V. B. Ghodvaidya
B.SC.(Hons.), D.A.M., LL.M.
Advocate High Court.

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Date : 19.01.2022

To
Maharashtra Real Estate Regulatory Authority
Housefin Bhavan, Plot No. C-21
E Block, Bandra Kurla Complex,
Bandra East, Mumbai 400 051

LEGAL TITLE REPORT

Reg: All that piece and parcle of land lying being and situated at Village Katemanivali, Taluka Kalyan, District Thane bearing Survey No.23 Hissa No.1 area admeasuring 1420 sq. meters belonging to Shri Pandit Vishnu Pawashe and others within the limits of Kalyan Dombivali Municipal Corporation.

I have been requested by my client M/s. Sai Shraddha Constructions to investigate their right to develop the above said property on the basis of documents submitted as under:

1) **Description of the property**

All that piece and parcle of land lying being and situated at Village Katemanivali, Taluka Kalyan, District Thane bearing Survey No.23 Hissa No.1 area admeasuring 1420 sq. meters belonging to Shri Pandit Vishnu Pawashe and others within the limits of Kalyan Dombivali Municipal Corporation.

2) **Documents of allotment of property**

1. Extract of 7/12
2. All relevant mutation entries
3. Development Agreement dated 10.07.2012 registered at the office of Sub-Registrar of Assurances at Kalyan-1 under Serial No. 4907/2012 made and executed by Shri Vishnu Vitthal Pawashe and others as the Owners and M/s.Sai Samarth Developer, a partnership firm as the Developer.
4. Power of Attorney dated 10.07.2012 registered at the office of Sub-Registrar of Assurances at Kalyan-1 under Serial No. 4908/2012 executed by Shri Vishnu Vitthal Pawashe and others as the Owners in favour of M/s.Sai Samarth Developer, a partnership firm.
5. Deed of Cancellation of Development Agreement and Deed of Cancellation of Power of Attorney both dated 28.05.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 10136/2021 and 10137/2021respectively made and executed by Shri Pandit Vishnu Pawashe and others as the Owners and M/s.Sai Samarth Developer, a partnership firm as the Developer for cancellation of Development Agreement dated 10.07.2012 (document No. 4907/2012) and Power of Attorney dated 10.07.2012(document No. 4908/2012).
6. Development Agreement dated 14.10.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 19046/2021 made and executed by Shri Vishnu

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Vitthal Pawashe and others as the Owners and M/s.Sai Shraddha Construction, a partnership firm as the Developer.

7. Power of Attorney dated 14.10.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 19047/2021 made and executed by Shri Vishnu Vitthal Pawashe and others as the Owners and M/s.Sai Shraddha Construction, a partnership firm as the Developer.

8. Letter issued under file reference No. Mahasul/ T-2/ Jaminbab-1/ Rupantarankar/ SR-220/ 2021 dated 26.10.2021 by the Tahasildar, Kalyan.

9. Agreement for acquisition of Transferable Development Rights dated 14.10.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 19048/2021 made and executed between Shantaram Padu Pawashe and others and M/s.Sai Shraddha Construction, a partnership firm..

10. Building Commencement Certificate granted by the Kalyan Dombivali Municipal Corporation under No. KDKC/TPD/BP /2021-22/65 dated 07.01.2022

11. Search Reprots.

3) **7/12 extract or property card**

i) Extract of 7/12 dated 29.12.2021 issued by Talathi, Kalyan

ii) Mutation Entry Nos. 245, 2038, 2238, 2731, 3197, 3260, 3695, 3727

4) **Search Reports**

Search report for more that 30 years from 1983 to 2021 carried out in the Office of Sub-Registrar of Assurances at Kalyan

5) **Qualifying comments**

On perusal of the above documents, I am of the opinion that the title of the said property is clear and marketable and free from encumbrances and doubts and subject to the reservations if any, M/s. Sai Shraddha Constructions are well and sufficiently entitled to develop the said property in accordance with the sanctioned plans and permissions granted by the Kalyan Dombivali Municipal Corporation.

It appears that on M/s Devikrupa Developers had filed Special Civil Suit No. 256/2012 in the Court of Civil Judge (S.D.) at Kalyan against the owners and in pursuance to the amicable compromise between the parties, the said suit is withdrawn by the plaintiff therein as per order passed under Exhibit 61.

It appears that M/s Sai Samarth Developers had filed Special Civil Suit No. 299/2012 in the Court of Civil Judge (S.D.) at Kalyan against the owners and in pursuance to the amicable compromise between the parties, the said suit is withdrawn by the plaintiff therein and accordingly the parties have executed and registered the Deed of Cancellation of Development agreement and Deed of Cancellation of the Power of Attorney.

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It appears that though Special Civil Suit No. 256/2012 is withdrawn by the Plaintiff therein, however the entry of Notice of Lis pendence in respect thereof still appears in the search report and except the said entry the search report do not reveal any entry, which may fall in the category of encumbrances over the said property.

Owners of Land :Shri Pandit Vishnu Pawashe and others are the owners of the land lying, being and situate at village Katemanivali, Taluka Kalyan, District Thane bearing Survey No.23 Hissa No.1 area admeasuring 1420 sq. meters

This Report is based on the information provided, documents furnished and searches carried out in the Office of Sub-Registrar of Assurances at Kalyan and in the event there are any new or additional documents which are not furnished to me or the facts may be different or informed to me subsequently, it could have material impact on my observations and conclusions.

(V. B. GHODVAIDYA)
Advocate

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FLOW OF THE TITLE OF THE SAID LAND

1. Extract of 7/12 dated 29.12.2021 issued by Talathi, Kalyan
2. All relevant mutation entries
3. Development Agreement dated 10.07.2012 registered at the office of Sub-Registrar of Assurances at Kalyan-1 under Serial No. 4907/2012 made and executed by Shri Vishnu Vitthal Pawashe and others as the Owners and M/s.Sai Samarth Developer, a partnership firm as the Developer.
4. Power of Attorney dated 10.07.2012 registered at the office of Sub-Registrar of Assurances at Kalyan-1 under Serial No. 4908/2012 executed by Shri Vishnu Vitthal Pawashe and others as the Owners in favour of M/s.Sai Samarth Developer, a partnership firm.
5. Deed of Cancellation of Development Agreement and Deed of Cancellation of Power of Attorney both dated 28.05.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 10136/2021 and 10137/2021 respectively made and executed by Shri Pandit Vishnu Pawashe and others as the Owners and M/s.Sai Samarth Developer, a partnership firm as the Developer for cancellation of Development Agreement dated 10.07.2012 (document No. 4907/2012) and Power of Attorney dated 10.07.2012(document No. 4908/2012).
6. Development Agreement dated 14.10.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 19046/2021 made and executed by Shri Vishnu Vitthal Pawashe and others as the Owners and M/s.Sai Shraddha Construction, a partnership firm as the Developer.
7. Power of Attorney dated 14.10.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 19047/2021 made and executed by Shri Vishnu Vitthal Pawashe and others as the Owners and M/s.Sai Shraddha Construction, a partnership firm as the Developer.
8. Letter issued under file reference No. Mahasul/ T-2/ Jaminbab-1/ Rupantarankar/ SR-220/ 2021 dated 26.10.2021 by the Tahasildar, Kalyan.
9. Agreement for acquisition of Transferable Development Rights dated 14.10.2021 registered at the office of Sub-Registrar of Assurances at Kalyan-2 under Serial No. 19048/2021 made and executed between Shantaram Padu Pawashe and others and M/s.Sai Shraddha Construction, a partnership firm..
10. Building Commencement Certificate granted by the Kalyan Dombivali Municipal Corporation under No. KDKC/TPD/BP /2021-22/65 dated 07.01.2022
11. Search Reprots.

Details of Litigation

1. Special Civil Suit No. 256/2012 filed by M/s Devikrupa Developers against the owners in the Court of Civil Judge (S.D.) at Kalyan and in pursuance to the amicable compromise between the parties, the said suit is withdrawn by the plaintiff therein as per order passed under Exhibit 61.

   It appears that though Special Civil Suit No. 256/2012 is withdrawn by the Plaintiff therein, the entry of Notice of Lis pendence in respect thereof still appears in the search report.

2. Special Civil Suit No. 299/2012 filed by M/s Sai Samarth Developers against the owners in the Court of Civil Judge (S.D.) at Kalyan and in pursuance to the amicable compromise between the parties, the said suit is withdrawn by the plaintiff therein and accordingly the parties have executed and registered the Deed of Cancellation of Development agreement and Deed of Cancellation of the Power of Attorney both dated 28.05.2021.

(V. B. GHODVAIDYA)
Advocate

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