**DEED OF PARTITION**

This deed of Partition is made on......................... this......................... day of......................... 19..........................

Between

Shri......................... son of......................... resident of .................................................. and Shri......................... son of......................... resident of......................... (hereinafter called the First party) and Shri......................... son of......................... resident of......................... (hereinafter called the Second Party).

Whereas the abovementioned parties are joint owners in equal shares of the party described in Schedules mentioned hereinbelow.

And whereas the parties to the instrument are entitled to equal shares the aforesaid properties hereto are being divided into equal parts and allotted each party respectively.

Now therefore this deed of partition witnesseth as under:

1. That the parties to the instrument do hereby agree and declare—

(a) that the first party shall hold, possess and enjoy exclusively as the absolute owner of......................... as described in the First Schedule hereto.

(b) That the second party shall hold, possess and enjoy exclusively as the absolute owner of......................... as described in Second Schedule hereto.

2. That the parties to this instrument do hereby covenant that the property hereby allotted to each party shall be entered upon an henceforth hold in severalty by such party without any interruption or any kind of interference by the other party or any one claiming through under or in trust for them or any of them.

3. That the title deeds of the properties allotted to each of the parties to this instrument have been duly received by the respective parties and each of the party has become absolute owner of the property by exclusion of the other party.

4. That the parties to this instrument shall wherever the context so admits include their respective heirs, successors, executors, administrators and assignees.

5. That the parties hereby mutually release each other and to keep each other indemnified from all actions, proceedings, claims and demands in respect of the aforesaid property.

In witness whereof the parties hereto have put their signatures on this deed of partition in the presence of the witnesses.

Witnesses

1.......................... First Party

2.......................... Second Party

First Schedule

Second Schedule

**CASE LAW**

**PARTITION**

Simple suit for partition without prayer for recovery of possession not maintainable.1

1. Upendra Mohanto v. Champa Bewa, 1996 (2) C. C. C. 344 (Orissa).