

**Prashant G. Kadam**

B.Com.I.L.L.B.

**ADVOCATE**

101, Durgeshwari Tower, First Floor,  
Near Jay-Anand Hospital,  
Opp. Degadi School, Anthon Francis Road,  
Charai, Thane - 400 601.  
Telefax : (O) 25435569 (R) 25445569  
M. : 9820726666

R.P.A.D./UCP / By Hand

Date 28/07/2017

To :

M/s. Shree Swami Sarwarth Associates

201/202, Shri Sarika CHS Ltd.,

Above Utsav Hotel,

Gen. Arunkumar Vaicaya Marg,

Panchpakhadi,

Thane (W) - 400 602.

CERTIFICATE RELATING TO TITLE.

Re: (1) ALL that piece or parcel of plot bearing Tika No.12, City Survey No.103A/2A admeasuring 277.00 sq.mtrs., situate at Thane City, Taluka & Dist. Thane, within the limits of Thane Municipal Corporation and in the Registration Dist. And Sub-Dist. Thane

AND

(2) ALL that piece or parcel of plot bearing Tika No.12, City Survey No. 103A/2B admeasuring 286.10 sq. mtrs., situate at Thane City, Taluka & Dist. Thane, within the limits of Thane Municipal Corporation and in the Registration Dist. And Sub-Dist. Thane

1) Dimension/Area of the said property : 563.10 sq. mtrs.

2) The Documents

For the purpose of this opinion, the following documents were provided by you to me :

- i) Extract from Property Card Register of the land bearing Tika No.12, City Survey No. 103A/2B of Thane City, Taluka & Dist. Thane.
- ii) Registered Deed of Conveyance dated 01/04/1949, executed between Shri Mukund Vishnu Vaidya and Fariddun Sorabji Patel.
- iii) Deed of Release dated 1/04/1975 made and executed by and between the Mukund Vishnu Vaidya, Shrikrishna Mukund Vaidya and Vasant Mukund Vaidya therein referred to as Releasees of the one part and the Achyut Mukund Vaidya therein referred to as the Releasee of the other part.
- iv) Registered Development Agreement dated 31/12/2009 executed by and between Vasant Mukund Vaidya and Shrikrishna Mukund Vaidya therein referred to as the First Owners of the First Part, Shriram Mukund Vaidya therein referred to as the Second Owner of the Second Part and the M/s. Shree Swami Samarth Associates therein referred to as the Developers of the Third Part.
- v) Power of Attorney dated 09/02/2010 executed by the Vasant Mukund Vaidya, Shrikrishna Mukund Vaidya and Shriram Mukund Vaidya in favour of the persons nominated by the M/s. Shree Swami Samarth Associates.
- vi) The Commencement Certificate bearing V.P. No. S02/0065/10/TMC/TDD/1598/15 dated 15/12/2015 issued by the Thane Municipal Corporation in respect of the said property.
- vii) Registered Declaration cum Indemnity Bond dated 26/05/2015 executed by the M/s. Shree Swami Samarth Associates have in favour of the Thane Municipal Corporation.
- viii) Registered Deed of Confirmation dated 06/04/2016 executed by Ramesh Vasant Vaidya and Sharad Vasant Vaidya and M/s. Shree Swami Samarth Associates.

**Prashant G. Kadam**  
**ADVOCATE**

- ix) Registered Power of Attorney dated 06/04/2016 executed by Ramesh Vasant Vaidya and Sharad Vasant Vaidya in favour of the persons nominated by the M/s. Shree Swami Samarth Associates.
- x) Title Certificate dated 1.06.2016 issued by Advocate Vishwas Kulkarni.
- xi) Search Report dated 26.07.2017 issued by Searcher Mr. Sachin Patil.

**3. Search from the Office of the Sub-Registrar of Assurances:**

M/s. Shree Swami Samarth Associates had caused search through search clerk Mr. Sachin Patil in respect of the said Property at the office of the Sub Registrar of Assurances, at Thane for a period of about 30 years, i.e. for the period being 1988 to June 2017. He has submitted his Search Report dated 26.07.2017. The Index Books for some of the years as mentioned in the Search Report dated 26.07.2017 were found in torn condition. From the Search Report dated 26.07.2017, it appears that no registered charge is subsisting in respect of the said Property.

**4. Brief History of the said Property:**

Based on the aforesaid documents and the information furnished to me as well as the Search Report, I observe as follows:

- A) One Shri Mukund Vishnu Vaidya (hereinafter referred to as 'the said Mukund'), by virtue of Deed of Conveyance dated 01/04/1949, duly registered with the office of Sub-Registrar of Assurances at Thane under Sr. No.297, became the owner of & as such was inter alia seized and possessed of &/or otherwise well and sufficiently entitled to the property being all that piece or parcel of land bearing Tika No. 12, CTS No. 103 A admeasuring about 193 Sq. Yards and Tika No. 12, CTS No. 104 admeasuring about 2023 Sq. Yards and having corresponding Survey No. 362A Hissa No. 1 (part) of Village

Panchpatbhadi hereinafter referred to as 'the original property'. The part of said original property now bearing Tika No.12, City Survey No.103A/2 admeasuring 1003.34 sq. mtrs. together with structures then standing thereon situate at Thane City, Taluka & Dist. Thane, is hereinafter referred to as 'the said larger property'.

B) Said Mukund, during his lifetime, orally partitioned the said larger property amongst his four sons viz., 1) Shri Vasant Mukund Vaidya (hereinafter referred to as 'the said Vasant'), 2) Shri Shrikrishna Mukund Vaidya (hereinafter referred to as 'the said Shrikrishna'), 3) Shri Shriram Mukund Vaidya (hereinafter referred to as 'the said Shriram') and 4) Shri Achyut Mukund Vaidya (hereinafter referred to as 'the said Achyut') and further prepared a plan as well as reduced into writing the description of respective individual/joint share of each of the four brothers in respect of the said larger property as appearing herein below:

Plot No.1 admeasuring 277.10 sq. mtrs., to the joint share of the said Vasant and the said Shrikrishna; (the said Plot No.1)

Plot No.2 admeasuring 286.10 sq. mtrs., to the share of said Shriram; (the said Plot No.2)

Plot No.3 admeasuring 230.10 sq. mtrs., to the share of the said Achyut (the said Plot No.3)

Plot No.4 admeasuring 210.10 sq.mtrs., to the share of the said Shrikrishna. (the said Plot No.4)

C) It was represented to me that simultaneously the two married daughters of the said Mukund viz. Mrs. Usha Bhaskar Nitsure and Mrs. Sunanda Mukund Kelkar irrevocably released their respective share, right, title and interest in respect of the said larger property in favour of their father i.e. the said Mukund and four brothers i.e. the

said Vasant, the said Shrikrishna, the said Shriram and the said Achyut by a Registered Release Deed dated 1/04/1975.

D) It was further represented to me that by a Deed of Release dated 1/04/1975 made and executed by and between the said Mukund, the said Vasant, the said Shrikrishna and the said Shriram therein referred to as Releasers of the one part and the said Achyut therein referred to as the Releasee of the other part, the Releasers therein, irrevocably released all their respective right, title, claim and interest whatsoever in respect of the said Plot No.3 out of the said larger property admeasuring 230.10 sq. mtrs., being the plot coming to the share of the Releasee therein unconditionally and in return the Releasee therein irrevocably released all his right, title, claim and interest whatsoever in respect of the plot of lands coming to the respective/joint share of the Releasers Nos.2 to 4 therein being the said Plot Nos.1, 2 & 4 of the said larger property. The said Deed of Release is registered with the Sub-Registrar of Assurances at Bombay under Sr. No. 666/1748. It has been agreed by and between the said Vasant, the said Shrikrishna and the said Achyut that the said Achyut and the said Shriram and/or their nominees and assigns, shall be entitled to enjoy the benefit of right of way/access through a common passage of 10 ft. wide passing through the said Plot No.1 by way of easementary rights to pass to and from their respective property to the nearest public road upon the terms and conditions agreed upon by and between themselves and it has been further agreed that the said easementary right shall run alongwith the ownership of the said Plot No.1 and requisite clauses in respect thereof alongwith other easementary right as to laying of electricity cables, water lines, drainage line etc. for the beneficial enjoyment of the entire property as mentioned therein shall be incorporated in the Deed of Conveyance and/or any other document that shall be executed in respect of the assignment or creating of third party interest upon the said Plot No.1.

E) In the premises aforesaid the said Vasant, the said Shrikrishna and the said Shriram became entitled to their respective/joint share of the said larger property.

F) By an Agreement as well as Agreement to Lease, one Shri Rajaninath Govind Pataskar (hereinafter referred to as 'the said Contractor') acquired the plots of the said Vasant and the said Shrikrishna i.e. the said Plot No.1 and of the said Shriram i.e. the said Plot No.2 on lease for a period of 15 yrs. along with redevelopment rights in respect thereof upon the terms and conditions therein mentioned. The aforesaid documents are to be registered with the office of Sub-Registrar of Assurances at Thane under Sr. Nos.438 & 437 respectively.

G) Upon the expiry of 15 years, the said Contractor released all his right, title, interest and claim whatsoever in respect of the said Plot No.1 and 2 alongwith the structures standing on the said Plot No.1 and the said Plot No.2 unconditionally vide a Deed of Release of Claim dated 20/06/1991.

H) Said larger property was subsequently subdivided by TILR in to following Hissa numbers; (1) Tika No.12, City Survey No.103A/2A (area 277 sq. mtrs.) with one building known as "Vishnu Sadan" standing thereon, being the said Plot No.1; (2) Tika No.12, City Survey No.103A/2B (area 286.10 sq.mtrs.) with one building known as "Pitru Chaya" standing thereon, being the said Plot No.2; (3) Tika No.12, City Survey No.103A/2C (area 230.10 sq.mtrs.) with one building known as "Ashirwad" standing thereon, being the said Plot No.3 and (4) Tika No.12, City Survey No.103A/2D (area 210.10 sq.mtrs.) with one building known as "Ashirwad" standing thereon, being the said Plot No.4.

ADVOCATE

D) In the premises aforesaid, the said Vasant and the said Shrikrishna became entitled to the land bearing Tika No.12, City Survey No.103A/2A (area 277 sq. mtrs.) with one building known as "Vishnu Sadan" standing thereon being the said Plot No.1 and the said Shriram is entitled to the land bearing Tika No.12, City Survey No.103A/2B (area 286.10 sq. mtrs.) with one building known as "Pitru Chaya" standing thereon being the said Plot No.2".

J) Said Plot No.1 and the said Plot No.2 hereinafter for brevity's sake jointly be referred to as 'the said Property'.

K) By a Development Agreement dated 31/12/2009 (hereinafter referred to as 'the said Development Agreement') executed by and between the said Vasant and the said Shrikrishna therein referred to as the First Owners of the First Part, the said Shriram therein referred to as the Second Owner of the Second Part and the M/s. Shree Swami Samarth Associates therein referred to as the Developers of the Third Part, the First Owners and the Second Owner therein granted to the Developers therein and the Developers therein acquired from the First Owners and the Second Owner therein the development rights for and in respect of the said property i.e. the said Plot No.1 and the said Plot No.2 respectively, at or for the consideration and for and upon the terms and conditions therein contained. The said Development Agreement is registered with the Sub-Registrar of Assurances at Thane under Sr.No.1884/2010 on 09/02/2010.

L) In pursuance of the said Development Agreement, the said Vasant, the said Shrikrishna and the said Shriram i.e. the First Owners and the Second Owner therein, executed Power of Attorney dated 09/02/2010 (hereinafter referred to as 'the said First POA') in favour of the persons nominated by the M/s. Shree Swami Samarth Associates to enable them to do all acts, deeds, matters and things for

and in respect of the development of the said Property as contained therein. The said First POA is registered with the Sub-Registrar of Assurances at Thane under Sr. No.105/2010.

M) Thane Municipal Corporation vide its letter bearing No.TMC/NP/ED/SR/332 dated 12/07/2013 has declared the said buildings standing on the said property to be in dilapidated condition.

N) Said Vasant died intestate on 15/09/2013, leaving behind his two sons viz. 1) Shri Ramesh Vasant Vaidya (hereinafter referred to as 'the said Ramesh') and 2) Shri Sharad Vasant Vaidya (hereinafter referred to as 'the said Sharad') as his only heirs in accordance with the provisions of the Hindu Succession Act by which he was governed at the time of his death.

O) Pursuant to the said Development Agreement, the M/s. Shree Swami Samarth Associates prepared and submitted plans in respect of the development of the said property to the Municipal Corporation of the City of Thane (hereinafter referred to as "the Corporation") and the Corporation has sanctioned the plans in respect thereof vide V.P. No.S02/0065/10/TMC/TD-DP/1393/15 dated 15/04/2015.

P) The Commencement Certificate bearing V.P. No. S02/0065/10/TMC/TDD/1598/15 dated 15/12/2015 has also been granted by the Thane Municipal Corporation in respect of the said property.

Q) By a Declaration cum Indemnity Bond dated 26/05/2015, the M/s. Shree Swami Samarth Associates have, on behalf of the said Shriram, handed over and surrendered a portion of land admeasuring 95.60 sq. mtrs. out of the said property being reserved for 12 mt. wide D.P. Road in favour of the Thane Municipal Corporation upon the terms



and conditions therein mentioned. The said Declaration cum Indemnity Bond dated 26/05/2015 is registered with the office of Sub-Registrar of Assurances at Thane under Sr. No.5906/2015.

R) Said Ramesh and the said Sharad executed Deed of Confirmation dated 06/04/2016 in respect of all the documents executed as stated hereinabove (hereinafter referred to as 'the said Deed of Confirmation') and also executed an even dated Power of Attorney in pursuance thereof in favour of the persons nominated by the M/s. Shree Swami Samarth Associates in order to enable them to carry out all acts, deeds and things whatsoever in respect of the development of the said property in the manner stated therein. The said Deed of Confirmation and the said Second POA are registered with the office of Sub-Registrar of Assurances at Thane under Sr. No.4533/2016& 4534/2016 respectively.

S) Adv. Vishwas Kulkarni has, by its Title Certificate dated 1.06.2016, certified the title of said Ramesh, said Sharad and said Shrikrishna to the property being all piece or parcel of plot bearing Tika No.12, City Survey No.103A/2A admeasuring 277.10 sq.mtrs., situate at village Panchpakhadi, Taluka & Dist. Thane, within the limits of Thane Municipal Corporation and in the Registration Dist. And Sub-Dist. Thane and the title of said Shriram to the property being a LL that piece or parcel of plot bearing Tika No.12, City Survey No. 103A/2B admeasuring 286.10 sq. mtrs., situate at village Panchpakhadi, Taluka & Dist. Thane, within the limits of Thane Municipal Corporation and in the Registration Dist. And Sub-Dist. Thane, as marketable and free from encumbrances.

5. General :

- a. Title Certificates issued solely on the basis of the documents provided by you as mentioned in Para 2 hereinabove and I have

no obligation to update this Title Certificate with any information or replies or documents received by me beyond this date.

- b. Unless specifically stated otherwise, I have not inspected or perused the original documents in respect of the said Property.
- c. I am not qualified to and have not independently verified the area of the said Property. I have referred to and retained the admeasurements in sq. mtrs. as I have found them in various documents.
- d. Save as otherwise stated hereinabove, I have not issued any public notice to invite claims from the public at large in respect of title of 1) Shri Vasant Mukund Vaidya, 2) Shri Shrikrishna Mukund Vaidya and 3) Shri Shriram Mukund Vaidya to the said Property and that of M/s. Shree Swami Samarth Associates as Developer.

e. For the purpose of this Title Certificate, I have assumed:

- i) The legal capacity of all natural persons, genuineness of all signatures, authenticity of all documents submitted to me as certified or photocopies.
- ii) That there have been no amendments or changes to the documents examined by me.
- iii) The accuracy and completeness of all the factual representations made in the documents.
- iv) That all prior documents have been adequately stamped and duly registered.
- v) Any statements in the documents, authorization or any certificates or confirmations relied upon by me for issuance of this Certificate is correct and otherwise genuine.

ADVOCATE

vi) Each document binds the parties intended to be bound thereby.

vii) Photocopies provided to me are accurate photocopies of originals.

f. Unless specifically stated otherwise, I have not carried out any searches in any courts and have presumed that there is no pending litigation, proceedings, enquiry, etc. before any court of law, tribunal, etc. in respect of the said Property.

g. For the purpose of this Title Certificate, I have relied upon information relating to lineage, on the basis of revenue records and information provided to me by you.

h. I express no view about the zoning / user / reservations / FSI / or developability of the said Property.

i. I have not verified issues relating to acquisition and / or reservation of the said Property or any portion thereof by Governmental Authorities.

j. Even though this document is titled "The Certificate" it is in fact an opinion based on the documents perused by me. The Title Certificate has been so given at the request of the client to whom it is addressed.

6. CONCLUSION

A) On scrutiny of the documents made available to me and on the basis of information and search report provided to me by you, I am of the opinion that subject to whatever stated hereinabove and subject to compliance of the terms and conditions contained in the above referred various orders and permissions as well as covenants

running alongwith the ownership of the said property and every part thereof, said Ramesh, said Sharad and said Shrikishna to the property being all piece or parcel of plot bearing Tika No.12, City Survey No.103A/2A admeasuring 277.10 sq.mtrs., situate at village Panchpakhadi, Taluka & Dist. Thane, within the limits of Thane Municipal Corporation and in the Registration Dist. And Sub-Dist. Thane and the title of said Shriram to the property being all that piece or parcel of plot bearing Tika No.12, City Survey No. 103A/2B admeasuring 286.10 sq. mtrs., situate at village Panchpakhadi, Taluka & Dist. Thane, within the limits of Thane Municipal Corporation and in the Registration Dist. And Sub-Dist. Thane, as marketable and free from encumbrances. And M/s. Shree Swami Samarth Associates is well and sufficiently entitled to develop the said Property by implementing development Scheme thereon as per the layout and the plans approved in respect thereof by the Thane Municipal Corporation.

Yours truly,



Advocate