



that Registrar of Companies issued a Certificate of incorporation to "Chhaganlal Khimaji and Company Ltd." Became thus "owner" of the said property.

C. CHANGE OF NAME

M/s. Chhaganlal Khimaji and Company Limited was converted into Private Limited Company namely "Chhaganlal Khimji and Company Private Limited" on 21st November, 2008 and certificate of incorporation from Registrar of Companies was issued to this effect.

D. AMALGAMATION OF CHHAGANLAL KHIMJI & CO. LTD. WITH MRPL

Pursuant to the Scheme of the Amalgamation approved by the Hon'ble High Court Bombay Vide its Order dated 10th August, 2012 in the Companies Scheme Petition No. 308/2010 connected with Company Summons for the direction No. 852/11, U/s 391, 394 of Companies Act, 1956 with effect from appointed dated i.e. 1st April, 2010. The entire business and undertaking including all its properties and assets of whatsoever nature of Chhaganlal Khimaji and Company Private Limited i.e. "the said property" more particularly described in the schedules hereunder written are under the provisions of the aforesaid sections of the Companies Act, 1956 be transferred and / or deemed to be transferred and vested in the Marathon Realty Pvt. Ltd. so as to become the properties assets of the Marathon Realty Private Limited (hereinafter Marathon Realty Private Limited Company referred to as the "MRPL"). The said Scheme is duly adjudicated by the Collector of the Stamps, Mumbai on 26th November, 2012 vide its Certificate bearing No. ADJ/265/2012/211 u/s. 32 (1) (b) of the Bombay Stamps Act, 1958 and accordingly the same was registered with the Sub-Registrar of Kurla No. 1 under bearing No. KRL-1-11345 of 2012 on 4th December, 2012. Hence, MRPL became the owner of "the Said Property" more particularly described in the schedule hereunder.

E. DEVELOPMENT

The owner intend to Develop the said property which is described in the schedule hereunder written.

Presently we are concern with the title of Marathon Realty Pvt. Ltd. to the development on the land described in the schedule hereunder written, consisting of:



- a) Monte Vista – 2 level basement for PPL Parking Plus Lower Ground part for PPL Parking Plus Ground Plus 1st to 6th Part Plus 7th to 33rd Upper residential Floor.
- b) Monte Carlo - Residential building 2 level basement for PPL Parking Plus Lower Ground floor Part for PPL parking plus Ground Floor plus 1st to 4th partly Residential and partly Parking Floors plus 5th Service Floor plus 6th Floor Podium and amenities plus 7th to 43rd Floor and Proposed upto 47th Floors.
- c) Monte Plaza - (Commercial Building) – Ground Floor shops and three upper floors and partly Residential.
- d) Public Parking Lot : Lower Ground (Part) plus I to III Basement (beyond the building line of Monte Vista and Monte Carlo building)
- e) Parking : Lower Ground (Part) plus stilt plus 1 to 3 parking Floors having the provision of additional recreational space on top.
- f) Amenity Building : Ground Plus 1st Floor Plus Service Floor already handed over to Municipal Corporation Greater Mumbai (MCGM).

F. APPROVALS AND SANCTIONS

- I. By and under the letter dated 7th September, 2007 bearing No. CE/4789/BPES/AT addressed by Executive Engineer (Building Proposals) (E.S.).-II, Brihan Mumbai Mahanagar Palika to M/s Matrix, the Brihan Mumbai Mahanagar Palika has granted the Intimation of Disapproval for proposed building on the said property on the terms and conditions as specified therein.
- II. By and under the Commencement Certificate dated 19th March, 2008 bearing No. CE/4789/BPES/AT issued by Municipal Corporation of Greater Mumbai to Marathon Realty Private Limited for construction of buildings, on the said property on the terms and conditions as specified therein.

G. MORTGAGES AND CHARGES

- a) By indenture of Mortgage dated 26th March, 2008 executed and entered between Owners Chhaganlal Khimaji & Company Limited and IDBI Trusteeship Services Ltd., a security Trustee acting for and on behalf of LIC Housing Finance Limited (LICHFL) registered in the office of Sub-Registrar



Suburban bearing Serial No. BDR14-01976-2008 registered on 28th March, 2008, whereby the owners had mortgaged with the Bank the said property which is described in the schedule therein and the same is more particularly described in schedule herein. However, there are no restrictions on the Owner in transferring or selling units / premises / flats in the said buildings named as Monte Vista and Monte Carlo to be constructed on the said property Chhaganlal Khimaji and Company Ltd.

- b) The aforesaid loan had repaid by the Chhaganlal Khimaji and Company Ltd. on 18th August, 2011 and the same was confirmed by the said "LICHFL" by their letter dated 20th August, 2011. Accordingly, Deed of Reconveyance was executed between IDBI Trusteeship Services Ltd., a security Trustee acting for and on behalf of LIC Housing Finance Limited (LICHFL) with Chhaganlal Khimaji and Company Pvt. Ltd on 25th August, 2011 and the same was registered with the Sub-Registrar of Assurances, Kurla bearing Serial No. BDR14/06389/2011 on 25th August, 2011.
- c) By the indenture of Mortgage dated 10th August, 2011 ("the said Mortgage Deed") executed and entered by ICICI Home Finance Company Limited and having its Registered Office and its Corporate Office at ICICI Bank Towers, Bandra Kurla Complex, Mumbai 400 051 (" the Said ICICIFCL") and the same was registered in the Sub-Registrar of Assurances, Kurla-2 at Serial No. BDR7/7102/2011 dated 16th September, 2011 whereby, Chhaganlal Khimaji and Company Limited mortgaged the property more particularly described in the schedule therein. However, there are no restrictions on the Owners in transferring or selling units / premises / flats in the said buildings named as Monte Vista and Monte Carlo to be constructed on the said property.
- d) The ICICI Home Finance Company Limited by their letter dated 7th February, 2014 issued the No Dues Certificate whereby they confirm that loan amount disbursed by them to Marathon Realty Private Limited has been fully repaid and there are no dues outstanding.
- e) By the indenture of Mortgage dated 23rd September, 2014 ("the said Mortgage Deed") executed and entered by ICICI Bank Limited, having its Registered Office at Landmark, Race Course Circle, Vadodara 390 007 and its Corporate Office at ICICI Bank Towers, Bandra Kurla Complex, Mumbai 400 051 (" the Said Bank") and the same was registered in the Sub-



- II. In so far as the said property referred in the schedule of the property herein under written, I had issued the Title Certificates dated 7th February, 2013. On instructions of the Marathon Realty Private Limited, I am issuing this Title Certificate with an intention that my Title Certificate dated 7th February, 2013 be superseded by this Title Certificate. Accordingly, my Title Certificate dated 7th February, 2013 be treated as cancelled.

K. CERTIFICATION

Pursuance to Title Search Report dated 3rd March, 2008 issued by M/s S.N.Gupta & Co. Advocates and Title Search Report dated 6th February, 2013 and 18th July, 2017 given by Mr. Chandrakant Kamble, the Search Clerk, I am of the opinion that Marathon Realty Private Limited has a clear and Marketable Title over the same and I am therefore of the opinion that the said freehold property (more particularly described in schedule hereunder) is clear and marketable subject to lien of the ICICI Bank Limited vide Indenture of Mortgage Deed dated 23rd September, 2014 registered in the Sub-Registrar of Assurances, Kurla-1 at Serial No. KRL1/8534/2014 dated 24th September, 2014 and I further certify that the owner is authorized to develop the land more particularly described in the schedule hereunder and construct the buildings to be known as Monte Vista, Monte Carlo Monte Plaza, Public Parking Lot and Parking Building and further certify that the owner is authorized to sell units / Flats / premises in the said buildings on ownership basis as contemplated in Real Estate Regulation and Development Act, 2016.

While perusing the property card with respect to the said property, I found that the name of the previous owner i.e. Chhaganlal Khimaji and Company Ltd. is appearing on the Property Card and I therefore, opine that the title of Marathon Realty Pvt. Ltd. is undisputed.

SCHEDULE FOR FREEHOLD PROPERTY
MENTIONED HEREINABOVE

All that piece and parcel of land admeasuring 11455 sq. mtrs. (13700 sq.yds) as per conveyance and now admeasuring 11,281.77 sq. mtrs. bearing Plot Nos. 28, 29, 30 and 31 bearing City Survey Nos. 551/13 of Village – Nahur, Taluka – Kurla, Mumbai Suburban District, within the limits of Municipal Corporation of Greater



PRASANNA S. TARE

B. Com, L.L.B

Continuation Sheet No.

Mumbai Situated at Madan Mohan Malaviya Road, Mulund (West) Mumbai and within the registration District and Sub-District Mumbai Suburban.

Dated this 20th Day of July, 2017

Prasanna S Tare

Advocate