

*Y. S. Duduskar*

B. Com. (Hons.) LL.B.

**ADVOCATE HIGH COURT**

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Date: 28.06.2018

### TITLE CERTIFICATE

Ref: All that piece and parcels of the land bearing **Final Plot No.76-A, admeasuring 789.88 sq.mtrs**, lying being and situate at Village Panchpakhadi, Taluka and District Thane, Registration District and Sub-/District Thane and within the limits of the Thane Municipal Corporation, owned by Shri Nagesh Avasu Bhole & others.

I have caused the Search to be made in respect of the above referred Property in the office of Sub-registrar Thane and Concerned Revenue Authorities for last 30 years. I have also gone through the various title documents relating to the abovereferred property. I have also issued the publication in respect of the said property in daily Janmudra published on 12.06.2018, calling upon the objections from the public at large, however, no objections have been received.

From the title documents provided to me, it is observed that initially the said property was forming part of Survey No.309, Hissa No.4, which was corresponding to C.T.S. No.701 and the total property was admeasuring about 1053.48 sq.mtrs. The said property was then included in the Town Planning Scheme No.1 of the Thane Municipal Corporation and it was numbered as Final Plot No.76., hereinafter referred to as the said Original Property.

The said original property was held by one Shri. Avasu Sona Bhole (to the extent of ½ share), Shri. Ghanashyam Mukaji Nagpure (to the extent of 1/4<sup>th</sup> Share) and Pitambar Soma Chaudhari (1/4<sup>th</sup> Share).

One of the holder Shri. Avasu Sona Bhole died on 17.02.1986 and thus the names of his legal heirs namely (1) Nagesh Avasu Bhole, Mrs. Kamal Arjun Bharambe, Mrs. Kusum Dnyandeo Bonde were recorded in the property card extract of the said property for the ½ share in the said original property, vide Mutation Entry No.990 dated 14.10.2008.

Likewise, the other holder Pitamber Soma Chaudhari also died on 04.10.1996 and therefore the names of Smt. Droupadi Pitambar Chaoudhari, Chabndrakant Pitambar Chaudhari, Suryakant Pitambar Chaudhari, Mrs. Savita Eknath Kolhe, Mrs. Lata Ramesh Chaudhari and Mrs. Pushpa Bhaskar Dhake were mutated in the PR Card extract for the 1/4<sup>th</sup> share in the said property, vide Mutation Entry No.990 dated 14.10.2008.

Thus the family consisting of (1) Nagesh Avasu Bhole, Mrs. Kamal Arjun Bharambe, Mrs. Kusum Dnyandeo Bonde, was the owners of the undivided half share (526.74 sq.mtrs) in the said property. Likewise the family consisting of Pitambar Soma Chaudhari also died on 04.10.1996 and therefore the names of Smt. Droupadi Pitambar Chaudhari, Chabndrakant Pitambar Chaudhari, Suryakant Pitambar Chaudhari, Mrs. Savita Eknath Kolhe, Mrs. Lata Ramesh Chaudhari and Mrs. Pushpa Bhaskar Dhake was the owner of  $\frac{1}{4}$ th undivided share (263.37 sq.mtrs) in the said property. The other  $\frac{1}{4}$ th undivided share (263.37) sq.mtrs was held by Shri. Ghanashyam Mukaji Nagpure.

It is further observed that Smt. Droupadi Pitambar Chaudhari, Chabndrakant Pitambar Chaudhari, Suryakant Pitambar Chaudhari, Mrs. Savita Eknath Kolhe, Mrs. Lata Ramesh Chaudhari and Mrs. Pushpa Bhaskar Dhake who were the owners of  $\frac{1}{4}$ th undivided share (263.37 sq.mtrs) in the said property out of the old Survey No.309, Hissa No.4, Corresponding City Survey No.701 i.e. Final Plot No.76 of TPS 'I', lying, being and situate at village Panchpakhadi, Taluka and District Thane, within the limits of Thane Municipal Corporation (hereinafter referred to as 'SAID CORPORATION') and Registration and Sub-District Thane, granted the rights of the development of the said 263.37 sq.mtrs area to and in favour of M/s Shree Mangalmurti Enterprises, of Thane (hereinafter referred to as 'SAID DEVELOPERS') by and under Development Agreement dated 15/7/2004 and duly registered with the Sub-Registrar of Assurances, Thane under Sr.No.TNN-1/4176/2004. The said Smt. Draupadi Pitambar Choudhari & others have also executed power of attorney of even date to and in favour of the Developers on 15.07.2004 which is also registered at Power No.462/2004. It is observed that however, due to some wrong description of the said first property, the deed of rectification on 31/1/2009 has been executed by and between the said Smt. Draupadi Pitambar Choudhari & others and the Developers herein; which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-1/434/2009.

It is further observed that at the material time, (1) Nagesh Avasu Bhole, Mrs. Kamal Arjun Bharambe, Mrs. Kusum Dnyandeo Bonde, who were the owners of the undivided half share (526.74 sq.mtrs) in the said property, out of the old Survey No.309, Hissa No.4, Corresponding City Survey No.701 i.e. Final Plot No.76 of TPS 'I', lying, being and situate at village Panchpakhadi, granted the rights of the development of the said portion of 526.74 sq.mtrs to and in favour of the said Developers, by and under Development Agreement dated 30/7/2004 and duly registered with the Sub-Registrar of Assurances, Thane under Sr.No.TNN-1/4202/2004. It is further observed that pursuant to the said development agreement, the said Shri Nagesh Avasu Bhole & others have also executed power of attorney of even date to and in favour of the said Developers herein, which is also registered in the office of S.R.O. Thane at Power No. 468/2004. It is further observed that however, due to some wrong description of the said second property, the deed of rectification on 31/1/2009 has been executed by and between the said Shri Nagesh Avasu Bhole & others and the said Developers; which is registered in the office of S.R.O., Thane at Doc.Sr.No.TNN-1/433/2009.

However, the owner of the remaining 1/4<sup>th</sup> share in the said property adm.263.37 sq.mtrs namely Ghanashyam Mukaji Nagpure, did not grant the development rights in respect of his undivided share and therefore with consent of the holders of the said property, the said Final Plot No.76 was then subdivided in two parts one as 76 - A adm. 789.88 sq.mtrs jointly held by Shri. Avasu Sona Bhole died on 17.02.1986 and thus the names of his legal heirs namely (1) Nagesh Avasu Bhole, Mrs. Kamal Arjun Bharambe, Mrs. Kusum Dnyandeo Bonde AND Smt. Droupadi Pitambar Chaudhari, Chabndrakant Pitambar Chaudhari, Suryakant Pitambar Chaudhari, Mrs. Savita Eknath Kolhe, Mrs. Lata Ramesh Chaudhari and Mrs. Pushpa Bhaskar Dhake, jointly. The other balance area of 263.6 mtrs was named as CTS NO. 76 - B. The order of subdivision has accordingly has been passed on 23.11.2011 vide order No.CTS Thane/ P.B.2/A.C.S.No.76 Pot Hissa No11 Thane passed by CTS officer based on letter issued by the Thane Municipal corporation dated 17.02.2011 vide ref. TMC/TDD/7450 and on the basis of Survey Report vide Mojani No.348/11.

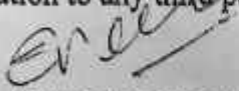
As stated above the said family of Nagesh Bhole and Droupadi Chaudhari had granted the development rights in respect of 2/3<sup>rd</sup> share in the said original final plot No.76, which is now known as Final Plot No.76/A (Adm.789.88 sq.mtrs) in favour of the said developers, the said developers have engaged Architect M/s. Akrti Consultants of Thane and submitted the plans to the said Corporation and the said Corporation accorded its approval and issued the sanctioned for development permission/Commencement Certificate, by and under V.P. No. 2007/104/TMC/TDD/80, dated 19<sup>th</sup> July, 2013 for construction of Ground part + Stilt part + Seven Floors building A and building B stilt + Six floor + Seven floor part;

It is observed that pursuant to the aforesaid development agreement and the irrevocable power of attorney, the said Owners have handed over vacant, peaceful and physical possession of the said property to the said Developers herein.

It is observed that the said Developers have commenced the construction of proposed building to be named as '**ASHOKA HEIGHTS-A & B building**' in and over the said property, as the plans and specifications, prepared for the construction of the said building.

In the circumstances, in my opinion the title of the said owners Smt. Draupadi Pitambar Choudhari and others as well as Shri Nagesh Avasu Bhole & others to Final Plot No.76-A, admeasuring 789.88 sq.mtrs is clear and marketable and free from all encumbrances and M/s. **Shree Mangalmurti Enterprises**, a partnership firm,(PAN NO.ABUFS1816M) having office at shop No.3, Sai Om 'D' Wing, Shri Siddhivinayak Chowk, Kajuwadi, THANE - 400 604, the Developers of the said property, having been granted the irrevocable rights under the said registered instruments, have legal, absolute and valid and lawful rights to develop the said property without anybody's objection and to sell the row houses, bungalows and any other premises in the proposed development of the said property for valid consideration to any third party.

Thane,  
Date 28.06.2018

  
**Y.S.DUDUSKAR**

**Advocate**

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