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Ref. No. RNN/560/2018

TO WHOMSOEVER IT MAY CONCERN

Re : All that piece and parcel of land bearing Survey No. 68, Hissa No. 2, admeasuring 1 Acre 7 Gunthas, as per 7/12 Extract, corresponding to C.T.S. No. 575 admeasuring 4428.60 sq. mtrs. or thereabout situate, lying and being at Village Poinsur, Taluka Borivali, Mumbai Suburban District, situate at Thakur Complex, Kandivali (East), Mumbai - 400 101.

This is to confirm and place on record that the details of suits and their status pending against the Original Owners, Mrs. Vandana Krishnarao Raut & others, in respect of the abovementioned property as mentioned in our Title Certificate dated 16th May, 2018 (bearing No.RNN/441/2018) are as under :

1. Bombay High Court Suit No. 3291 of 2005

This suit is filed by Mr. Chandrakant G. Bagwe (Plaintiff) against Original Owners, Mrs. Vandana K. Raut & Others (Defendants) for specific performance of alleged Agreement dated 5.5.1990, declaration and injunction. It appears that the Plaintiff has registered notice of lis-pendense in this case.

(a) By and under Order dated 15th February, 2006 passed by the Hon'ble High Court in Notice of Motion No. 3893 of 2005 and Notice of Motion No. 329 of 2006 in Suit No. 3291 of 2005, the Notice of Motion taken out by Plaintiff i. e. Chandrakant Govind Bagwe was dismissed mainly on the grounds of limitation for prosecution and suppression of material facts. Show Cause Notice under Section 12 (2) of the Contempt of Courts Act, 1971 read with Article 2 and 5 of Constitution of India came to be issued against the Plaintiff for suppression of material facts and for misleading the Court vide paras 12, 13 and 14 of the Plaintiff in the

above Suit with a quantified cost of Rs.10,000/- to be paid to the Defendants i.e. Vandana Krishnarao Raut & Ors.

(b) By and under Order dated 13th March, 2006 passed in Appeal No. 136 of 2006 in Notice of Motion No. 3893 of 2006 in Suit No. 3291 of 2005, the Appeal stood dismissed setting aside the Order of initiation of action against Appellant i. e. Chandrakant Govind Bagwe, under Section 12 (2) of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India. Payment of costs to Defendants/Respondents was waived.

The Defendants have filed Notice of Motion No.50 of 2010 for dismissal of the suit/rejection of plaint under Order VII, Rule 11 of the Code of Civil Procedure, 1908.

This suit is transferred to City Civil Court at Dindoshi on 2.10.2012 and is numbered as BCC No.7352/2005. Pursuant to the death of the Original Plaintiff, Chandrakant Govind Bagwe, the heirs and LRS of Original Plaintiff have registered a lis pendense Notice dated 9.8.2017.

2. Bombay High Court Suit No.90 of 2007

This suit is filed by Mr. Chandulal Popatal Patel & Ors. (Plaintiffs) against the Original Owners, Mrs. Nutan K. Raut & 10 Others (Defendants), for specific performance of alleged agreements of sale and refund of money with claim of damages. As per Web-Site of the Bombay High Court, the status of the Suit is shown as at "Pre-admission" stage. Though we have obtained copy of the Plaint from the High Court Registry, as per the information and confirmation from Raut Family members, the proceedings in this suit have not yet been served upon

any of the family members of Original Owners. It appears that the Plaintiffs have registered notice of lis-pendence in this case.

The Plaintiffs took out Chamber Summons No.94 of 2011 praying inter-alia for implementing Respondent Nos. 1 to 13 as Defendant Nos. 12 to 24, for permitting addition of several paragraphs and prayer clauses in the plaint. By and under Order dated 4th February, 2011 passed by the Hon'ble High Court, amendments to the plaint was allowed with a specific direction that issue of bar of limitation as regard the prayers sought to be added by way of amendment is expressly kept open.

The Plaintiffs took out Notice of Motion No.851 of 2011 in this Suit praying for interim and ad-interim reliefs. However, by and under Order dated 5th October, 2011 passed by the Hon'ble High Court, the Notice of Motion came to be dismissed without any reliefs to the Plaintiff on the ground of delay and laches.

The Plaintiffs filed Appeal No.119 of 2012 against the Order dated 5th October, 2011. By and under Order dated 4th April, 2012, the Hon'ble Appeal Court dismissed the Appeal.

3. **Bombay High Court Suit No.304 of 2014.**

One Jaya Satish Bandekar & 4 Others (Plaintiffs) claiming to be heirs and LRS of Lalji Laxmandas Shrivastav filed this Suit against Nutan

[Rajiv N. Narula]
Partner



For M/s. Jhangiani, Narula & Associates,

Dated this 9th day of July, 2018.

During the lifetime of the said Lajji Laxmandas Shrivastav, he had filed two suits bearing No. Suit No.3573 of 1999 and Suit No.2925 of 2000, which were dismissed by the Hon'ble Court on 7th September 2004. Notice of Motion No.4050 of 2004 / Suit No.3573 of 1990 and Notice of Motion No.4051 of 2004 / Suit No.2925 of 2000 - for setting aside dismissal order of suit dated 7th September 2004. This Notice of Motion was dismissed on 3rd March 2006 by the Ld. Judge presiding in City Civil Court and as such the said suits remained dismissed. Another Suit No.923 of 2010 filed by the Plaintiffs in the City Civil Court came to be withdrawn and present suit is filed.

Krisharao Raut & 16 Others (Original Owners, Transferees and Tenant) (Defendants) praying interalia that (a) Deed of Conveyance dated 21.4.2006 executed by Defendant Nos.1 to 5 in respect of suit property is illegal, bad in law, inoperative and not binding upon Plaintiffs; (b) Deed of Conveyance dated 22.01.2010 executed by Defendant Nos. 6 to 15 in respect of suit property is illegal, bad in law, inoperative and not binding upon Plaintiffs; and (c) Agreement for Sale dated 8.2.1985 between the Tenant being Defendant No.17 and Plaintiffs in respect of suit property is valid, subsisting and in force; and other interim and ad-interim reliefs.