

Date 16th May 2019

TITLE CERTIFICATE

DESCRIPTION OF PROPERTY:

Survey No.363/A, Hissa no.2 (part) admeasuring 1344 sq. yards / 1123.75 Sq. Mts. and Survey No.367, Hissa No.2 (part) admeasuring 146 sq. yards/ 122.074 Sq. Mts., collectively admeasuring 1490 sq. yards, equivalent to 1245.82 sq. meters (as per property card extract admeasuring 1153.85 sq. meters), now corresponding to CTS no.20/1, Tikka no.16, lying, being and situate at Mouje Panchpakhadi, Thane town, abutting Ram Maruti Road, Naupada Thane, within the limits of Thane Municipal Corporation for city of Thane and bounded as under:-

On or towards the East : TMC Nala

On or towards the West: Ram Maruti Road,

On or towards the North: Property belonging to Mrs. Chandu Shah

On or towards the South: TMC Nala/Ishant Building

(which is hereinafter referred to as '**said entire property**')

Under the instructions from **M/S MAHESH BORKAR CIVIL ENGINEERS AND CONTRACTORS** through its proprietor SHRI. MAHESH SHRIRAM BORKAR, having office at 1st Floor, Kamdhenu Prasad CHS, Ram Ganesh Gadkari Path, Ghantali,

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Adv.*

Thane (W) - 400 602, I have investigated the title of above stated property. During the course of investigation, I had occasion to inspect the following documents:-

1. Latest Property card extract of said entire property.
2. Photocopy of Indenture of Confirmation dated 24th October 1970 which was duly registered with the Sub-Registrar of assurances, Bombay under Serial No. BOM-R-4674/1970.
3. Original copy of Death Certificate of Smt. Radhabai Govind Patil issued by Thane Municipal Corporation.
4. Photocopy of Judgment, Order and Decree dated 30th June, 1990 passed in Special Civil Suit No. 29 of 1979
5. Photocopy of Registration Certificate of Mayur Co-operative Housing society issued by the Registrar of Societies.
6. Sale Deed dated 24th December, 1998, which was presented for registration under no. 6331/1998 on 24th December, 1998 and which, later on came to be registered in Book no.1 on 8th January 2007.
7. Registered Sale Deed dated 27th March 2018 registered under serial no.TNN5-4307-2018 executed by Shri Ajit Govind Patil in favour of M/s Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar
8. Registered Sale Deed dated 2nd April 2018 registered under serial no.TNN5-4678-2018 executed by Shri Shyam Govind Patil in favour of M/s Mahesh Borkar

Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar

9. Registered Sale Deed dated 2nd April 2018 registered under serial no. TNN5-4679-2018 executed by Smt. Jayashree Govind Patil @ Smt. Jayashree Tukaram Walawalkar in favour of M/s Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar
10. Registered Sale Deed dated 2nd April 2018 registered under serial no. TNN5-4680-2018 executed by Smt. Geeta Govind Patil @ Smt. Asha Pandharinath Kulkarni in favour of M/s Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar
11. Registered Sale Deed dated 6th April 2018 registered under serial no. TNN5-4983-2018 executed by Legal Heirs of Kishore Govind Patil Viz. 1) Smt. Chitra Kishore Patil 2) Shri. Amol Kishore Patil, and 3) Shri. Amit Kishore Patil in favour of M/s Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar
12. Registered Sale Deed dated 18th April 2018 registered under serial no. TNN5-5673-2018 executed by Legal heirs of Dattaray Govind Patil Viz. 1) Sudha Dattaray Patil, 2) Shri. Manish Dattatray Patil, 3) Mrs. Rajashri Madhav Samant, 4) Shri. Shirish Dattatray Patil in favour of M/s Mahesh Borkar Civil Engineer and

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Contractors through its sole proprietor Shri Mahesh Shriram Borkar

13. Registered Sale Deed dated 14th June 2018 registered under serial no.TNN5-8561-2018 executed by Ms. Prachitee Arvind Patil @ Mrs. Prachitee Ashish Naik in favour of M/s Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
14. Registered Sale Deed dated 2nd July 2018 registered under serial no.TNN5-9427-2018 executed by Mr. Tanmay Arvind Patil in favour of M/s Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
15. Letter dated 24th August 2018 issued by the office of DDR.
16. Registered Development agreement dated 25th October 2018 registered under sr. no.TNN-14957-2018 on 25th October 2018 executed by Mayur Co-operative Housing Society Ltd, along with its members as confirming party in favour of said Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar as Developer.
17. Registered Power of attorney dated 25th October 2018, registered under sr. no. TNN5-14958-2018 executed by and on behalf of Mayur Co-operative Housing Society Ltd, through its authorized and empowered representatives.

18. Public notices dated 16th April 2019 and 17th April 2019 issued by me and published in Thane Vaibhav and Free Press Journal newspaper.
19. Search Reports dated 13th December 2017 and 24th April 2019 issued by Shri. Sachin Patil, Search clerk.

After perusal of the abovementioned documents and after considering the representations made in the concerned documents by the concerned persons, I express my opinion about the title of the said property as under:-

- A) It appears that at the relevant time, one Shri Govind Dattatray Patil [since deceased hereinafter referred to as '**deceased Govind**'] was during his life time, seized and possessed of and/or well and sufficiently entitled to the said entire property described hereinabove.
- B) It seems that said deceased Govind expired intestate at Thane on 1st August, 1955 before coming into force of the Hindu Succession Act, 1956, leaving behind following legal heirs to succeed to his estate and particularly to the said entire property.
- i) Smt. Radhabhai Govind Patil- Widow
 - ii) Shri Kishore Govind Patil- Son
 - iii) Shri Arvind Govind Patil- Son
 - iv) Shri Ajit Govind Patil- Son
 - v) Shri Dattatray Govind Patil- Son
 - vi) Shri Shyam Govind Patil- Son.

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vii) Smt. Geeta Govind Patil @ Smt. Asha Pandharinath Kulkarni- then unmarried Daughter.

- C) From the records and information it appears that apart from abovementioned seven people said deceased Govind had one more daughter viz. Smt. Jayashree Tukaram Walawalkar.
- D) Vide Indenture of Partition and Release dated 15th February, 1969 which was lodged for registration on 17th February 1969 at the Office of Sub-Registrar of Assurances, Bombay under serial No.669/69 of Book No.1 the above named i) Shri Dattatray Govind Patil, ii) Shri. Shyam Govind Patil and iii) Smt. Geeta Govind Patil @ Smt. Asha Pandharinath Kulkarni, released, granted, assigned and conveyed unto and in favour of abovenamed i) Radhabai Govind Patil ii) Kishore, iii) Arvind, and iv) Shri Ajit Govind Patil their respective undivided share in equal proportions and enjoyment, in the manner more particularly stated in the said Partition/Release Deed.
- E) It seems that some of the executants of said deed of partition and release failed to appear before the Sub-Registrar Bombay to admit execution thereof by them within the prescribed period stipulated under Indian Registration Act and therefore the said executants vide Indenture of Confirmation dated 24th October 1970 which was duly registered with the Sub-Registrar of assurances, Bombay under Serial No.BOM-R-4674/1970, confirmed the said deed of partition and

release dated 15th February 1969. In the said search report dated 13th December 2017, said Indenture of partition and Release dated 15th February, 1969 and said Indenture of Confirmation dated 24th October 1970 are duly reflected. Thus after demise of Shri. Govind the following four persons became the Owners of the said entire property in common and in equal proportions:

- i) Smt. Radhabai Govind Patil (25%)
- ii) Shri Kishore Govind Patil, (25%)
- iii) Shri Arvind Govind Patil, (25%)
- iv) Shri Ajit Govind Patil. (25%)

F) It seems that said deceased Dattatray expired intestate on 7th January 1985 leaving behind him following persons as his legal heirs as per the Law of Succession by which he was governed at the time of his death:

- i) Smt. Sudha Dattatray Patil – Wife
- ii) Shri. Manish Dattatray Patil – Son
- iii) Mrs. Rajashri Mahadev Samant – Daughter
- iv) Shri. Shrish Dattatray Patil – Son

G) During the passage of time said Radhabai Govind Patil expired on 16th December, 1994 leaving behind her following legal heirs to succeed to her said 25% share in the said entire property in equal proportion and to the extent as mentioned against the name of each of the person:-

- i) Shri Kishore Govind Patil (3.57%)
- ii) Shri Arvind Govind Patil (3.57%)

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- iii) Abovementioned Legal Heirs of predeceased Son
Viz. Deceased Dattatray Patil (total 3.57%)
 - a) Smt. Sudha Dattatray Patil (0.9%)
 - b) Shri. Manish Dattatray Patil – (0.9%)
 - c) Mrs. Rajashri Mahadev Samant (0.9%)
 - d) Shri. Shrish Dattatray Patil (0.9%)
- iv) Shri Shyam Govind Patil (Son)(3.57%)
- v) Smt. Geeta Govind Patil @ Smt. Asha
Pandhiranath Kulkarni (Daughter) (3.57%)
- vi) Shri Ajit Govind Patil (3.57%)
- vii) Smt. Jayashree Govind Patil @, Smt. Jayashree
Tukaram Walawalkar(Daughter) (3.57%)

Thus after demise of deceased Radhabai the following persons have acquired Ownership upon said entire property in following manner and in following proportion:

- i) Shri Kishore Govind Patil 28.57%
- ii) Shri Arvind Govind Patil 28.57%
- iii) Shri Ajit Govind Patil 28.57%
- iv) Abovementioned Legal Heirs of predeceased Son
Viz. Deceased Dattatray Patil (total 3.57%)
 - e) Smt. Sudha Dattatray Patil (0.9%)
 - f) Shri. Manish Dattatray Patil – (0.9%)
 - g) Mrs. Rajashri Mahadev Samant (0.9%)
 - h) Shri. Shrish Dattatray Patil (0.9%)
- v) Shri. Shyam Govind Patil (SON) 3.57%
- vi) Smt. Geeta Govind Patil @ Smt. Asha
Pandharinath Kulkarni (Daughter) (3.57%)

- vii) Smt. Jayashree Govind Patil @ Smt. Jayashree
Tukaram Walawalkar (Daughter) (3.57%)
- H) During the passage of time Shri Kishore Govind Patil
expired intestate on 24th June 2004 leaving behind him
following legal heirs to succeed to his above stated
28.57% share in the said entire property in equal
proportion.
- i) Smt. Chitra Kishore Patil (9.58%)
ii) Shri. Amol Kishore Patil (9.58%)
iii) Shri. Amit Kishore Patil (9.58%)
- I) Shri Arvind Govind Patil expired intestate on 5th April, 2005
leaving behind him following legal heirs to succeed to his
above stated 28.57% share in the said entire property in
equal proportion.
- i) Shri. Tanmay Arvind Patil (14.29%)
ii) Ms. Prachiti Arvind Patil @ Mrs. Prachiti Ashish Naik
(14.29%)
- J) Thus at the relevant time the respective successors of said
deceased Govind, Deceased Radhabai, Deceased Dattatray,
Deceased Arvind have respective undivided share as
mentioned herein below;-
- i) Smt. Chitra Kishore Patil (9.58%)
ii) Shri. Amol Kishore Patil (9.58%)
iii) Shri. Amit Kishore Patil (9.58%)
iv) Smt. Sudha Dattatray Patil (0.9%)
v) Shri. Manish Dattatray Patil (0.9%)
vi) Mrs. Rajashri Mahadev Samant (0.9%)
vii) Shri. Shrish Dattatray Patil(0.9%)

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- viii) Shri. Tanmay Arvind Patil (14.29%)
- ix) Ms. Prachitee Arvind Patil @ Mrs. Prachitee Ashish Naik (14.29%)
- x) Shri. Shyam Govind Patil (3.57%)
- xi) Shri Ajit Govind Patil (28.57%)
- xii) Smt. Geeta Govind Patil @ Smt. Asha Pandharinath Kulkarni. (3.57%)
- xiii) Smt. Jayashree Govind Patil @ Smt. Jayashree Tukaram Walawalkar (3.57%)

K) It appears that during the life time of said deceased Smt. Radhabai with the knowledge and consent of other co-parcenors or common Owners of the said entire property, executed in favour of M/s Jyoti Land Agency, a partnership firm an agreement initially on 8th May, 1967 coupled with supplementary agreement dated 25th November, 1968 and thereby a portion admeasuring 741.64 sq. yards was agreed to be sold to the said partnership firm by the said Smt. Radhabai with further rights to construct thereupon a new building under the provisions of MOF Act. It appears that pursuant to the rights acquired under the aforesaid agreements, the said M/s Jyoti Land Agency during the passage of time commenced and completed construction of a building which is consisting of ground plus Three upper floors and popularly known as '**MAYUR CO-OPERATIVE HOUSING SOCIETY LTD**'. It appears that During the passage of time, said M/s Jyoti Land Agency allotted various flats situate in Mayur Building to various flat allottees and the Members of said Mayur Building then

formed Co-operative Housing society under the name and style of said Mayur Co-operative Housing Society Ltd. I have inspected the copy of Registration Certificate issued by the Registrar of Societies in favour of said Society. Said Mayur Co-operative Housing Society Ltd appears to have been formed and registered under the provisions of Maharashtra Co-operative Housing Societies Act, 1961.

- L) It appears that said M/s Jyoti Land Agency however, did not perform its statutory obligations of execution a conveyance of the proportionate land area out of the said entire property in favour of the said Mayur society. Said Mayur society at the relevant time filed special civil suit no.29/1979 against the said deceased Radhabai and others and /or her successor in title inter-alia seeking execution of conveyance of the said property in its favour. It appears that vide Judgment, Order and Decree dated 30th June, 1990 said suit came to be disposed off by the Jt. Civil Judge, Senior Division Thane thereby directing the execution of the sale deed in favour of said Mayur society, of an area admeasuring 691 sq. yards only out of said entire property. It appears that said Mayur Society then filed Special Darkhast no.103 of 1991 for the execution of aforesaid Decree dated 30th June 1990. It appears that in the said special Darkhast proceedings the Hon'ble executing court was pleased to appoint a Court Commissioner vide order dated 23rd January, 1998 with direction for execution of sale deed. Pursuant to said order the said Court Commissioner on behalf of deceased

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Adv. J*

Radhabai, deceased Kishore, deceased Arvind, and Shri Ajit executed a Sale Deed dated 24th December, 1998, which was presented for registration under no.6331/1998 on 24th December, 1998 and which later on came to be registered in Book no.1 on 8th January 2007 and thereby an area admeasuring 691 sq. yards equivalent to 577.76 Sq. Mts. came to be sold to said Mayur Society, said land is hereinafter referred to as '**said mayur land**'.

- M) I have taken inspection of the copies of the said Judgment order and decree dated 30th June, 1960 as well as of the copy of said sale deed dated 24th December, 1998. It seems that neither the said judgment order and decree nor the said sale deed have been challenged either by said Jyoti Land Agencies, and or other Defendants in the said suit.
- N) It seems from the record that excluding the said Mayur Land whatever balance land remained which is admeasuring about 799 sq. yards out of said entire property, same continued to be in possession of said deceased Radhabai and others and they continued to be the owners thereof which land admeasuring 799 sq. yards, equivalent to 668.06 sq. meters, is hereinafter referred to as '**said available property**'. Thus the respective members of the Patil family whose names are mentioned in Clause 'J' above, continue to have and hold respective undivided share upon the said available property. Thus out of said entire property the land admeasuring 691 sq. yards equivalent to 577.76 sq. meters is owned by said Mayur

Society and balance land admeasuring 799 sq. yards i.e. equivalent to 668.06 sq. meters, was owned by the said various persons mentioned in Clause 'J' above.

O) It seems that Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar after holding negotiations with said persons whose names are mentioned in Clause J above got executed from them, the diverse registered Sale deeds as per details below:

- i) Shri Ajit Govind Patil having 28.57% undivided share, executed Sale Deed dated 27th March 2018 registered under serial no.TNN5-4307-2018 in favour of Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
- ii) Shri Shyam Govind Patil having 3.57% undivided share, executed Sale Deed dated 2nd April 2018 registered under serial no.TNN5-4678-2018 in favour of Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar
- iii) Smt. Jayashree Govind Patil @ Smt. Jayashree Tukaram Walawalkar having 3.57% undivided share, executed Sale Deed dated 2nd April 2018 registered under serial no. TNN5-4679-2018 in favour of Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar

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- iv) Smt. Geeta Govind Patil @ Smt. Asha Pandharinath Kulkarni having 3.57% undivided share, executed Sale Deed dated 2nd April 2018 registered under serial no.TNN5-4680-2018 Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
- v) Legal Heirs of Kishore Govind Patil Viz. 1) Smt. Chitra Kishore Patil 2) Shri. Amol Kishore Patil, and 3) Shri. Amit Kishore Patil collectively having 28.57% share, executed Sale Deed dated 6th April 2018 registered under serial no.TNN5-4983-2018 in favour of Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
- vi) Legal heirs of Dattaray Govind Patil Viz.1) Sudha Dattaray Patil, 2) Shri. Manish Dattatray Patil, 3)Mrs. Rajashri Madhav Samant, 4) Shri. Shirish Dattatray Patil collectively having 3.57% share executed Sale Deed dated 18th April 2018 registered under serial no.TNN5-5673-2018 Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
- vii) Ms. Prachitee Arvind Patil @ Mrs. Prachitee Ashish Naik having 14.29% undivided share, executed Sale Deed dated 14th June 2018 registered under

serial no.TNN5-8561-2018 in favour of Developer herein.

viii) Mr. Tanmay Arvind Patil having 14.29% undivided share, executed Sale Deed dated 2nd July 2018 registered under serial no.TNN5-9427-2018 in favour of Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.

P) Thus Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar has now become the owner of the said available land admeasuring 799 sq. yards out of said entire property and said Mayur Society is the owner of remaining 577.76 sq. meters equivalent to 691 sq. yards land viz. said Mayur Land.

Q) It seems that members/occupants of said Mayur CHS Ltd's situated on the Mayur land, have decided to undertake the redevelopment of said Mayur Land. The said society then by following guidelines issued by the Govt. of Maharashtra under government decision SGY/2007/PK554/14S, dated 3rd January, 2009 issued under Section 79 (2) (B) of Maharashtra Co-operative Society Act appointed said Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar, as 'Developer' of the said Mayur land.

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R) I have seen and inspected the letter bearing reference no.UPN / Thane City / B3 / Mayur / H / Redevelopment

/ 2529 / 2018 dated 24th August 2018 issued by the DDR, Thane on 24th August 2018. In the said letter, the said office has confirmed that requisite procedure as contemplated in the said guidelines dated 3rd January 2009, have been followed, while appointing the developer. Thereafter Mayur CHS Ltd's with the confirmation of its 14 members executed said registered development agreement dated 25/10/2018 coupled with registered power of attorney of even date and thereby appointed Mahesh Borkar Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar, as the developer of said Mayur land with specific rights to develop the said Mayur land together with the said available land since those are adjoining to each other and forming part of the said entire property and father gave the said developer all requisite powers of development, sale and allotment of available flats, commercial shops, premises, covered parking spaces to the prospective allottees under the relevant provisions of law.

- S) I have seen and inspected the original registered development agreement and power of attorney. Both the documents seems to have been properly stamped and registered and are indexed.
- T) In order to investigate the right, title and interests of said Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar as developer, of said Mayur land and as the owner of

said available property, I caused to be published a public notices dated 16/04/2019 and 17/04/2019 in daily newspaper namely Thane Vaibhav and Free Press Journal respectively inter alia calling upon the public at large to register their claims and or objections if any. I certify that I did not receive till date any claims and or objections from anybody pursuant to the said public notices.

U) I have also caused to be taken search in the office of the Sub Registrar of Assurances, Thane through Mr. Sachin Patil. In the search reports submitted by Mr. Sachin Patil, above referred registered instruments are duly reflected. Apart from these instruments, I did not notice any other adverse entries, affecting the title of said entire property.

V) From the reading of said diverse sale deeds mentioned in Clause 'O' above, it appears that there are certain occupants/old tenants having their respective tenanted premises in their possession, situate in the chawl known as Kishor-Kunj, which seems to be in existence upon the said available property. In the said sale deeds said Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar, has acquired all rights to deal and settle with the said tenants/occupants and or to seek their co-operation in the said redevelopment of the said entire property and/or it has become the landlord of and qua said tenants.

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Adv. (*

- W) I have inspected the latest property extracts maintained by the city survey office. It seems that on the basis of the said sale deed dated 24th December, 1998 executed in favour of Mayur society, and on the basis of sale deeds mentioned in Clause 'O' above, executed in favour of Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar, names of Mayur CHS and of Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar are duly recorded in the holders column in the property cart extract maintained by the city survey office vide mutation entry no.1909 dated 19th January 2019.
- X) In the above mentioned circumstances, in my opinion said Mayur society is the owner of said Mayur land described in Clause 'L' above, forming part of the said entire property. The balance land viz. said available property admeasuring 799 sq. yards equivalent to 668.06 sq. meters forming part of said entire property is now owned by said Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar.
- Y) From the reading of the said development agreement coupled with power of attorney, as well as from the reading of diverse sale deeds mentioned in Clause 'O' above, it is evident that Mahesh Borkar, Civil Engineer and Contractors through its sole proprietor Shri Mahesh Shriram Borkar is having absolute right and authority to

undertake redevelopment of the said entire property in terms of said registered instruments and for that purpose to approach the Thane Municipal Corporation for submitting of development proposal and to seek approval to said development proposal from the TMC.

- Z) Save and except the claims of certain occupants/tenants whose names are disclosed in the said diverse sale deeds, it seems that there are no other third person/s who can claim right upon the said entire property. In my opinion the title of said Mayur Society upon 691 sq. yards equivalent to 577.76 sq. meters viz. said Mayur land and title of M/s Mahesh Borkar Civil Engineers and Contractors, through its proprietor Shri. Mahesh Shriram Borkar upon said available land admeasuring 799 sq. yards equivalent to 668.06 sq. meters is clear and marketable.

Hence this Title Certificate.



Rashmi Nitin Telang

Advocate

