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TITLE CERTIFICATE

24th MAY 2018.

DESCRIPTION OF THE PROPERTY

All that piece and parcel of plot of land bearing Tikka no.5, CTS no.28 admeasuring about 3508.4 sq. meters together with the building standing thereon known as 'Sakharam Bhavan' lying, being and situate at Kharkharali, Thane Town, Taluka and District Thane, 400 601 now within the limits of Thane Municipal Corporation and bounded as under:

On or towards East : CTS No.36 and road.

On towards West : CTS no.26,

On or towards North : CTS no.27,

On or towards South : CTS no.29, 30, 31, 34, 35.

Hereinafter referred to as '**said property**'.

SHRI MILIND PRABHAKAR BHAGVAT residing at 1501/1502, Carlyle, Raheja Garden of LBS Marg, Thane (W) - 400 604 approached me and requested for the investigation of Title of the said property. For the purposes of investigation, following documents were made available for my inspection:

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- (i) Certified copy of the Deed of Partition dated 28.10.1949 registered under serial no.588 on 28.10.1949 with the Office of Sub-Registrar, Thane.
- (ii) PR Card of CTS No.28 viz.- said property,
- (iii) Search Report dated 15.03.2018 issued by Sachin Patil, Search Clerk of CTS no.28 viz.- said property for the period from 1919 till 2018.
- (iv) Map of CTS no.28 viz.- said property issued by City Survey office.
- (v) Death Certificate of Prabhakar Shankar Bhagvat issued by Thane Municipal Corporation.
- (vi) Death Certificate of Shashikant Shankar Bhagvat issued by Pune Municipal Corporation.
- (vii) Copy of registered last will dated 20.8.2013 of Mr Shashikant Shankar Bhagvat, registered at the office of Haveli-15 under sr. no.Haveli-15/6338/1/16 on 28.08.2013.
- (viii) Public Notices dated 24.03.2018 published in Mumbai Sakal and Thane Vaibhav newspapers respectively.
- (ix) Copy of application dated 22.11.2017 made by Pathik Milind Bhagvat, to City Survey office, Thane
- (x) Copy of Joint declaration dated 01.03.1981 of Shri Prabhakar Shankar Bhagvat and Shri Shashikant Shankar Bhagvat.
- (xi) Declaration dated 22.05.2018 of Shri Milind Prabhakar Bhagvat.

1) On the basis of documents supplied to me and on the basis of investigation carried out by me by way of securing

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search report and publication of public notices, I express my opinion with regard to the title of the said property, as under.

- 2) From the search report and copy of PR Card, it reveals that one Shakharam Keshav Bhagvat (since deceased, hereinafter referred to as '**deceased Sakharam**') purchased and acquired the said property from previous owner Shri Venishankar Mavaji Bhatt vide Sale deed dated 25th December, 1922, registered under sr. no.TNN1-681.vol.470. Pursuant to said sale deed, name of said deceased Sakharam came to be recorded in the PR Card as the original owner/holder thereof. It appears that after his death, Shri Rajaram Sakharam Bhagvat became holder of the said property as the 'Karta' of joint Hindu undivided Family. It appears that pursuant to the registered Partition Deed dated 28th October 1949 registered under serial no.588 on 28th October 1949 with Sub-Registrar, Thane, said property came to the share of Shankar Sakharam Bhagvat (since deceased, hereinafter referred to as '**deceased Shankar**'). I have seen the certified copy of the said partition deed issued by Sub-Registrar, Thane-2. On said copy said office has made an endorsement that said copy is a true copy issued after inspection of volume no.625 of the said office and the deed no.581/1949. The said registered deed of partition is reflected in the search report dated 15th March 2018 issued by said search clerk Shri Sachin Patil. From P R Card it is evident that effect of said registered partition deed is given in P R Card vide entry dated 26th January

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1949. It seems that deceased Shankar expired in the month of December, 1956 or thereabout. After his death names of his two sons viz. Prabhakar Shankar Bhagvat (since deceased, hereinafter referred to as '**deceased Prabhakar**') and Shashikant Shankar Bhagvat (since deceased, hereinafter referred to as '**deceased Shashikant**') came to be recorded in the P R card vide entry dated 13th July 1957 as the heirs of deceased Shankar and they both became entitled to 50% each undivided share in the said property.

- 3) From joint declaration dated 1st March, 1981 of deceased Shri Prabhakar and deceased Shri Shashikant read with Declaration dated 22nd May, 2018 of Shri Milind Prabhakar Bhagvat it revealed that on 28th February, 1981 oral partition by way of family arrangement was arrived at by and between joint Hindu family consisting of deceased Prabhakar, deceased Shashikant, said Shri. Milind Bhagvat etc. Under said oral partition, 50% share of deceased Prabhakar in the said property came to the share of Shri Milind Prabhakar Bhagvat. Based on said oral partition, name of said Shri Milind Prabhakar Bhagvat came to be recorded in the P R card of the said property in place of deceased Prabhakar on 19th March 1984. It seems that from 1984 till date, name of Shri Milind Prabhakar Bhagvat is appearing in the P R Card. Deceased Shashikant continued to hold his share till his demise, which occurred on 22nd June, 2014.
- 4) Deceased Shashikant appears to have left behind his last Will and Testament dated 20th August, 2013 registered at

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the Sub Registrar office at Haveli-15 under sr. no.Haveli-15/6338/1/16 on 28th August 2013. From his said will it appears that he bequeathed and demised his 50% undivided said share in the said property unto the son of Milind Prabhakar Bhagvat – namely Pathik Milind Bhagvat. From the copy of the application dated 22nd November, 2017 it revealed that Pathik has already applied with the concerned office to record his name in place of Deceased Shashikant in the revenue record, on the basis of said Will.

- 5) From death certificate issued by Thane Municipal Corporation it appears that deceased Prabhakar expired at Thane on 4th May, 2003. From death certificate issued by Pune Municipal Corporation it appears that deceased Shashikant expired at Pune on 22nd June, 2014.
- 6) The Hon'ble Supreme court in the judgment reported in 1976 (3) Supreme Court Cases 119 has held that family arrangement may be even oral and in which case, no registration is necessary. It is also held that even if a family arrangement which required registration was not registered, it would operate as a complete estoppel against the parties who have taken advantage of the family arrangement. In another judgment reported in (2010) 2 Supreme Court Cases 77 has recognized the oral partitions. The Hon'ble Bombay High Court in judgment reported 2015 (6) ALL MR 528 has held that long standing revenue entries have high probable value for considering and establishing oral partition. In the present matter the revenue entry effected in PR card in 1984 clearly establish the said oral partition. Even deceased Prabhakar and

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deceased Shashikant during their life time vide their said joint declaration dated 1st March, 1981 accepted and confirmed the said oral partition.

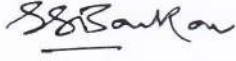
- 7) On the aforesaid backdrop, I caused to be published public notices in newspapers i) Mumbai Sakal dated 24th March, 2018 and ii) Thane Vaibhav dated 24th March, 2018 have specifically called for objections and/or claims from anybody of any nature upon the said property. In spite of the said public notices, till date, I have not received any claim or objections from anybody.
- 8) Shri Milind Prabhakar Bhagvat has executed a Declaration dated 22nd May, 2018 and there under specifically declared on oath and made representations about said oral partition and other aspects as mentioned above.
- 9) After considering all the above said facts and events, in my opinion, Mr Milind Prabhakar Bhagvat under family arrangement/oral partition appears to have acquired $\frac{1}{2}$ share in the said property and he had been holding the same from the year 1981 and thus during the life time of his father deceased Prabhakar and his mother deceased Sheila. In spite of publications of said public notices, no one has raised any adverse claim upon the $\frac{1}{2}$ share of Milind Prabhakar Bhagvat. From the last registered Will of deceased Shashikant, it appears that his $\frac{1}{2}$ share has been bequeathed to his grand-nephew viz. Pathik Milind Bhagvat, who happens to be the son of Milind Prabhakar Bhagvat.
- 10) Even though application for recording name of Mr Pathik in PR Card is pending, since the property can be acquired by

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way of testamentary deposition, it can be presumed that Mr Pathik Milind Bhagvat has acquired ½ share of deceased Shashikant.

11) Under such circumstances, in my humble opinion, Shri Milind Prabhakar Bhagvat and his son Mr Pathik Milind Bhagvat both have equal share, rights, titles and interests and ownership upon the said property.

HENCE THIS TITLE CERTIFICATE.



[SANJAY SHRIRAM BORKAR]

ADVOCATE

SANJAY SHRIRAM BORKAR
ADVOCATE HIGH COURT
(Enrolment No. MAH/1507/1988)
Phone : 022-25366201