

ANNEXURE E

Q. R. Maurya
B.A., LL.B. (Bom.)



(R.) 251565
(O.) 224231 / 221101
FAX : 221100
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ADVOCATE HIGH COURT

RESL. : 292, A-1, PANCHASHEEL GHUNGHAT NAGAR, BHIWANDI, DIST. THANE - 421 302.

OFFL. : 199, KALYAN NAKA, BHIWANDI, DIST. THANE - 421 302.

Date - 25/11/2013

TITLE CERTIFICATE

DESCRIPTION OF PROPERTY -

- a) All that pieces and parcels of plot of land lying, being and situate at village Bhadwad, Taluka Bhiwandi, District Thane within the limits of Municipal Corporation of Bhiwandi Nizampur bearing **survey no. 5/0(p)**, now bearing **New survey no.5/2 (p)** admeasuring **0-42-7 HRP, equivalent to 42.7 Gunthas** hereinafter referred to as the '**SAID FIRST PROPERTY**'.
- b) All that pieces and parcels of plot of land lying, being and situate at village Bhadwad, Taluka Bhiwandi, District Thane within the limits of Municipal Corporation of Bhiwandi Nizampur bearing **Survey No. 5/0(p)**, now bearing **New Survey No.5/2 (p)** admeasuring **0-47-3 HRP, equivalent to 47.3 Gunthas** hereinafter referred to as the '**SAID SECOND PROPERTY**'.
- c) All that pieces and parcels of plot of land lying, being and situate at village Bhadwad, Taluka Bhiwandi, District Thane within the limits of Municipal Corporation of Bhiwandi Nizampur bearing **Survey no. 5/0(p)/1**, now bearing **New Survey No.5/1 (p)/1**, admeasuring **0-52-8 HRP, equivalent to 52.8 Gunthas** hereinafter referred to as the '**SAID THIRD PROPERTY**'.

The said First, Second, Third Property collectively hereinafter referred to as "SAID LARGER PROPERTY".

As per the instructions of my clients, 1) Shri. Sachin C. Mirani and 2) Shri. Ramesh V. Shah having address at Satyam Building 2nd floor, M.G. Road, Naupada, Thane (W), I have investigated the title of said property. During the course of investigation, I have an occasion to inspect/peruse following documents:-

- 1) Latest 7/12 Extract of the Said property showing Shri. Ramesh Shah and Sachin Mirani as owners of the said Property.
- 2) Mutation Entry No. 565, 978, 979, 1057, 1083, 1082, and 1084.
- 3) Copy of Sale permission dated 3/1/2011, bearing no. BD/KV/VP/Shethi/Bhiwandi/SR/02/2010.
- 4) Copy of Agreement dated 26/3/1990, registered with Deed of Declaration under Sr. No. 1253/98, dated 30/3/1998.
- 5) Copy of Agreement dated 26/3/1990, registered with Deed of Declaration under Sr. No. 1254/98, dated 30/3/1998.
- 6) Registered Sale Deed dated 5/1/2011.
- 7) Registered Deed of Confirmation dated 25/1/2012, registered under Sr. No. BVD2-00830-2012.
- 8) Copy of Sale permission dated 3/1/2011, bearing no. BD/KV/VP/Shethi/Bhiwandi/SR/01/2010.
- 9) Sale deed dated 5/1/2011.
- 10) Deed of Confirmation dated 8/05/2012, registered under Sr. No. BVD2-03773-2012.

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- 11) Copy of Sale permission dated 20/10/2006, bearing no.BD/KV/VP/Bhiwandi/SR/71/2005.
- 12) Deed of Conveyance dated 11/05/2012 registered under Serial no.BVD2-03908-2012.
- 13) Power of attorney dated 11/05/2012, registered under Sr. No. BVD2-3909-2012.
- 14) Deed of Conveyance dated 11/05/2012 registered under Serial no. BVD2 - 03910-2012.
- 15) Power of attorney dated 11/05/2012, registered under Sr. No. BVD2-03911-2012.
- 16) Sale deed dated 10/07/2008, registered under Sr. No. BVD1/06144/2008.
- 17) Deed of Conveyance dated 24/07/2012 registered under Serial no.BVD2 -06016-2012.
- 18) Power of attorney dated 24/07/2012, registered under Sr. No. BVD2-06017-2012.
- 19) Copy of N.A. Permission bearing No. Mahasul/k-1/Te-8/NP/Bhadvad-Bhiwandi/SR - (101/12)06/2013 dated 29/01/2013.
- 20) Copy of Sanctioned Plan in respect of the said larger property bearing V.P.No.K.N.R.V/2420 dated 21/12/2013.
- 21) Copy of Commencement Certificate bearing No. Ja-K-N-R-VI 3206, dated 14/3/2013

22) Public Notice Dated 1/11/2013 and 4/11/2013, published in daily news paper Vruttanand and Darpan.

23) Search Reports dated 31/3/2012 and 14/3/2013, given by Advocate S.D. Kulkarni.

1. It appears from the Mutation Entry no. 565 certified in the revenue record on 31.5.1995, various properties belonging to HUF came to be divided / partitioned by way of oral partition amongst co-parceners. Pursuant to the said oral partition, the said Mutation Entry came to be effected and certified on 31/07/1986 and there under one Shri Harishchandra Gulavi herein referred to as 'Original Owner No.1' became absolutely entitled to above referred first property. Shri Gangaram Gulavi herein referred to as 'Original Owner No.2' became entitled to above referred second property and Shri Gurunath D. Gulavi herein referred to as 'Original Owner No.3' became entitled to the said third property.

2. From the latest copies of the revenue records, it appears that the said Mutation Entry No. 565 is in subsistence and in force. It also appears to have been effected in revenue records and accordingly separate 7/12 extracts were issued in respect of the said first, said second and

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said third property inter-alia recording the names of the above mentioned original owner nos. 1, 2 & 3 respectively in the holders column of said respective first, said second and said third property.

3. The said first property appears to have been subjected to the provisions of BT & AL Act. It appears that the said original owner no.1, Shri. Harishchandra Gulavi vide Agreement Dated 26th March, 1990 registered vide in Deed of Declaration Dated 30th March, 1998 registered under sr. No. 1254/1998, followed by sale permission dated 3rd December, 2010 under Section 43 of BT & AL Act, transferred the said first property vide sale deed dated 5th February, 2011 to Shri Shantaram Laxman Dhus and others [hereinafter referred to as '**said previous owners no.1**']. The said original owner no.1 again confirmed under registered Deed of Confirmation dated 25th January, 2012 registered under Sr. No. BVD2- 00830- 2012 the execution of said Sale Deed in favour of said previous owners no.1.

- 4.A Mutation Entry no. 979 was certified on 7th February, 2011 and thereby in place of the names of original owner no.1, the names of above said previous owners no.1 were recorded in the 'holder's column' of the 7/12 extract pertaining to said first property.
- 5.The said original owner no.2 Shri Gangaram Gulavi in the same way vide Sale Deed Dated 26th March, 1990 registered under Deed of Declaration dated 30th March, 1998 and by obtaining the sale permission dated 3rd November, 2011, under Section 43 of the BT & AL Act, sold, conveyed and transferred the said second property vide registered Agreement dated 5th January, 2011 registered under serial no. BVD2/ 00108/2011to and in favour of Shri. Dhyandev Dhus and others [hereinafter referred to as '**said previous owners no.2**']. Vide subsequently executed Deed of Confirmation dated 8th May,2012 registered under sr. no. BVD2-03773-2012 the said original owner no.2 once again confirmed the execution of said sale Deed, in favour of the said previous /owners no.2.
- 6.Vide Mutation Entry no. 978 certified on 7/2/2011 the names of said previous owners no.2 came to be recorded in place of said oroginal owner no.2 in the 'holders

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column of the 7/12 extract pertaining to the second
property.

- 7.The said owner original Owner no.3 i.e. Gurunath D. Gulvi expired leaving behind his wife Smt. Nirabai G. Gulvi as his legal heir. Accordingly the name of Nirabai G. Gulvi came to be mutated in the revenue record pursuant to certification of Mutation Entry no. 691.
- 8.Said Nirabai G. Gulvi vide Agreement Dated 16th March, 1990 and by obtaining sale permission bearing no. BD/KV/VP/Bhiwandi/SR/71/2005, sold, transferred and conveyed the said third property to Shri Atul Narayan Bhoir and others hereinafter referred to as '**said previous owners no.3**' vide registered Sale Deed dated 10/07/2008 registered under sr. no. BVD 1 - 06144 - 2008. Accordingly vide Mutation Entry No.873, certified on 29/08/2008, the names of said previous owners no.3 were recorded in the 'holders column' of 7/12 extract pertaining to the said third property.
- 9.Thus at the material time said previous owners nos. 1, 2, 3 were respectively seized and possessed of and were appearing to be sufficiently entitled to the said first, said

second and said third property respectively. The said previous owners seem to have some transaction for grant of development right in favour of Shri Balaram Choudhary and his other family members. The said previous owner nos. 1, 2 and 3 with the confirmation of said Shri Balaram Chowdhary and his other family members executed following three registered Sale Deeds in favour of Shri Sachin Mirani and Shri Rarnesh V. shah [hereinafter referred to as '**SAID PURCHASERS**'.]

- 1). Deed of Conveyance dated 11/05/2012 registered under Serial no.BVD2-03908-2012.
- 2). Conveyance dated 11/05/2012 registered under Serial no. BVD2 - 03910-2012.
- 3)Conveyance dated 24/07/2012 registered under Serial no.BVD2 -06016-2012.

10. I have seen the original copies of the aforesaid three sale deeds. The same appear to have been duly registered and indexed. In the said three deeds, it is specifically stated that the entire consideration has been paid to the said previous owners nos. 1, 2 and 3 respectively and to the respective confirming parties of the said Sale Deeds. It is also stated that the said properties have been put into legal, vacant

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and physical possession of the said purchasers. The said previous owners as well as the said confirming parties in the said Sale Deeds have assured about their clear and marketable title.

11. Pursuant to the said three Sale Deeds, Mutation Entry nos.1083, 1082, 1084 have been certified in the revenue records and thereby the names of the said purchasers seems to be recorded in the 'holders column' in respect of the 7/12 extracts, of said first, second and third properties.
12. I have seen the certified copies of 7/12 extracts, where under the names of the said purchasers are duly shown as the holders thereof.
13. I have also seen the certified copy of Mutation Entry no.1057, where from it is apparent that the said three properties were originally bearing Old survey no. 5/0 (part), but under said Mutation Entry following new survey numbers were given respectively to the said first property, said second property and said third property.

S. No.	Property	Old survey No.	New Survey No.
1	First property	5/(P)	5/2
2	Second property	5/(P)	5/2
3	Third property	5/0(P)	5/1

14. I have seen the copies of Measurement plan prepared by the office of TILR under M. R. No.771/12, dated 20/3/2012. Vide said plan said three properties have been demarcated by fixing their respective boundaries and same are appearing to be contiguous plots of land.
15. The said purchasers appear to have approached the Bhiwandi Nizampur Municipal Corporation inter-alia for obtaining the development permission by contemplating the amalgamation of the said first, said second and said third property. From the copy of the sanctioned plan made available to me, it appears that the said plans are sanctioned by the said Corporation under Ja. Kra.N:R.VI/2420 on 21st December, 2012 and even the Commencement Certificate is issued on 14th March, 2013, upon the terms and conditions mentioned therein.

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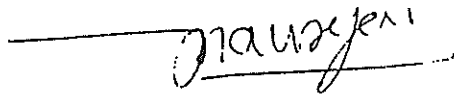
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16. The said Purchasers seems to have obtained the NA permission pertaining to the said first and second property from the office of Collector, Thane under Order no. Mahasul/K-1/Te-8/NP/ Bhadvad-Bhiwandi/SR- (101/12)/06/2013 dated 29/01/2013
17. The said purchasers approached me with a request to issue Title Certificate. I have therefore inspected the aforesaid documents and also caused to be taken search from the office of Sub Registrar, through Advocate Shri S.D. Kulkarni. Under the said report, I did not find any adverse entry inter-alia showing creation of any encumbrance or charge of other third party/s by way of and under an registered instruments.
18. I have also caused to be published public notices in Daily news paper dated 1/11/2013 in Vruttanand and 4/11/2013 in Darpan. I hereby certified that I did not receive any objections in respect to the said public notice, till date.

In the aforesaid circumstances and from the representations made in the various documents referred to above, in my opinion the said purchasers have acquired ownership and title under the above said respective registered Sale Deeds upon the said first, second and third property and their title in my opinion is appearing to be clear, marketable and free from any encumbrances. From above refereed permissions it appears that development of the said first, second and third property in amalgamation with each other seems to have been permitted by the concerned authorities subject to the terms and conditions imposed therein.

Hence this title certificate.

A handwritten signature in black ink, appearing to read 'O. R. Maurya', is written over a horizontal line.

Mr. O. R. Maurya
Advocate