

**REPORT ON TITLE**

Bellissimo Mahavir Associates  
Dwellers Private Limited

(Ex-parte)

**Re: Property bearing**

Survey No	Hissa No	Area (in sq. mtrs.)
98	2	3540

**situate at Village Ghodbunder Thane, District Thane.**

1. On the instructions of my clients Bellissimo Mahavir Associates Dwellers Private Limited (hitherto Mahavir Associates), I have investigated their title to the captioned property.
2. For the purpose of my title opinion, I have
  - (a) reviewed and perused certified true copies of the several relevant documents evidencing the rights and interests of Mahavir Associates.;
  - (b) perused revenue record and also caused to make enquiries at the concerned Land Revenue Officer located at Village and Taluka levels with respect to land records from this date, going back 30 years;
  - (c) Consent Decree/Decree passed in legal proceedings before Court of Senior Division, Thane Court in respect of the above property as well as Supplemental Agreement / Confirmation in connection therewith;
  - (d) and gathered explanation and information relating to the said Property.
3. The Revenue Records viz. 7/12 extract and 6/12 extract maintained at the Talathi and Tahsildar's Office which reflect the names of Krishnabai Raghunath Patil as a Owner as of the date of this certificate.
4. As per Mutation Entry 332 dated 09/05/1954, pursuant to the Order No. RTS-SR/301/25/9/51 & RTS-SR54/17/3/52 passed by the Collector, Thane as well as Order No.A.D.M.S.R.6/6/4/52 dated 08/04/1954 along with Revenue Department Letter No. 282/49/67816 D dated 174/09/1961 the name of Estate Investment Company was entered as a landholder in respect of entire land falling within limit of Village Ghodbunder.

5. As per Mutation Entry No.531 dated 22/12/1957 on death of Mukund Shinwar Mhatre around 4 years back, the names of his only legal heir Atmaram Mukund Mhatre was entered on the 7/12 extract in respect of the Property bearing S.No. 85/2, 98/2 and 101/4.
6. Mutation Entry No.808 dated 20/11/1970 was entered on account of the enforcement of enactment of Weight and Measurement (Enforcement) Act, 1957 and Indian Coinage Act, 1957.
7. As per Mutation No.810 dated 24/04/1971 pursuant to the Taluka Order No. 1971/24/4/71 earlier Mutation Entry No.509 dated 03/10/1956 1/3<sup>rd</sup> share and rights of Khot was reduced. Under provision of Section 3 (1) of Salsatte Estate (Land Revenue Abolition) Act, 1951 rights of Estate Investment Company to collect any nature of income, had been deleted. However, the said deletion was subject matter of the dispute filed by the said Company.
8. As per Mutation Entry No.1123 dated 29/09/1987 the said Property being identified as Survey No.98/2 admeasuring 3541 sq.mts. is declared to be a surplus land under provision of Section 10 (1) of Urban Land (Ceiling and Regulation) Act, 1976 by Competent Authority, Thane Urban Agglomeration.
9. As per Mutation Entry No.1195 dated 08/02/1989, pursuant to the Order of Resident Deputy Collector and Additional Collector in Appeal RTS 14/83 dated 28/01/1989 and Order of Tahsildar Thane bearing No.RTS/V/Vashi367 dated 07/02/1989, and earlier mutation entry No. 810 dated 24/04/1971 passed on the basis of Tahsildar Order No. 1971/24/4/71 was revoked. Also, Sub-Divisional Officer, Thane Order dated 28/05/1983 thereto stand cancelled. By reason whereof, Estate Investment Company Limited name was re-entered as lease holder in other rights column of 7/12 extract with respect of total land comprised in the Village Ghodbunder (kauli).
10. By three Agreements dated 12/02/1990 entered into and executed by and between Atmaram Mukund Mhatre and Rukmini Atmaram Mhatre as Sellers of the One Part and Meera Developers Private Limited as the Purchasers of the Other Part, the said Sellers agreed to sell transfer and assign their respective right, title and interest in the Properties bearing S.No.90/3P admeasuring 8960 sq.mts., Survey No. 85/2P admeasuring 3630 sq.mts. Survey No. 91/1P (91/1K) admeasuring 1260, Survey No.91/2 admeasuring 3340 sq.mts., Survey No.98/2 admeasuring 3540 sq.mts. and Survey No.101/4 admeasuring 2630 sq.mts. aggregating in all 23,360 sq.mts. for price and on terms and conditions stated under the respective agreements. The said Agreements are not available for my inspection. Pursuant thereto, the said Seller had also executed Power of Attorney dated 09/03/1990 and Declaration of even date for title. The said Agreement was modified by the Supplemental Agreement dated 02/02/1990 entered into by the parties to the aforesaid Agreement and registered under No.1035 on 12/02/1990 with the Sub-Registrar Office at Thane on terms and condition stated therein.

11. By an another Agreement dated 19/06/1992 executed and entered into by and between M/s. Meera Developers Private Limited as the Vendor of the One Part and Mahavir Associates as the Purchasers of the Other Part, the said Vendors in turn agreed to sell transfer and assign their right, title and interest in the in the Properties bearing S.No.90/3P admeasuring 8960 sq.mts., Survey No. 85/2P admeasuring 3630 sq.mts. Survey No. 91/1P (91/1K) admeasuring 1260, Survey No.91/2 admeasuring 3340 sq.mts., Survey No.98/2 admeasuring 3540 sq.mts. and Survey No.101/4 admeasuring 2630 sq.mts. aggregating in all 23,360 sq.mts. together with benefit and advantages of the 3 Agreements and Supplementals thereto referred in Clause No.10 hereinabove, for consideration and on terms and conditions stated therein.
12. Subsequently in the year 1994, the said Meera Developers Private Limited had filed against Atamaram Mhatre & Others a suit viz. Special Civil Suit No.663 of 1994 before Civil Judge (S.D.) Thane for specific performance of the Agreement for Sale of property bearing Survey No. 98/2 admeasuring 3540 sq.mtr. and other relief.
13. As per Mutation Entry No.1478 dated 21/01/2000 on death of Atmaram Mukund Mhatre on 27/09/1998 the names of his legal heirs 1) Rukminibai Atmaram Mhatre (wife), 2) Krishnabai Raghunath Patil (daughter) were entered on the 7/12 extract in respect of the said Property.
14. During the pendency of the above Suits the said Atamaram Mukund Mhatre (Landholder) died on 27/09/1998. In the course of his lifetime, the said deceased Landholder made a Last Will dated 29/09/1990. The fact of the occurrences of death of the said deceased Landholder is recorded in Mutation Entry No. 1497. Thus, the said Mutation Entry inter alia recorded that under the said Last Will, the said deceased Landholder bequeathed the said Property to Ravindra Jagannath Patil and others (legal heirs / legatees). By reason whereof the said Suit Proceedings were amended to brought on record legal heirs / legatees of the deceased as party Defendant Nos. 1/1, 1/2, 2, 3, 4, 5 and 7 to 11 in place of the deceased Landholder.
15. The said suit proceedings were once again amended to implead Mahavir Associates as a party Defendants in view of the fact that Meera Developers Private Limited had agreed to sell the said Property to Mahavir Developers.
16. As per Mutation Entry No.1559 dated 10/05/2005 it is recorded that pursuant to the Order of Additional Collector and Competent Authority, Thane Urban Agglomeration bearing No. ULC/TA/TN1 4 of 2005 dated 17/04/2005 possession of property bearing 98/2 admeasuring 3541 sq.mts. which are declared to be a Surplus land under provision of Section 10 (1) of Urban Land (Ceiling and Regulation) Act, 1976 has been taken over by Government of Maharashtra. Accordingly, necessary mutation in record of rights with

regard to the surplus land ordered to be carried out. As such, in other rights column the notation of Government of Maharashtra was directed to be entered in respect of the said Property (Revenue Section -1 / T3 / Record of Rights - Surplus Land / 5/005 dated 09/05/2005).

17. As per Mutation Entry 1564 dated 21/09/2005, it is recorded that with reference to Mutation Entry No.1559 since the notation of the Government of Maharashtra was ordered to be entered in landholders column of 7/12 extract, the Government of Maharashtra was entered in landholders column and the name of the landholders was transposed to the other rights column (Order No.ULC/THANE/TN7/SR/2 dated 21/09/2005).
18. As per Mutation Entry No.1863 dated 22/05/2009 it is recorded that notation Government of Maharashtra entered on 7/12 extract the land bearing S.No. 98/2 under Section 10 (5) of Urban Land (Ceiling and Regulation) Act, 1976. However, land Owner Krishnabai Raghunath Patil and Others through Mangal Prabhat Lodha of Mahavir Associates had filed an Appeal under Section 34 of the said Act before Hon'ble Chief Minister, Maharashtra State. In the said Appeal Order No.ULC/22/2007/232/ULC-2 dated 27/11/2007 was passed on 21/10/2000 under Section 20 of the said Act wherein it is ordered that the said land be allowed to be developed. Thus, the acquisition proceedings under Section 10 of the said Act were quashed and set aside. Accordingly, the notation of the Government of Maharashtra on 7/12 extract of the said property be deleted.
19. The Suit bearing No. 663 of 1994 for specific performance and other relief referred in Clause 12 above was settled mutually and Consent Terms were signed by the Plaintiffs and the Defendants therein, and in turns the said Consent terms was filed with the Civil Judge (S.D.) Thane. Accordingly, while taking the Consent Terms on record, Hon'ble 2<sup>nd</sup> Joint Civil Judge (S.D.) passed an Order dated 03/11/2007 whereby the said suit was decreed in terms of the Consent Terms and correspondingly the decree was drawn up on 05/01/2008, which was meant to be operate as Conveyance of the property bearing Survey No. 98/2.
20. Consequently, under the cover of Declaration dated 09/01/2008 annexed therewith said Decree, executed and registered under Serial No.TNN-1-260-2008 on 11/01/2008 with the Office of Sub-Registrar of Assurances, by Mangal Prabhat Lodha as a Partner of Mahavir Associates the said Decree has been registered.
21. In view of the above, Mahavir Associates became entitled to all right, title and interest in the said Property as an Owners thereof.
22. In the course of time,
  - i) under Mutation Entry No.1782 dated 17/09/2008, it is recorded that vide Order No.Rev.Desk-1/T-1/Land/Est.



Invest/12/2007 dated 05/09/2008 issued by Collector Thane, the name of "The Estate Investment Company Private Limited" was entered inter alia on the 7/12 extract of the land bearing Survey Nos.98/2 as a Occupant and the name of the actual Occupant was entered below the line thereof. It is further ordered that the name of the Estate Investment Company Private Limited was deleted from other rights column of the 7/12 extract and substituted with remark i.e. "eligible for leasing out".

- ii) As per Mutation Entry No.2118 dated 29/08/2011 it is recorded that Mutation Entry No.1782 came to be recorded on the basis of the Order Nos. (i)Rev/Desk-1/T-1/Land/Est.Invest/12.07 dated 05/09/2008 and (iii) Nos. Rev/K-1/T-3/Record of Rights/Kavi/12265 SR 1745/2008 dated 16/09/2008 issued by the then Collector, Thane. However, Writ Petition No.7500/2008, 6986/2008, 7988/2008, 6994/2008, 7012/2008, 7989/2008, 7487/2008, 7488/2008, 7990/2008, 7490/2008, 7496/2008 and 8000/2008 were filed before the Hon'ble Bombay High Court challenging the said Orders of the Collector, Thane. The Hon'ble Bombay High Court has adjudicated that above Writ Petitions vide its Order dated 14th July 2011 and 15th July 2011 wherein the Mutation Entry No.1782 was upheld. However it is further ordered that the Petitioners in the said Writ Petitions can approach Court of competent jurisdiction for declaration of their right, title and interest in the said land within 8 weeks from the date thereof.
23. As per Mutation Entry No.2424 dated 26/08/2013 an encumbrance of penalty being imposed on account of unauthorized excavation of sand, was ordered to be recorded in other rights column of the 7/12 extract in respect of the land comprised in Survey No. 98/2.
24. As per Mutation Entry No.2720 dated 02/01/2016 it is recorded that vide Letters bearing No.(i) Rev/Room-1/Record of Rights-1/T-3/Kavi-20517/15 dated 05/12/2015 issued by Tahsildar Thane, (ii) No.2208/Case No.319 ULC dated 01/12/2008 issued by Assistant Secretary, Maharashtra Government & (iii) Order dated 26/03/2009 and 05/11/2009 issued by Additional Collector and Competent Authority, Thane, Urban Agglomeration Thane under section 20/21 of ULC Act, under the said communications and order it is inter alia stated that all Project (House Property and Special Township Project) or any other purpose exempted under the said provision of ULC Act cannot be alienate without permission of the concerned authority. As such the remark concerning the aforesaid restriction was directed to be indicated in other rights column of 7/12 extract of the respective properties which include Property bearing Survey No. 98/2 admeasuring 3540 sq. mtrs. This Mutation has become redundant in view of enactment of Urban Land (Ceiling and Regulation) Repeal Act, 1999 read with State of Maharashtra by notification dated 1st December, 2007.

25. Furthermore, Application for Execution of Decree bearing No. 35 of 2016 in Special Civil Suit No.663 of 1994 filed before the Court of Civil Judge, Thane for Execution of Decree dated 03/11/2007 by Mahavir Associates against Meera Developers and Others and the same is pending.
26. Nevertheless, the aforesaid Application for Execution in the said Suit is almost settled between the Parties thereto. The Consent Terms signed and executed by the Parties thereto and to be filed before the Court of Civil Judge, Thane for necessary Order on 18/09/2017.
27. In the meanwhile parties to the said Application for Execution have already executed and registered requisite documents as hereinafter stated.
28. By a Deed of Confirmation / Supplemental Agreement dated 29/06/2017 with annexure attached thereto, executed and registered under Serial No.TNN-12-1780/2017 amongst 1) Ravindra Jagannath Patil, 2) Sanjay Narayan Patil, 3) Ratnprabha Ravindra Patil, 4) Jayesh Ravindra Patil, 5) Dakshata Ravindra Patil, 6) Vidhi Ravindra Patil, 7) Sangeeta Sanjay Patil, 8) Tejas Sanjay Patil, 9) Mitali Sanjay Patil, 10) Jaymala Kishore Patil, 11) Kishore Kesharinath Patil, 12) Siddharth Kishore Patil, 13) Abhishek Kishore Patil, 14) Mahendra Raghunath Patil, 15) Aasha Raghunath Patil, 16) Viva Mahendra Patil, 17) Om Mahendra Patil, 18) Hemendra Bhalchandra Patil, 19) Priya Hemendra Patil, 20) Aryan Hemendra Patil, 21) Krishnabai Raghunath Patil (Vendors) of One Part AND Mahavir Associates (Purchasers) of the Second Part and Meera Developers Private Limited (Confirming Party) of the Third Part whereunder it is inter alia agreed that the said Vendors have agreed and entrusted the development of the said Property to Mahavir Associates with the confirmation of the Confirming Party for valuable consideration and on terms and conditions stated therein. Under the said Supplemental Agreement it is inter alia provided that Mahavir Associates are entitled to develop the said Property in accordance with sanctioned building plans design and specification and also entitled to deal with and dispose of the flats, shops, units and such other premises to the prospective purchasers as they may deem fit and proper at their sole discretion. It is also provided that the 7/12 extract reflects the name of Estate Investment Company Private Limited as a Landowner and in the other rights column remark "liability of rent payment to the said Estate Investment Company Private Limited and also subject to requisite permission for development and transfer of said property under section 43 of Maharashtra Tenancy and Agricultural Land Act, 1948. The remark as to provision of Section 20 and 21 of the Urban Land (Ceiling and Regulation) Act, 1976 is no longer applicable as the said Act came to be repealed under enactment of Urban Land (Ceiling and Regulation) Repeal Act, 1999 read with State of Maharashtra by notification dated 1st December, 2007.

29. By a Power of Attorney dated 29/06/2017 executed and registered under Serial No.TNN-12-1780/2017, the said Ravindra Jagannath Patil and Others with the confirmation of Meera Developers Private Limited granted powers and authorities to Mahavir Associates to do all acts, deeds, matters and things including power to develop, as more particularly set out therein in respect of the said Property. The said Power of Attorney also empowers Mahavir Associates to execute and register Conveyance for and on behalf of the Vendors in favour of Mahavir Associates or their nominees with or without development.
30. The Partnership Firm viz. Mahavir Associates is now converted to a private limited Company as Bellissimo Mahavir Associates Dwellers Private Limited, pursuant to the Certificate of Incorporation dated 25th August 2017 issued by Registrar of Companies under Section 7 (2) of the Companies Act, 2013 and Rule 18 of the Companies (Incorporation) Rules, 2014.
31. On the basis of the aforesaid findings and subject to what is stated hereinabove, I am opinion that Bellissimo Mahavir Associates Dwellers Private Limited, by virtue of Suit Decrees read with Deed of Confirmation / Supplemental Agreement dated 29/06/2017 and Power of Attorney thereto, are entitled to the said property as Owners thereof and carry out development thereon.

**THE SCHEDULE ABOVE REFERRED TO:**

**Re: Property bearing**

<b>Survey No</b>	<b>Hissa No</b>	<b>Area (in sq. mtrs.)</b>
98	2	3540

**situate at Village Ghodbunder Thane, District Thane.**

Dated this 29<sup>th</sup> day of August, 2017



(Pradip Garach)  
Advocate High Court Bombay

