

**GANESH MAHESH MORE B.A. L.L.B**

**Advocate, High Court.**

Off: 401, Thane  
Vastushilpa,  
Eduji Road, Near  
Tembi Naka, Charai,  
Thane (W) -400601.  
(for Correspondence)  
Contact No. 9768252518

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**TO WHOMSOEVER IT MAY CONCERN**

- Name of the Owners :**
- 1) M/S. ANANT SQUARE
  - 2) HARJIRABI SHAIKH AND  
OTHERS
  - 3) TAHIR ABDUL LATIF SHEIKH  
AND MATIN SHAFIQ AHAMAD  
SHEIKH

**1. DESCRIPTION OF THE PROPERTY:**

All that pieces and parcels of land bearing Survey No. 4, Hissa No. 4 admeasuring 3100 square meters lying, being and situate at Village Vadavali, Taluka and District Thane and within the jurisdiction of registration District & Sub-District of Thane within the limits of Municipal Corporation of Thane, Maharashtra State (hereinafter referred to as "**SAID PROPERTY**").

**2. LIST OF DOCUMENTS PERUSED:**

- 2.1 Current 7/12 extracts.
- 2.2 7/12 extracts for last 50 years
- 2.3 Relevant Mutation entries
- 2.4 Search Report
- 2.5 Owner's Title Deeds



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**3. OBSERVATIONS IN RESPECT OF REVENUE RECORDS:**

**In respect of 7/12 extracts**

It appears from the perusal of current 7/12 extract that the Said Property is owned by Smt. Hajirabi Mohamad Shaikh and Mr. Tahir Abdul Latif Sheikh and 9 others.

**3.1 In respect of 6 D Mutation Entries:**

**3.1.1 It appears from the mutation entry no. 277 dated 04/04/1951 that, Ibrahim sheikh Ali and Mariyambibi Ibrahim Sheikh Ali had purchased the Said Property from Mohammad Ali and Ibrahim Abdul Rehaman by executing Sale Deed dated December 27, 1950.**

**3.1.2 It appears from the mutation entry no. 161 that, it is not relevant to the Said Property.**

**3.1.3 It appears from the mutation entry no. 378 dated 07/08/1956 that, the name of Ibu Ismail was recorded as Protected Tenant in respect of the Said Property.**

**3.1.4 It appears from the mutation entry no. 386 dated 12/08/1957 that, the name of tenant Ibu Ismail was removed from record of rights as he was not cultivating the Said Property.**

**3.1.5 It appears from the mutation entry no. 30 dated 12/10/1972 that, Ibrahim Shaikh Ali demised in or around year 1975 leaving behind his wife Mariyambi Ibrahim Sheikh Ali.**

**3.1.6 It appears from the mutation entry no. 336 dated 09/11/1993 that, Mariyambi Ibrahim Sheikh Ali demised on April 03, 1993. She has no no legal heirs i.e son and daughter. During her lifetime she**



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has made and executed her last will and pursuant to her last will, the name of her adopted daughter i.e Hajirabi Mohammad Sheikh was recorded in the records of rights as the only legal heir of deceased Mariyambi Ibrahim Sheikh.

**3.1.7 It appears from the mutation entry no. 710 dated 09/02/2007 that Hajirabi Mohammad Sheikh and Mujahid Mohammad Sheikh have granted development rights of the Said Property in favour of Mr. Mangalprabhat Gumanmal Lodha by executing Development Agreement dated January 21, 2005, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/662/2005 and pursuant to that Name of Mangalprabhat Lodha was recorded in other rights column.**

**3.1.8 It appears from the mutation entry no. 1484 dated 01/02/2014 that, Hon'ble Upper Ayukt, Konkan Division, allowed the revision application Appeal/Desk/ RTS/Rev./178/ 2010 dated 30/11/2013 and thereby set aside the order of Collector and Sub-divisional officer and directed the Tahasildar to record the name of Hajirabi Mohamad Shaikh for 25% share in the said property and the names of Tahir Abdul Latif Shaikh and 7 others and Arifa Abdul latif Shaikh and Smt Banu Abdul Latif Shaikh for 75% share in the said property in the record of rights as per the Consent Terms dated 16/08/2013 filed in Civil Suit bearing no. RCS No. 517/2006.**

**3.1.9 It appears from the mutation entry no. 1806 that as per Petition bearing no. 10204/2015 dated December 08, 2015 filed in Hon'ble High Court Mumbai and as per the instruction issued by Hon'ble**



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Jamabandi Ayukta dated December 03, 2015, the said mutation entry pertains to facilitate computerization of land records and to remove inconsistency in the hand written record and computerized record.

**4. IN RESPECT OF SEARCH REPORT WITH THE SUB-REGISTRAR OF ASSURANCES.**

- i. Search Report issued by Adv. S. D. Kulkarni, dated April 24, 2018 in the office of the Sub-Registrar of Assurances at Thane for the year 1989 to 2018 was placed before me.
- ii. No transactions are recorded in the year 1989 to 2004 and 2006 to 2017.
- iii. Relevant transaction is recorded in 2005 and 2018.

**5. IN RESPECT OF TITLE DEEDS:**

**Owner's Title Deeds:**

**a) Development Agreement:**

Hajirabi Mohammad Sheikh and Mujahid Mohammad Sheikh have granted development rights in favour of Mr. Mangalprabhat Gumanmal Lodhaby executing Development Agreement dated January 25, 2005, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/662/2005.

**b) Development Agreement:**

Tahir Abdul Latif Sheikh and Matin Shafiq Ahamad Sheikh have granted development rights of the portion of land admeasuring 520 square meters from and out of Said Property in favour of Owners, by executing Development Agreement dated May 28, 2018, which is



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duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/7814/2018.

**c) Power of Attorney:**

Simultaneously with the execution of Development Agreement Tahir Abdul Latif Sheikh and Matin Shafiq Ahamad Sheikh have executed Power of Attorney dated May 29, 2018 in favour of Owners, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/7817/2018.

**d) Deed of Conveyance:**

Iqbal Abdul Latif Sheikh and 5 others in confirmation with Tahir Abdul Latif Sheikh and Matin Shafiq Ahamad Sheikh have conveyed and transferred their undivided share admeasuring 1805 square meters from and out of the Said Property in favour of Owners by executing Deed of Conveyance dated May 28, 2018, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/7806/2018.

**e) Power of Attorney:**

Simultaneously with the execution of Deed of Conveyance Rashid Abdul Latif Sheikh alias Rashid Ahamad Abdul Latif Sheikh and others have executed General Power of Attorney dated May 29, 2018 in favour of Owners, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/7808/2018.



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**f) Deed of Settlement and Assignment:**

In pursuance of Development Agreement dated January 25, 2005, Mr. Mangalprabhat Gumanmal Lodha have executed Deed of Settlement and Assignment dated May 15, 2018 and thereby assigned development rights in respect of Said Property in favour of Owners, the said Deed is duly registered with the Sub Registrar of Assurances, thane at serial no. TNN5/7057/2018.

**g) Agreement for Sale:**

Hajira Mohammad Sheikh, Mujahid Mohammad Sheikh, Mujmmil Ahamad Mohammad Sheikh, Manjur Ahamad Mohammad Sheikh and Shabina Danish Sheikh have agreed to sell portion of land admeasuring 775 square meters out of the Said Property in favour of Owners by executing Agreement for Sale dated March 31, 2018, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/4625/2018.

**h) Power of Attorney:**

Simultaneously with the execution of Agreement for Sale, Hajira Mohammad Sheikh and others have executed Power of Attorney dated March 31, 2018, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/4626/2018.

**i) Deed of Conveyance:**

Mr. Abbas Kazisaheb Shaikh has conveyed and transferred his undivided share admeasuring 193.75 square meters from and out of

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the Said Property in favour of Owners by executing Deed of Conveyance dated April 11, 2018, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/5280/2018.

**j) Power of Attorney:**

Simultaneously with the execution of Deed of Conveyance Mr. Abbas Kazisaheb Shaikh has executed General Power of Attorney dated April 11, 2018 in favour of Owners, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/5282/2018.

**k) Deed of Confirmation:**

Mr. Rashid Abdul Latif Sheikh alias Rashid Ahmed Latif Sheikh confirmed the Sale Deed dated May 28, 2018 and Power of Attorney on even date by executing Deed of Confirmation in favour of the Owners dated July 12, 2018 which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/9919/2018. Pursuant power of attorney dated July 12, 2018 which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/9920/2018.

**l) Agreement:**

Mr. Jahir Rashid Ahmed Sheikh and Taisin Jahir Shaikh have executed an Agreement dated July 04, 2018 which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/9922/2018.



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**m) Agreement:**

Mr. Jahir Rashid Ahmed Sheikh has executed an Agreement dated July 12, 2018 which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/9923/2018.

**6. CONCLUSION:**

- 6.1** On behalf of the owners No. 1 we have investigated the title to the Said Property on request of owners No. 1 to ascertain the status of the Said Property.
- 6.2** We have perused the certified copies and plain copies of document of title relating to the Said Property which are known to us to be relevant for the purpose of this certificate.
- 6.3** We have been provided search report for the period of 1989 to 2018. Therefore, opinions and observations shall be qualified and restricted to the said period and also to the extent of availability of record only, as it appears that in some of the cases record is unavailable.
- 6.4** The information given in this report arises from the examination of the searches and inquiries to the extent of documents provided for perusal which are attached herewith.
- 6.5** In pursuance of abovementioned agreements, the Owner No. 1 are the Owners of 1805 square meters out of the Said Property and





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exclusive development rights holders of 1295 square meters out of the Said Property.

**6.6** The Said Property is free hold in nature.

**6.7** In our opinion the Owner No. 1 hold valid and clear title in respect of portion admeasuring 1805 square meters out of the Said Property and well and sufficiently entitled to develop 1295 square meters out of the Said Property. Thus the Owner no. 1 is well and sufficiently entitled to develop the Said Property (3100 square meters).

**Date: 21.08.2018**

**Place: Thane**



**Adv. Ganesh Mahesh More**



## **TITLE CERTIFICATE**

### **TO WHOMSOEVER IT MAY BE CONCERN**

**RE.: ALL THAT PIECE OR PARCEL OF LAND OR GROUND BEARING  
SURVEY NO. 2, HISSA NO. 8 ADMEASURING 3740 SQ.MTRS.  
SURVEY NO. 2, HISSA NO. 23 ADMEASURING 1200 SQ.MTRS.  
SURVEY NO. 2, HISSA NO. 26 ADMEASURING 1400 SQ.MTRS.  
SURVEY NO. 2, HISSA NO. 32 ADMEASURING 910 SQ.MTRS.  
SURVEY NO. 4, HISSA NO. 5 ADMEASURING 2040 SQ.MTRS.  
AGGREGATING IN ALL 9290 SQ.MTRS. SITUATE, LYING AND BEING AT  
VILLAGE KASAR VADAVLI, TALUKA AND DISTRICT THANE AND WITHIN  
THE JURISDICTION OF THE SUB REGISTRAR OF ASSURANCES THANE  
AND WITHIN THE LIMIT OF THANE MUNICIPAL CORPORATION  
(HEREINAFTER FOR THE SAKE OF BREVITY REFERRED TO AS "**the said  
Property**").**

We have investigated the title of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders), a Partnership Firm, duly registered under Indian Partnership Act, 1932, having its Office at Samruddhi, Office Floor, Plot No. 157, 18<sup>th</sup> Road, Near Ambedkar Garden, Chembur (E), Mumbai 400 071, hereinafter called "**the Purchasers**", for the purpose of this Title Certificate which concerns the Captioned Land.

WE have examined the Original of the documents and papers of the said Property and also have taken necessary search from the Office of the Sub Registrar of Assurances and from the Revenue Records.

We have perused a Title Certificate dated this the 5<sup>th</sup> day of February, 2013, issued by us earlier and have confirmed that M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) has acquired and hold the said property in the following manner :



**ACQUISITION AND FLOW OF TITLE OF THE SAID PROPERTY:**

The following papers were perused by us in respect of the said Property:

- (1) Registered Agreement for Sale dated 05.07.2007 executed between Mr. Sadanand Eknath Bhoir and 10 Others – Vendors and M/s. Nandkripa Builders – Purchaser, along with Index II, for plot admeasuring 9290 Sq.Mtrs. Registered under Serial No. TNN5-05022-2007 dated 05.07.2007.
- (2) Registered Irrevocable General Power of Attorney dated 05.07.2007 from Mr. Sadanand Eknath Bhoir and 10 Others in favour of Partners of M/s. Nandkripa Builders. Registered under Serial No. 783/2007 dated 05.07.2007.
- (3) Notarized Deed of Release dated 06.07.2007 executed between Mr. Ravindra Sadanand Bhoir – Vendor and M/s. Nandkripa Builders – Purchaser. Notarized under Notary Register Serial No. 5421/2007 dated 06.07.2007.
- (4) Notarized Possession Receipt/Letter dated 17.07.2007 executed by Mr. Sadanand Eknath Bhoir & 10 Others in favour of M/s. Nandkripa Builders.
- (5) Notarized Full and Final Discharge Letter dated 27.07.2009 executed by Mr. Sadanand Eknath Bhoir & Others in favour of M/s. Nandkripa Builders, stating they have received full payment as stated in Agreement for Sale dated 05.07.2007.
- (6) Registered Deed of Conveyance dated 30.11.2009 from Mr. Sadanand Eknath Bhoir and 10 Others – Vendors and M/s. Nandkripa Builders – Purchaser, along with Index II, for plot admeasuring 9290 Sq.Mtrs. Registered under Serial No. TNN5-10697-2009 dated 01.12.2009.
- (7) Registered Deed of Confirmation dated 09.02.2012 executed between Mr. Devidas Eknath Bhoir & 8 Others – Vendors and M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) along with Index II, for plot admeasuring 9290 Sq.Mtrs. Registered under Serial No. TNN5-01262-2012 dated 09.02.2012.
- (8) Registered Irrevocable General Power of Attorney dated 09.02.2012 from Mr. Devidas Eknath Bhoir & 8 Others in favour of Partners of M/s. Megabuild Spaces



- (Formerly known as M/s. Nandkripa Builders). Registered under Serial No. 138/2012 dated 09.02.2012.
- (9) RTS Appeal bearing No. 208 of 2010 filed on November 2010 before The Sub Division Officer, Thane by Mrs. Anusaya Harishchandra Patil – Appellant Versus Mr. Sadanand Eknath Bhoir & 13 Others – Respondent, praying to cancel the Mutation Entry No. 213, 1090 and 905 along with Condonation of delay application pertaining to S.Nos. 4/5, 2/8, 2/23, 2/26 & 2/32.
- (10) Certified True Copy of Order dated 15.07.2011 passed by Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, in RTS Appeal No. 208 of 2010 filed by Mrs. Anusaya Harishchandra Patil – Appellant Versus Mr. Sadanand Eknath Bhoir & 13 Others – Respondents, stating Appeal Partially allowed and the Appellant therein is the Legal Heirs of deceased Tukibai Eknath Bhoir and having the rights in Plot bearing S.Nos. 4/5, 2/8, 2/23 & 2/26 situated at Village Vadavli, Taluka and District Thane.
- (11) RTS Appeal bearing No. 13 of 2012 filed before the Deputy Collector, at Thane, by M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) against Order dated the 15<sup>th</sup> July, 2011 passed by Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, in RTS Appeal No. 208 of 2010, against Mrs. Anusaya Harishchandra Patil & 13 Others.
- (12) RTS Appeal bearing No. 31 of 2011 filed on January 2011 before The Sub Division Officer, Thane, by Mrs. Kalavati Harishchandra Patil & Mrs. Vatsala Subhash Patil – Appellant Versus Mr. Sadanand Eknath Bhoir & 12 Others – Respondents, praying to cancel the Mutation Entry No. 213, 1090 and 905 along with Condonation of delay application pertaining to S.Nos. 4/5, 2/8, 2/23 & 2/32.
- (13) Certified True Copy of Order dated 15.07.2011 passed by Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, in RTS Appeal No. 31 of 2011 filed by Mrs. Kalavati Harishchandra Patil & Mrs. Vatsala Subhash Patil – Appellant Versus Mr.



- Sadanand Eknath Bhoir & 12 Others – Respondents, stating Appeal Partially allowed and both the Appellants therein are the Legal Heirs of deceased Tukibai Eknath Bhoir and having the rights in Plot bearing S.Nos. 4/5, 2/8, 2/23 & 2/32 situated at Village Vadavli, Taluka and District Thane.
- (14) RTS Appeal bearing No. 14 of 2012 filed before the Deputy Collector, at Thane, by M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) against Order dated the 15<sup>th</sup> July, 2011 passed by Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, in RTS Appeal No. 31 of 2011, against Mrs. Kalavati Harishchandra Patil & 13 Others.
- (15) Certified True Copy of Order dated 11.01.2013 passed by Mr. Ajinkay Padwal – Hon'ble Deputy Collector (Appeal), Thane, in RTS Appeal No. 13 of 2012 & RTS Appeal No. 14 of 2012 filed by M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), stating (1) Both the Appeals filed by the Appellants are being granted. (2) Both the Orders passed by Sub Divisional Officer, Thane, i.e. in (1) RTS Appeal No. 208/2010 dated 15.07.2011 and (2) RTS Appeal No.31/2011 dated 15.07.2011 are being cancelled.
- (16) Registered Deed of Confirmation dated 19.03.2012 executed between Mrs. Vatsala Subhash Patil & 3 Others – Vendors and M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) along with Index II, for plot admeasuring 9290 Sq.Mtrs. Registered under Serial No. TNN5-02457-2012 dated 19.03.2012.
- (17) Registered Irrevocable General Power of Attorney dated 19.03.2012 from Mrs. Vatsala Subhash Patil & 3 Others in favour of Partners of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders). Registered under Serial No. 248/2012 dated 19.03.2012.
- (18) Registered Deed of Confirmation dated 19.03.2012 executed between Mrs. Kalavati Harishchandra Patil & 4 Others – Vendors and M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) along with Index II, for plot admeasuring 9290 Sq.Mtrs. Registered under Serial No. TNN5-02456-2012 dated 19.03.2012.



- (19) Registered Irrevocable General Power of Attorney dated 19.03.2012 from Mrs. Kalavati Harishchandra Patil & 4 Others in favour of Partners of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders). Registered under Serial No. 249/2012 dated 19.03.2012.
- (20) LNA Appeal bearing No. 442 of 2010 filed on 31.08.2010 in Additional Commissioner, Konkan Division, Mumbai, by Mr. Mohammad Yusuf Kamaruddin Varekar & 3 Others – Appellants Versus Mr. Sadanand Eknath Bhoir & 11 Others – Respondents, against Order dated 06.10.2008 bearing No. Mahsul K1/T1/NAP/SR/457/2007 passed under section 247 of Maharashtra land Revenue Code 1966 and to cancel the said Order.
- (21) Withdrawal Application dated 28.03.2012 filed in LNA Appeal No. 442 of 2010 by Mr. Mohammad Yusuf Kamaruddin Varekar & Others – Appellant Versus Mr. Sadanand Eknath Bhoir & Others - Respondents, for withdrawal of LNA Appeal No. 442 of 2010.
- (22) Certified True Copy of Order dated 21.04.2012 passed by Additional Commissioner, Konkan Division in LNA Appeal No. 442 of 2010, stating Appellants hereby allowed to withdrawn the Appeal.
- (23) Certified True Copy of Special Civil Suit No. 655 of 2010 filed on 31.08.2010 in City Civil Court before Senior Division Judge, Thane, by Mr. Mohommad Yusuf Kamaruddin Varekar & 3 Others – Plaintiffs Versus Mr. Sadanand Eknath Bhoir and 12 Others – Defendants, praying that the Agreement for Sale dated 30.11.2009 should be declared as null and void and interim order against Nandkripa Builders in respect of S.Nos. 2/23, 2/32 & 4/5.
- (24) Order dated 12.07.2011 passed by City Civil Judge, Senior Division, Thane, in Special Civil Suit No. 655 of 2010, stating that interim Application is allowed and also restrained M/s. Nandkripa Builders from creating third party rights in respect of S.Nos. 2/23, 2/32 & 4/5.



- (25) Appeal bearing No. 1037 of 2011 along with Civil Application No. 1384 of 2011 filed on August 2011 in Hon'ble High Court, Bombay, by M/s. Nandkripa Builders Versus Mr. Mohammad Yusuf Kamaruddin Varekar & Others, against Order dated 12.07.2011 passed by City Civil Judge, Senior Division, Thane, in Special Civil Suit No. 655 of 2010.
- (26) Certified True Copy of Order dated 11.10.2011 passed by Hon'ble High Court, Bombay in Appeal No. 1037 of 2011, stating that Appeal form Order is disposed of.
- (27) Certified True Copy of Order dated 09.01.2012 passed below Exhibit No. 01 in Special Civil Suit No. 655 of 2010.
- (28) Notarized Internal Power of Attorney dated 09.07.2012 executed by Mr. Sattar Kamaruddin Varekar & 16 Others in favour of Mr. Mohammad Yusuf Kamaruddin Varekar & 3 Others. Notarized under Notary Register Serial No. 5004/2012 dated 09.07.2012.
- (29) Registered Deed of Confirmation dated 10.07.2012 executed between Mr. Mohommad Yusuf Kamaruddin Varekar & 21 Others – Claimants and M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) along with Index II, for plot admeasuring 9290 Sq.Mtrs. Registered under Serial No. TNN5-05986-2012 dated 10.07.2012.
- (30) Registered Irrevocable General Power of Attorney dated 10.07.2012 from Mr. Mohommad Yusuf Kamaruddin Varekar & 21 Others in favour of Partners of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders). Registered under Serial No. 566/2012 dated 10.07.2012.
- (31) Registered Power of Attorney to Withdraw proceedings dated 10.07.2012 2012 from Mr. Mohommad Yusuf Kamaruddin Varekar & 21 Others in favour of Partners of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders). Registered under Serial No. 565/2012 dated 10.07.2012.
- (32) Notarized Agreement dated 09.08.2012 executed between Mr. Mohommad Yusuf Kamaruddin Varekar & 4 Others – Claimants and M/s. Megabuild Spaces (Formerly



- known as M/s. Nandkripa Builders). Notarized under Notary Register Serial No. 222/2012 dated 09.08.2012.
- (33) Certified True Copy of An Application dated 17.07.2012 on behalf of the Plaintiff for Withdrawal of above Suit, along with the Order passed by the Hon'ble Civil Judge (S.D.) Thane on the same date.
- (34) Registered Deed of Confirmation and Relinquishment dated 23.12.2015 executed between Mr. Gajanan Eknath Bhoir & 17 others – The Parties of the First Part and M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) along with Index II, for plot admeasuring 9290 sq. mtrs. Registered under Serial No. TNN9-2015 dated 23.12.2015.
- (35) Registered irrevocable General Power of Attorney dated 23.12.2015 from Mr. Gajanan Eknath Bhoir & 17 others in favour of Partners of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) registered under Serial No. TNN9-9261-2015 dated 23.12.2015.
- (36) Non Agricultural Permission (N.A. Permission) dated 06.10.2008 issued by The Collector Thane for the said Property along with other lands as mentioned therein.
- (37) Development Permissions bearing V. P. No. S06/0118/11/TMC/TDD/0786/13 dated 25.02.2013 issued by Thane Municipal Corporation for Building No. 1 – Stilt + 5 Upper Floors and Building No.s 2 & 3 – Stilt + 7 Upper Floors.
- (38) 7/12 Extracts. Dated 01.03.2018
- (39) Mutation Entries.
- (40) Search Report dated 08.03.2018 taken by Search Clerk, Mr. Hemant Kambhe.
- (41) Registrar of Firms Extract dated 15.02.2016.
- (42) Retirement cum Continuation Deed dated 31<sup>st</sup> December, 2015

**ACQUISITION AND FLOW OF TITLE BY THE PRESENT OWNERS:**

Now, we will look at the devolution of the Title of the said Property from 7/12 Extracts and Mutation Entries:-





Presently the Revenue Record of the said Property is standing in the name of Mr. Kishor N. Shah, Partner of M/s. Megabuild Spaces as Owners of the said Property.

- (1) By and under Mutation Entry No. 161, wherein it is recorded that by an Agreement for Sale dated 8<sup>th</sup> February, 1937, Mrs. Sursud Bibi Abdul Reheman, Mr. Mohammad Ali Abdul Reheman, Mr. Ibrahim Abdul Reheman purchased the land bearing S.Nos. 4/4 & 2/26 from Mrs. Jenabibi Vaze Mohammad Sheikh for an amount of Rs.1000/-. The same has been recorded on 15<sup>th</sup> March, 1937 and the same was confirmed and certified on 25<sup>th</sup> June, 1937.
- (2) By and under Mutation Entry No. 277A, wherein it is recorded that by an Agreement for Sale dated 27<sup>th</sup> December, 1950, Mr. Ibrahim Sheikh Ali and Mrs. Mariya Bibi Ibrahim Sheikh Ali purchased the land bearing S.Nos. 4/4 & 2/26 from Mr. Ibrahim Abdul Reheman and Mr. Ahmed Ali for an amount of Rs.1000/-. The same has been recorded on 4<sup>th</sup> April, 1951 and the same was confirmed and certified on 26<sup>th</sup> July, 1951.
- (3) By and under Mutation Entry No. 30, wherein it is recorded that Mr. Ibrahim Sheikh Ali died two years back and his wife Mrs. Mariya Bibi Ibrahim Sheikh Ali being the only legal heir became the owner of the land bearing S.Nos. 4/4 & 2/26. The same has been recorded on 12<sup>th</sup> October, 1977 and the same was confirmed and certified on 14<sup>th</sup> November, 1977.
- (4) By and under Mutation Entry No. 141, wherein it is recorded that by an Agreement for Sale dated 23<sup>rd</sup> April, 1984, Mr. Sadanand Eknath Bhoir purchased the land bearing S.No. 2/26 from Mrs. Mariya Bibi Ibrahim Sheikh for an amount of Rs.4000/- . The same has been recorded on 1<sup>st</sup> August, 1984 and the same was confirmed and certified on 28<sup>th</sup> February, 1985.



- (5) By and under Mutation Entry No. 155, wherein it is recorded that by an Agreement for Sale dated 7<sup>th</sup> February, 1936, Mrs. Gomatibai Gowardhandas Mohonji and Mrs. Jamnabai Purshottam Gowardhandas have sold the land bearing S.Nos. 2/23, 2/32 & 4/5 to Mr. Kamaruddin Badaruddin Varekar and Mr. Abdul Gaffur Badaruddin Varekar for an amount of Rs.500/-. The same has been recorded on 26<sup>th</sup> March, 1936.
- (6) By and under Mutation Entry No. 185, wherein it is recorded that on 21<sup>st</sup> October, 1938, Mr. G. B. Pradhan ordered the matter in favour of Mr. Balwant Sitaram Joglekar. The said Mutation is pertaining to S.No. 2/8 and Other 25 S.Nos. situated at Village Vadavli. The same has been recorded on 15<sup>th</sup> January, 1939.
- (7) By and under Mutation Entry No. 378, wherein it is recorded that by an order bearing No. TNC 8113 dated 14<sup>th</sup> January, 1956, the following names were recorded as Kabjedar, Protected Tenant and Simple Tenant for the subject landed property. The same has been recorded on 7<sup>th</sup> August, 1956.

S.No./H.No.	Kabjedar	Protected Tenant	Simple Tenant
2/8	Balwant Sitaram Joglekar	Rama Mangalya	Rama Mangalya
2/23	1) Kumaruddin Badaruddin 2) Abdul Gafur Badaruddin	1. Balu Nago 2. Rama Mangalya	1. Balu Nago 2. Rama Mangalya
2/32	1) Kumaruddin Badaruddin 2) Abdul Gafur Badaruddin	1. Shankar Ganu Patil 2. Rama Mangalya	Walkibai Rama
4/5	1) Kumaruddin Badaruddin 2) Abdul Gafur Badaruddin	Rama Mangalya	Walkibai Rama

- (8) By and under Mutation Entry No.226, wherein it is recorded that under Section 32 (G) of Bombay Tenancy and Agricultural Land Act, the purchase price of land bearing S.No. 2/23 was fixed at Rs.108.55/-. After payment of purchase price of Rs.108.55/-, the name of Mrs. Walkibai Mangalya was recorded as a Kabjedar for the land



bearing S.No. 2/23 and therefore name of Mr. Kamaruddin Badaruddin Varekar Owner of the land is deleted from other rights column and is also recorded in Tahasildar Office, Thane and accordingly, 32 M Certificate bearing No.3704 dated 28<sup>th</sup> October 1985 was issued.

- (9) By and under Mutation Entry No.213, wherein it is recorded that Mrs. Walkibai Rama Madhavi died in the year 1984 intestate and after her demise her niece Mrs. Tukibai Eknath Bhoir came on record but she also died. Therefore, the name of her legal heirs (1) Mr. Sadanand Eknath Bhoir, (2) Mr. Gajanan Eknath Bhoir and (3) Mr. Devidas Eknath Bhoir were brought on record in the record of rights for land bearing S.Nos. 2/8, 2/23, 2/32 & 4/5.
- (10) By and under Mutation Entry No. 227, wherein it is recorded that by Additional Tahasildar & A.L.T., Thane's Order dated 6<sup>th</sup> June, 1988, Mr. Sadanand Eknath Bhoir has Kul Rights under Section 32 (G) of Bombay Tenancy and Agricultural Land Act, the purchase price of land bearing S.No. 2/8 was fixed at Rs.189/-. After payment of purchase price of Rs.189/-, the name of Mr. Sadanand Eknath Bhoir was recorded as a Kabjedar for the land bearing S.No. 2/8 and therefore name of Mr. Balwant Sitaram Jogalekar Owner of the land is deleted from record of rights column.
- (11) By and under Mutation Entry No. 369, wherein it is recorded that by Order bearing No. WTN-1877 dated 14<sup>th</sup> April, 1956 declared that land bearing S.No. 2/8 & 2/16 as Government Land under Section 7 of Personal Award Act. The Pherphar for the same was mutated on 26<sup>th</sup> April, 1956. It is also recorded that in respect of the said Pherphar they have received complaint which they have noted under Section 37 (1) and ordered to investigate the same.
- (12) By and under the Mutation Entry No. 187, wherein it is recorded that Mr. Kamaruddin Badaruddin Varekar died before one and half year back, leaving behind following persons as his only legal heirs:



- |                                       |   |                   |
|---------------------------------------|---|-------------------|
| (a) Khatunbi Kamaruddin Varekar       | - | Wife.             |
| (b) Mohammad Yusuf Kamaruddin Varekar | - | Son.              |
| (c) Abdul Jabbar Kamaruddin Varekar   | - | Son.              |
| (d) Mohammad Sadik Kamaruddin Varekar | - | Son.              |
| (e) Sattar Kamaruddin Varekar         | - | Son.              |
| (f) Kharunissa Abdul Latif Bharmar    | - | Married Daughter. |
| (g) Jamalabi Hasan Surme              | - | Married Daughter. |
| (h) Salibabi Abdul Razzak Bhure       | - | Married Daughter. |

The name of the legal heirs recorded under Pherphar No. 1426. The said Mutation Entry is pertaining to S.Nos. 2/32 & 4/5. The same has been recorded on 2<sup>nd</sup> October, 1986.



- (13) By and under Mutation Entry No. 257, wherein it is recorded that the Purchase Price of land bearing S.Nos. 2/32 & 4/5 was declared under Section 32G of Bombay Tenancy and Agricultural Land Act, in favour of Mr. Sadanand Eknath Bhoir by and under Taluka Order No. LSP/I/III/74 32G Vadavali 89 / 88 dated 9<sup>th</sup> May, 1989. The same has been recorded on 23<sup>rd</sup> May, 1989.
- (14) By and under the Mutation Entry No. 263, wherein it is recorded that the Additional Tahasildar & ALT, Thane vide his Order dated 19<sup>th</sup> July, 1989 granted 32M Certificate bearing No. 4066. On Perusal of 32M Certificate, the Kul Mr. Sadanand Eknath Bhoir has paid Purchase Price of Rs.808/- and therefore the Owner Mr. Kamaruddin Varekar's name from other rights column has been deleted in respect of S.Nos. 2/32 & 4/5. The same has been recorded on 9<sup>th</sup> January, 1990 and the same was confirmed and certified on 11<sup>th</sup> June, 1990.
- (15) By and under Mutation Entry No. 747, wherein it is recorded that by a Registered Agreement for Sale dated 5<sup>th</sup> July, 2007, registered under Serial No. 5022/2007, M/s. Nandkripa Builders, through its Partner Mr. Kishor N. Shah purchased the said Property from Mr. Sadanand Eknath Bhoir and Others for an total consideration of Rs.2,20,00,000/- and accordingly the name of M/s. Nandkripa Builders was recorded in the Other Rights Column of the 7/12 Extracts of the said Property. The same has been recorded on 8<sup>th</sup> August, 2007.
- (16) By and under Mutation Entry No. 905, wherein it is recorded that the Collector, Thane vide his Order bearing No. Mahsul/No.1/T-1/NAP/SR-457/2008 dated 6<sup>th</sup> October 2008 has granted Non Agriculture Permission for the said Property. The said Property falls under Section 43 of Bombay Agricultural & Tenancy Land Act. Therefore the land owner Mr. Sadanand Eknath Bhoir and others through their



Constituted Attorney M/s. Nandkripa Builder through Mr. Kishor Shah has paid Nazrana of Rs.180/- vide Challan No.537/08 and 173/2008 on 4<sup>th</sup> October 2008 under section 25(A) (2) of Bombay Tenancy and Agricultural Land, 1956. The same was mutated by The Tahasildar, Thane on 15<sup>th</sup> May, 2009 in the Revenue Record of the said property.

- (17) By and under Mutation Entry No. 1090, wherein it is recorded that by a Registered Deed of Conveyance dated 1<sup>st</sup> February 2009 bearing Registration No.10697/ 2009 executed between Mr. Sadanand Eknath Bhoir, Mrs. Hirabai Sadanand Bhoir, Mr. Ravindra Sadanand Bhoir, Mrs. Sunanda Ravindra Bhoir, Mr. Ratnakar Sadanand Bhoir, Mrs. Sushma Ratnakar Bhoir, Mr. Sachin Sadanand Bhoir, Mrs. Nisha Sachin Bhoir, Ms. Kavita Vikas Bhoir, Mr. Gajanan Eknath Bhoir, Mr. Devidas Eknath Bhoir through Constituted Attorney Holder Mr. Kishor Nandlal Shah – Vendors and M/s. Nandkripa Builders – Purchasers, purchased the said Property from Vendors after paying total consideration of Rs.2,20,00,000/- (Rupees Two Crores Twenty Lakhs Only). The same was mutated by The Tahasildar, Thane on 30<sup>th</sup> June, 2010 in the Revenue Record of the said Property.
- (18) By and under Mutation Entry No.1645, wherein it is recorded that the name of M/s. Nandkripa Builders was already mutated on the 7/12 Extracts of the said property and the name of M/s. Nandkripa Builders is now changed to M/s. Megabuilt Spaces as per the Extracts issued by Registrar of Firms dated 25<sup>th</sup> September, 2014. The name of M/s. Megabuild Spaces was mutated by the Tahasildar, Thane on 9<sup>th</sup> March, 2016 in the Revenue Record of the said property.

Now, we will look at the devolution of the Title of the said Property from documents provided by M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders):



- (1) By and under Agreement for Sale dated the 5<sup>th</sup> day of July, 2007, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN5-05022-2007 dated 05.07.2007, Mr. Sadanand Eknath Bhoir, Mrs. Hirabai Sadanand Bhoir, Mr. Ravindra Sadanand Bhoir, Mrs. Sunanda Ravindra Bhoir, Mr. Ratnakar Sadanand Bhoir, Mrs. Sushma Ratnakar Bhoir, Mr. Sachin Sadanand Bhoir, Mrs. Nisha Sachin Bhoir, Ms. Kavita Vikas Bhoir, Mr. Gajanan Eknath Bhoir and Mr. Devidas Eknath Bhoir therein referred to as "the Vendors/Owners", have assigned development rights in the said Property of their share, right, title and interest along with all other benefits and advantages of the said Property to and in favour of M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces), therein referred to as "the Purchasers", for the monetary consideration and upon the terms and conditions, more particularly mentioned therein. The same has been recorded and mutated on 8<sup>th</sup> August, 2007 by Mutation Entry No. 747 in the 7/12 Extracts of the said Property, in the Revenue Record of the Tahasildar.
- (2) The said Mr. Sadanand Eknath Bhoir, Mrs. Hirabai Sadanand Bhoir, Mr. Ravindra Sadanand Bhoir, Mrs. Sunanda Ravindra Bhoir, Mr. Ratnakar Sadanand Bhoir, Mrs. Sushma Ratnakar Bhoir, Mr. Sachin Sadanand Bhoir, Mrs. Nisha Sachin Bhoir, Ms. Kavita Vikas Bhoir, Mr. Gajanan Eknath Bhoir and Mr. Devidas Eknath Bhoir, have further also executed an Irrevocable General Power of Attorney dated the 5<sup>th</sup> day of July, 2007, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. 783/2007, of the said Property, to and in favour of the Partners of M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces) and thereby assigned various rights and authorities and empowered M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces) to do the acts, things, deeds, matters, etc. for and on behalf of them.
- (3) By and under Deed of Release dated the 6<sup>th</sup> day of July, 2007, Notarized at Thane, by Advocate, High Court, Mr. B. B. Bhoir, under Notary Register No. 5421 dated



06.07.2007, Mr. Ravindra Sadanand Bhoir, therein referred to as "the Releasor", have released his rights of the said Property to and in favour of M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces), therein referred to as "the Releasee", for the monetary consideration and upon the terms and conditions, more particularly mentioned therein.

- (4) The said Mr. Sadanand Eknath Bhoir & Others have also handed over Vacant and peaceful the possession of the said Property to M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces), by a Possession Receipt dated the 17<sup>th</sup> day of July, 2007. The same has been Notarized at Thane, by Advocate, High Court, Mr. B. B. Bhoir, under Notary Register No. 5707 dated 17.07.2007.
- (5) By and under Non Agriculture Permission dated the 6<sup>th</sup> day of October, 2008, bearing No. Mahsul/K-1/T-1/NAP/SR-457/2008, issued by the Office of the Collector, District Thane, the User of the said Property, has been declared as Non – Agricultural user. The same has been recorded and mutated on 15<sup>th</sup> May, 2009 by Mutation Entry No. 905 in the 7/12 Extracts of the said Property, in the Revenue Record of the Tahasildar.
- (6) By and under Indenture of Conveyance dated the 30<sup>th</sup> day of November, 2009, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN5-10697-2009 dated 01.12.2009, the said Mr. Sadanand Eknath Bhoir, Mrs. Hirabai Sadanand Bhoir, Mr. Ravindra Sadanand Bhoir, Mrs. Sunanda Ravindra Bhoir, Mr. Ratnakar Sadanand Bhoir, Mrs. Sushma Ratnakar Bhoir, Mr. Sachin Sadanand Bhoir, Mrs. Nisha Sachin Bhoir, Ms. Kavita Vikas Bhoir, Mr. Gajanan Eknath Bhoir and Mr. Devidas Eknath Bhoir, through their Constituted Attorney, Mr. Kishor N. Shah, therein referred to as "the Vendors", have transferred and conveyed ownership rights in the said Property of their share, right, title and interest along with all other benefits and advantages of the said Property to and in favour of M/s. Nandkripa





Builders (now known as M/s. Megabuild Spaces), therein referred to as "the Purchaser", for the monetary consideration and upon the terms and conditions, more particularly mentioned therein. The same has been recorded and mutated on 30<sup>th</sup> June, 2010 by Mutation Entry No. 1090 in the 7/12 Extracts of the said Property, in the Revenue Record of the Tahasildar.

- (7) After obtaining N. A. Permission and on executing Indenture of Conveyance, the said Property was absolutely conveyed, sold and transferred in favour of M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces), for the agreed consideration. In view thereof, the M/s. Nandkripa Builders (now known as M/s. Megabuild Spaces) became the absolute and lawful Owners of the said Property.
- (8) By and under Deed of Confirmation dated the 9<sup>th</sup> day of February, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN5-01262-2012 dated 09.02.2012, the said (1) Mr. Devidas Eknath Bhoir, (2) Mrs. Parvati Devidas Bhoir, (3) Mr. Shailesh Devidas Bhoir, (4) Mr. Shrikant Devidas Bhoir, (5) Mr. Ranjit Devidas Bhoir, (6) Mrs. Prachi Shailesh Bhoir, (7) Mrs. Trupti Shrikant Bhoir, (8) Mrs. Sadhana Ranjit Bhoir and (9) Master Parth Shailesh Bhoir, therein referred to as "the Vendors/Owners" have assigned development rights in the said Property of their share, right, title and interest along with all other benefits and advantages of the said Property to and in favour of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), therein referred to as "the Purchaser", for the monetary consideration and upon the terms and conditions, more particularly mentioned therein. The said (1) Mr. Devidas Eknath Bhoir, (2) Mrs. Parvati Devidas Bhoir, (3) Mr. Shailesh Devidas Bhoir, (4) Mr. Shrikant Devidas Bhoir, (5) Mr. Ranjit Devidas Bhoir, (6) Mrs. Prachi Shailesh Bhoir, (7) Mrs. Trupti Shrikant Bhoir, (8) Mrs. Sadhana Ranjit Bhoir and (9) Master Parth Shailesh Bhoir, have further also executed an Irrevocable General Power of Attorney dated the 9<sup>th</sup> day of February, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial



No. 138/2012, of the said Property, to and in favour of the Partners of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) and thereby assigned various rights and authorities and empowered M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) to do the acts, things, deeds, matters, etc. for and on behalf of them.

- (9) In the Month of January, 2011, Mrs. Kalavati Harishchandra Patil and Mrs. Vatsala Subhash Patil, (Appellants) has filed RTS Appeal bearing No. 31/2011 before Sub Division Officer, Thane against (1) Mr. Sadanand Eknath Bhoir, (2) Mr. Gajanan Eknath Bhoir, (3) Mr. Devidas Eknath Bhoir, (4) Mrs. Anusaya Harishchandra Patil , (5) Mrs. Hirabai Sadanand Bhoir, (6) Mr. Ravindra Sadanand Bhoir, (7) Mrs. Sunanda Ravindra Bhoir, (8) Mr. Ratnakar Sadanand Bhoir, (9) Mrs. Sushma Ratnakar Bhoir, (10) Mr. Sachin Sadanand Bhoir, (11) Mrs. Nisha Sachin Bhoir, (12) Mrs. Kavita Vikas Bhoir, and (13) Mr. Kishor N. Shah, Partner of M/s. Nandkripa Builders (Respondents) praying to cancel the Mutation Entry Nos. 213, 1090 and 905 along with Condonation of Delay Application.
- (10) Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, passed Order dated the 15<sup>th</sup> July, 2011, in RTS Appeal No. 31 of 2011 filed by Mrs. Kalavati Harishchandra Patil & Mrs. Vatsala Subhash Patil – Appellant Versus Mr. Sadanand Eknath Bhoir & 12 Others – Respondents, stating Appeal Partially allowed and both the Appellants therein are the Legal Heirs of deceased Tukibai Eknath Bhoir and having the rights in Plot bearing S.Nos. 4/5, 2/8, 2/23 & 2/32 situated at Village Vadavli, Taluka and District Thane.
- (11) On 11<sup>th</sup> January, 2012, M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) filed RTS Appeal bearing No. 14 of 2012 before the Deputy Collector, at Thane, against Order dated the 15<sup>th</sup> July, 2011 passed by Mr. Madhav Patil – Hon'ble



Sub Divisional Officer, Thane, in RTS Appeal No. 31 of 2011, against Mrs. Kalavati Harishchandra Patil & 13 Others.

- (12) By and under Deed of Confirmation dated the 19<sup>th</sup> day of March, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN5-02456-2012 dated 19.03.2012, the said (1) Mrs. Kalavati Harishchandra Patil, (2) Mr. Sanjay Harishchandra Patil, (3) Mr. Nitin Harishchandra Patil, (4) Mrs. Pramila Devidas Mandre, and (5) Mrs. Deepali Mohan Patil, therein referred to as "the Vendors/Owners" have assigned development rights in the said Property of their share, right, title and interest along with all other benefits and advantages of the said Property to and in favour of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), therein referred to as "the Purchaser", for the monetary consideration and upon the terms and conditions, more particularly mentioned therein. The said (1) Mrs. Kalavati Harishchandra Patil, (2) Mr. Sanjay Harishchandra Patil, (3) Mr. Nitin Harishchandra Patil, (4) Mrs. Pramila Devidas Mandre, and (5) Mrs. Deepali Mohan Patil, have further also executed an Irrevocable General Power of Attorney dated the 19<sup>th</sup> day of March, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. 249/2012, of the said Property, to and in favour of the Partners of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) and thereby assigned various rights and authorities and empowered M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) to do the acts, things, deeds, matters, etc. for and on behalf of them.
- (13) By and under Deed of Confirmation dated the 19<sup>th</sup> day of March, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN5-02457-2012 dated 19.03.2012, the said (1) Mrs. Vatsala Subhash Patil, (2) Mr. Aatish Subhash Patil, (3) Mrs. Hema Dayanand Mhatre, and (4) Mrs. Reena Yogesh Vaturi, therein referred to as "the Vendors/Owners" have assigned development rights in the said Property of their share, right, title and interest along with all other benefits



and advantages of the said Property to and in favour of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), therein referred to as "the Purchaser", for the monetary consideration and upon the terms and conditions, more particularly mentioned therein. The said (1) Mrs. Vatsala Subhash Patil, (2) Mr. Aatish Subhash Patil, (3) Mrs. Hema Dayanand Mhatre, and (4) Mrs. Reena Yogesh Vatari, have further also executed an Irrevocable General Power of Attorney dated the 19<sup>th</sup> day of March, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. 248/2012, of the said Property, to and in favour of the Partners of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) and thereby assigned various rights and authorities and empowered M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) to do the acts, things, deeds, matters, etc. for and on behalf of them.

- (14) In the Month of January, 2011, Mrs. Anusaya Harishchandra Patil (Appellant) has filed RTS Appeal bearing No. 208/2010 before Sub Division Officer, Thane against (1) Mr. Sadanand Eknath Bhoir, (2) Mr. Gajanan Eknath Bhoir, (3) Mr. Devidas Eknath Bhoir, (4) Mrs. Kalavati Harishchandra Patil, (5) Mrs. Vatsala Subhash Patil, (6) Mrs. Hirabai Sadanand Bhoir, (7) Mr. Ravindra Sadanand Bhoir, (8) Mrs. Sunanda Ravindra Bhoir, (9) Mr. Ratnakar Sadanand Bhoir, (10) Mrs. Sushma Ratnakar Bhoir, (11) Mr. Sachin Sadanand Bhoir, (12) Mrs. Nisha Sachin Bhoir, (13) Mrs. Kavita Vikas Bhoir, and (14) Mr. Kishor N. Shah, Partner of M/s. Nandkripa Builders (Respondents) praying to cancel the Mutation Entry Nos. 213, 1090 and 905 along with Condonation of Delay Application.
- (15) Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, passed Order dated the 15<sup>th</sup> July, 2011, in RTS Appeal No. 208 of 2010 filed by Mrs. Anusaya Harishchandra Patil – Appellant Versus Mr. Sadanand Eknath Bhoir & 13 Others – Respondents, stating Appeal Partially allowed and the Appellant therein are the Legal Heirs of



deceased Tukibal Eknath Bhoir and having the rights in Plot bearing S.Nos. 4/5, 2/8, 2/23 & 2/32 situated at Village Vadavli, Taluka and District Thane.

- (16) On 11<sup>th</sup> January, 2012, M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) filed RTS Appeal bearing No. 13 of 2012 before the Deputy Collector, at Thane, against Order dated the 15<sup>th</sup> July, 2011 passed by Mr. Madhav Patil – Hon'ble Sub Divisional Officer, Thane, in RTS Appeal No. 208 of 2010, against Mrs. Anusaya Harishchandra Patil & 13 Others.
- (17) In the Appeals bearing RTS Appeal No. 13 of 2012 & RTS Appeal No. 14 of 2012 filed by M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), Mr. Ajinkay Padwal – Hon'ble Deputy Collector (Appeal), Thane, passed Common Order dated 11<sup>th</sup> January, 2013, stating (1) Both the Appeals filed by the Appellants are being granted. (2) Both the Orders passed by Sub Divisional Officer, Thane, i.e. in (1) RTS Appeal No. 208/2010 dated 15<sup>th</sup> July, 2011 and (2) RTS Appeal No.31/2011 dated 15<sup>th</sup> July, 2011 are being cancelled.
- (18) On 31<sup>st</sup> day of August, 2010, Mr. Mohammad Yusuf Kamaruddin Varekar, Mr. Abdul Jabbar Kamaruddin Varekar, Mrs. Hameeda Naeem Varekar and Mr. Naeem Sadik Varekar (Appellants) has filed LNA Appeal No. 442 of 2010 before Additional Commissioner, Konkan Division, Mumbai, against Mr. Sadanand Eknath Bhoir and 11 Others (Respondents), against Order dated 06.10.2008 bearing No. Mahsul K1/T1/NAP/SR/457/2007 passed under section 247 of Maharashtra Land Revenue Code 1966 and to cancel the said Order.
- (19) In the said LNA Appeal No. 442 of 2010, Mr. Mohammad Yusuf Kamaruddin Varekar filed Withdrawal Application dated the 28<sup>th</sup> March, 2012, for withdrawal of the said LNA Appeal No. 442 of 2010.



- (20) On 21<sup>st</sup> day of April, 2012, Additional Commissioner, Konkan Division, passed Order in LNA Appeal No. 442 of 2010, stating Appellants hereby allowed to Withdrawn the Appeal.
- (21) On 31<sup>st</sup> day of August, 2010, Mr. Mohammad Yusuf Kamaruddin Varekar, Mr. Abdul Jabbar Kamaruddin Varekar, Mrs. Hameeda Naeem Varekar and Mr. Naeem Sadik Varekar (Plaintiffs) has filed Special Civil Suit No. 655 of 2010 in the City Civil Court before Senior Division Judge, Thane, against (1) Mr. Sadanand Eknath Bhoir, (2) Mr. Devidas Eknath Bhoir, (3) Mr. Gajanan Eknath Bhoir, (4) Mrs. Hirabai Sadanand Bhoir, (5) Mr. Ravindra Sadanand Bhoir, (6) Mrs. Sunanda Ravindra Bhoir, (7) Mr. Ratnakar Sadanand Bhoir, (8) Mrs. Sushma Ratnakar Bhoir, (9) Mr. Sachin Sadanand Bhoir, (10) Mrs. Nisha Sachin Bhoir, (11) Mrs. Kavita Vikas Bhoir, and (12) Mr. Kishor N. Shah, Partner of M/s. Nandkripa Builders (Defendants), praying that the Deed of Conveyance dated 30<sup>th</sup> November, 2009 should be declared as null and void and Interim Order against M/s. Nandkripa Builders in respect of S.Nos. 2/23, 2/32 & 4/5.
- (22) In the said Special Civil Suit No. 655 of 2010, City Civil Judge, Senior Division, Thane, passed Order dated the 12<sup>th</sup> day of July, 2011, stating that interim Application is allowed and also restrained M/s. Nandkripa Builders from creating third party rights in respect of S.Nos. 2/23, 2/32 & 4/5.
- (23) In August, 2011, M/s. Nandkripa Builders filed Appeal from Order No. 1037 of 2011 before Hon'ble High Court, Bombay, Versus Mr. Mohammad Yusuf Kamaruddin Varekar & Others, against Order dated the 12<sup>th</sup> day of July, 2011 passed by City Civil Judge, Senior Division, Thane, in Special Civil Suit No. 655 of 2010.
- (24) Hon'ble High Court, Bombay passed Order dated the 11<sup>th</sup> October, 2011, in Appeal from Order No. 1037 of 2011, stating Appeal from Order is disposed of. In view of the disposal of the Appeal from Order pending Civil Application does not survive and stands disposed of accordingly. The Trial Court is directed to proceed to decide the



- issue of jurisdiction as expeditiously as possible, preferably, within 12 weeks from today.
- (25) Mr. S. C. Sirsat, 9<sup>th</sup> Joint Civil Judge, Senior Division, Thane, passed Order below Exh 1 dated the 9<sup>th</sup> January, 2012, in Special Civil Suit No. 655 of 2010, stating that This Court has got the jurisdiction to try the Suit and parties are directed to proceed further as per the provisions of the law.
- (26) Mr. Mohammad Yusuf Kamaruddin Varekar, Mr. Abdul Jabbar Kamaruddin Varekar, Mrs. Hameeda Naeem Varekar and Mr. Naeem Sadik Varekar (Plaintiffs) filed Withdrawal Application dated the 17<sup>th</sup> day of July, 2012, in Special Civil Suit No. 655 of 2010, before Hon'ble Civil Judge (S.D.) Thane, for Withdrawal of the Special Civil Suit No. 655 of 2010.
- (27) Mr. S. C. Sirsat, 9<sup>th</sup> Joint Civil Judge, Senior Division, Thane, passed Order dated the 17<sup>th</sup> July, 2012, in Special Civil Suit No. 655 of 2010, stating that the Plaintiffs filed a Withdrawn Application vide Exh. 69. In View of Order Permission granted to Withdrawn the Suit. Hence Suit is Withdrawn.
- (28) By and under Deed of Confirmation dated the 10<sup>th</sup> day of July, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN5-05986-2012 dated 10.07.2012, the said (1) Mrs. Mohammad Yusuf Kamaruddin Varekar, (2) Mr. Abdul Jabbar Kamaruddin Varekar, (3) Mrs. Hamida Sadik Varekar, (4) Mr. Naeem Sadik Varekar, (5) Sattar Kamaruddin Varekar, (6) Mrs. Salma Yusuf Varekar, (7) Mr. Aslam Yusuf Varekar, (8) Mr. Vasim Yusuf Varekar, (9) Mrs. Kudsia Guljar Pawle, (10) Masudha Sharif Jhadi, (11) Shahida Ashraf Ghode, (12) Khalida Sadik Varekar, (13) Wahida Jameel Deshmukh, (14) Farida Jabbar Varekar, (15) Khalid Jabbar Varekar, (16) Raeesa Sattar Varekar, (17) Shaheed Sattar Varekar, (18) Vahid Sattar Varekar, (19) Shakir Sattar Varekar, (20) Shabeena Sattar Varekar And (21) Shaheena Rafiq Patel, therein referred to as "the Claimants" have assigned their

rights in the said Property of their share, right, title and interest along with all other benefits and advantages of the said Property to and in favour of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), therein referred to as "the Purchaser", for the consideration and upon the terms and conditions, more particularly mentioned therein.

- (29) The said (1) Mrs. Mohammad Yusuf Kamaruddin Varekar, (2) Mr. Abdul Jabbar Kamaruddin Varekar, (3) Mrs. Hamida Sadik Varekar, (4) Mr. Naeem Sadik Varekar, (5) Sattar Kamaruddin Varekar, (6) Mrs. Salma Yusuf Varekar, (7) Mr. Aslam Yusuf Varekar, (8) Mr. Vasim Yusuf Varekar, (9) Mrs. Kudsia Guljar Pawle, (10) Masudha Sharif Jhadi, (11) Shahida Ashraf Ghode, (12) Khalida Sadik Varekar, (13) Wahida Jameel Deshmukh, (14) Farida Jabbar Varekar, (15) Khalid Jabbar Varekar, (16) Raeesa Sattar Varekar, (17) Shaheed Sattar Varekar, (18) Vahid Sattar Varekar, (19) Shakir Sattar Varekar, (20) Shabeena Sattar Varekar And (21) Shaheena Rafiq Patel, have further also executed an Irrevocable General Power of Attorney dated the 10<sup>th</sup> day of July, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. 566/2012, and also executed Power of Attorney to Withdraw Proceedings dated the 10<sup>th</sup> day of July, 2012, registered in the Office of the Sub-Registrar of Assurances, at Thane, under Serial No. 565/2012, of the said Property, to and in favour of the Partners of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) and thereby assigned various rights and authorities and empowered M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders) to do the acts, things, deeds, matters, etc. for and on behalf of them.
- (30) Agreement dated the 9<sup>th</sup> day of August, 2012 executed between (1) Mr. Mohommad Yusuf Kamaruddin Varekar, (2) Mr. Abdul Jabbar Kamaruddin Varekar, (3) Mrs. Hamida Sadik Varekar, (4) Mr. Naeem Sadik Varekar and (5) Mr. Sattar Kamaruddin Varekar – Claimants and M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa





Builders), for Services rendered by them for Settlement. The same has been Notarized under Notary Register Serial No. 222/2012 dated 09.08.2012.

- (31) By and under Deed of Confirmation and Relinquishment dated the 23<sup>rd</sup> day of December, 2015 registered in the office of the Sub-Registrar of Assurances, at Thane, under Serial No. TNN9-92590-2015, the said (1) Mr. Gajanan Eknath Bhoir, (2) Mrs. Kanti Gajanan Bhoir, (3) Mr. Rupesh Gahanan Bhoir, (4) Mrs. Deepanjali Rupesh Bhoir, (5) Master Vedant Rupesh Bhoir, (6) Ms. Kavya Rupesh Bhoir, (7) Mrs. Manish Devidas Joshi, (8) Mr. Karan Devidas Joshi, (9) Master Nikit Devidas Joshi, (10) Mrs. Jayeshree Naresh Gharat, (11) Master Monesh Naresh Gharat, (12) Master Sahil Naresh Gharat, (13) Miss Yojana Naresh Thakur, (14) Miss Hanisha Naresh Thakur, (15) Master Ved Naresh Thakur, (16) Mrs. Kanchan Datta Madhvi, (17) Miss Nidhi Datta Madhvi and (18) Master Mann Datta Madhavi therein referred to as "The Parties of the First Part" have assigned their rights in the said property of their share, right, title and interest alongwith all other benefits and advantages of the said property to and in favour of M/s. Megabuild Spaces (formerly known as M/s. Nandkripa Builders), therein referred to as "the Party of the Second Part", for the Consideration and upon the terms and conditions, more particularly mentioned therein.
- (32) The (1) Mr. Gajanan Eknath Bhoir, (2) Mrs. Kanti Gajanan Bhoir, (3) Mr. Rupesh Gahanan Bhoir, (4) Mrs. Deepanjali Rupesh Bhoir, (5) Master Vedant Rupesh Bhoir, (6) Ms. Kavya Rupesh Bhoir, (7) Mrs. Manish Devidas Joshi, (8) Mr. Karan Devidas Joshi, (9) Master Nikit Devidas Joshi, (10) Mrs. Jayeshree Naresh Gharat, (11) Master Monesh Naresh Gharat, (12) Master Sahil Naresh Gharat, (13) Miss Yojana Naresh Thakur, (14) Miss Hanisha Naresh Thakur, (15) Master Ved Naresh Thakur, (16) Mrs. Kanchan Datta Madhvi, (17) Miss Nidhi Datta Madhvi and (18) Master Mann Datta Madhavi, have further also executed an Irrevocable General Power of Attorney dated the 23<sup>rd</sup> of December, registered in the Office of the Sub-Registrar of



Assurances, at Thane, under Serial No. TNN9-9261-2015 dated 23.12.2015 of the said property, to and in favour of the Partners of M/s. Megabuild Spaces (formerly known as M/s/. Nandkripa Builders) and thereby assigned various rights and authorities and empowered M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders to do the acts, things, deeds, matters, etc. for and on behalf of them.

As regards the Constitution of Partnership Firm viz. Megabuild Spaces :

- i) We have reviewed the Extract from the Registrar of the Firms with regard to the Firm as issued on 15<sup>th</sup> February, 2016 and have observed that as per the said Extract, the firm is registered with the Registrar of Firms, Mumbai under Firm Reg. No. B-B-108315.
- ii) It is further inter alia reflected from the extract from the Registrar of Firms that :
  - (a) Previously the name of the firm was M/s. Nandkripa Builders and subsequently, the name of the Firm stood changed to M/s. Megabuild Spaces with effect from 10<sup>th</sup> May, 2011.
  - (b) Present Partners of the firm as reflected in the said Extract from the Registrar of Firms are (i) Mr. Kishor N. Shah, (ii) Mr. Vimall K. Shah (iii) Mr. Nainesh K. Shah, (iv) Money Magnum Nest Pvt. Ltd. (formerly known as Everest Fincap Pvt. Ltd.) (v) Manshila Construction Pvt. Ltd. (formerly known as Everest Shelters (India) Pvt. Ltd. (vi) Mugdha Creation Pvt. Ltd. (formersly known as Everest Land Developers (India) Pvt. Ltd. and (vii) Terraform Manjil Pvt. Ltd. (formerly known as Vatika Homemakers Pvt. Ltd.)
- (iii) We are informed that by and under Retirement cum Continuation Deed dated 31<sup>st</sup> December, 2015, the said Mugdha Creation PVT. Ltd. (formerly known as



Everest Land Developers (India) Pvt. Ltd.) has retired from the Firm as a Partners thereof with effect from 31<sup>st</sup> December, 2015 and remaining 6 (six) Partners as set out herein above continue to be the only partners of the Firm. We are further informed that the said Retirement cum Continuation Deed dated 31<sup>st</sup> December, 2015 is lodged with the office of the Registrar of the Firms but the effect thereof is not yet reflected in the records of the Firm maintained by the Registrar of Firms.

With regard to the Construction approvals for the proposed building/s to be constructed on the said Property, we have observed from the documents furnished to us that Thane Municipal Corporation has presently sanctioned Plans of the Buildings vide Development Permission V. P. No. S06/0118/11/TMC/TDD/0786/13 dated 25.02.2013 for Building No. 1 – Stilt + 5 Upper Floors and Building Nos. 2 & 3 – Stilt + 7 Upper Floors.

**CONCLUSION:**

By virtue of the various Registered Documents, Revenue Records Court Order/s and approval/sas mentioned herein above, the said Property transferred and conveyed in favour of M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders). The said M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) have become the Owners and are in possession of the said Property.

**SEARCH OF THE INDEX II FROM THE REGISTER OF THE OFFICE OF THE SUB REGISTRAR OF ASSURANCE AT THANE, FROM THE YEAR 1983 TO 2012.**

Search of the said Property for the last 30 Years i.e. from 1989 to 2018 was taken. The search of Index II from the Register of the Office of the Sub Registrar of Assurance at Thane & Mumbai, taken by Search Clerk, Mr. Hemant Kamble. The Search notes were taken by him and submitted to us.



We have gone through the Search of Index II from the Register of the Office of the Sub Registrar of Assurance at Thane & Mumbai of the said Property. However, except for the documents as mentioned herein above we have not found any other entries / transactions against the said Property in the Office of the Sub Registrar of Assurance at Thane & Mumbai.

**CHARGES AND ENCUMBRANCES:**

The said Property is free from all encumbrances and charges. There has been charge created by the Original Owners and the Present Owners on the said Property.

**PUBLIC NOTICE:**

- (1) Public Notice dated the 20<sup>th</sup> day of November, 2007, was published in Thane Vaibhav newspaper by Advocate, Mr. Shrikant B. Oka, on behalf of M/s. Nandkripa Builders in respect of S.Nos. 2/23, 2/26, 2/32 & 4/5.
- (2) Public Notice dated the 14<sup>th</sup> day of August, 2008, was published in Mumbai Thane Vrutant newspaper by The Collector, Thane, for issuing N.A. permission in respect of S.Nos. 2/8, 2/23, 2/26, 2/32 & 4/5.

**CONCLUSION AND FINAL OPINION ABOUT TITLE i.e. TITLE CLEARANCE CERTIFICATE:**

By virtue of the various documents/orders/revenue records/approvals and our investigation as mentioned herein above, we are of the considered opinion that, M/s. Megabuild Spaces (Formerly known as M/s. Nandkripa Builders) are having a Clear, Legal and Marketable Title of the said Property, free from all the encumbrances and that M/s. Megabuild Spaces (Formerly known as Nandkripa Builders) is entitled to put up construction of the Proposed Building/s thereon in accordance with the plans presently approved by the Thane Municipal Corporation.

**SCHEDULE OF THE SAID PROPERTY AS MENTIONED HEREIN ABOVE**



ALL THAT PIECE OR PARCEL OF LAND OR GROUND BEARING SURVEY NO. 2, HISSA NO. 8, ADMEASURING 3740 SQ.MTRS., SURVEY NO. 2, HISSA NO. 23 ADMEASURING 1200 SQ.MTRS., SURVEY NO. 2, HISSA NO. 26 ADMEASURING 1400 SQ.MTRS., SURVEY NO. 2, HISSA NO. 32 ADMEASURING 910 SQ.MTRS., SURVEY NO. 4, HISSA NO. 5 ADMEASURING 2040 SQ.MTRS., AGGREGATING IN ALL 9290 SQ.MTRS. SITUATE, LYING AND BEING AT VILLAGE KASAR VADAVLI, TALUKA AND DISTRICT THANE AND WITHIN THE JURISDICTION OF THE SUB REGISTRAR OF ASSURANCES THANE AND WITHIN THE LIMIT OF THANE MUNICIPAL CORPORATION

DATED : THIS THE 5<sup>TH</sup> DAY OF March, 2018

*K. G. D. Desai*

M/S. KARTIKEYA & ASSOCIATES  
ADVOCATES & SOLICITORS  
HIGH COURT, BOMBAY.

GANESH MAHESH MORE B.A. L.L.B

Advocate, High Court.

Off: 401, Thane  
Vastushilpa,  
Edulji Road, Near  
Tembli Naka, Charai,  
Thane (W) -400601.  
(for Correspondence)  
Contact No. 9768252518

**TO WHOMSOEVER IT MAY CONCERN**

**Name of the Owners : 1) Mr. Ramesh Velji Shah and  
Mr. Navin Panchalal Savla  
Partners of M/s. Squarefeet Land  
Developers LLP (previously  
known as M/s. Squarefeet  
Buildcon.**

2<sup>nd</sup> floor, Satyam Apt., M. G. Road,  
Near Punjab National Bank,  
Naupada, Thane (w).

**2) Mr. Ramesh Velji Shah.  
401, Radheshyam Society,  
Vishnunagar, Naupada,  
Thane (w).**

**1. DESCRIPTION OF THE PROPERTY:**

All that pieces and parcels of land bearing 1) Survey No. 6, Hissa No. 1 admeasuring 4020 Square Meters (First Property) and 2) Survey No. 107, Hissa No. 2 admeasuring 4070 square meters (Second Property) admeasuring in aggregate 8090 square meters lying, being and situate at Village Vadavali, Taluka and District Thane and within the jurisdiction of registration District & Sub-District of Thane within the limits of Municipal Corporation of Thane, Maharashtra State (hereinafter referred to as "**SAID PROPERTY**").

**GANESH MAHESH MORE B.A. L.L.B**

**Advocate, High Court.**

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(for Correspondence)  
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**2. LIST OF DOCUMENTS PERUSED:**

- 2.1 Current 7/12 extracts.
- 2.2 Relevant Mutation entries
- 2.3 7/12 extracts for last 50 years
- 2.4 Search Report
- 2.5 Permissions & Orders
- 2.6 Owner's Title Deeds

**3. OBSERVATIONS IN RESPECT OF REVENUE RECORDS:**

**3.1 In Respect of First Property:**

**In respect of 7/12 extracts**

It appears from perusal of current 7/12 extract dated 26/04/2017 that the First Property is owned by Mr. Ramesh Velji Shah.

**3.2 In respect of 6 D Mutation Entries:**

**3.2.1 The mutation entry no. 185 is not relevant to First Property.**

**3.2.2 It appears from the mutation entry no. 720 dated 29/01/1969 that, Shankar Ganu Patil demised on July 20, 1968 leaving behind him his wife Mathurabai Shankar Patil, son Mr. Ramchandra Shankar Patil and 5 daughters 1) Smt. Ratnibai Namdev Thakur, 2) Smt. Thamibai Hendar Ture, 3) Smt. Manakibai Vaman Bhoir, 4) Smt. Janakubai Damodar Patil and 5) Smt. Kusum Vinayak Patil as her legal heirs.**

**3.2.3 It appears from the mutation entry no. 389 dated 30/05/1996 that, Late Mathurabai Shankar Patil demised in or around the year 1966 leaving behind her son Mr. Ramchandra Shankar Patil and 5 daughters 1) Smt. Ratnabai Namdev Thakur, 2) Smt. Thamibai**

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Hendar Ture, 3) Smt. Manakibai Vaman Bhoir, 4) Smt. Janakubai Damodar Patil and 5) Smt. Kusum Vinayak Patil as her legal heirs.

Late Ramchandra Shankar Patil also demised leaving behind him 2 sons 1) Mr. Ganesh Ramchandra Patil, 2) Mr. Dattatrey Ramchandra Patil and 2 daughters 1) Smt. Anusaya Keshav Mhatre and 2) Smt. Geetabai Arun Patil as his legal heirs.

**3.2.4 It appears from the mutation entry no. 574 dated 01/10/2004 that, as per Partition Deed executed between legal heirs of late Shankar Ganu Patil in respect of several ancestral properties, the First Property was apportioned to Mr. Ganesh Ramchandra Patil.**

**3.2.5 It appears from the mutation entry no. 575 dated 04/10/2004 that, late Ganesh Ramchandra Patil demised on January 2, 2004 leaving behind him wife Smt. Kamalabai Ganesh Patil, Son Mr. Rakesh Ganesh Patil and 3 daughters 1) Smt. Kavita Rajesh Nagalkar, 2) Smt. Sushma Datta Patil and 3) Smt. Rajani Sainath Patil.**

**3.2.6 It appears from the mutation entry no. 630 dated 05/11/2005 that, late Manakibai Vaman Bhoir demised on July 27, 1986 leaving behind her, two sons 1) Mr. Sadanand Vaman Bhoir and Mr. Mahadev Vaman Bhoir as her legal heirs.**

Mahadev Vaman Bhoir demised on May, 17, 1987 leaving behind him wife Jayavanti Mahadev Bhoir, daughter Smt. Sangita Kashinath Patil and 2 sons 1) Mr. Kiran Mahadev Bhoir and 2) Mr. Sachin Mahadev Bhoir as his legal heirs.





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- 3.2.7 It appears from the mutation entry no. 944 dated 20/11/2009 that, late Kusum Vinayak Patil demised on November 05, 2006 leaving behind her 2 sons 1) Mr. Rajan Vinayak Patil, 2) Mr. Subhash Vinayak Patil and daughter Smt. Ashwini Ashok Patil as her legal heirs.**
- 3.2.8 It appears from the mutation entry no. 1455 dated 25/07/2013 that, Smt. Jayavanti Mahadev Bhoir and 3 other have conveyed and transferred the portion of land admeasuring 335 square meters from and out of First Property and 169.6 square meters out of Second Property in favour of Mr. Ramesh Velaji Shah by executing Sale Deed dated August 09, 2011, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/7561/2011.**
- 3.2.9 It appears from the mutation entry no. 1560 dated 26/02/2015 that 1) Smt. Ratnibai Namdev Thakur, 2) Smt. Thamubai Hendar Ture, 3) Smt. Janakibai Damodar Patil, 4) Smt. Geetabai Arun Patil, 5) Smt. Anubai Keshav Mhatre, 6) Smt. Sandhya Rajan Patil (for herself and guardian of Sr. No. 7 & 8), 7) Akanksha Rajan Patil, 8) Himanshu Rajan Patil, 9) Mr. Subhash Vinayak Patil, 10) Smt. Ashwini Ashok Patil and 11) Mr. Sadanand Vaman Bhoir through their Power of Attorney Holder Mr. Ramesh Velaji Shah, partners of M/s. Squarefeet Buildcon have conveyed and transferred their 5/6 undivided share in respect of the First Property in favour of Mr. Ramesh Velaji Shah and Mr. Navin Panchalal Savla by executing Conveyance Deed dated December 28, 2012, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/11105/2012.**



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Contact No. 9768252518**

**3.2.10 It appears from the mutation entry no. 1682 that,** in pursuance of Appeal bearing no. 10204/2015 dated December 08, 2015 filed in Hon' ble High Court and as per the instruction issued by Hon'ble Jamabandi Ayukta dated December 03, 2015, the present mutation entry pertains to facilitate computerization of land records and to remove inconsistency in hand written record and computerized record.

**3.3 In Respect of Second Property:**

**In respect of 7/12 extracts**

It appears perusal of current 7/12 extract dated 11/06/2018 that the Second Property is owned by Mr. Ramesh Velaji Shah.

**3.4 In respect of 6 D Mutation Entries:**

**3.4.1 The mutation entry no. 185 is not relevant to Second Property.**

**3.4.2 The mutation entry no. 300 is not relevant to Second Property.**

**3.4.3 It appears from the mutation entry no. 712 dated 10/06/1968 that,** the name of Eknath Bhau Patil was recorded as occupant in respect of Second Property.

**3.4.4 It appears from the mutation entry no. 449 dated 01/08/2000 that,** Eknath Bhau Patil demised on May 15, 2000 leaving behind him wife Smt. Gajibai Eknath Patil, son Ghanshyam Eknath Patil and 4 daughters 1) Smt. Chandribai Gajanan Shinge, 2) Smt. Janabai Ankush Chenekar, 3) Smt. Prabhavati Mangaldas Chaudhari and 4) Smt. Laxmi Kisan Patil as his legal heirs.

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{for Correspondence}

Contact No. 9768252518

**3.4.5 It appears from the mutation entry no. 574 dated 01/10/2004 that, as per Partition Deed executed between legal heirs of late Shankar Ganu Patil in respect of several ancestral properties, the First Property was apportioned to Mr. Ganesh Ramchandra Patil.**

**3.4.6 It appears from the mutation entry no. 575 dated 04/10/2004 that, Ganesh Ramchandra Patil demised on January 2, 2004 leaving behind him wife Smt. Kamalabai Ganesh Patil, Son Mr. Rakesh Ganesh Patil and 3 daughters 1) Smt. Kavita Rajesh Nagalkar, 2) Smt. Sushma Datta Patil and 3) Smt. Rajani Sainath Patil.**

**3.4.7 It appears from the mutation entry no. 630 dated 05/11/2005 that, Manakibai Vaman Bhoir demised on July 27, 1986 leaving behind her, two sons 1) Mr. Sadanand Vaman Bhoir and 2) Mr. Mahadev Vaman Bhoir as her legal heirs.**

Mahadev Vaman Bhoir demised on May, 17, 1987 leaving behind him wife Jayavanti Mahadev Bhoir, daughter Smt. Sangita Kashinath Patil and 2 sons 1) Mr. Kiran Mahadev Bhoir and 2) Mr. Sachin Mahadev Bhoir as his legal heirs.

**3.4.8 It appears from the mutation entry no. 944 dated 20/11/2009 that, late Kusum Vinayak Patil demised on November 05, 2006 leaving behind her 2 sons 1) Mr. Rajan Vinayak Patil, 2) Mr. Subhash Vinayak Patil and daughter Smt. Ashwini Ashok Patil as her legal heirs.**

**3.4.9 It appears from the mutation entry no. 1276 dated 05/01/2012 that, Late Chandrabai Gajanan Shinge demised on February 16, 2007 leaving behind her 3 sons 1) Mr. Krushna Gajanan Shinge, 2)**



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Mr. Ananta Gajanan Shinge and 3) Mr. Kisan Gajanan Shinge and 2 daughters 1) Mandabai Ramchandra Patil and 2) Smt. Neha Ganesh Chaudhari as her legal heirs.

**3.4.10 It appears from the mutation entry no. 1277 dated 05/01/2012 that late Rajan Vinayak Patil demised on April 01, 2012 leaving behind him wife Smt. Sandhya Rajan Patil, son Himanshu Rajan Patil and daughter Akanksha Rajan Patil as his legal heirs.**

**3.4.11 It appears from the mutation entry no. 1455 dated 25/07/2013 that Smt. Jayavanti Mahadev Bhoir and 3 other have conveyed and transferred the portion of land admeasuring 335 square meters from second Property and out of First Property 169.6 square meters in favour of Mr. Ramesh Velaji Shah by executing Sale Deed dated August 09, 2011, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/7561/2011.**

**3.4.12 It appears from the mutation entry no. 1562 dated 02/03/2015 that by virtue of Sale Deed dated July 04, 2011 (Regn. No. 6316/2011) and Sale Deed dated September 29 2010, (Regn. No. 10315/2010), Smt. Ratnibai Namdev Thakur and others have conveyed and transferred the Second Property in favour of Mr. Ramesh Velji Shah.**

**3.4.13 It appears from the mutation entry no. 1569 dated 01/04/2015 that Smt. Thamibai Hendar Ture demised on October 08, 2014 leaving behind her son Mr. Navnath Hendar Ture and 5 daughters 1) Smt. Shakuntla Valkya Shinge, 2) Smt. Gauribai Parashuram Patil, 3) Smt. Kantabai Gajanan Bhoir, 4) Smt. Gulab Balkrushna Thakur and 5) Smt. Laxmibai Chandrakant Mukadam as her legal heirs.**



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**3.4.14 It appears from the mutation entry no. 1750 that** in pursuance of Appeal bearing no. 10204/2015 dated December 08, 2015 filed in Hon'ble High Court Mumbai and as per the instruction issued by Hon'ble Jamabandi Ayukta dated December 03, 2015, the present mutation entry pertains to facilitate computerization of land records and to remove inconsistency in the hand written record and computerized record.

**5. IN RESPECT OF SEARCH REPORT WITH THE SUB-REGISTRAR OF ASSURANCES.**

**5.1 In respect of First Property:**

5.1.1 First Search Report issued by Adv. S. D. Kulkarni, dated September 30, 2012, in the office of the Sub-Registrar of Assurances at Thane for the year 1983 to 2012 was placed before me.

5.1.2 Entries for the Years 1983 to 1986, 1992 to 1995, 2002, 2003 are recorded as torn.

5.1.3 No transactions are recorded in the year 1987 to 1991, 1996 to 2001, 2004 to 2006, 2009, 2010 and 2012.

5.1.4 Relevant transaction is recorded in 2007, 2008 and 2011.

5.1.5 Second Search Report issued by S.D. Kulkarni, Searcher dated February 12, 2018, in the office of Sub Registrar of Assurances at Thane for the year 2012 to 2018 was placed before me.

5.1.6 No transactions are recorded in the year 2014, 2015 and 2017.

5.1.7 Relevant transactions are recorded in the year 2012, 2013 and 2016.



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**5.2 IN RESPECT OF SECOND PROPERTY:**

5.2.1 First Search Report issued by Adv. S. D. Kulkarni, Searcher dated October 02, 2012, in the office of the Sub-Registrar of Assurances at Thane for the year 1983 to 2012 was placed before me.

5.2.2 Entries for the Years 1983 to 1986, 1992 to 1995, 2002 are recorded as torn.

5.2.3 No transactions are recorded in the year 1987 to 1991, 1996 to 2001, 2004 to 2006, 2008, 2009 and 2012.

5.2.4 Relevant transaction is recorded in 2003, 2007, 2010 and 2011.

5.2.5 Second Search Report issued by S.D. Kulkarni, Searcher dated February 12, 2018, in the office of Sub Registrar of Assurances at Thane for the year 2012 to 2018 was placed before me.

5.2.6

5.2.7 .0000000000No transactions are recorded in the year 2012, 2014 to 2017.

5.2.8 Relevant transactions are recorded in the year 2013.

**6. IN RESPECT OF TITLE DEEDS:**

**i) Owner's Title Deeds (In respect of First Property):**

**a) Deed of Settlement and Assignment:**

S. K. Mines Private Limited have executed Deed of Settlement and Assignment dated April 02, 2018 and thereby assigned development rights in respect of First Property in favour of Owners, the said Deed is duly registered with the Sub Registrar of Assurances, thane at serial no. TNN5/4688/2018.



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**b) Power of Attorney:**

S. K. Mines Private Limited have executed Power of Attorney dated April 02, 2018 with respect to the First Property in favour of Owners, the said Power of Attorney is duly registered with the Sub Registrar of Assurances, thane at serial no. TNN-5/4690/2018.

**c) Deed of Conveyance:**

Smt. Ratnibai Namdev Thakur and others conveyed and transferred their un-divided share i.e. portion of land admeasuring 3350 square meters from and out of First Property in favour of Owners, by executing Deed of Conveyance dated December 28, 2012, which is duly registered with the Sub-Registrar of Assurances Thane, at Serial No. TNN-5/11105/2012.

**d) Development Agreement:**

Smt. Ratnibai Namdev Thakur and others have granted development rights in respect of First Property in favour of Owners, by executing Development Agreement dated July 01, 2011, which is duly registered with the Sub-Registrar of Assurances Thane, at Serial No. TNN5/6317/2011. Mrs. Ratnibai Namdev Thakur and others executed Irrevocable Power of Attorney dated July 1, 2011, in favour of Owners, in respect of the First Property, which is duly authenticated with the Sub-Registrar of Assurances, Thane at serial no. TNN-5/550/2011.

**e) Deed of Conveyance:**

Mrs. Thamubai Hendar Ture and others through their constituted Attorney Mr. Ghanshyam Sangamlal Sharma have transferred and conveyed their undivided share i.e. 1/6<sup>th</sup> share with respect to the

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First Property in favour of S. K. Mines Private Limited by executing Deed of Conveyance dated August 11, 2008 which is duly registered with the Sub-Registrar of Assurances Thane, at Serial No. TNN-1/4624/2008.

**f) Development Agreement and Power of Attorney:**

Smt. Thamubai Hendar Ture and others have granted development rights in respect of their undivided share i.e. 1/6<sup>th</sup> share with respect to the First Property in favour of S. K. Mines Private Limited by executing Development Agreement dated January 22, 2008 which is duly registered with the Sub-Registrar of Assurances Thane, at Serial No. TNN-5/649/2008.

Simultaneously, Smt. Thamubai Hendar Ture and others executed Special Power of Attorney dated January 22, 2008, in favour of Mr. Ghanshyam Sangamlal Sharma, in respect of the First Property.

**II) Owner's Title Deeds (In respect of Second Property):**

**a) Conveyance Deed:**

Smt. Ratnibai Namdev Thakur and others have conveyed and transferred the Second Property in favour of Owners, by executing Deed of Conveyance dated July 01, 2011, which is duly registered with the Sub-Registrar of Assurances Thane, at Serial No. TNN5/6316/2011.

**b) Conveyance Deed:**

Smt. Gajibai Eknath Patil and others have conveyed and transferred the Second Property in favour of Owners, by executing Deed of





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Conveyance dated September 29, 2010, which is duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/10315/2010.

**c) Declaration:**

Smt. Janabai Ankush Chenekar executed Declaration cum Indemnity Bond dated March 01, 2011 and thereby declared that her share in respect of the Second Property is conveyed and transferred by Mr. Ghanshyam Eknath Patil and others in favour of Owners. The said Declaration was duly registered with the Sub Registrar of Assurances, Thane at serial no. TNN5/1979/2011.

**III) In respect of First Property and Second Property:**

**a) Conveyance Deed and Power of Attorney:**

Smt. Jayavanti Mahadev Bhoir, Smt. Sangita Kashinath Bhoir, Mr. Kiran Mahadev Bhoir and Mr. Sachin Mahadev Bhoir have conveyed and transferred their undivided share in respect of First Property and Second Property in favour of Owners, by executing Deed of Conveyance dated August 09, 2011, which is duly registered with the Sub-Registrar of Assurances, Thane, at Serial No. TNN5/7561/2011.

Smt. Jayavanti Mahadev Bhoir, Smt. Sangita Kashinath Bhoir, Mr. Kiran Mahadev Bhoir and Mr. Sachin Mahadev Bhoir executed Irrevocable Power of Attorney dated August 09, 2011, which is duly authenticated with the Sub-Registrar of Assurances, Thane at serial no. 682/2011.



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**b) Development Agreement:**

Smt. Jayavanti Mahadev Bhoir, Smt. Sangita Kashinath Bhoir, Mr. Kiran Mahadev Bhoir and Mr. Sachin Mahadev Bhoir have granted development rights in respect of their undivided share in respect of First Property, Second Property and several other properties in favour of M/s. Nandkrupa Builders through partner Mr. Kishor N. Shah, by executing Development Agreement dated March 01, 2007, which is duly registered with the Sub-Registrar of Assurances, Thane, at Serial No. TNN2/1497/2007.

**c) Partition Deed:**

Mr. Ganesh Ramchandra Patil and Mr. Dattatray Ramchandra Patil have executed Partition Deed dated March 11, 2003 and thereby partitioned the First Property, Second Property and several other ancestral properties among themselves. According to the said Partition Deed, the First Property and Second Property were apportioned to Mr. Ganesh Ramchandra Patil.

**7. CONCLUSION:**

- 7.1** On behalf of the owners we have investigated the title to the Said Property on request of owners to ascertain the status of the Said Property.
- 7.2** We have perused the certified copies and plain copies of document of title relating to the Said Property which are known to us to be relevant for the purpose of this certificate.



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- 7.3 The Owners shall be required to cancel the Development Agreement dated March 01, 2007 executed between Smt. Jaiwanti Mahadev Bhoir and M/s. Nandkripa Builders or to execute necessary Deed of Settlement.
- 7.4 We have been provided search report for the period of 1983 to July 2018. Therefore, opinions and observations shall be qualified and restricted to the said period and also to the extent of availability of record only, as it appears that in some of the cases record is unavailable.
- 7.5 The information given in this report arises from the examination of the searches and inquiries to the extent of documents provided for perusal which are attached herewith.
- 7.6 The Said Property is free hold in nature and it also appears from the perusal of title deeds that, the Owners are holding the Said Property in the representative capacity as partner of M/s. Square Feet Land Developers LLP & M/s. Anant Estates jointly constituting a venture known as M/s. Anant Square.
- 7.7 In our opinion Owners shall have clear and marketable title to the Said Property in respect of the Said Property.

**Date: 06.08.2018**

**Place: Thane**

  
**Adv. Ganesh Mahesh More**