

**AMOL K. TEMBE**  
B.L.S., LL.M. (Georgetown, USA)  
**Advocate, High Court**  
**Attorney-at-law, New York**

417, D.K. Sandu Marg,  
Chembur,  
Mumbai 400071  
Tel: 25288757/ 25280363  
amoltembe@gmail.com

59, Dr. V.B. Gandhi Marg  
Behind Rythm House  
Kala Ghoda, Fort  
Mumbai 400023  
Tel: 22828011

**“existing building”**. The existing building is more particularly described in the Schedule below.

- r. The said Plot and the existing building are hereinafter collectively referred to as “the said Property”.
- s. For the purpose of constructing the existing building, the Society obtained a loan from the Maharashtra State Cooperative Housing Finance Corporation Ltd. (formerly known as the Maharashtra Cooperative Housing Finance Society Ltd.) [“MSCHFCL”] and by Indenture of Mortgage dated 17<sup>th</sup> September, 1966, registered with the office of the Sub-Registrar of Assurances at Bombay under serial no. BOM/R/3429 of 1966, the said Society mortgaged the said Plot together with the structure constructed/to be constructed on the said Plot in favour of MSCHFCL for the purpose of securing the repayment of the said loan. The said Society has represented to me that the original of the aforesaid Indenture of Mortgage dated 17<sup>th</sup> September, 1966 continues to lie with the MSCHFCL.
- t. On 1<sup>st</sup> October 1966 on receiving the further disbursement of the loan from the MSCHFCL, the said Society executed in favour of MSCHFCL a receipt, which is duly registered at the office of the Sub-Registrar of Assurances at Bombay under Serial No. BOM/R-3631 of 1966.
- u. The Society duly repaid the mortgage debt including the interest thereon as per the terms of the said Indenture of Mortgage dated 17<sup>th</sup> September, 1966 to the MSCHFCL.
- v. By and under an Indenture dated 5<sup>th</sup> October, 1993, the MSCHFCL reconveyed and released unto the said Society the said Property. The said Society has represented to me that (A) Indenture dated 5<sup>th</sup> October, 1993, though has been lodged for registration with the office of the Sub-Registrar of Assurances at Bombay under sr. no. BBM-1-3219/93, the original has not yet been collected back duly registered till date by the Society, (B) that the said Society has lost and irretrievably misplaced the original lodging receipt for the

*Amol Tembe*

aforesaid document and (C) that the said Society is in the process of retrieving the original duly registered Indenture dated 5<sup>th</sup> October 1993 from the office of the concerned Sub-Registrar of Assurances.

- w. From the City Survey Property Register Cards in respect of the said Plot it is seen that pursuant to the execution and registration of the Indenture dated 5<sup>th</sup> October 1993, the entry in favour of the MSCHFCL has been deleted.
- x. Vide a Letter of Intent dated 21/06/2009, the said Society expressed its interest to grant to Messrs. Charms Corporation ["Charms"] the development rights in respect of the said Property. The said redevelopment was to be carried out by demolishing the existing building and by constructing a new building in place thereof.
- y. Pursuant to the resolution passed at its Special General Meeting held on 02/04/2012 the said Society withdrew/cancelled the said Letter of Intent which fact was communicated to Charms vide the notice dated 14/04/2012 issued by me on behalf of the said Society as its Advocate.
- z. The said Messrs. Charms Corporation filed Short Cause Suit No. 3175 of 2013 against the Society before the Hon'ble City Civil Court, Mumbai and also moved Notice of Motion No. 2846 of 2013 in the said suit seeking an injunction against the Society restraining the said Society from appointing any other developer for the redevelopment of the said Property.
- aa. By order dated 26/09/2019 the said Notice of Motion was dismissed by the Hon'ble City Civil Court, Mumbai;
- bb. In the premises subject to what is stated above, the said Society is absolutely seized and possessed of and otherwise well and sufficiently entitled to the said Property.

2. I had published a Public Notice in the Free Press Journal and in Navshakti on 15<sup>th</sup> January 2021, calling upon the general public to intimate to me claims that any of them may have in respect of the said Property and objections that any of them may have to the title of the said Society in the said Property, being certified. I have till date not received any objections in response to the said Public Notice. I had also caused my Search Clerk, Mr. E.S. Gaokar, to take search at (i) the office of the Sub-Registrar of Assurances at Mumbai (from 1948 to 2020), Bandra (from 1948 to 2020), Chembur, Nahur and Vikhroli

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(from 2002 to 2020) in respect of the said Property. My said Search-Clerk has submitted his report dated 28<sup>th</sup> January 2021. From the said search report, it is seen that no outstanding encumbrances appear to have been registered in respect of the said Property. From the aforesaid search report it is seen that the Indenture dated 5<sup>th</sup> October 1993 executed by the MSCHFCL has been duly registered.

3. LITIGATIONS, IF ANY:

- a. M/s Charms Corporation has filed Short Cause Suit No. 3175 of 2013 against the Society before the Hon'ble City Civil Court, Mumbai and had also moved Notice of Motion No. 2846 of 2013 in the said suit seeking an injunction against the Society restraining the said Society from appointing any other developer for the redevelopment of the said Property;
- b. By order dated 26/09/2019 the said Notice of Motion was dismissed by the Hon'ble City Civil Court, Mumbai; and
- c. The said Suit is pending before the Hon'ble City Civil Court.

**SCHEDULE ABOVE REFERRED TO**  
**(Description of the said Property)**

ALL THAT piece or parcel of land bearing Plot No. 183 of Suburban Scheme No. III, Chembur, situate at Village Chembur, Taluka Kurla, bearing CTS. Nos.1097, 1097/1 to 10 of Village Chembur within the Registration Sub-District of Kurla at Chembur, District Mumbai Suburban, within Greater Mumbai, admeasuring 1,132 square yards equivalent to 946.49 square metres as per the Indenture of Conveyance dated 21<sup>st</sup> October 1964 and admeasuring 1,092.77 square yards equivalent to 913.70 square meters as per the City Survey Property Register Cards together with the building known as "Amar Dham" consisting of ground + two upper floors and one closed garage standing thereon and bounded as follows:

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On or towards the East : By Plot No. 184  
On or towards the West : By Plot No. 182  
On or towards the North : By Gaothan  
On or towards the South : By 15<sup>th</sup> Road

Mumbai dated this 7<sup>th</sup> day of March, 2021.

*A. V. V.*

Advocate