



*P. Hari*

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ADVOCATE, HIGH COURT

**LEGAL POINT**

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### CERTIFICATE OF TITLE

I have been instructed by one **M/s. TIRUPATI DEVELOPERS**, a partnership firm constituted under the provisions of the Indian Partnership Act, 1932, having its place of business at 33, Venkateshwara Building, Station Road, Bhayandar (W), District Thane - 401 101, has instructed me to give my report of title in respect of the property mentioned hereunder.

- 1) Originally one late Mr. Mohomed Ibrahim Shaikh Ismail, during his lifetime, amongst other properties was the sole and exclusive and absolute owner / occupant and/or was absolutely seized and possessed of and / or otherwise and sufficiently entitled inter alia, to all that pieces and parcels of agricultural lands or grounds bearing (1) Old Survey No. 14 (pt), Hissa No. 2 (pt), (New Survey No.350/2) admeasuring 1492 sq. mtrs. or thereabout & (2) Old Survey No. 13, Hissa No. 2, (New Survey No. 349/2) admeasuring 1 Hectre-05 Are -5 prati i.e. 10648 sq. mtrs. or thereabout, both situate at, being and lying at Revenue Village Bhayandar, Taluka & District Thane hereinafter referred to as **"THE SAID LAND/PROPERTY"**.
- 2) The said Mr. Mohomed Ibrahim Shaikh Ismail, died on or about 17th September, 1979, leaving behind him a writing dated 31st August, 1979, by way of last will and testament.
- 3) The abovesaid will was probated and in a proceedings before the ld.Civil Judge Sr. Division, Thane in Civil Misc. Petition No. 77, of 1981 in favour one MR. ASGHARKHAN AZAMKHAN PATHAN, by and vide an order dated 28th June 1982.
- 4) As per the said probate of the said Will dated 31st July 1979, the shares of the legaties or the beneficiaries as per the said will were determined as follows i.e. Shri. Shaikh Abdul Gafoor Mohomed Eshak 1/3 share i.e 33.34%, Smt. Zainabbi Azamkhan Pathan 1/3 share i.e 33.33 % and Asgarkhan Azamkhan Pathan Owner No. 1, 1/3 share i.e 33.33%.
- 5) The said Smt. Zainabbi Azamkhan Pathan died intestate, without leaving any writing by way of her last will and testament, on or about 24th September, 1983, leaving behind her surviving one daughter and three sons.
- 6) The said Smt. Zainabbi Azamkhan Pathan was governed by the Mohammedan Law, applicable to Sunnis and accordingly, her share and interest in the property/ estates of late Mr. Mohomed Ibrahim Shaikh Ismail, which was 33.3% was distributed amongst her heirs, Mrs. Fatemakhatoon Sarfarazkhan Pathan, (since deceased), getting 1/7 share, i.e 4.77%, Mr. Ashgarkhan Azamkhan Pathan getting 2/7 share i.e 9.25 % and Mr. Aktrarkhan Azamkhan Pathan (since

deceased), getting 2/7th share i.e 9.25% and consequently they had mutually agreed to the following shares in the Said Land :-

Sr. No.	Names	Shares
1)	MR. SHAIKH ABDUL GAFOOR MOHOMED ESHAK	34%
2)	MRS. FATEMAKHATOON SARFRAZKHAN PATHAN	5%
3)	MR. ANWARKHAN AZAMKHAN PATHAN	10%
4)	MR. ASGARKHAN AZAMKHAN PATHAN	41%
5)	MR. AKTARKHAN AZAMKHAN PATHAN	10%
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	Total	100%

- 7) The said Mr. Shaikh Abdul Gaffor Mohomed Eshak, also died intestate, without leaving any writing, by way of his last will and testament, on or about 30th December, 1987, leaving behind him surviving his wife, two daughters and two sons, viz:- Mrs. Tahera Shaikh Abdul Gaffor, Mrs. Noorjahan Javed Khan, Mrs. Naima Imtiaz Qureshi, Mr. Ataur -Rehman Shaikh Abdul Gafoor & Mr. Hafisur-Rehman Shaikh Abdul Gafoor, and since he was governed by the Mohammedan Law, applicable to Sunnis and accordingly his share and interest in the property/estates of the late Mr. Mohomed Ibrahim Shaikh Ismail, which was 34% is distributed amongst his heirs, Mrs. Tahera Shaikh Abdul Gafoor getting 1/8th share i.e 4.30 % and the remaining 7/8th share is distributed amongst his two daughters viz:- Mrs. Noorjahan Javedkhan, 4.95% & Mrs. Naima Imtiaz Qureshi, getting 4.95 %, Mr. Ataur Rehman Shaikh Abdul Gafoor, getting 9.90 % & Mr. Hafizur Rehman Shaikh Abdul Gafoor, getting 9.90% respectively, but they had mutually agreed to take the said 34% share in the said property/estates left by the deceased Mr. Shaikh Abdul Gafoor Mohomed Eshak in the following proportions :-

Sr. No.	Name	Shares
1)	MRS. TAHERA SHAIKH ABDUL GAFOOR	4%
2)	MRS. NOORJAHAN JAVED KHAN	5%
3)	MRS. NAIMA IMTIAZ QURESHI	5%
4)	MR.ATAUR-REHMAN SHAIKH ABDUL GAFOOR	10%
5)	MR. HAFIZUR-REHMAN SHAIKH ABDUL GAFOOR	10%
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	Total	34%

- 8) Upon the demise of said Mr. Shaikh Abdul Gaffor Mohomed Eshak, whatever his shares in the Said Entire Land came to be shared by his legal heirs in the following ratios :-



Sr. No.	Names	Shares
1)	MR. ANWARKHAN AZAMKHAN PATHAN (SINCE DECEASED)	10%
2)	MR.. ASGARKHAN AZAMKHAN PATHAN	41%
3)	MR. AKTARKHAN AZAMKHAN PATHAN (SINCE DECEASED)	10%
4)	MRS. FATEMAKHATOON SARFRAZKHAN PATHAN (SINCE DECEASED)	5%
5)	MRS. TAHERA SHAIKH ABDUL GAFOOR	4%
6)	MRS. NOORJAHAN JAVED KHAN	5%
7)	MRS. NAIMA IMTIAZ QURESHI	5%
8)	MR.ATAUR-REHMAN SHAIKH ABDUL GAFOOR	10%
9)	MR. HAFIZUR-REHMAN SHAIKH ABDUL GAFOOR	10%
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Total		100%

- 9) The said Mr. Anwarkhan Azamkhan Pathan, died intestate, without leaving any writing by way of his last will and testament, on about 25th August 1992, leaving behind him surviving his widow Mrs. Salima Anwarkhan Pathan and married one daughter, Mrs. Shabhana Ayaz Khan , two full brothers and one full sister, as the per the Mohammedan Law, applicable to Sunnis and accordingly his share and interest in the Said Land of the late Mr. Mohomed Ibrahim Shaikh Ismail, which was 10% distributed amongst his heirs, Mrs. Salima Anwarkhan Pathan (Widow), getting 5/40 share i.e 12.5% Mrs. Sahabana Ayaz Khan (Nee Ms. Shabana Anwarkhan Pathan) (daughter), 3 getting 20/40 share i.e. 50% Mr. Asgarkhan Azamkhan Pathan , (full brother) (since deceased) getting 6/40 i.e. 15% and Mrs. Fatemkhatoon Sarfraskhan Pathan (full sister), (since deceased) getting 3/40 share i.e. 7.5 % respectively and they have agreed to take/share the said 10% share left by the deceased Mr.Anwarkhan Azamkhan Pathan in the following ratios :-

Sr. No	Names	Shares
1)	MRS. SALIMA ANWARKHAN PATHAN (WIDOW)	1.25%
2)	MRS. SMT. SHABANA AYAZ KHAN (DAUGHTER)	5.00%
3)	MR. ASGARKHAN AZAMKHAN PATHAN (FULL BROTHER)	1.50%
4)	MR. AKTARKHAN AZAMKHAN PATHAN (FULL BROTHER) (SINCE DECEASED)	1.50%
5)	MRS. FATEMAKHATOON SARFRAZKHAN PATHAN (FULL SISTER) (SINCE DECEASED)	0.75%
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Total		10.00%

- 10) Upon the demise of said Mr. Anwarkhan Azamkhan Pathan, whatever his share in Said Land came to be shared by his legal heirs in the following ratios:-

Sr. No.	Names	Shares
1)	MR. ASGARKHAN AZAMKHAN PATHAN	42.50%
2)	MR. AKTARKHAN AZAMKHAN PATHAN (SINCE DECEASED)	11.50%
3)	MRS. FATEMAKHATOON SARFRAZKHAN PATHAN (SINCE DECEASED)	5.75%
4)	MRS. SALIMA ANWARKHAN PATHAN	1.25%
5)	MISS. SHABANA AYAZ KHAN	5.00%
6)	MRS. TAHERA SHAIKH ABDUL GAFOOR	4.00%
7)	MRS. NOORJAHAN JAVED KHAN	5.00%
8)	MRS. NAIMA IMTIAZ QURESHI	5.00%
9)	MR. ATAUR-REHMAN SHAIKH ABDUL GAFOOR	10.00%
10)	MR. HAFIZUR-REHMAN SHAIKH ABDUL GAFOOR	10.00%
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Total		100.00%

- 11) The said Mr. Akhtarkhan Azamkhan Pathan died intestate, without leaving any will by way of his last will and testament, on or about 6th June 1999, leaving behind him his widow, Mrs. Najma Akhtarkhan Pathan, two daughters, Mrs. Badrunnisa Salahuddin Meer (Nee Ms. Badrunnisa Akhtarkhan Pathan), Ms. Zaibunnisa Akhtarkhan Pathan, one full brother, Mr. Asgarkhan Azamkhan Pathan, and one full sister, Mrs. Fatemakhatoon Sarfrazkhan Pathan and since he was governed by the Mohammedan Law, applicable to Sunnis at the time of his death and accordingly share and interest in the Said Land of the late Mr. Mohammed Ibrahim Shaikh Ismail, which is 11.50% is distributed amongst his heirs, Mrs. Najma Akhtarkhan Pathan (Widow) getting 1/8th share i.e. 12.5% Mrs. Badrunnisa Salahuddin Meer (daughter maiden name Badrunnisa Akhtarkhan Pathan) getting 33.3%, Miss. Zaibunnisa Akhtarkhan Pathan (daughter) getting 33.3% Mr. Asgharkhan Azamkhan (full brother), getting 13.89% and Mrs. Fatemakhatoon Sarfrazkhan Pathan (full sister since deceased) getting 6.95% respectively and they had agreed to take/share the said 11.5% share left by the deceased Mrs. Akhtarkhan Azamkhan Pathan, in the Said Land, in the following ratios:-

Sr. No.	Names	Shares
1)	MRS. NAJMA AKTARKHAN PATHAN (WIDOW)	1.50%
2)	MRS. BADRUNISA SALAHUDDIN MEER (DAUGHTER)	3.85%
3)	MISS. ZAIBUNNISA AKTARKHAN PATHAN	3.85%

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|----|---|-------|
| 4) | MR. ASGARKHAN AZAMKHAN PATHAN<br>(FULL BROTHER)                         | 1.50% |
| 5) | MRS. FATEMAKHATOON SARFRAZKHAN PATHAN<br>(FULL SISTER) (SINCE DECEASED) | 0.80% |

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Total 11.50%

- 12) Upon the demise of Mr. Akhtarkhan A. Pathan, the shares in the Said Land came to be as under :-

Sr. No.	Names	Shares
1)	MR. ASGARKHAN AZAMKHAN PATHAN	44.00%
2)	MR. NAJMA AKTARKHAN PATHAN	1.50%
3)	MR. BADRUNISA SALAHUDDIN MEER	3.85%
4)	MISS. ZAIBUNNISA AKTARKHAN PATHAN	3.85%
5)	MRS. FATEMAKHATOON SARFRAZKHAN PATHAN	6.55%
6)	MRS. SALIMA ANWARKHAN PATHAN	1.25%
7)	MRS. SHABANA AYAZ KHAN	5.00%
8)	MRS. TAHERA SHAIKH ABDUL GAFOOR	4.00%
9)	MRS. NOORJAHAN JAVED KHAN	5.00%
10)	MRS. NAIMA IMTIAZ QURESHI	5.00%
11)	MR. ATAUR-REHMAN SHAIKH ABDUL GAFOOR	10.00%
12)	MR. HAFIZUR-REHMAN SHAIKH ABDUL GAFOOR	10.00%
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Total		100.00%

- 13) The said Mrs. Fathemakhatoon Safarskhan Pathan died intestate, without leaving any writing by of her last will and testament ,on 2nd June 2002 and leaving behind her as her only heirs four sons and two daughters. The said Mrs. Fatemakhatoon Sarfarz Khan Pathan , at the time of her death was governed by the Mohammedan Law, applicable to Sunnis and accordingly, her share and interest in the Said Land which was 6.55% is distributed amongst her heirs in the ratio of 2:1 respectively, i.e sons getting double the share than the daughter, viz:- MR. MOZZAMALI SARFRAZKHAN PATHAN (son) , MRS. QUDSIYA ISMAIL SHAIKH, MR. MUZAFFARALI SARFRAZKHAN PATHAN (son), MR. FAIZ SARFRAZKHAN PATHAN (son) & MRS. KAUSAR ALTAF (daughter) , and they have agreed and accepted to take/ share the said 6.55% left by their mother the deceased Mrs. Fatemakhatoon Sarfarz Khan Pathan in the following ratios :-



Sr. No.	Names	Shares
1)	MR. MOZZAMALI SARFRAZKHANPATHAN	1.31%
2)	MRS. QUDSIYA ISMAIL SHAIKH	0.655%
3)	MR. MUZAFFARALI SARFRAZKHAN PATHAN	1.31%
4)	MR. FAIZ SARFRAZ (SON)	1.31%
5)	MR. FAYYAZAHMED SARFRAZKHAN PATHAN	1.31%
6)	MR. KAUSAR ALTAF SHAIKH	0.655%
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		Total 6.55%

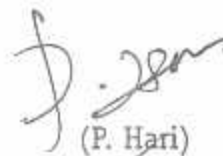
- 14) The Said Land at relevant times stood in the name of late Mr. Mohomed Ibrahim Shaikh Ismail.
- 15) For the facts and cirmcumstances mentioned hereinabove, the below mentioned surviving legal heirs of the said late Mr. Mohomed Ibrahim Shaikh Ismail become entitled to the said Entire Land in the following ratios :-

Sr. No.	Names	Shares
1)	MR. ASGARKHAN AZAMKHAN PATHAN	44.00%
2)	MRS. SALIMA ANWARKHAN PATHAN	1.25%
3)	MRS. SHABANA AYAZ KHAN	5.00%
4)	MRS. NAJMA AKTARKHAN PATHAN	1.50%
5)	MRS. BADRUNISA SALAHUDDIN MEER	3.85%
6)	MISS. ZAIBUNNISA AKTARKHAN PATHAN	3.85%
7)	MRS. TAHERA SHAIKH ABDUL GAFOOR	4.00%
8)	MRS. NOORJAHAN JAVED KHAN	5.00%
9)	MRS. NAIMA IMTIAZ QURESHI	5.00%
10)	MR. ATAUR-REHMAN SHAIKH ABDUL GAFOOR	10.00%
11)	MR. HAFIZUR-REHMAN SHAIKH ABDUL GAFOOR	10.00%
12)	MR. MOZZAMALI SARFRAZKHAN PATHAN	1.31%
13)	MRS. QUDSIYA ISMAIL SHAIKH	0.655%
14)	MR. MUZAFFARALI SARFRAZKHAN PATHAN	1.31%
15)	MR. FAIZ SARFRAZ (SON)	1.31%
16)	MR. FAYYAZAHMED SARFRAZKHAN PATHAN	1.31%
17)	MRS. KAUSAR ALTAF SHAIKH	0.655%
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		Total 100.00%

- 16) The abovementioned 17 nos surviving legal heirs of late Mr. Mohomed Ibrahim Shaikh Ismail, are hereinafter collectively referred to as "**The Original Owners**".
- 17) The Original Owners, by and vide an agreement dated 30th June 2003, have sold, transferred, assigned and further agreed to convey one of piece of land out of the Said Land being land bearing Old Survey No. 13, Hissa No. 2, (New Survey No. 349/2) admeasuring 1 Hectre-05 Are -5 Prati i.e 10,648 sq. mtrs. or thereabout, in favour of the abovesaid **M/S. TIRUPATI DEVELOPERS** at and on the terms and conditions and for considerations which are more particularly described in the said agreement and simultaneously thereof, the Original Owners have handed over the quiet, vacant, peaceful, actual & physical possession of the said piece of land in favour of the abovesaid **M/s. TIRUPATI DEVELOPERS**.
- 18) Likewise, by and vide an agreement dated 31st July, 2003, the Original Owners have sold, transferred, assigned and further agreed to convey remaining piece of land out of the Said Land, being land bearing Old Survey No. 14 (pt), Hissa No.2 (pt), (New Survey No.350/2), admeasuring 1,492 sq. mtrs. or thereabout, at and on the terms and conditions and for considerations, which are more particularly described in the Said agreement and simultaneously thereof, the Original Owners have handed over the quiet, vacant, peaceful actual and physical possession of the abovesaid other or remaining piece of land in favour of the abovesaid **M/s. TIRUPATI DEVELOPERS**.
- 19) For the facts and circumstances mentioned hereinabove, the abovesaid **M/s. TIRUPATI DEVELOPERS** become entitled to the Said Land.
- 20) A search of the Said Land has been caused to be carried out of the Said Land and during the search, no transaction has been detected in respect of the Said Land.
- 21) From the perusal of the aforesaid writings and also based on the report of search, in my opinion, the title of the said **M/s. TIRUPATI DEVELOPERS**, in respect of the Said Land is clear and marketable and free from any encumbrances whatsoever.

Bhayandar

Dated 10th January, 2005



(P. Hari)

Advocate, High Court, Mumbai.