

VIVEK PATIL & ASSOCIATES
ADVOCATES HIGH COURT BOMBAY

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July, 18, 2018

To,
Dr. Nilesh Laxmikant Kudalkar,
Proprietor of M/s. Kings Builders & Developers
Origin 108, Unit No.502, 5th Floor,
Bhakti Bhavan Lane,
Off Sion Trombay Road,
Near Varma Cold Drink House,
Opp. Trupti Farsan, Chembur, Mumbai- 400 071

Ref: Title Opinion in relation to land bearing C.T.S. No. 270/B and C.T.S. No. 270/2 along with a Ground floor Bungalow named 'Bhagyoday' standing thereon situate lying and being Near Municipal School Govandi (East), in Greater Bombay in the Registration District and Sub-District of Bombay Suburban.

Dear Sir,

The photocopies of the following documents with respect to land bearing City Survey Nos. C.T.S. No. 270/B admeasuring 347.2 square meters and C.T.S. No. 270/2 admeasuring 56.5 Sq. Meters in the aggregate admeasuring 403.7 square meters along with a Ground floor Bungalow named 'Bhagyoday' having approximate Carpet area of 56.5 square meters standing thereon having bearing Municipal No. M-5201 (2) lying being and situated at Borla village Govandi, Taluka - Kurla, District - Mumbai Sub urban have been provided to us for the purpose of title opinion. Our report is subject to the presumption that the photocopies, which were provided to us, are the same as the originally executed documents.

1) DOCUMENTS FURNISHED

- 1) 30.04.2010 Property Card with respect to the land bearing CTS Nos. 270B and 270/2.
- 2) 29.04.2010 Release Deed registered with the Office of the Sub-Registrar of Assurance at Kurla-1 under Serial No. 5159 of 2010 executed by and between Mrs.



Anuradha Keshav Deodhar in favour of Mr. Anand Shivram Thatte with respect to the Schedule Property.

- 3) 09.07.2010 Gift Deed registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. 7845 of 2010 executed by and between Mr. Anand Shivram Thatte as the Donor and Anupama Anand Thatte, Mr. Abhishek Anand Thatte and Mr. Viraj Anand Thatte as the Donee with respect to the Schedule Property.
- 4) 09.10.2010 Development Agreement registered with the office of the Sub-Registrar of Assurances at Kurla under Serial No. BDR-3/11405 of 2010 executed by and between Mr. Anand Shivram Thatte, Mrs. Anupama Anand Thatte, Mr. Abhishek Anand Thatte and Mr. Viraj Anand Thatte as the Vendors and M/s. Akash Engineering Consultants as the Developer.
- 5) 13.10.2010 Power of Attorney registered with the office of the Sub-Registrar of Assurances at Kurla under Serial No. BDR-3/11406 of 2010 executed by Mr. Anand Shivram Thatte, Mrs. Anupama Anand Thatte, Mr. Abhishek Anand Thatte and Mr. Viraj Anand Thatte in favour of M/s. Akash Engineering Consultants.
- 6) 24.09.2014 Copy of Order passed by the Hon'ble High Court Bombay in Suit No. 3040 of 2010.
- 7) 12.07.2016 Commencement Certificate bearing No. CHE/ES/1575/M/W/337(NEW) issued by the Municipal Corporation of Greater Mumbai with respect to the Schedule Property.



- 8) 11.05.2018 Deed of Cancellation of Development Agreement registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. KRL-1/5662 of 2018, executed between Mr. Anand Shivram Thatte, Mrs. Anupama Anand Thatte, Mr. Abhishek Anand Thatte and Mr. Viraj Anand Thatte and M/s. Akash Engineering Consultants.
- 9) 29.05.2018 Gift Deed registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. KRL-1/6375 of 2018 executed by and between Mr. Viraj Anand Thatte as the Donor and Mr. Abhishek Anand Thatte as the Donee with respect to the Schedule Property.
- 10) 28.06.2018 Deed of Conveyance registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. KRL-1/7846 of 2018 executed between Mr. Anand Shivram Thatte, Mrs. Anupama Anand Thatte, and Mr. Abhishek Anand Thatte as the Vendors and Nilesh Laxmikant Kudaalkar, Proprietor of Kings Builders and Developers with respect to the schedule Property.
- 11) 17.07.2018 Search Report issued by S.M. Shinde (Search Clerk) with respect to the Schedule Property.

II) SCHEDULE OF THE PROPERTY

ALL that piece and parcel of freehold land bearing C.T.S. No. 270/B admeasuring 347.2 square meters and land bearing C.T.S. No. 270/2 admeasuring 56.5 Sq. Meters in the aggregate admeasuring 403.7 square meters along with a Ground floor Bungalow named 'Bhagyoday' having



approximate Carpet area of 56.5 square meters standing thereon having bearing Municipal No. M-5201 (2), situate lying and being Near Municipal School Govandi (East), in Greater Bombay in the Registration District and Sub-District of Bombay Suburban.

III) TRACING OF TITLE

1. As per the Property Card dated 30.04.2010, the names of Anand Shivram Thatte and Anuradha Keshav Thatte was recorded in the possessors column to the Schedule Property.
2. By and under the Release Deed dated 29.04.2010 registered with the Office of the Sub-Registrar of Assurance at Kurla-1 under Serial No. 5159 of 2010, Anuradha Keshav Thatte have released and relinquished her 50% rights, title, interest and claim with respect to the Schedule Property in favour of Anand Shivram Thatte.
3. By and under the Gift Deed dated 09.07.2010 registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. 7845 of 2010, Anand Shivram Thatte had gifted his 1/3rd undivided share, title and interest in the Said Property in favour of Mrs. Anupama Anand Thatte.
4. By and under the Development Agreement dated 09.10.2010 registered with the office of the Sub-Registrar of Assurances at Kurla under Serial No. BDR-3/11405 of 2010, the said Mr. Anand Shivram Thatte, Mrs. Anupama Anand Thatte, Mr. Abhishek Anand Thatte and Mr. Viraj Anand Thatte have assigned development rights and interest in favour of M/s. Akash Engineering Consultants with respect to the Schedule Property.
5. In furtherance of the aforesaid Development Agreement, Mr. Anand Shivram Thatte, Mrs. Anupama Anand Thatte, Mr. Abhishek Anand Thatte and Mr. Viraj Anand Thatte have executed Power of Attorney dated 13.10.2010 registered with the office of the Sub-Registrar of

Assurances at Kurla under Serial No. BDR-3/11406 of 2010 in favour of M/s. Akash Engineering Consultants to enable them to do all the acts, matters and deeds mentioned therein.

6. One M/s. Mahavir Enterprises had filed a Suit No. 3040 of 2010 before the Hon'ble High Court of Judicature at Bombay against Anand Shivram Thatte, Anupama Anand Thatte, Abhishek Anand Thatte, Viraj Anand Thatte and Raju Gul Bijlani, Sole Proprietor M/s. Akash Engineering Consultants challenged termination of the Memorandum of Understanding dated 06.04.2010. The Suit was withdrawn vide order dated 24.09.2014 passed by the Hon'ble High Court Bombay in pursuance to the Consent Terms dated 24.09.2014 entered between the parties upon the terms and conditions mentioned therein.
7. The Executive Engineer Building Proposal of Mumbai Municipal Corporation has issued intimation of disapproval on 27.06.2016. In Pursuant thereto the Commencement Certificate was issued on 12.07.2016 with respect to the said Property in favour of Akash Engineering Consultants.
8. By and under the Deed of Cancellation of Development Agreement dated 11.05.2018 registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. KRL-1/5662 of 2018, M/s. Akash Engineering Consultants have mutually cancelled and terminated the Development Agreement dated 09th October 2010 and General Power of attorney dated 13th October 2010 with respect to the Said Property.
9. By and under the Gift Deed dated 29.05.2018 Registrar of Assurances at Kurla-1 under Serial No. KRL-1/6375 of 2018, Viraj Anand Thatte had gifted his 1/6th undivided share, title and interest in the Said Property to his elder brother Abhishek Anand Thatte.
10. By and under the Deed of Conveyance dated 28.06.2018 registered with the office of the Sub-Registrar of Assurances at Kurla-1 under Serial No. KRL-1/7846 of 2018, Anand Shivram Thatte, Anupama Anand Thatte and



Mr. Abhishek Anand Thatte have sold, transferred and conveyed their undivided rights, title and interest in favour of Nilesh Laxmikant Kudaalkar, Proprietor of Kings Builders and Developers for the consideration mentioned therein in relation to the Schedule Property.

11. From the Search Report dated 17.07.2018 issued by S. M. Shinde (search Clerk) who had conducted 9 years search before the concerned Sub Registrar Offices, we have come across following entries:-

a. Notice of Lis Pendency dated 02.02.2010 registered before the Sub Registrar Kurla-1 under serial No. KRL-1/13115 of 2010 with respect to Suit No. 3040 of 2010 filed before Hon'ble High Court Bombay. (Note:- Vide an order dated 24.09.2014 passed by Hon'ble High Court Bombay the suit was withdrawn in pursuance to the Consent Terms dated 24.09.2014 entered between the parties);

b. Undertaking dated 03.12.2010 registered before the Sub Registrar Kurla-1 under serial No. KRL-1/13198 of 2010 executed by Anand Shivram Thatte and others in favour of Executive Engineer Building Proposal of Mumbai Municipal Corporation;

c. Affidavit dated 25.04.2016 registered before the Sub Registrar Kurla-1 under serial No. KRL-1/4246 of 2010 executed by Raju Bijlani with respect to the Schedule Property;

d. Affidavit dated 25.04.2016 registered before the Sub Registrar Kurla-1 under serial No. KRL-1/4247 of 2010 executed by Raju Bijlani with respect to the Schedule Property;

12. Based on the searches conducted at the jurisdictional office of the Sub-Registrar, Mumbai and subject to our observations, clarifications and comments above, we are of the view that the Nilesh Laxmikant Kudaalkar, Proprietor of Kings Builders and Developers is the owner of the Schedule Property.



Handwritten signature

IV) General

- a) For the purpose of this report we have assumed:
- (i) the legal capacity of all natural persons, genuineness of all signatures and authenticity of all documents submitted to us as photocopies.
 - (ii) that there have been no amendments or changes to the documents examined by us.
 - (iii) the accuracy and completeness of all the factual representations made in the documents.
 - (iv) the correctness of the references, dates and facts of the documents referred to in the documents reviewed by us.
- b) This report does not cover searches for any litigation, suits etc. filed in any court in respect of the Schedule Properties.
- c) This report has been prepared based on the documents perused by us and given at the request of the clients to whom it is addressed.
- d) This report cannot be relied upon by any other person or for any other person. This report cannot be quoted or referred to in any public document or disclosed without our prior written consent.

Thanking You,

Yours faithfully,


VIVEK B. PATIL
VIVEK PATIL & ASSOCIATES,
ADVOCATES HIGH COURT BOMBAY



