

Office :

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Rodas Enclave, Hiranandani Estate,
Near Commissioner Bungalow,
Ghod Bunder Road, Patlipada,
Thane (W) – 400 607.

① 2530 8032

S.M. KARNIK

B. A. LL.B

ADVOCATE

(Enrollment No. MAH/1569/1985)

AJAY YADAV

B.Com. LL.B.

ADVOCATE

(Enrollment No. MAH/4008/2011)

TO WHOMSOEVER IT MAY CONCERN

Property/Land Ref.: All that pieces and parcels of an agricultural land situate, lying and being at Revenue Village Kavesar, Taluka and District Thane, within the limits of Thane Municipal Corporation, and in the Registration District and Sub-District of Thane bearing Survey/Hissa Nos. 120/1A, 120/2A, 120/2B and 120/1B.

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1. The search of the Index II of the above referred land has been taken by us with help of Search Clerk late Shri. Suresh S. Shewale and Mrs. Sharda P. Kadam in the office of Sub-Registrar of Assurances at Thane from 1981 to 12.06.2018. It is found in the said search that the transaction have taken place in respect of the above referred lands together with the other properties of the owners as mentioned in the respective Search Reports, observed in respect of interalia land bearing Survey/Hissa No. 120/1B out of the lands above referred to, Release Deed dated 06.08.2014 has been registered below Document No. 7775/2014 in the office of the Sub-Registrar of Assurances, Thane-5, executed by Tarabai Venkatesh Bovi, Damyanti Sakharam Manera and Bhumika Mohan Jadhav (minor) through her guardian father Mohan Baliram Jadhav in favour of Hareshwar Manilal Daki and Yogeshwar Manilal Daki.
 2. That the piece and parcel of land bearing Survey/Hissa No. **120/1B** of Village- Kavesar is owned by Hareshwar Manilal Daki and others and 3 other families (hereinafter all of



them jointly referred to as **the said First Owners**), Survey/Hissa Nos. **120/2A and 120/2B** of Village- Kavesar are owned by Hari Ambo Daki and others (hereinafter referred to as **the said Second Owners**), Survey/Hissa No. **120/1A** of Village – Kavesar is owned by Motiram Jagnanth Patil and others (hereinafter referred to as **the said Third Owners**).


3. i) That as per Taluka Hukum bearing No. RT-SR-85 dated 10.07.1953 in respect of interalia the land bearing Survey/Hissa No. 120/1B out of the land above referred to, the names of Dhanjisha R. Zaveri and Hilabai Barjorji Mehta were deleted and the names of 1) Manilal Hasha Daki, 2) Laxmibai Gopal Gondhali, 3) Gangaram Rama and 4) Krushna Bhau were recorded in the revenue records (M.E.No. 427)
- ii) That the said Gangaram Rama Daki expired in the year 1959 or thereabout leaving behind to him heir only son Shanivar Gangaram Daki (M.E.No.622), , also the said Shanivar Gangaram Daki died on 10.11.1997 leaving behind to him wife Smt. Jaibai Shanivar Daki, who died on 27.06.2000 leaving behind to her only two married daughters 1) Chandrabai Kabir Patil and 2) Pushpa Pramod Gondhale.
- iii) That, the said Manilal Hasha Daki died on 06.11.89 leaving behind to him the heirs sons, namely 1) Shri. Santdas Manilal Daki, 2) Hareshwar Manilal Daki, 3) Yogeshwar Manilal Daki, and daughters 1)Smt. Bhagirathi Manilal Daki, 2) Smt. Tarabai Vyanktesh Bovi, 3)Smt. Narmada Namdeo Patil, 4) Damyanti Sakharam Patil and 5) Parvati Suresh Bhosale and wife Kashibai Manilal Daki. (M.E.No. 1784).



iv) That, the said Smt. Laxmibai Gopal Gondhali died on 01.10.1999, leaving behind to her only heir son Kamlakar Gopal Gondhali (M.E.No. 1886).

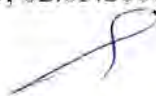

v) That, the said Krushna Bhau Manera died in the year 1960 or thereabout, leaving behind to him only heir married daughter Smt. Suman Laxman Gaikwad (M.E.No. 1926).

vi) By and under the Development Agreement dated **22.06.1998** duly registered with the Sub – Register of Assurances Thane -1 under serial No. **3282/1998** on **02.07.1998** executed by Shri. Hareshwar Manilal Daki and two others out of the said **First owners** granted the development rights interalia in respect of land bearing Survey/Hissa No. **120/1B** in favour of Roma Builders Pvt. Ltd., a Company registered and incorporated under the Companies Act, 1956, having it's office at – 514, Dalamal Towers, Nariman Point, Mumbai – 400 021 (**the Developers**), further by and under the Confirmation Cum Supplementary Agreement dated 03.07.2003 executed by Smt. Tarabai Vyanktesh Bovi and 4 others i.e. some of the Co-owners in the family of the said Shri. Hareshwar Manilal Daki and 2 others in favour of the Developers registered under Serial No. 4225/2003 on 03.07.2003 interalia in respect of the land bearing Survey/Hissa No. 120/1B, confirmed the execution of the Development Agreement dated 22.06.1998 executed by the said Shri. Hareshwar Manilal Daki and 2 others in favour of the Developers and further by and under the Development Agreement dated 14.02.2008 registered with the Sub-Registrar of Assurances, Thane – 5 under Sr.No. 1410/2008 executed by Shri. Santadas Manilal Daki i.e. one of the co-owner in the family of the said Hareshwar Manilal Daki and 2 others out of the said **First Owners** granted the development rights in favour of Developers for his 1/4th undivided shares



3

along with the said Hareshwar Manilal Daki and others interalia in respect of the land bearing Survey/Hissa No. 120/1B, further by and under the Confirmation-cum-Supplementary Agreement dated 14.02.2008 registered in the office of the Sub-Registrar of Assurances, Thane-5 under Sr.No. 1414/2008 on 14.02.2008 executed by Smt. Sharda Santadas Daki and 4 others i.e. close relatives of the said Santadas Manilal Daki, in favour of the **Developers** confirmed the execution of the Development Agreement dated 14.02.2008 executed by the said Santadas Manilal Daki in favour of the **Developers**, further by and under Development Agreement dated 21.04.2006, duly registered in the office of the Sub-Registrar of Assurances Thane-5 under Sr.No. 2570/2006 on 21.04.2006 executed by the said Suman Laxman Gaikwad out of the said **First Owners** granted the development rights for her undivided share in respect of the land bearing Survey/Hissa No. 120/1B in favour of the **Developers**, further by and under the Development Agreement dated 20.12.2005 duly registered in the office of the Sub-Registrar of Assurances, Thane-5 below Sr. No. 8439/2005 on 21.12.2005 executed by the said Shri. Kamlakar Gopal Gondhale and his close relatives of the said **First Owners** granted the development rights for his 1/4th undivided share in respect of the land bearing Survey/Hissa No. 120/1B in favour of the **Developers**, further by and under Sale Deed dated 19.12.2011 executed by the said Smt. Chandrabai Kabir Patil and Smt. Pushpa Pramod Gondhale of the said **First Owners** and confirmed by their close relatives in favour of the Developers registered under Sr. No. 11318/2011 on 19.12.2011 sold and transferred their undivided 1/4th shares in the land bearing Survey/Hissa No. 120/1B out of the land above referred to. The said **First Owners** in pursuance of the diverse Agreements referred as aforesaid in support thereof executed registered/notarized irrevocable Power of Attorney/s dated 02.07.1998, 03.07.2003, 21.12.2005, 02.03.2006, 21.04.2006, 14.02.2008, 14.02.2008


4 

and 19.12.2011 respectively interalia allowing, authorizing the attorney/s i.e. the nominees of the Developers to do, perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.

vii) Release Deed dated 06.08.2014 was executed by Tarabai Venkatesh Bovi, Damyanti Sakharam Manera and Bhumika Mohan Jadhav (minor) through her guardian/father Mohan Baliram Jadhav, all the executants thereof have prior to the execution of the said Release Deed have already sold and/or transferred and assigned all their rights, title and interest interalia in the Survey/Hissa No. 120/1B vide Registered Agreements dated 22.06.1998 and 03.07.2003 to and in favour of the Developers.

4. i) That prior to 1947, Shri. Manilal Hasha Daki was the owner of interalia land bearing Survey/Hissa No. **120/2 i.e. 120/2A and 120/2B** however, the consent statement given on 19th October 1947 by Manilal Hasha Daki, minor, through guardian Mankibai Hasha Daki the names of Ambo Aaba Daki and Shivram Aaba Daki, were recorded in the kabjedar column of 7/12 extracts as the owner thereof in revenue record (M.E. No. 334).

ii) Further as per Supplementary Aakarfod Patrak Hissa No. 12 interalia the Survey/Hissa No. 120/2 was subdivided into Survey/Hissa No. 120/2A and 120/2B and accordingly separate 7/12 extracts were issued for Survey/Hissa nos. 120/2A and 120/2B. (M.E. No. 399).

iii) Further the predecessor in title of the said **Second Owner** the said Shri. Ambo Aaba Daki died in the year 1953 or there about leaving behind him legal heirs sons, namely 1) Manik Ambo Daki, 2) Jaywant Ambo Daki, 3) Hari Ambo Daki, and 4) Balya Ambo Daki (M.E. No. 460).

iv) The said Jaywant Ambo Daki died on 26.03.84 leaving behind him legal heirs sons 1) Kishore Jaywant Daki, 2) Bharat Jaywant Daki, and daughters 1) Vandana Jaywant Daki, 2) Manda Jaywant Daki and his second wife Hirabai Jaywant Daki (M.E. No. 1607).

iv) That the said Shivram Aaba Daki died on 12.01.88 leaving behind him legal heirs sons, 1) Mangal Shivram Daki, 2) Parag Shivram Daki, and married daughters 1) Krushnibai Harichandra Patil, 2) Manibai Harichandra Bhoir (M.E. No. 1820).

v) The said Manik Ambo Daki died on 21.01.2010 leaving behind him legal heirs wife Laxmibai Manik Daki (died), sons 1) Kaliram Manik Daki, 2) Gangaram Manik Daki, 3) Narayan Manik Daki, 4) Raghunath Manik Daki, 5) Ganesh Manik Daki, 6) Purshottam Manik Daki and married daughter Minakshi Krushna Bhoir (M.E. No. 2628).

vi) By and under the Development Agreement dated 20.04.2000, registered in the office of the Sub-Registrar of Assurances, Thane-1, below Sr.No. 2647/2000 executed by Manik Ambo Daki & 11 others i.e. some of the co-owners in the family of the said **Second Owners** granted the development rights in favour of the **Developers** inter alia in respect of the land bearing Suvey/Hissa Nos. 120/2A and 120/2B out of the land



referred above to, further by and under the Confirmation-cum-Supplementary Agreement dated 01.08.2000 registered in the office of the Sub-Registrar of Assurances, Thane-1 under Sr.No. 5013/2000 on 02.08.2000 executed by Sitabai Ramchandra Patil i.e. one of the co-owner in the family of the said **Second Owner** in favour of the **Developers** interalia in respect of for Survey/Hissa No. 120/2A and 120/2B confirmed the execution of the Development Agreement dated 20.04.2000, executed by Shri. Manik Ambo Daki and others in favour of the **Developers**, further by and under the Development Agreement dated 03.08.2004 registered in the office of the Sub-Registrar of Assurances, Thane -5, under Sr.No. 5626/2004 on 03.08.2004 executed by Bharat Jaywant Daki and others also some of the co-owners in the family of the said **Second Owners** granted the development rights in favour of the **Developers** interalia in respect of the land bearing Survey/Hissa No. 120/2A and 120/2B out of the land referred above to; further by and under the Sale Deed dated 19.09.2013 registered in the office of Sub-Registrar of Assurances Thane -5 below Sr. No. 9507/2013 executed by Balya Ambo Daki i.e. one of the co-owner in the family of the said **Second Owners** and confirmed by his close relatives in favour of the **Developers** interalia in respect of the land bearing Survey/Hissa No.120/2A sold absolutely his undivided 1/10th undivided share in the interalia lands bearing Survey/Hissa Nos. **120/2A** out of the lands above referred to. In pursuance of the Development Agreements and Confirmation Deed referred as abovesaid and Sale Deed dated 19.09.2013 respectively the said **Second Owners** including respective relatives of the co-owner/s have executed in favour of the nominees of the Developers Registered Power of Attorney dated 27.04.2000, 08.05.2000, 03.08.2004 and 19.09.2013 respectively interalia allowing, authorizing the said Attorneys to do perform and carry



out various acts, deeds, matters, things, privileges, rights and authorities which are in details contained therein.

5. That interalia in respect of the land bearing Survey/Hissa No. 120/1A out of the lands above referred to, Khatedar Shri. Laxman Rama Daki expired in the year 1975 leaving behind his legal heir only daughter Savitribai Jagannath Patil (M.E. No. 1389). By and under Development Agreement dated 16.04.1999 registered in the office of the Sub-Registrar of Assurances, Thane - 1 under Sr. No. 2880 / 1999 executed by the said Savitribai Jagannath Patil during her life-time including the Third Owners granted the development rights in favour of the **Developers**, further by and under the Confirmation-cum-Supplementary Agreement dated 16.01.2002 registered in the office of Sub-Registrar of Assurances, Thane – 5 below Sr. No. 218/2002 on 16.01.2002 executed by Motiram Jagannath Patil of the said Third Owners in favour of the Developers confirming the execution of the Development Agreement dated 16.04.1999 executed by the said Savitribai Jagannath Patil and others in favour of the **Developers** and further vide Agreement for Sale dated 31.10.2013 registered in the office of the Sub-Registrar of Assurances, Thane – 5 below Sr. No. 10996/2013 on 31.10.2013 executed by the said Motiram Jagannath Patil of the said **Third Owners** in respect of his undivided share interalia in land bearing Survey/Hissa No. 120/1A out of the lands referred above. In pursuance to the Development Agreement dated 16.04.1999, Confirmation-cum-Supplementary Agreement dated 16.01.2002 and Agreement for Sale dated 31.10.2013 respectively by the said Third Owners including their respective relatives have executed in favour of the nominees of the Developers registered Power of Attorney/s dated 23.04.1999, 16.01.2002, 31.10.2013 and 31.10.2013 respectively interalia allowing



authorizing the said Attorneys to do, perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.

6. In view thereof, we record that the Developers are fully, freely authorized and entitled to deal with and dispose of the Development on the above referred land (constructed and/or otherwise) in the manner and for the consideration and upon the terms and conditions as the Developers may think fit, proper and to receive, recover and appropriate the consideration and all other benefits on terms of such sale and transfer.
7. It is observed by us that vide Notification No. TPS-1204/Thane/DP/DCR/UD-12 dated 25th May 2006 issued u/s 37(2) of Maharashtra Regional and Town Planning Act, 1966, The Government of Maharashtra, Urban Development Dept., Mantralaya, Mumbai 400032 has implemented and sanctioned regulations mentioned therein for development of Special Township Project in the area under the Thane Municipal Corporation, further the Govt. of Maharashtra through its competent authorities have granted the Locational Clearance bearing order nos. TPS-1206/2682/CR-97/07/UD-12 dated 4th March 2009 and TPS-1206/2682/CR-97/07/UD-12 dated 7th August 2009 issued by Section officer of Urban Development Department, Mantralaya, Mumbai, for implementing Special Township Scheme thereon. It is further observed by us that, Thane Municipal Corporation, Thane vide its amended Commencement Certificate vide V. P. No. S06/0063/2010/TMC/TDD/2137/17 dated 11.04.2017 sanctioned the building plans for construction of various buildings including a building popularly known as “**EAGLERIDGE B**” on the piece, parcel and portion of the land above referred to, Mrs. Sharmistha Mukerjee-Shinde, Architect has issued a certificate to that effect dated 07.05.2018.

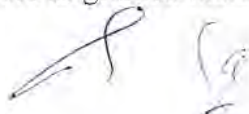
8. On investigating the documents made available to us for inspection from the Developers including various NOC's under the Maharashtra Land Revenue Code 1966, Urban Land (Ceiling and Regulation) Act, 1976 (since repealed), revenue records and search reports, including an order bearing no. TNC 06/2013/C.R. 321/J-1 dated 03.08.2013 passed by the Hon'ble Revenue Minister Maharashtra U/s 88(1) (b) of Maharashtra Tenancy and Agricultural Land Act 1948 and publication of official Gazette thereto stating therein that the publications of Sec. 1 to 87 of Maharashtra Tenancy and Agricultural Land Act 1948 shall not apply to the notified lands to which the locational Clearance have been sanctioned by the Government to implement Special Township Scheme, further I/we have gone through 'Public Notice' dated 29.05.2006 in daily 'Thane Vaibhav' published by Sub - Divisional Officer, Thane, Division - Thane wherein given property description interalia, village - Kolshet/Kavesar, wherein mentioned about acquisition of the land by the Govt. under Indian Forest Act 1927, and Maharashtra Private Forest Act 1975 for acquisition of the lands and letter dated 11.12.2012 issued by Range Forest Officer, Thane Forest Division, Thane, mentioned therein the lands excluding the lands above referred to, listed Survey Nos. of the Kolshet / Kavesar villages are deemed to be "Reserved Forests" as per the provisions of the Maharashtra Private Forest (Acquisition) Act, 1975 and more particularly we have gone through specific notification issued under section 37(2) of Maharashtra Regional and Town Planning Act 1966 issued by the Government of Maharashtra Urban Development, Mantralay Mumbai - 400032 dated 25th May 2006, bearing no. TPS-1204/Thane/DPDCR/UD-12 wherein specially it is mentioned that non-agricultural permission will be automatic as soon as the Scheme is notified, lands mentioned under Special Township in area under Thane Municipal Corporation wherein as per regulation no. 2 Special concession have been given.



9. That Spl. Civil Suit No. 746/08 was filed in the Court of Hon'ble Civil Judge (S.D.), Thane, at Thane by the **Developers** against the said **Third Owners** interalia in respect of the land bearing Survey/Hissa No. 120/1A for the relief of Specific Performance of Contract, Injunction and such other reliefs together with preferring an Application for Injunction, the Hon'ble Court was pleased to pass an order dated **04.01.2010** wherein the said Injunction Application was partly allowed restraining the Defendants i.e. the said **Third Owners** from disturbing the possession of the Developer over the suit properties and creating third party interest in any manner till disposal of the suit. No further Appeal/Writ is/was preferred by the owners Smt. Savitribai Jagannath Patil and others and the suit is pending for further hearing.
10. Further, we have gone through one Special Civil Suit No. 227/2010 filed in the Court of Hon'ble Civil Judge (S.D.) Thane at Thane by the **Developers** against Manik A. Daki and others i.e the Second Owners interalia in respect of Survey/Hissa Nos. 120/2A and 120/2B, for the relief of specific performance, declaration and injunction, however injunction application was allowed on 05.04.2014 by the Hon'ble Court and matter is pending for further hearing.
11. Mangilal Parmar (since deceased) through Hemant Parmar and others has/have filed Regular Civil Suit No. 715/2013 in respect of interalia Survey/Hissa No. 120/1A out of the lands above referred to, against the State of Maharashtra and the Developers for declaration. The Developer has filed its Written Statement in the said suit and the suit is pending for further hearing. No adverse order is passed against the Developers till today.



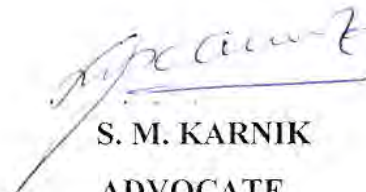
12. Further, we have gone through one Special Civil Suit No. 667/2017 filed in the Court of Hon'ble Civil Judge (S.D.) Thane at Thane by Kevalchand Tarachand Vardavat and others against the Developers and others interalia in respect of Survey/Hissa No. 120/1A, for the relief of declaration, possession and injunction, the Developers have filed its/their written statement/say and matter is pending for further hearing.
13. Further, we have gone through one Civil Appeal No. 76/2018 filed in the Court of Hon'ble District Judge, Thane at Thane by Hareshwar Manilal Daki and another interalia in respect of Survey/Hissa No. 120/1B, against the Judgment and Decree dated 23.12.2017 passed by the Hon'ble Civil Judge (Senior Division), Thane at Thane in Special Civil Suit No.558/2009; Summons being served on the Developers, the matter is pending for further hearing.
14. Further, we have gone through Regular Civil Appeal No. 84/2018 filed in the Court of Hon'ble District Judge, Thane at Thane by the Developer against Hareshwar Manilal Daki and others i.e. the said First Owners against the Common Judgment and Decree dated 23.12.2017 passed by the Hon'ble 7th Civil Judge (Senior Division) Thane at Thane in Special Civil Suit No. 80/2011 interalia in respect of Survey/Hissa No. 120/1B, wherein the aforesaid Civil Suit, it was declared that the registered suit agreement dated 22.06.1998, Power of Attorney dated 06.07.1998 and consent letter cum Supplementary Agreement dated 03.07.2003 in respect of the suit property are legal, valid, enforceable and binding upon the defendants therein alongwith restraining them from encroaching in the suit property, creating third party interest in the suit property along with other reliefs as granted therein.

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15. In the aforesaid facts, we find that the title of the said First Owners, the said Second Owners, the said Third Owners together with the Developers to the lands hereinabove referred is clear and marketable, subject to final disposal of Special Civil Suit No. 746/2008, Special Civil Suit No. 227/2010, Special Civil Suit No. 715/2013 and Special Civil Suit No. 667/2017, Regular Civil Appeal No.76/2018 and Regular Civil Appeal No.84/2018 and orders as may be passed therein.

Thane.

Date: 30.06.2018


S. M. KARNIK
ADVOCATE


AJAY S. YADAV
ADVOCATE

