

# Adv. K.P. Mahajan

(B.A., L.L.B.)

ADVOCATE HIGH COURT

Office : Flat No. 202, 2nd Floor, Ishan Building, M. Phule Road, Vishnunagar, Dombivli (West)- 421 202.  
Landline : 0251-2497195 / Mob.: 9869997652, 9833428675 ☎ E-mail Id : kpmahajan.adv@gmail.com

Ref.:

Date :

## Title Certificate

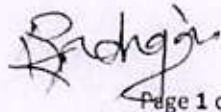
Shri. Kedar Bhikaji Bapat, Proprietors of M/s.Bapat Constructions, a Proprietorship firm, having its office at 201, Shri. Gangaprasad Building, Ram Ganesh Gadakari Path, near GhantaliMandir, Thane (West) – 400601 requested me to investigate title and issue Title Certificate in respect of CTS No. 945,946,947 and 948 admeasuring 624.0 sq. meters lying and situate at Village Naupada, Taluka and District Thane, within the local limits of Thane Municipal Corporation (hereinafter referred to as "the Property").

Shri. Kedar Bhikaji Bapat, Proprietor of M/s Bapat Constructions has provided following documents for investigation of Title.

1. Original Property Card issued by Thane Municipal Corporation
2. Copy of Conveyance Deed dated 27/06/1991
3. Original Society Registration Certificate
4. Copy of CTS Plan used by City Survey Office, Thane
5. Copy of Occupation Certificate dated 27/04/1974 and 25/06/1974
6. Original Development Agreement dated 22/04/2014
7. Original Power of Attorney dated 22/04/2014
8. Copy of Permission bearing V.P. No. S02/0139/14 vide letter no TMC/TDD/1332/15 dated 15/01/2015
9. Copy of Commencement Certificate bearing V.P. No. S02/0139/14 vide letter no TMC/TDD/1552/15 dated 07/11/2015
10. Original Search report dated 01/08/2015 taken by Mr. Ashish Zaveri.

I have perused the above mentioned documents and search report taken by Mr. Ashish Zaveri with the Office of the Sub-Registrar of Assurances, Thane, Mumbai and revenue department and on the basis of documents provided to me, I have observed as under:-

1. Shri. Sitaram Padmakar Kunte and Shri. Dattatray Padmakar Kunte (hereinafter referred to as "Said Kunte Brothers" have purchased an immovable property bearing old survey no. 57 hissa no. 1/P, new survey no 57 hissa no. 7/9,CTS No. 945, 946, 947 and 948 admeasuring 834 sq. yards equivalent to 697.3sq. meters from Shri. Dwarkadas Ratansi Sheth by Deed of Conveyance dated 19/11/1937 duly registered with the office of Sub-Registrar Thane at Sr. no. 445 and the names of said Kunte Brothers were appeared on the Property Card.





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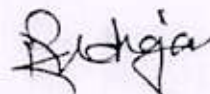
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2. The said Kunte Brothers under the Plans duly sanctioned by The Thane Municipal Council bearing its Commencement Certificate no. 21 dated 24/08/1970 and no. 11 dated 13/4/1974 constructed a building consist of residential premises and then Thane Municipal Council vide its Occupation certificate nos. 1498/297 dated 27/04/1974 and no. 77/941 dated 25/06/1974 granted permission to said Kunte Brothers to occupy the building so constructed.
3. Shri. Dattatray Padmakar Kunte died intestate at Thane on 17/03/1984 leaving behind him the legal heirs as his legal representatives to succeed his estate including his undivided share in above mentioned property. The names of legal heirs were recorded on Property Cards as follows: Shri. Mahadev Dattatray Kunte, Shri. Vinayak Dattatray Kunte, Shri. Vishwas Dattatray Kunte, Smt. Sangeeta Ramesh Sontakke, Smt. Smita Arvind Bhawe, Smt. Mohini Yashvant Sathe and Smt. Sunanda Govind Ghamande.
4. Shri. Sitaram Padmakar Kunte died intestate at Thane on 27/05/1990 leaving behind him the legal heirs as his legal representatives to succeed his estate including his undivided share in above mentioned property. The names of legal heirs were recorded on Property Cards as follows: Smt. Malati Sitaram Kunte, Shi. Chandrakant Sitaram Kunte, Shri. Shivram Sitaram Kunte, Shri. Shripad Sitaram Kunte, Smt. Sadhana Chandrakant Sahastrabudhe, Miss. Vinadevi Sitaram Kunte, Smt. Ashwini Hemant Apte and Smt. Mandakini Vasant Mahajan.
5. Thus the legal heirs mentioned hereinabove are the absolute owners seized and possessed and well and sufficiently entitled to the above mentioned property admeasuring 834 sq. yards equivalent to 697.3 sq. meters.
6. Various Flat holders in the building constructed on the abovementioned property have formed the Co-operative Housing Society in the name and style "Padmalaxmi Co-operative Housing Society Limited", under the Maharashtra Co-operative Societies Act, 1960 with sub-classification as Tenant Co-operative Housing Society under registration no. T.N.A./T.N.A./H.S.G./T.C/ 3774/90-91 (hereinafter referred to as "the Society").





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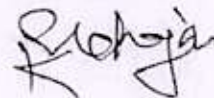
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7. The said Society has requested the owners to convey the land with building in favor of the Society. The owners by way of Deed of Conveyance dated 27/06/1991 have conveyed the land bearing CTS no. 945, 946, 947 and 948 admeasuring 834 sq. yards equivalent to 697.3 sq. meters and the building standing thereon consisting of Ground and Three upper floors in favor of society for consideration of Rs. 2,64,325/-. The said Conveyance deed was registered with the office of Sub-Registrar Thane at Sr. no.TNN-1/3/1992 on 28/02/1992.
8. The name of the Society was recorded on the Property Cards bearing CTS no. 945 admeasuring 49.5 Sq. meter, CTS no. 946 admeasuring 49.5 Sq. meter, CTS no 947 admeasuring 54.0 Sq. meters and CTS no. 948 admeasuring 471.0 Sq. meters, totally admeasuring 624.0 Sq. meters (hereinafter referred to as the "Said property").
9. The said Building in general and the R.C.C. framework in particular was in a weak and dilapidated condition and over the last more than 40years, have been shown increasing signs of stress. With each passing year, the condition of the RCC framework had deteriorated, cracks were developed at several places, the steel reinforcements in the slabs, columns and beams had been exposed and become dilapidated. Due to dilapidated and chronic condition of the said Building, it is necessary to demolish the said Building and construct new building on the said Property to avoid loss of life of residents. The Society is desirous to redevelop the said Building and the said Property, the said Society was ready to entrust the development rights of the said Building and the said Property to **M/s Bapat Constructions**. The said Society has executed and registered the Development Agreement on 22<sup>nd</sup> April, 2014 registered at the office of Sub-Registrar of Assurances, Thane under Sr. No. TNN-9/2674/2014 and granted development rights to M/s Bapat Constructions including rights to demolish the said Building and construct new building on the said Property. Simultaneously with the registration of Development Agreement dated 22<sup>nd</sup> April, 2014, the said Society has also executed a Power of Attorney in favour of the Proprietor of M/s Bapat Constructions, which is registered with the Sub-Registrar of Assurances at Thane under Sr. No. TNN-9/2675/2014 on 22<sup>nd</sup> April, 2014, granting the powers to do various acts, deeds, matters and things in respect of redevelopment of the said Property owned by Padmalaxmi Co-operative Housing Society Ltd.





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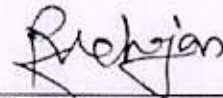
10. I have also gone through the Search Report dated 01/08/2015 taken by Mr. Ashish Zaveri, who has taken search of the Index II register pertaining to the period of 40 years from the year 1937 to the year 2015 kept at the office of the Sub – Registrar of Assurances at Thane and Mumbai. During the said period of 79 years, the transactions which have taken place as mentioned hereinabove are also referred therein. In the search report, it is evident that the Society is the owner of the said Property.
11. That, by virtue of Development Agreement dated 22<sup>nd</sup> April, 2014, and the Power of attorney dated 22<sup>nd</sup> April, 2014 in respect of redevelopment of the said Property, the Society having been handed over possession of the said Property and the building thereon to **M/s. Bapat Constructions** and obtaining IOD bearing V.P. No. S02/0139/14 vide letter no TMC/TDD/1332/15 dated 15/01/2015 and Commencement Certificate bearing V.P. No. S02/0139/14 vide letter no TMC/TDD/1552/15 dated 07/11/2015 **M/s Bapat Constructions** has absolute authority and full right to develop the said Property.

That, on the basis of the above said facts and on the basis of the documents placed before me, I hereby certify that **Padmalaxmi Co-operative Housing Society Limited** is the Owner of the said Property and the building thereon and the said Society's title to the said property is clear, marketable and free from any encumbrances charge and / or claim whatsoever.

I further certify that **M/s. Bapat Constructions** has the absolute and is well and sufficiently entitled to develop the said Property and to construct the building/s thereon and the sale the flats in proposed new building. That on the basis of the documents placed before me, I hereby certify that the title of **M/s Bapat Constructions** is clear, marketable and free from any encumbrances charge and / or claim whatsoever.

Dated this 30th day of November, 2015

Place: Thane



Kamalakar Mahajan  
Advocate  
High Court, Mumbai