

TITLE CERTIFICATE

DATED 31st OCTOBER, 2017

IN RESPECT OF

Plot No.12, area admeasuring 1281.16 sq. mtrs.,
Sector 15, lying being and situated at Village Ghansoli,
Node Ghansoli, Tal. & Dist. Thane

BY

ADV. D. D. WAGHMARE

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TITLE CERTIFICATE

TO WHOMSOEVER IT MAY CONCERN

- i) I, Dattatraya D. Waghmare, Advocate have been entrusted to investigate the title in respect of the immovable property i.e. Plot No.12, area admeasuring 1281.16 sq. mtrs., Sector 15, lying being and situated at Village Ghansoli, Node Ghansoli, Tal. & Dist. Thane and within the territorial limits of Navi Mumbai Municipal Corporation, Navi Mumbai hereinafter referred to as "the said property", by **M/s. Vihan Realtors** the registered Partnership Firm, through its partners (1)Mr. Arvind Lakhamshi Mota (2) Mr. Kalpesh Gangji Gami, (3) Mr. Ramesh Bhima Dubariya, having office at Shop No.3, Sunshine CHS Ltd., Plot No.6, Sector 26, Vashi, Navi Mumbai - 400 705 and **Mr. Machindranath Laxman Mhatre**, Residing at House No.175, Machindranath Niwas, Near Ward Office, Ghansoligaon, Post Ghansoli, Navi Mumbai, Taluka & Dist. Thane 400 701.
- ii) Following documents have been made available for me to investigate the title of the said property.
- a) Search Report Dated 04/07/2017 issued by the search clerk Mr. Mahesh B. Raut.
- b) The registered agreement to lease dated 29/03/2017.
- c) The registered tripartite agreement dated 07/06/2017.
- d) Transfer letter bearing reference no. सिडको / वसाहत / साटयो / घणसेली / ३७/२०१७/२०२०७. Dated 08/06/2017.
- e) The judgment and decree dated 30/06/2016 passed in R.C.S. No. 503/2002.
- f) Order dated 14/10/2013 passed by The Hon'ble High Court in civil application no. 992 of 2013 filed in appeal no 796 of 2013.
- g) Undertaking dated 30.11.2016 filed at Exhibit 17, in Civil Appeal No.235/2016.
- h) Order dated 30/11/2016 passed below Exh. 18 in civil appeal no. 235/2016 by The District Court, Thane.
- i) Affidavit dated 31/10/2017 of Mr. Machindranath Laxman Mhatre

- iii) It is revealed that by agreement to lease made at CBD, Belapur and dated 29/03/2017, registered on 01/04/2017 at serial no. 4171/2017 in the office of The Joint Sub-Registrar, Thane-8, executed between City and Industrial Development Corporation of Maharashtra Limited (CIDCO), "The Corporation" of the One Part and Mr. Machindranath Laxman Mhatre, "The Licensee" of the Other Part, the Corporation/the owner agreed to grant a lease for the period of 60 years from the date of execution of said agreement to lease, at yearly rent of rupees one only and on the terms and condition specified therein, in respect of the said property to Mr. Machindranath Laxman Mhatre.
- iv) It is further revealed that Mr. Machindranath Laxman Mhatre, the original licensee requested the corporation to transfer 50% undivided rights, interest and benefits of the said property to **M/s. Vihan Realtors**. Accordingly by executing the tripartite agreement dated 07/06/2017 registered at serial no. 6167/2017 in the office of The Sub-Registrar, Thane-6, the Corporation of the First Part, Mr. Machindranath Laxman Mhatre of the Second Part and M/s. Vihan Realtors of the third Part, 50% undivided right, interest and benefits of the said property has been transferred to M/s. Vihan Realtors and balance 50% share in the said property has been retained by Mr. Machindranath Laxman Mhatre.
- v) Further by the letter bearing reference no. सिडको /वसाहत /साटयो /घणसोली /३७/२०१७/२०२०७. Dated 08/06/2017, the Corporation intimated that names of M/s. Vihan Realtors and Mr. Machindranath Laxman Mhatre have been recorded as the joint licensee in respect of the said property in its record.
- vi) As per the search report dated 04/07/2017, there is no any other transaction in respect of the said property with the third persons after execution and registration of the tripartite agreement dated 07/06/2017.
- vii) On perusal of the judgment and decree dated 30/06/2016, passed in R.C.S. no. 503/2002, the order dated 14/10/2013 passed by The Hon'ble High Court in civil application no. 992 of 2013 filed in appeal no 796 of 2013, Order dated 30/11/2016 passed below Exh. 18 in civil appeal no. 235/2016 by The District Court, Thane, the undertaking dated 30.11.2016 filed at Exhibit 17 in the said Appeal by Mr.Machindranth Laxman Mhatre and his family members and affidavit dated 31/10/2017 of Mr. Machindranath Laxman Mhatre, It is revealed that prior to the execution of the agreement to lease dated

29/03/2017 in favour of Mr. Machindranath Laxman Mhatre ,his brother Mr. Jalindernath Laxman Mhatre had filed the suit bearing R. C. S. No. 503/2002 before C.J.S.D. Thane, against Mr. Machindranath Laxman Mhatre and his family members claiming 50% share in the said property and other plots bearing no. 35 area 350 sq.mtrs., 36 area 350 sq.mtrs., 37 area 350 sq.mtrs., all the three plots in Sector 21 and 57 area 500 sq.mtrs. in Sector 23, lying, being and situated at village Ghansoli, Node Ghansoli, Navi Mumbai, Tal & Dist. Thane and within the limits of Navi Municipal Corporation, Navi Mumbai. However the said suit was dismissed by the judgment and decree dated 30/06/2016. Mr. Jalindernath Laxman Mhatre has preferred the Civil appeal bearing no. 235/2016 against the said decree before District Court Thane and it is pending for hearing. As per the order dated 14/10/2013 passed by the High Court, the order dated 30/11/2016 passed in Civil appeal no. 235/2016 by The District Court and the undertaking dated 30/11/2016 given by Mr. Machindranath Laxman Mhatre and his family members at Exh. 17 reserving 50% plots till final disposal of the appeal, Corporation has been directed to handover possession of the said property and all other plots referred to hereinabove to Mr. Machindranath Laxman Mhatre and his family members. Mr. Machindranath Laxman Mhatre and his family members have been directed to reserve 50% plots till final disposal of the said appeal no. 235/2016. To obey the said orders and the undertaking, Mr. Machindranath Laxman Mhatre by his affidavit dated 31/10/2017 submitted that He and his family members have reserved the other plots no. 35, 36, 37 & 57 referred to hereinabove except the said property. i.e. plot no 12 for the reason that aggregate area of the plots no 35, 36, 37 & 57 is greater than the area of the plot no 12. Accordingly, the corporation has executed the agreement to lease dated 29/03/2017 in favour of Mr. Machindranath Laxman Mhatre in respect of the said property i.e. plot no 12 only. The Corporation and Mr .Mchindranath Laxman Mhatre have executed the tripartite agreement dated 07/06/2017 in favour of M/s. Vihan Realtors and thereby created 50% interest of the said firm in said property subject to the decision in Civil appeal no. 235/2016 and upon the terms and conditions contained in the said agreement dated 07/06/2017. As on today there is no any adverse order in respect of said property in the Civil appeal, restraining Mr. Machindranath Laxman Mhatre of M/s. Vihan Realtors from creating third party interest in respect of/or carrying out construction on/ the said property.

viii) In view of aforesaid documents made available for my perusal and inspection, I am of the opinion that the corporation/ CIDCO on behalf

of Government of Maharashtra is the owner of the said property. M/s. Vihan Realtors and Mr. Machindranath Laxman Mhatre are the joint licensee/ Co-licensee of the said property in view of the tripartite agreement dated 07/06/2017 executed by the CIDCO. The CIDCO has authorized M/s. Vihan Realtors and Mr. Machindranath Laxman Mhatre to develop the said property and sell, transfer, dispose of the flats of the buildings to be constructed on the said property. As such the rights, benefits and interest of M/s. Vihan Realtors and Mr. Machindranath Laxman Mhatre created by the CIDCO in the said property are clear, marketable and free from all kinds of encumbrances or charge.

Hence this Title Certificate is issued

Place : Thane

Dated : 31.10.2017



(D. D. Waghmare)

Advocate

Adv. D. D. Waghmare
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