

Balkum - 55

REPORT ON TITLE


Shree Sainath Enterprises Construction
and Developers Private Limited

(ex-parte)

Re: Property bearing

Old Survey No. /Hissa No.	New Survey No. /Hissa No.	Area (sq. mtrs.)
95/25 (Part)	183/25B	380

admeasuring 380 sq. mtrs. or thereabouts situate at Village Balkum Taluka and District Thane (hereinafter referred to as "**said Property**").

1. On the instructions of my Clients Shree Sainath Enterprises Construction and Developers Private Limited ("**SSEPL**"), I have investigated the Title in respect of the captioned Property.
2. I have prepared this Title Opinion in respect of the said Property on the basis of perusal of the revenue records namely Village Form 7/12 Extracts (Record of Rights) and Village Form 6 (Mutation Entries) issued by Talathi and documents relating to transactions thereto, produced before me for my inspection, information and explanation gathered by me and other documents, if any, provided to me.
3. For the purpose of preparing this Title Opinion, I have:
 - i. Reviewed copies of the relevant documents evidencing the rights, title and interests of SSEPL in respect of the said Property;
 - ii. Reviewed Village Extract Form 7/12 (Record of Rights) in respect of the said Property; and reviewed Village Extract Form 6 (mutation entries) in respect of entries recorded therein for the last 30 (thirty) years;
4. **Title History** 

- a. As per Mutation Entry No.256 dated 25/03/1928 it is recorded that it is recorded that on the basis of submission made by Devu Dharma Bhoir that the captioned Property was not owned by him and same is owned by Ganpat Dharma Bhoir. Thus the name of Ganpat Dharma Bhoir be entered as a landholder of the said Property then bearing Survey No.95/25/2.
- b. Mutation Entry No.2310 dated 05/07/1972 was entered on account of the enforcement of enactment of Weigh and Measure (Enforcement) Act, 1958 and Indian Coinage Act, 1955.
- c. As per Mutation Entry No.2472 dated 26/09/1977 it is recorded that on death of Ganpat Dharma Bhoir around 9/10 years, the names of his legal heirs 1) Babu Ganpat Bhoir, 2) Harishchandra Ganpat Bhoir, 3) Chandribai Ramdas Patil were entered in the 7/12 extract in respect of the said Property then bearing Survey No.95/25/2.
- d. As per Mutation Entry No.3081 dated 12/08/2003 it is recorded that on computerization of land record by the Revenue and Forest Authority, Property bearing then Survey No.95/25/2 was assigned New Survey No.183/25B.
- e. As per Mutation Entry No.3115 dated 16/12/2004 it is recorded that on death of Babu Ganpat Bhoir on 15/12/1989, the names of his legal heirs 1) Savitribai Babu Bhoir, 2) Neelkantha Babu Bhoir, 3) Keshav Babu Bhoir, 4) Radhabai Jagannath Mhatre, 5) Bhagabai Chindu Patil, 6) Bhanubai Narayan Patil, 7) Alka Suresh Umratkar, 8) Anusaya Hiranman Wande, 9) Uma Dayanand Bhoir, 10) Harsihchandra Bhoir (since deceased) 11) Yeshwant Harishchandra Bhoir (since deceased), 12) Anusaya Yeshwant Bhoir, 13) Chandrakant Yeshwant Bhoir, 14) Prakash Yeshwant Bhoir, 15) Nanda Suresh Gaikwad and 16) Lata Kishore Bhoir were entered in the 7/12 extract of the said Property.
- f. As per Mutation Entry No.3413 dated 05/06/2008 it is recorded that on death of Savitribai Babu Bhoir on 30/04/2007, the names of her legal heirs 1) Neelkantha Babu Bhoir, 2) Keshav Babu Bhoir, 3) Radhabai Jagannath Mhatre, 4) Bhagabai Chindu Patil, 5) Bhanubai Narayan Patil, 6) Alka Suresh Umratkar, 7) Anusaya Hiranman Wande, 9) Uma Dayanand Bhoir, 10) Harsihchandra Bhoir (since deceased) 11) Yeshwant Harishchandra Bhoir (since deceased), 12) Anusaya Yeshwant Bhoir, 13) Chandrakant Yeshwant Bhoir, 14) Prakash Yeshwant Bhoir, 15) Nanda Suresh Gaikwad and 16) Lata

Kishore Bhoir were entered in the 7/12 extract of the said Property.

- g. As per Mutation Entry No.3651 dated 16/12/2010 it is recorded that on death of Chandribai alias Chandrabhaga Ramdas Patil on 23/08/2006, the names of his legal heirs 1) Jagannath Ramdas Patil, 2) Jalindar Ramdas Patil, 3) Ravindra Ramdas Patil, 4) Gangubai Ananta Purnekar (died on 31-07-2002), 5) Anil Ananta Purnekar, 6) Sainath Ramdas Patil (since deceased - 23/08/1990, 7) Vishwanath Ramdas Patil were entered in the 7/12 extract in respect of the Property bearing New Survey No.183/25B

5. **Documents**

- i. By Agreement for Sale dated 28/01/2008 ("**Agreement for Sale**") (read with declaration annexed to the said Agreement) executed between Shree Sainath Enterprises (hereinafter referred to as '**SSE**'), (therein referred to as 'Purchasers'), 1) Anusaya Hiranman Wande, 2) Thamabai Dayanand Bhoir, 3) Neelkantha Babu Bhoir, 4) Keshav Babu Bhoir, 5) Radhabai Jagannath Mhatre, 6) Bhagabai Chindu Patil, 7) Alka Suresh Umratkar, 8) Anusaya Yeshwant Bhoir, 9) Chandrakant Yeshwant Bhoir, 10) Prakash Yeshwant Bhoir, 11) Nanda Suresh Gaikwad, 12) Lata Kishore Bhoir and 13) Bhanubai Narayan Patil (therein referred to as 'Vendors') and registered with Sub-Registrar of Assurances at Thane under Sr. No.568/2008, the said Anusaya Hiranman Wande and Others agreed to sell the said Property to SSE and also have granted development rights in respect thereof, for the consideration and on terms and conditions more particularly set out therein.
- ii. By a Power of Attorney dated 24/01/2008 executed and registered with the office of the Sub Registrar of Assurances at Thane under Serial No.170/2008, the said Anusaya Hiranman Wande and Others granted unto Shree Sainath Enterprises inter alia for the purpose of execution, admitting execution and registration of the Deed of Conveyance in favour of SSE in respect of the said Property and to do all other acts, deeds, matters and things more particularly described therein.
- iii. By Deed of Conveyance dated 29/06/2013 ("**Conveyance Deed**") executed and registered under Sr. No.4912/2012 with Sub-Registrar of Assurances at Thane, 1) Anusaya Hiranman Wande, 2) Thamabai Dayanand Bhoir alias Uma Dayanand Bhoir, 3) Neelkantha Babu Bhoir, 4) Keshav Babu Bhoir, 5) Radhabai Jagannath Mhatre, 6) Bhagabai Chindu Patil, 7) Alka Suresh

Umratkar, 8) Anusaya Yeshwant Bhoir, 9) Chandrakant Yeshwant Bhoir, 10) Jagannath Ramdas Patil, 11) Jalindar Ramdas Patil, 12) Ravindra Ramdas Patil, 13) Anil Ananta Purnekar, 14) Aruna Jalinder Patil, 15) Vibhavari Ravindra Patil, 14) Vaishali Ananta Purnekar, 15) Prakash Yeshwant Bhoir and 16) Anusaya Yeshwant Bhoir (therein referred to as 'Vendors') sold, conveyed, transferred and assured unto in favour of Mangal Prabhat Lodha (therein referred to as 'Purchaser') with the confirmation of Shree Sainath Enterprises ("SSE") (therein referred to as 'Confirming Party') sold conveyed the said Property for valuable consideration and on such terms, covenants and conditions stated therein. Under the Mutation Entry No. 3854 the above transaction is recorded and the name of Mangal Prabhat Lodha was entered in the 7/12 extract of the said Property.

- iv. By Supplemental Agreement dated 05/07/2013 executed and registered under No.5041/2013 with the Sub-Registrar of Assurances at Thane executed by 1) Nanda Suresh Gaikwad and 2) Lata Kishore Bhoir and 3) Anusaya Narayan Patil in favour of Shri. Mangal Prabhat Lodha wherein they have confirmed the transaction under Deed of Conveyance referred hereinabove in respect of the said Property. Pursuant thereto they have also executed registered Power of Attorney granting powers and authorities to carry out development of the said Property.
- v. The said Partnership Firm viz. Shree Sainath Enterprise was converted into private limited Company to be known as Shree Sainath Enterprises Construction and Developer Private Limited under provisions contained in IX of the Companies Act 1956. Accordingly the Registrar of Companies has issued a Certificate of Incorporation dated 28th November 2013.
- vi. By Declaration/Supplementary Agreement dated 07/12/2013 executed by Shri. Mangal Prabhat Lodha in favour of Shree Sainath Enterprises ("**SSE**") and registered under No.TNN9-8406/2013 with the Sub-Registrar of Assurances at Thane, inter alia declaring that ~~he is a partner of SSE and accorded his consent to SSE to develop~~ the said Property along with other contiguous Property owned by SSE and for that purpose take requisite permissions for the development vis-à-vis to the land belonged to SSE.
- vii. By Order No.Rev./K-1/T-2/Majiwade & Balkum – Thane /NAP/SR – 210/2013 dated 9th January 2014 Property then bearing 95/25 Part i.e. New Survey No.183/25B admeasuring 380 sq. mtrs. was granted non-agricultural user permission by the Collector Thane.

6. **Conclusion**

On the basis of the findings included in this report and subject to what is stated hereinabove, I am of the opinion that Shree Sainath Enterprises Construction and Developer Private Limited is entitled to develop said Property pursuant to the said Declaration dated 07/12/2013.

Dated this 28th day of September 2016.



(Pradip Garach)
Advocate High Court Bombay

