

ASMITA DHULAP

Advocate

207, Dattani Trade Centre, Chandavarkar Road, Borivali (West), Mumbai- 400 092.Tel: 022- 65287496**TITLE CERTIFICATE**

Reference:

ALL THAT piece and parcel of land bearing C.T.S. No. 115/1 admeasuring 5657.50 square meters and situated at Village Dahisar, Taluka Borivali, Mumbai Suburban District.

Under the instructions of my clients, **MALLHAR REALTORS PVT. LTD.**, a Private Limited Company incorporated under Companies Act, 1956, having its registered office at 1st Floor, "Oomkareshwar", New Link Road, Dahisar (west), Mumbai- 400 068, through one of its Directors, Shri Rajesh Mhatre, I investigated the title of Mallhar Realtors Pvt. Ltd. to the property under reference by...

1. Publishing a Public notices in the Free Press Journal (in English) 12-11-2014 issue and Nav-Bharat Times (in Hindi) also a 12-11-2014 issue inviting claims from public at large,
2. Perusing the following documents:-
 - i. Two search reports both dated 14-10-2014 respectively by title investigator, Shri Shriniwas Chipkar by taking searches in the offices of sub-registrar of assurances at Mumbai and Bandra , Borivali and Goragaon of for last 40 years,
 - ii. Documents listed in search reports.
 - iii. Property register card pertaining to the property under reference and 7/12 extracts.
3. Taking verbal instructions from my clients.



From the various entries mentioned hereinbefore, the history of the title can be gathered as follows:

- I. My clients are developing a large property now bearing C.T.S. No. 115/1 of Village Dahisar, Taluka Borivali, admeasuring about 5657.50 square meters. The said property is carved out from a very large holding which covers parts of four (4) plots, viz.
 - (A) Survey No. 314, Hissa No. 6 (part), corresponding with Old C.T.S. No. 108 B admeasuring 419.6 square meters,
 - (B) Survey No. 314, Hissa No. 6 (part), corresponding with old C.T.S. No. 108 C admeasuring 112 square meters, and
 - (C) Survey No. 314, Hissa No. 12 (part), corresponding with old C.T.S. No. 115 admeasuring 4189.90 square meters;
 - (D) Survey No. 314, Hissa No. 12 (part), corresponding with old C.T.S. No. 115 admeasuring 3876 square meters.
- II. All the above 4 plots formed a large holding of land admeasuring **8597.50** square meters and are situated at Village Dahisar, Taluka Borivali, Mumbai Suburban District and are collectively referred to as **'the said holding'**.
- III. My clients are the owners of the said holding. They have acquired the title thereto under various deeds and documents from the respective predecessors in title as stated below.

Plots (A) And (B)
- IV. By an Indenture of Conveyance dated 15-01-2013, the original owners Smt. Malti Laxman Mhatre and others, the owners of the plots bearing



Survey No. 314, Hissa No. 6 (parts), corresponding with C.T.S. Nos. 108 B and 108 C admeasuring 419.6 square meters and 112 square meters respectively, transferred and conveyed in favour of my clients the said two plots for the consideration mentioned therein. The said Indenture of Conveyance dated 15th January 2013 has been duly registered with the Sub-Registrar of Assurances at Borivali bearing Registration No. BDR-7/490 of 2013.

Plots (C) and (D)

- V. The plot bearing Survey No. 314, Hissa No. 12 (part), corresponding with C.T.S. No. 115 (part) admeasuring 8065.9 square meters was originally owned by one Waman Mahadev Bhoir. Waman Mahadev Bhoir died intestate on 23-10-1958 leaving behind five sons, namely, Anant, Madhukar Harishchandra Moreshwar and Vinayak who became entitled to all the property owned by Waman at the time of his death. Harishchandra died on 18-03-1983 leaving behind his widow Yesubai who became the karta of her family. Moreshwar died on 23-01-1988 leaving behind Venubai who became karta of her family. Vinayak died on 27-10-1984 leaving behind his widow Hirabai who became the karta of her family.
- VI. Thus, Anant, Madhukar, Yesubai Harishchandra Bhoir, Venubai Moreshwar Bhoir and Hirabai Vinayak Bhoir became entitled to all the property of Waman each having equal share, right, title and interest therein in their capacity as the kartas of their respective family.



- VII. By a Deed of partition dated 13th April 1988, duly registered with the sub-registrar of Assurances at Bandra, bearing registration No. BND-P-1187 of 1988, the said five co-owners effected partition of all the properties left behind by Waman Bhoir. Under the said partition, the plot of land bearing Survey No. 314, Hissa No. 12 (part) corresponding with C.T.S. No. 115 (part) admeasuring in the aggregate about 8065.9 square meters (as per the property register card) was divided among the two branches of Bhoir family. One part admeasuring 4189.9 square meters came to the ownership of Madhukar Waman Bhoir and his family. And the other part admeasuring 3879 square meters came to the ownership and share of Hirabai Vinayak Bhoir and her family. However, in the partition deed, the areas of the plots mentioned therein are erroneous. The parties subsequently rectified the errors by mentioning correct areas as per the revenue records in the subsequent registered documents.
- VIII. By a Deed of Transfer dated 31-12-2007, Smt. Hirabai Vinayak Bhoir and her son Ravindra Bhoir, the owners of the plots bearing Survey No. 314, Hissa No. 12 (part), corresponding with C.T.S. Nos. 115 (part) admeasuring 3876 square meters, transferred and conveyed in favour of one M/S Shree Ganesh Constructions the said plot for the consideration mentioned therein. The said Transfer Deed dated 31-12-2007 has been duly registered with the Sub-Registrar of Assurances at Borivali bearing Registration No. BDR-12/78 of 2008.
- IX. By another Deed of Transfer dated 03-01-2008, Madhukar Waman Bhoir and others, the owners of the plots bearing Survey No. 314, Hissa No. 12 (part), corresponding with C.T.S. Nos. 115 (part) admeasuring 4189.9 square meters, transferred and conveyed in



favour of one M/S Kailashnath Constructions the said plot for the consideration mentioned therein. The said Transfer Deed dated 03-01-2008 has been duly registered with the Sub-Registrar of Assurances at Borivali bearing Registration No. BDR-12/80 of 2008.

- X. By a Merger Partnership Deed dated 17th August 2010 and revised merger deed dated 2nd January 2012, the said Shree Ganesh Constructions merged with the said Kailashnath Constructions. Pursuant to the said Deed, a new partnership Firm, by name 'Mallhar Constructions' was formed. Under the said merging of firms, Shree Ganesh Constructions threw various plots of land owned by it into the common assets of Mallhar Constructions. Similarly, Kailashnath Constructions also threw the properties so owned by them into the common assets of the newly formed partnership Firm. As such the plots bearing Survey No. 314, Hissa No. 12 (part), corresponding with C.T.S. No. 115 (part) admeasuring about 3876 square meters and C.T.S. No. 115 (part) admeasuring 4189.9 square meters at village Dahisar, Taluka Borivali were also thrown into the assets of Mallhar Constructions.
- XI. Under part IX of the Companies Act, 1956, the said Mallhar Constructions, a partnership Firm, was converted into a Private Limited Company known as 'Mallhar Realtors Private Limited'. The immovable properties owned by Mallhar Constructions came to be transferred to the newly incorporated Company, i.e. my clients who are the Developers.



- XII. Thus, the plot bearing Survey No. 314, Hissa No. 12 (part) corresponding with C.T.S. No. 115 admeasuring 8065.9 square meters came to the ownership of Mallhar Realtors Private Limited.
- XIII. Thus, my clients became the absolute owners of the said holding described in four parts, A, B, C and D in Recital I hereinabove admeasuring in the aggregate 8597.50 square meters.
- XIV. The revenue authorities carried out the mutation entries as per the said sequence mentioned hereinabove and now the name of my clients is shown in the 7/12 extracts pertaining to the plots covering the said holding.
- XV. The said holding consisting of 4 plots mentioned in recital I hereinabove were affected by various reservations under the D. P. Plan published by MCGM under the town Planning. Hence, my clients applied to the revenue department for amalgamation and sub-division of the 4 plots. By his order dated 26-11-2013, the Collector, M.S.D. duly amalgamated and sub-divided the 4 plots. As such the 4 plots were amalgamated admeasuring in the aggregate 8597.50 square meters and thereafter sub-divided into 5 parts, (a), (b), (c), (d) and (e). Two parts of the said plot, namely (b) and (c) admeasuring 1452.55 square meters and 1417.45 square meters respectively were sub-divided and shown for D. P. Road. The said plot admeasuring 1452.55 square meters is now assigned C.T.S. No. 115/2 and plot admeasuring 1417.45 is allotted C.T.S. No. 115/3. Another two parts, namely, (d) and (e) admeasuring 50 square meters (now allotted C.T.S.



XVI. No. 115/4) and 20 square meters (now allotted C.T.S. No. 115/5) respectively were similarly shown for Recreation Garden. The remaining part, namely, part (a) admeasuring 5657.50 square meters was shown as **"balance plot"** which part is currently being developed by my clients. This balance plot has been allotted C.T.S. No. 115/1 under order dated 07-05-2015 by City Survey Officer Borivali.

XVII. The said part (a) admeasuring 5657.50 square meters is thus now described as C.T.S. Nos. 115/1 and is hereinafter referred to as **'the said property'**.

XVIII. The said property has been reserved for 'Fire Brigade' under the development plan published by the Planning authority. Under the D.C. Regulations duly amended, the owners of the respective plots were allowed to develop the plots so reserved for fire brigade under accommodating reservation concept. By further amendment under Notification No. TPB- 4306/ 2778/CR-160/07/UD-11 dated 14-05-2009, the land to be developed for reservation was increased from 40 % to 50 %. Hence, under the D. C. Regulation 9, Table 4- V (5) (a), my clients became entitled to develop the land under their ownership and possession.

XIX. Accordingly, after duly applying under regulation no. 9, Table 4, Sr. No. V (5)(a) of DCR 1991, a Development Permission dated 25th October 2011 revalidated on 17th April 2014 was issued by the Brihanmumbai Municipal Corporation (for short, 'MCGM'). My clients



had submitted plans with the Building Proposal Department of MCGM for construction of (i) Fire Brigade Station on one part of the said property and (ii) a residential Building on the remaining part. Thus, the said property came to be further divided into two parts,

Part A- admeasuring about 2828.75 square meters where the Fire Brigade Station would be constructed which is to be handed over to MCGM free of cost and free of encumbrances and

Part B- admeasuring 2828.75 square meters where the residential Building would be constructed.

- XX. The plans were duly sanctioned after following due procedure of the regulation and after various compliances and N.O.C.'s from various departments of MCGM and also after recovering various payments an IOD bearing No. CHE/A-5084/BP (WS) AR. came to be issued for the construction of Fire Brigade Station on Part A which was 50% part of the said property and another IOD bearing No. CHE/A-5083/BP (WS) AR for the residential building on the remaining part of the said property i.e. part B. Both the IOD were issued on 28/05/2013.
- XXI. After the due compliances, a Commencement Certificate dated 25th April 2014 was issued on 25th April 2014 by MCGM for Fire Brigade Station Building proposed to be constructed on part A of the said property. Accordingly, my clients commenced the construction and now the Fire Brigade Station Building is under construction.
- XXII. In the meanwhile, my clients have complied with various terms and conditions of the IOD in respect of the residential Building and the



MCGM has issued a commencement Certificate dated 26th Sep 2014 for construction of residential Building "Bhimashankar Heights" on part B of the said property. My clients have in accordance with the said approved plans commenced the construction of residential building on **Plot B**. While constructing the proposed Building on Plot B, my clients shall consume the potential F.S.I. on plot B and by availing T.D.R. from market as well as by utilizing the fungible FSI which is permissible under the DCR. Plot A shall be handed over to MCGM along with the Fire Station as per the terms of the Development Permission dated 25th October 2011.

XXIII. For further clarification of title, I also published two public notices in two dailies; (1) English Daily 'The Free Press Journal' dated 12-11-2014 issue and (2) Hindi Daily 'Nav Bharat Times' dated 12-11-2014 issue inviting claims. I did not receive any claim from any person within the time stipulated under the said two public Notices.

XXIV. The two Search Reports each dated 14-10-2014 issued by the title investigator show various registered documents. I have gone through the contents of the said documents. I did not find any claim of any person in any of the said documents which will be contradictory to my clients' right, title and interest over the property under reference. There is also a notice of lis pendens regarding Writ petition no. 3779 of 1991 in the Hon'ble High Court of Bombay. By an order dated 12th April 2013, The Hon'ble High Court dismissed the said petition for non-prosecution.



XXV. I certify that the title of my clients, MALLHAR REALTORS PVT. LTD. to the said property is clear, marketable and free from all encumbrances.

XXVI. The aforesaid title certificate is issued by me on the basis of the documents produced by my clients, information available to me, verbal instructions of my clients and on the basis of my professional judgment.

Dated this 15th day of May 2015.



ADVOCATE