the Trustees will have the following powers :-

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- a) To accept any donation, contribution, grant or subscription in Cash or in kind from any person, body of person or Trust.
- b) To apply the whole or part of the income of the Trust Fund or accumulation thereof or whole or part of the corpus of the Trust Fund for any one or more of the objects of the Trust as the TRUSTEES may in their discretion from time to time determine.
- c) To invest and keep invested the Trust Fund either in the purchase or mortgage of immovable property or other securities whether authorised by the Indian Trust Act, 1882 or not or in deposits with any bank, and to alter, vary or transposed such investments from time to time as the TRUSTEES may in their discretion think fit for others or the same or of a like or different nature.
- d) To convert and deal with the Trust property and/or to carry the investments for the time being.
- e) to borrow or raise or secure payments of money and also to lend money either with or without security.
- f) to let out, demise any immovable property comprised in the Trust Fund for such period and at such rent, on such terms and conditions as the TRUSTEES in their discretion may think fit.
- g) To open Account with any Bank or Banks, to operate such Account and to give instructions to them and to provide for opening and operation of such account by one or more of the TRUSTEES or by an agent appointed by the TRUSTEES.
- h) To adjust, settle, compromise, compound, refer to arbitration all actions, suits, claims, demands and proceedings regarding the Trust Fund.
- i) To appoint constituted Attorneys or Agents and to delegate to such Attorneys or Agents all or any of the powers vested in them under these presents and from time to time remove

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such Attorneys or Agents and to appoint or others in his or their place.

j) To make, vary, alter or modify schemes, rules and regulations for carrying out the objects of the Trust and for the management of the affairs thereof and of running any institution in furtherance of the objects of the Trust and otherwise for giving effect to the objects of the Trust.

k) To start, abolish, discontinue and restart any charity of the charitable institution or institutions for the benefit of general public and to impose any condition, any subscription or donation made by them.

l) To set apart the whole or part of the income of the corpus of Trust Fund or part thereof for any of the objects of the Trust.

m) To join, cooperate or amalgamate this Trust with other or others having kindred or allied objects upon such terms and conditions as the Trustees may in their discretion think fit particularly having regard to and in conformity with the objects and nature of this Trust.

5. The beneficiaries of the trust shall be public at large.

5A. There shall be two categories of Trustees namely - 1) Founder Trustees and 2) Special Donor Trustees.

5B. All the First trustees shall be Founder Trustees of the Trust.

5C. The Board of Trustees may admit such persons (which expression shall include only individuals) who donate to the trust in a year such sum not below Rs. 51,800/- as Special Donor Trustee as may be decided by the Board of trustees from time to time.

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4D. On the death of a Founder Trustee, the legal heirs of the individual in the following order of priority shall be co-opted as a Founder Trustee by the Board of Trustees to fill in the vacancy so caused:-

1. Any one of the sons
2. Wife
3. Any one of the brothers
4. Father
5. Mother
6. Any one of the daughters

Any one of the legal heirs of the deceased shall give a notice in writing to the Board of Trustees to this effect within six months from the death of Founder Trustee. The Board of trustees on receipt of such notice shall make necessary investigation as the Board may think fit and proper and correct records accordingly within 60 days of the receipt of such Notice. The Board of Trustees may stipulate such conditions including without limitation contribution of each donation as it may consider fit for inviting an individual to become Founder Trustee to fill in the vacancy caused by the death of a Founder Trustee and the Board shall be at liberty to provide for different conditions and/or stipulations in each individual case.

4E. The Special Honor Trustees shall be Trustees for life.

7A. Save as provided hereinafter the rights and privileges of all Trustees shall be the same.

7B. Every bonafide Trustee of the Trust shall reserve the right

:-

- i) To vote or to be elected in any election of the Trust.

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(i) To submit suggestions for discussion to the Board of Trustees.

ii) To inspect the accounts of the Trust on appointment with the Secretary.

8. There shall be a Board of Trustees for the management, protection, preservation and looking after the affairs of the trust.

9A. The Board of Trustees shall consist of such Trustees who are elected to the Board of Trustees in terms of the procedure set hereinafter and the number of members of Board of Trustees shall not be less than 5 nor more than 15.

9B. The First Board of Trustees shall consist of the following:-

1. Sri Raj Kumar Sharma S/O Sri Ratiram Sharma
2. Sri Surya Prakash Vohra S/O Late Chananlal Vohra
3. Sri Bhagwandas Goel S/O Late Rammurti Goel
4. Sri Ved Prakash Goel S/O Late Gopiram Goel
5. Sri Subhash Chandra Nakipuria S/O Sri Rambilash Agarwal
6. Sri Subhas Arya S/O Late Jawaharlal Arya
7. Sri Kamal Nangia S/O Sri Wishandas Nangia
8. Sri Roshanlal Agarwal S/O Late Chiranajilal Agarwal
9. Sri Kailash Chandra Nakipuria S/O Sri Jaydayal Nakipuria
10. Sri Prakash Chandra Agarwal S/O Late Lakshmidhar Agarwal
11. Sri Suresh Kumar Gang S/O Late Amilal Gang

9C(i) The Board of Trustees shall comprise of the following :-

Founder Trustees	- 11
Elected from amongst Special Donor Trustees	- 4

(ii) In case of resignation and/or other incapacity of any

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Suraj Kishore
Ved P. Singh
Secretary

Founder Trustees from the Board of Trustees, the Board may appoint any of the legal heirs of such vacating member as per the priority as mentioned in clause 8D above for such period as may be decided by the Board.

(iii) The elected Trustees shall retire 1/2 from last by rotation every year and the vacancy thus caused shall be filled by election from amongst the category of Special Donor Trustees.

(iv) A Retiring Trustee shall be eligible for re-election as a member of Board of Trustee.

(v) A Trustee shall cease to be member of Board if he does not attend three consecutive meeting of the Board of Trustees or all meeting of the Board held during 12 months, whichever period ends last without any leave of absence.

(vi) In between the two years term of membership of the elected members of the Board of Trustees, if any Trustee becomes unfit or incapable to act or resigns or dies or in any way ceases to be a Trustee, the continuing or surviving members of the Board shall be competent to appoint a Trustee to fill up the vacancy caused by the termination or such cessation as the case may be.

(vii) The Board of trustees shall make such other Rules & Regulations for the election and cessation of membership of Board of Trustees as may be deemed fit and proper.

(viii) The First Board of Trustees shall hand over the charge of the Trust to the newly constituted Board of Trustees as per the procedure mentioned above within 2 years from the date of the execution of this Trust.

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by the Board of Trustees

(ix) If the number of Trustees shall fall below the minimum number, the continuing trustees shall be entitled to act for the purpose of appointment of new Trustee and also shall be authorised to do all such acts as may be necessary for the preservation and protection of the Trust property.

10. A person shall cease to be a member of the Board of Trustees, if

i) He submits his resignation.

ii) He is convicted by a court of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than 6 (six) months.

11. Every trustee will be at liberty to resign from the Board of Trustees by giving one month's notice of his intention to do so in writing addressed to the Trust.

12. a) The Board of trustees may, to carry out the objects of the trust and smooth administration of the trust property elect from amongst themselves the following office-bearers every year :-

1. Chairman
2. Vice- chairman
3. Secretary
4. Jt. Secretary
5. Treasurer

b) The Chairman of the Board of Trustee shall be executive head of the trust and shall without prejudice to his other administrative rights and obligation as trustee be in power -

- i) to preside over all meeting of the Board of trustee and
- ii) to control supervise and guide the working of the trust.

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c) The Vice-chairman shall assist the Chairman and shall preside over the meetings of the Trust in the absence of the Chairman.

d) The Secretary shall, without prejudice to his other administrative rights and obligations as Trustees be responsible for the day to day proper management of the Trust and all the branches or branch institutions, establishments, maintained or conducted by the Trust and will carry on the correspondence of the Trust and sign all papers, documents, vouchers, receipts and letter relating to the Trust and except with regard to matters of vital importance and subject at all times to the superintendence, control and supervision of the Board or Trustees and the rules.

e) The Treasurer shall be the custodian of all moneys belonging to the Trust and shall grant receipts in respect of all money received by him on behalf of the Trust and shall make payments for the purpose of the Trust and cause true accounts to be kept of the sum of money received and expended by the Trust and the matters in respect of which such receipts and expenditure take place.

13. No minor, idiot, lunatic or person of unsound mind shall be eligible to become a member of the Board of Trustees.

14. a) All meetings of the Board of Trustees will be held at such place as the TRUSTEES may from time to time decide.

b) Notice of the meeting of the TRUSTEES and all other communications may be sent to the TRUSTEES at their respective addresses registered for the time being in the records of the TRUST.

c) The quorum shall be of five TRUSTEES in all the meetings of the Board of TRUSTEES.

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d) The Chairman or any two TRUSTEES may by a notice in writing convene a meeting of the Board of TRUSTEES.

e) The TRUSTEES shall hold at least 4(four) meetings of the Board of TRUSTEES in a given accounting period.

f) The Board of Trustees shall frame the rules & regulations regarding the conduct of the meetings etc.

15. The Board of Trustees shall have all powers appropriate and necessary for the fulfilment of any or all of the objects of the Trust or necessary and appropriate for the effective and efficient administration of the Trust matters and affairs. Without affecting the generality of such powers and functions the Board of Trustees shall have the following powers and perform the following functions:-

i) To accept or decide not to accept donations, contributions, grants, subscriptions or any aid or assistance or help in cash or in kind from any person, persons, firms any body or bodies corporate or incorporate.

ii) To apply the whole or any part of the income or accumulation there of or the whole or any part of the corpus of the Trust property or fund for one or more of the objects of the Trust as the Board of Trustees may determine from time to time.

iii) To control, manage and superintend all the activities of the Trust and the income, properties and functions of the Trust.

iv) To invest and keep invested the Trust Fund or such part thereof as is not immediately required to be spent in the manner hereinafter specifically provided.

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x) to sell, dispose or alienate or otherwise deal with any movable property, comprising the Trust Fund.

xii) to borrow, if need be, against the security of the assets of the Trust by way of Bank overdraft, loan or otherwise, as may be necessary, for the objects of the Trust provided however the Trustees unanimously agree on such borrowing and limited to the terms of their decision or agreement and to authorise two or more of Trustees or execute such documents, deeds, papers etc. as may be necessary in connection therewith.

xiii) To let out or demise any immovable property comprised in the Trust Fund for the time being for such rent and on such other terms and conditions as the Board of Trustees or any committee, thereof in this behalf shall think fit and proper for the benefit of the Trust.

xiv) To open an account or accounts with any Bank or Banks, to operate such account or accounts whether in debit or in credit and to give all appropriate instructions to the banker or bankers concerning the operation of such accounts or accounts and to authorise by appropriate resolution two or more of the Trustees jointly or such Trustees jointly with an Agent appointed by the Board of Trustees in this behalf to operate such account or accounts.

xv) To arrange for and/or authorise the signing or execution of any agreement, contract, instrument, document or any other paper or writing required to be signed or executed on behalf of the Trustees by any two of the Trustees to be nominated in this behalf by the Board of Trustees and to make the same effective and binding as if the said agreement, contract, instrument or document or paper or writing were signed by all the Trustees.

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vi) To adjust settle, compromise, compound, refer to arbitration actions suits, claims, disputes, differences and proceedings regarding the properties and affairs of the Trust.

vii) To appoint constituted attorneys or agents or servants to delegate to such attorneys or agents or servants, all or any of the Powers vesting in the Trustees under these presents and from time to time remove such attorneys or agents or servants and to appoint another or others in their place and to fix their duties, responsibilities and the terms and conditions of their employment.

viii) To appoint or make provision for the appointment of a subcommittee or sub-committee of Trustees and/or others to attend to or supervise or conduct specified jobs or functions or trust matters in such manner and subject to such rules and regulations as the Trustees may prescribe.

ix) To authorize any two or more Trustees to hold any property or any investment of the Trust subject however to the terms of these presents in such manner and subject to such terms and conditions, rules and regulations as the Board of Trustees may from time to time think fit and proper.

x) To make, alter, amend or modify or repeal schemes, rules and regulations, bye-laws etc for carrying out the objects of the Trust and for the management of the affairs thereof and for running and institutions in furtherance of the objects of the Trust and /or giving effect to the object of the Trust.

xi) To set apart the whole or a part of the income or corpus or part thereof for any of the objects of the Trust.

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xvii) To spend any portion of the corpus or the income of the Trust Fund for purchasing any land and/or constructing any building or buildings for and in the name of the Trust for the purpose of carrying out, promoting and/or executing any or all of the objects of Trust.

xviii) To invest the moneys belonging to the Trust including the reserve fund if any and/or any additions or accretions to the Trust Fund and all surplus moneys in the purchase and/or mortgage of moveable or immoveable property or properties and or any share debentures or other securities and investments whether authorised by the Indian Trust Act, 1882 or not and/or in any other manner decided by the Board of Trustees but not in violation of any of the terms of these presents and to alter, vary or transmute such investments from time to time as the Trustees in their absolute discretion may think fit and proper provided always that the Trustees shall not deposit any funds or moneys belonging to the Trust with any firm or individual or company or corporation or any association or persons and in particular with any firm or company in any of the Trustees or their relatives may be interested. Shares and other securities may be registered in the names of any two of the trustees or its bankers as may be decided by the Board of Trustees.

xix) To settle out of Court or compound suits, actions and other proceedings and all differences and demands and to refer any or all of such differences or demands to adjust settle and approve all accounts relating to the trust fund or trust properties and to execute and/or do all other acts and things relating there to as if they were absolutely entitled to the trust funds or trust properties and without being answerable for any loss or losses occasioned thereby.

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(ix) To sell any moveable or immovable property forming part of the trust fund or the trust properties or any part thereof either together or in parcels and either by public auction or private treaty and to execute assurances and effectual receipts for sale proceeds and do all other necessary things for completing the sale and to receive moneys which shall arise at or on such sale and after paying and retaining there out of costs charges and expenses attendent on such sale to invest the residue of the said moneys into and upon one or more of the investments hereby authorised as from time to time resolved by the Trustees, provided however, that no sale of immovable property, comprising of any land or buildings shall be made until it is approved by a majority of 2/3 rd of the Trustees for the time being present in a Board meeting.

(x) To take all steps necessary for the preservation and safety of the Trust Fund and trust properties and to effect such insurances of the trust properties as the trustees may think fit and proper.

(xi) To keep and maintain proper books of accounts in which shall be entered all items of income and expenditure of the Trust and to get such accounts audited at the end of each year and to publish and circulate such accounts together with a report of the Board of Trustees in respect of the Trust amongst the donors and members.

(xii) To demand, realise and receive interest, dividend and other income of the Trust from persons, firms or companies and others, liable to pay the same and to realise the same from the public Debt office.

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xiii) To take on hire or rent any property to carry out the objects of the Trust on such terms and conditions as the Trustees may deem fit and proper.

16. The Trustees may, by a resolution, direct that any act, deed or thing required to be done or executed by them be done or executed by any one or more of them and in such a case any act or thing done or executed in pursuance of such resolution shall be as valid and effectual as if it had been done or executed by all the trustees; such delegation of authority may be general or special.

17A. The Annual General Meeting of the General Body shall be convened each year within a period of 9 months from the close of the financial year of the Trust by the Board of Trustees on such date, time and place as determined by them to discuss the following:-

- i) To consider and adopt the Audited Accounts of the Trust alongwith the annual report of the Board of Trustees on the working of the Trust.
- ii) To elect the Trustees in place of those retiring by rotation.
- iii) To discuss any other matter relating to the Trust by proper notice.

17B. On requisition received from one third of the members of the General Body or seven Founder Trustees the Board of Trustees shall within a period of 30 days proceed to call a general meeting of the Body, which will be called an Extraordinary General meeting. The requisitionists shall set out the matter for the consideration of which the meeting is to be called and shall be signed by the requisitionists and shall be deposited with the Managing Trustee or Secretary of the Trust.

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Sanjay Kulkarni
Vadgaon
Gandhinagar

17C. The Board of Trustees may, at their sole discretion convene an Extra ordinary General Meeting to consider such matters as it may deem fit.

17E. A minimum notice of 21 days shall be given to convene any General Meeting of General Body.

18. On a new TRUSTEE being appointed/elected as provided hereinafter the TRUST property shall vest in him alongwith the other TRUSTEES for the time being and he will be entitled to carry out all the duties and functions of the TRUST as a TRUSTEE and it shall not be necessary to make or execute any formal transfer of assets in his favour.

19. The Accounting Year of the Trust shall be the year ending on 31st March i.e. 1st April of one year to 31st March of the succeeding year unless changed by the Trustees by two third majority.

20. The Registered Office of the TRUST shall be situated at Siliguri unless changed by Trustees by two third majority.

21. The Rules and Regulation of the TRUST for the conduct and regulation of the affairs and business of the TRUST and also relating to the conduct and regulation of the appointment of Trustees may be amended if agreed to by 2/3rd of the Trustees present in a meeting specifically called for the purpose with specific agenda and notice therefor subject to the fact that no such amendment shall take effect unless consented to by 2/3rd of the Founder Trustees for the time being.

22. The TRUST hereby created is IRREVOCABLE. The Trustees may however with the approval of not less than 3/4th of the members

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present in a General Meeting specially called for the purpose subject to the approval of not less than 5 Founder Trustees wind up the Trust in accordance with law and on such decision for winding up, the property, if any, of the Trust will devolve upon such charitable trust or will be distributed for such charities as may be approved by the Trustees in the said Meeting.

23. It is hereby expressly declared that no part of the TRUST property or its income shall be applied out of India or for any purpose which is not a public charitable purpose in law and all provisions hereof shall be construed accordingly.

24. In the event of any dispute (i) between the TRUSTEES on the one hand and the SETTLORS on the other hand or (ii) amongst TRUSTEES on the one hand and any outsider on the other hand, relating to any matter or affair concerning the TRUST or arising out of these presents or the TRUST property, the same will be decided by arbitration of an ARBITRATOR(S) in accordance with the provisions of Arbitrators Act, 1940. All arbitration proceedings, unless otherwise agreed upon, shall be held at Siliguri.

IN WITNESS WHEREOF THE SETTLORS HAS EXECUTED THESE PRESENTS ON THE DAY, MONTH AND YEAR FIRST ABOVE-WRITTEN.

WITNESSES :-

30. 11. 1951
21. 11. 1951
21. 11. 1951
21. 11. 1951

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21. 11. 1951

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Subodh Kumar Saha
ADVOCATE, SILIGURI. 22/11/51

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