

Abhijit A. Chitnis
B. Com., LL. B.

Advocate High Court

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Date :

Ref. No.

TITLE - REPORT

PROPERTY: - ALL THAT PIECE OR PARCEL of a land bearing S.No.31 (Old S.No.345), H.No.14, admeasuring 800 Sq.Mtrs., out of total area admeasuring 1200 Sq.Mtrs., lying, being and situate at village Shivajinagar, Tal. Kalyan, Dist. Thane, within the limits of Kalyan Dombivli Municipal Corporation, and within Registration District Thane and Sub-District Kalyan.

At the request of Mr. Dayanand Tulshiram Kiratkar, Proprietor of M/s. Giridhar Construction, I have investigated the title of Mr. Dayanand Tulshiram Kiratkar, Proprietor of M/s. Giridhar Construction, with regards to the above captioned property being all that piece and parcel of land bearing S.No.31 (Old S.No.345), H.No.14, admeasuring 800 Sq.Mtrs., out of total area admeasuring 1200 Sq.Mtrs., lying, being and situate at village Shivajinagar, Tal. Kalyan, Dist. Thane, within the limits of Kalyan Dombivli Municipal Corporation, and within Registration District Thane and Sub-District Kalyan (hereinafter called and referred to as the Said Land), and in respect thereof perused Search Report dated 13.08.2018, issued by Searcher Mr. Mayur Surte, in respect of searches taken by him of Index-II maintained in the Office of Sub-Registrar, Kalyan, at Kalyan and Dombivli for the period of 30 years, commencing from 1989 to 2018, and have gone through the record of rights and documents relating to the said property and on the perusal thereof my observations are as under: -

1. Mr. Dattu Sajjan Bhoir & Others were the original owners having right, title, interest and ownership in respect of the said land.
2. Vide Sale Deed dated 27.01.2017, duly registered with the Office of Joint Sub-Registrar of Assurances, Kalyan-4, on 30.01.2017, at Sr.No.905/2017, Mr. Dayanand Tulshiram Kiratkar, Proprietor of M/s. Giridhar Construction, purchased the said land from Mr. Dattu Sajjan Bhoir & Others, and vide Mutation Entry No.875, dated 16.03.2017, the name of Mr. Dayanand Tulshiram Kiratkar, Proprietor of M/s. Giridhar Construction, was duly on the 7/12 Extract of the said land.

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3. I have perused the Search Report dated 13.08.2018, issued by Searcher Mr. Mayur Surte, in respect of searches taken by him of Index-II maintained in the Office of Sub-Registrar, Kalyan, at Kalyan and Dombivli for the period of 30 years, commencing from 1989 to 2018, and also perused the record of rights and documents of title of the said land in order to ascertain as to whether there is a standing encumbrance over, upon or in respect of the said land in the nature of gift, lease, mortgage, sale, agreement or such other encumbrances of like nature. Excepting an Entry of Lis Pendens dated 26.04.2013, I have not come across any such document creating such type of encumbrance.
4. With regards to the Entry of Lis Pendens reported in the Search Report, I have perused the Certified copy of the Lis Pendens dated 26.04.2013, registered with the Office of Sub-Registrar of Assurances, Kalyan-2, at Sr.No.3359/2013, by one Smt. Chandrabai Madan Bhoir. Upon perusal of the same it appears to be pertaining to a suit being RCS No.364/2008, filed in the Hon'ble Court of Civil Judge, Junior Division, Kalyan filed by one Mr. Bharat Dattatray Bhoir & Mrs. Ranjana Bharat Bhoir who are the co-owners of the said land against the other co-owners including the executant of the Lis Pendens, for declaration and injunction seeking declaration that the within mentioned registered Power of Attorneys are illegal, bad in law and not binding on the Plaintiffs namely Mr. Bharat Dattatray Bhoir & Mrs. Ranjana Bharat Bhoir. Upon making reasonable inquiry with Mr. Dayanand Tulshiram Kiratkar, it further appears that, the Hon'ble Court has not granted any temporary relief to the Plaintiffs by way of injunction, but as on date the said suit is pending before the Hon'ble Court.
5. As per the information given by Mr. Dayanand Tulshiram Kiratkar, the aforementioned Sale Deed executed by Mr. Dattu Sajan Bhoir & Others in respect of the said land in favour of Mr. Dayanand Tulshiram Kiratkar, Proprietor of M/s. Giridhar Construction is valid; but the same shall be subject to the final order as may be passed by the Hon'ble Court in the aforementioned civil suit.



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Ref. No.

Date :

TITLE - REPORT

PROPERTY: - ALL THAT PIECE OR PARCEL of a property bearing S.No.31 (Old S.No.345), H.No.18, admeasuring 900 Sq.Mtrs., lying, being and situate at village Shivajinagar, Tal. Kalyan, Dist. Thane within the limits of Kalyan Dombivli Municipal Corporation, and within Registration District Thane and Sub-District Kalyan.

At the request of Mr. Dayanand Tulshiram Kiratkar, Proprietor of M/s. Giridhar Construction (hereinafter called and referred to as the **Said Developer**), I have investigated the title of M/s. Shree Developers, a partnership firm through its partners (1) Mr. Vijay Babu Mhatre & (2) Mr. Santosh Anant Bhoir, with regards to the all that piece and parcel of a land bearing S.No.31 (Old S.No.345), H.No.18, admeasuring 900 Sq.Mtrs., lying, being and situate at village Shivajinagar, Tal. Kalyan, Dist. Thane, within the limits of Kalyan Dombivli Municipal Corporation, and within Registration District Thane and Sub-District Kalyan (hereinafter called and referred to as the **Said Land**), and in respect thereof perused Search Report dated 20.08.2018, issued by Searcher Mr. Mayur Surte, in respect of searches taken by him of Index-II maintained in the Office of Sub-Registrar, Kalyan, at Kalyan and Dombivli for the period of 30 years, commencing from 1989 to 2018, and have gone through the record of rights and documents relating to the said property and on the perusal thereof my observations are as under: -

1. Mr. Dattu Sajan Bhoir & Others were the original owners having right, title, interest and ownership in respect of the said land.
2. Vide Sale Deed dated 27.01.2017, duly registered with the Office of Joint Sub-Registrar of Assurances, Kalyan-4, on 27.01.2017, at Sr.No.843/2017, M/s. Shree Developers, through its partners (1) Mr. Vijay Babu Mhatre & (2) Mr. Santosh Anant Bhoir, purchased the said land from Mr. Dattu Sajan Bhoir & Others, and vide Mutation Entry No.876, dated 16.03.2017, the name of M/s. Shree Developers, through its partners (1) Mr. Vijay Babu Mhatre & (2) Mr. Santosh Anant Bhoir, was duly on the 7/12 Extract of the said land.



3. Vide Development Agreement and Irrevocable Power of Attorney both dated 20.08.2018, duly registered with the Office of Joint Sub-Registrar of Assurances, Kalyan-4, on 20.08.2018 at Sr.Nos.8524/2018 & 8525/2018, respectively, M/s. Shree Developers through its partners (1) Mr. Vijay Babu Mhatre & (2) Mr. Santosh Anant Bhoir, assigned development rights in respect of the said land to the said Developer i.e. M/s. Giridhar Construction, a proprietary firm through its proprietor Mr. Dayanand Tulshiram Kiratkar.
4. I have perused the Search Report dated 20.08.2018, issued by Searcher Mr. Mayur Surte, in respect of searches taken by him of Index-II maintained in the Office of Sub-Registrar, Kalyan, at Kalyan and Dombivli for the period of 30 years, commencing from 1989 to 2018, and also perused the record of rights and documents of title of the said land in order to ascertain as to whether there is a standing encumbrance over, upon or in respect of the said land in the nature of gift, lease, mortgage, sale, agreement or such other encumbrances of like nature. I have not come across any such document creating such type of encumbrance.
5. As per the information given by Mr. Dayanand Tulshiram Kiratkar, the aforementioned Development Agreement executed by M/s. Shree Developers in respect of the said land in favour of the said Developer is still valid and subsisting.

From the above discussion and upon going through the documents referred to hereinabove, and upon the information given by Mr. Dayanand Tulshiram Kiratkar, I am of the opinion that, the title of M/s. Shree Developers to the said land is clean, clear, marketable and without any encumbrance and reasonable doubts, and the said Developers i.e. M/s. Giridhar Construction, through its Proprietor Mr. Dayanand Tulshiram Kiratkar have lawfully acquired and are fully entitled to the development rights in respect of the said land in terms of the aforementioned Development Agreement.

Place : Dombivli
Date : 11.09.2018


(A.A. CHITNIS)
ADVOCATE