

AMAR KHANNA

B.L.S. LL.B., LL.M.,
Advocate & Solicitor

A/32, Akurli Om Co-op. Hsg. Soc. Ltd., Plot No. 12, RSC-2, Lokhandwala Complex, Kranti Nagar, Akurli Road,
Kandivli (E), Mumbai 400 101

Mob: 7738281740 Tel: 29664050

Sub : *A plot land admeasuring 1603.20 square meters or thereabouts bearing CTS No.1041/B, Village Dahisar, Taluka - Borivali, situated lying and being at SirBharucha Road, Dahisar (East), in the Registration District and Sub District of Mumbai Suburban.*

1. On the request of M/s. Heena Lifestyles (the "**Developer**"), a partnership firm registered under the Indian Partnership Act, 1932, having its principal place of business at Shop No.1/2, Ground Floor, Vinayak Co-operative Housing Society Limited, 63, Pond Gautan, BajiPrabhuDeshpandeMarg, Vile Parle (West) Mumbai 400 056, I am issuing this Report on Title in respect of the captioned Property.
2. I have perused the photocopies of the following documents:
 - (a) Deed of Conveyance dated 8th October, 2010.
 - (b) Development Agreement 21st October, 2014.
3. On perusal of the aforesaid documents, and information given on enquiries, I hereafter set out my understanding to the title of Bhairavi Co-operative Housing Society Limited, ("**Society**"), a Society registered under the provisions of Maharashtra Co-operative Societies Act, 1960 bearing Registration No. BOM/WR/HSG/TC/1150 of 1984-1985, having its registered office at Plot bearing Survey No. 45, Hissa No. 1, CTS No. 1041/B, SirBharucha Road, Dahisar (East), Mumbai - 400 068 to the

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captioned property being a plot of land, admeasuring 1603.20 square meters or thereabouts bearing CTS No.1041/B, Village Dahisar, Taluka - Borivali, situated lying and being at Sir Bharucha Road, Dahisar (East), in the Registration District and Sub District of Mumbai Suburban and more particularly described in the Schedule hereunder written (hereinafter referred to as the "**said Property**").

- (a) Late Rama RaghoBhoir was the owner of the said Property.
- (b) Late Rama RaghoBhoir during his life time, agreed to sell the said Property to M/s. G. B. Construction.
- (c) M/s. G. B. Construction constructed a building thereon known as Bhairavi Apartments and sold flats therein to various purchasers on ownership basis.
- (d) All the purchasers of the flats in the said building formed themselves into a Society in the name and style of Bhairavi Co-operative Housing Society Limited, under the provisions of the Maharashtra Co-operative Societies Act, 1960.
- (e) Late Rama Ragho Bhoir died on 27th July, 1987 leaving behind him his three sons namely (1) Mukund Rama Bhoir, (2) Narayan Rama Bhoir and (3) Ganpat Rama Bhoir.
- (f) Ganpat Rama Bhoir died on 2nd February, 1989 leaving behind him his wife Gangabai Ganpat Bhoir as his heir and legal representative.
- (g) Mukund Rama Bhoir died on 23rd February, 2004 leaving behind him the following persons as his heirs and legal representatives:
 - (i) Mrs. Laxmibai Mukund Bhoir,
 - (ii) Mr. Dattatray Mukund Bhoir,
 - (iii) Mrs. Kusum Kashinath Liya,

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- (iv) Mrs. Ramabai Mukund Bhoir,
- (v) Mrs. Vasanti Bhalchandra Basawat,
- and
- (vi) Mr. Sanjay Mukund Bhoir.

Mr. Kishor Mukund Bhoir, one of the sons of Late Mukund Rama Bhoir, who was unmarried and was not having any heir/legal representative died intestate on 13th April 1987. Hence, all his estate devolved upon the heirs and legal representatives of the said Late Mukund Rama Bhoir, in accordance with the law of succession, as applicable to him at the time of his death.

- (h) By virtue of the Deed of Conveyance dated 8th October, 2010 executed between Laxmi Mukund Bhoir and others of the first part and M/s. G. B. Construction of the second part and the Society of the third part, and registered with the Sub Registrar of Assurances at Dahisar under No.BDR12- 09433 of 2010, the Society became the owner of the said Property.
- (i) By a Development Agreement dated 12th April, 2010 read with Deed of Confirmation dated 8th November, 2011, the Society agreed to grant the Re-development Rights in respect of the said Property to M/s. MDH Development Corporation, for the consideration and on the terms and conditions mentioned therein.
- (j) M/s. MDH Development Corporation committed breaches of the said Development Agreement dated 12th April, 2010. The Society therefore terminated the said Development Agreement dated 12th April, 2010 and issued Public Notices in the issues of the Free Press Journal, GujratSamachar and Navshakti, all published on 12th July, 2014.

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- (k) By a Development Agreement dated 21stOctober, 2014 made between the Society of the One Part and M/s. Heena Lifestyles being the Developer of the Other Part, the Society granted Re-development Rights (defined therein) in respect of the said Property to M/s. Heena Lifestyles for the consideration and on the terms and conditions mentioned therein.
- (l) By virtue of the said Development Agreement dated 21st October, 2014, the Developer (M/s. Heena Lifestyles) have become entitled to demolish the existing building and construct new buildings on the said Property.
4. In these circumstances, and subject to what is stated hereinabove, and subject to the terms and conditions of the said Development Agreement dated 21th October, 2014, I am of the view that the Society is the owner of the said Property and the Developer (M/s. Heena Lifestyles) is entitled to demolish the existing buildings, develop the said Property and construct the buildings thereon.

The Schedule Above Referred To:

ALL that those pieces and parcels of land or ground, admeasuring 1603.20 square meters or thereabouts bearing CTS No.1041/B, Village Dahisar, Taluka - Borivali, situated lying and being at Sir Bharucha Road, Dahisar (East), in the Registration District and Sub District of Mumbai Suburban together with the structure standing thereon know as "Bhairavi Co-operative Housing Society Limited" comprising of ground plus four (4) upper floors having 3(three) wings within the limit and MCGM and bounded as follows:

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On or towards the East : PPHS School

On or towards the West : Bhoir House

On or towards the North : Sai Shakti Apartment

On or towards the South : Bharucha Road

Dated this 6th day of January, 2015



Amar Khanna
Advocate & Solicitor