

PSD/22/000195

25th March, 2022.

Format "A"
[Circular No. 28/2021]

To,

MaharERA

Bandra Kuria Complex,

Bandra (East),

Mumbai 400 051.

LEGAL TITLE REPORT

Sub: Title Clearance Report with respect to all that piece and parcel of well defined and demarcated land admeasuring 63.63 Ares i.e. 6363 square metres carved out of Survey No. 113 Hissa No. 1/1 total admeasuring 1 Hectare 24.6 Ares situate at village Wakad, Taluka Mulshi, District Pune and within the limits of Pimpri Chinchwad Municipal Corporation and within the jurisdiction of the Sub Registrar Havelli Nos. 1 to 27, Pune (Hereinafter referred to as "the said land").

(1) I have the investigated the title of the said Land based on the request of **M/s. RGS Realty** (formerly known as M/s. Capiteus Realty LLP), a limited liability partnership firm duly registered under the provisions of The Limited Liability Partnership Act, 2008, LLP Identification No. AAP-8525, having its registered address at: A 102, ICC Trade Tower, 403/A, Senapati Bapat Road, Pune 411005 and office at Office No. 701 and 702, Tower II, Montreel Business Centre, Pollod Farms, Baner, Pune 411045, through its Designated Partner Mr. Ravi Chanshyam Sukhwani based on the following documents and information viz.

(i) Description of the said Land

All that that piece and parcel of well defined and demarcated land admeasuring 63.63 Ares i.e. 6363 square metres carved out of Survey No. 113 Hissa No. 1/1 total admeasuring 1 Hectare 24.6 Ares situate at village Wakad, Taluka Mulshi, District Pune and within the limits of Pimpri Chinchwad Municipal Corporation and within the jurisdiction of the Sub Registrar Havelli Nos. 1 to 27, Pune and bounded as follows:-

On or towards the East : By remaining part of Survey No. 113/1/1.
On or towards the South : By Survey No. 113/2.
On or towards the West : By Survey No. 113/1/2.
On or towards the North : By Survey No. 112.

(ii) Documents on which the title is based and photocopies perused

- 7/12 extracts for the year 1931 till date.
- All mutation entries referred to in the flow of title save and except as otherwise stated.

- All documents referred to in the flow of title save and except as otherwise stated.
- All permissions and sanctions referred to in the flow of title save and except as otherwise stated.

(2) On perusal of the above mentioned documents and other documents pertaining to the title of the said land, I am of the opinion that title of **M/s. RGS Realty LLP** (formerly known as M/s. Capiteus Realty LLP), a limited liability partnership firm duly registered under the provisions of The Limited Liability Partnership Act, 2008, LLP Identification No. AAP-8525, having its registered address at: A 102, ICC Trade Tower, 403/A, Senapati Bapat Road, Pune 411005 and office at Office No. 701 and 702, Tower II, Montreal Business Centre, Palod Farms, Baner, Pune 411045, through its Designated Partner Mr. Ravi Ghanshyam Sukhwani is clear and marketable and subject to the outcome of any pending litigation and outstanding encumbrance as mentioned herein and that **M/s. RGS Realty LLP** have an exclusive right and authority to develop the said land described in para 1 (i) heretofore subject to obtaining the necessary permissions and sanctions and registering the project of construction under the provisions of The Real Estate (Regulation and Development) Act, 2016.

(i) Name of the Owners and Developers: **M/s. RGS Realty LLP** (formerly known as M/s. Capiteus Realty LLP), a limited liability partnership firm duly registered under the provisions of The Limited Liability Partnership Act, 2008, LLP Identification No. AAP-8525, having its registered address at: A 102, ICC Trade Tower, 403/A, Senapati Bapat Road, Pune 411005 and office at Office No. 701 and 702, Tower II, Montreal Business Centre, Palod Farms, Baner, Pune 411045, through its Designated Partner Mr. Ravi Ghanshyam Sukhwani.

(ii) Qualifying Comments/Remarks

The Qualifying comments and remarks are set out in para (3) of the Flow of Title annexed hereto and marked as Annexure "1" including litigations and mortgages if any on the said land.

(3) This Report reflecting the flow of title in respect of the said land is annexed hereto and marked as Annexure "1".

Dated this 25th day of March, 2022.

Prasanna S Darade
Advocate

Encl: Annexure "1"

ANNEXURE -1"

(1) Flow of Title and History

(a) Pursuant to the Phalan in the year 1933, the said Survey No. 113 of village Wakad was subdivided into four sub hissas and (i) Survey No. 113/1 admeasuring 6 Acres 24 Gunthas came to the exclusive share of Mr. Waman Chintaman Deo, (ii) Survey No. 113/2 admeasuring 5 Acres 05 Gunthas came to the exclusive share of Mr. Gajanan Anant Deo, (iii) Survey No. 113/3 admeasuring 5 Acres 07 Gunthas came to the exclusive share of Mr. Gajanan Anant Deo and (iv) Survey No. 113/4 admeasuring 5 Acres 23 Gunthas came to the exclusive share of Mr. Waman Chintaman Deo and pursuant thereto their respective names were mutated in the revenue records. The same is reflected vide mutation entry no. 602.

(b) It appears that the said Mr. Waman Chintaman Deo expired intestate on 22/4/1940 leaving behind his legal heirs namely (i) Mr. Gajanan Waman Deo - son and (ii) Mr. Satyadeo Waman Deo - son. Pursuant thereto the name of the said legal heirs was mutated in the revenue records of Survey No. 113/1. The same is reflected vide mutation entry no. 787.

(c) It appears that one Mr. Kondaji alias Kondiba Laxman Mali alias Bhumkar was declared as a protected tenant in respect of the said Survey No. 113/1 and his name was accordingly mutated in the revenue records in the other rights column. The same is reflected vide mutation entry no. 931.

(d) It appears that the said Mr. Gajanan Waman Deo, Mr. Satyadeo Waman Deo and Mr. Gajanan Anant Deo had preferred an application inter alia to the revenue authorities that they had partitioned the areas held by them in Survey Nos. 113/1, 113/2, 113/3 and 113/4 amongst themselves as per their actual holding. Pursuant thereto the effect thereof was mutated in the revenue records as follows: (i) Survey No. 113/1 admeasuring 5 Acres 26.50 Gunthas to the share of Mr. Gajanan Waman Deo and Mr. Satyadeo Waman Deo, (ii) Survey No. 113/2 admeasuring 6 Acres 02.5 Gunthas to the share of Mr. Gajanan Anant Deo, (iii) Survey No. 113/3 admeasuring 5 Acres 07 Gunthas to the share of Mr. Gajanan Anant Deo and (iv) Survey No. 113/4 admeasuring 6 Acres 17 Gunthas to the share of Mr. Gajanan Waman Deo, Mr. Satyadeo Waman Deo. The same is reflected vide mutation entry no. 1524.

(e) The mutation entry no. 2011 of village Wakad pertains to the Indian Coinage Act, 1955 and the Maharashtra State Weights and Measures Enforcement Act, 1958 and is applicable to the entire village.

(f) It appears that pursuant to the Order passed by the Agricultural Land Tribunal Mulshi under section 32C of the Bombay Tenancy and Agricultural Lands Act, 1948 and the purchase price for Survey No. 113/1 and 113/4 was fixed to the tune of Rs. 10,091.50/- Pursuant thereto the name of the said Mr. Kondiba Laxman Bhumkar was mutated as owner/kabeddar and the name of the land owners namely Mr. Gajanan Waman Deo and Mr. Satyadeo Waman Deo were mutated in the other rights column along with a remark of New Tenure. The same is reflected vide mutation entry no. 2048. It is clarified that the said mutation entry no. 2048 is torn and highly illegible and the said fact has been ascertained from the notings on the 7/12 extract and recitals in the Gift Deed dated 11/12/1980.

(g) It appears that the said Mr. Kondiba Laxman Bhumkar had paid the purchase price in the year 1977 and pursuant thereto the necessary Certificate bearing no. IFL-VIII-179 dated 27/5/1977 under section 32M of the Maharashtra Tenancy and Agricultural Lands Act, 1948 was issued in the name of Mr. Kondiba Laxman Bhumkar and the said Certificate is duly registered with the office of the Sub Registrar Maval at serial no. 65/1977 in respect of Survey No. 113/1 and 113/4. Pursuant thereto the names of the original land owners were deleted from other rights column and restriction of section 43 of The Bombay Tenancy and Agricultural Lands Act, 1948 was mutated along with the remark of New Tenure in the revenue records of Survey No. 113/1 and 113/4. The same is reflected vide mutation entry no. 2282. It is clarified that the said mutation entry no. 2282 has not been produced for inspection at the time of issuance of this report and the said fact has only been ascertained from the recitals in the Gift Deed dated 11/12/1980.

(h) It appears that pursuant to the Order bearing no. TNC/43/SR/22/79 dated 14/5/1979 issued by the Assistant Collector, Sub Division Haveli under section 43 of The Maharashtra Tenancy and Agricultural Lands Act, 1948 being obtained and upon payment of the necessary nazarana amount to the tune of Rs. 53,80/- on 13/6/1979, by a Gift Deed dated 11/12/1980 registered with the office of the Sub Registrar Maval at serial no. 884/1980, the said Mr. Kondiba Laxman Mali alias Bhumkar has conveyed by way of gift unto and in favour in various persons



namely (i) portion admeasuring 1 Hectare 31 Ares out of Survey No. 113/2 (eastern side) to Mr. Pandurang Kondaba Bhumkar, (ii) portion admeasuring 1 Hectare 98 Ares out of Survey No. 113/3 to Mr. Pandurang Kondaba Bhumkar, (iii) portion admeasuring 1 Hectare 72 Ares out of Survey No. 113/4 to Mr. Bhagwan Kondaba Bhumkar, (iv) portion admeasuring 1 Hectare 17.50 Ares out of Survey No. 113/1 to Mr. Bhagwan Kondaba Bhumkar, (v) portion admeasuring 1 Hectare out of Survey No. 113/1 (eastern side) to Mrs. Kamalabai Bhausaheb Alhat and (vi) portion admeasuring 1 Hectare out of Survey No. 113/2 (western side) to Mrs. Kamalabai Bhausaheb Alhat. Pursuant thereto the name of the aforesaid persons were mutated in the new revenue records viz. Survey No. 113/1/1 admeasuring 1 Hectare 20.1 Ares in the name of Mr. Bhagwan Kondaba Bhumkar, (ii) Survey No. 113/1/2 admeasuring 1 Hectare in the name of Mrs. Kamalabai Bhausaheb Alhat and Survey No. 113/2/2 admeasuring 1 Hectare 03 Ares in the name of Mrs. Kamalabai Bhausaheb Alhat. The same is reflected vide mutation entry no. 2625. It is clarified that the details of other Hisso Nos. are not mentioned since they are not a part of the said land. It is further clarified that on additional area admeasuring 00.09 Ares has wrongly been mutated in the name of Mr. Pandurang Kondaba Bhumkar in Survey No. 113/2/1. It is further clarified that an additional area admeasuring 03 Ares has wrongly been mutated in the name of Mrs. Kamalabai Bhausaheb Alhat in Survey No. 113/2/2. It is clarified that the said Permission dated 14/5/1979 issued by the Assistant Collector, Sub Division Havell has not been produced for inspection at the time of issuance of this report and the said fact has only been ascertained from the notings in mutation entry no. 2625.

(i) It appears that the said Mr. Kondaba Laxman Bhumkar expired on 30/5/1986 leaving behind his last will and Testament dated 27/5/1985 registered with the office of the Sub Registrar Havell No. 2 of serial no. 5313/1985 whereby he bequeathed lands bearing Survey Nos. 86/4, 117/3, 10/1, 84/2, 84/4, 115/2, 91/1, 120/7/1 and potkhanda of Survey No. 113/1 (9 Ares) and 113/2 (11 Ares) unto and in favour of his sons Mr. Pandurang Kondaba Bhumkar and Mr. Bhagwan Kondaba Bhumkar. It further appears that pursuant to the Order passed by the Tahasildar, Mulshi bearing No. TKL/SR/391/86 dated 30/6/1986 the effect of the last will and Testament of Mr. Kondaba Laxman Bhumkar read with the Order dated 3/10/1986 passed by the Circle Officer in RTS/Watop/1/87, the following effect was mutated in the revenue records viz. (i) the portion admeasuring 1 Hectare 20.1 Ares held by Mr. Bhagwan Kondaba Bhumkar in Survey No. 113/1/1 was increased to 1 Hectare 24.6 Ares and (ii) the portion admeasuring 1 Hectare held by Mrs. Kamalabai Bhausaheb Alhat in Survey No. 113/1/2 was increased to 1 Hectare 04.5 Ares and (iii) the portion admeasuring 1 Hectare 31.9 Ares held by Mr. Pandurang Kondaba Bhumkar in Survey No. 113/2/1 was increased to 1 Hectare 37.4 Ares and (iii) the portion admeasuring 1 Hectare held by Mrs. Kamalabai Bhausaheb Alhat in Survey No. 113/2/2 was increased to 1 Hectare 36.5 Ares. The same is reflected vide mutation entry no. 3066. It is clarified that the said mutation entry no. 3066 is not very clear on as regards the potkhanda of Survey Nos. 113/1 and 113/2 being distributed, however the effect thereof is seen from the notings on the 7/12 extracts. It is clarified that the said Order dated 30/6/1986 and Order dated 3/10/1986 are not produced for inspection at the time of issuance of this report and the said fact has only been ascertained from the notings in the mutation entry no. 3066 and the relevant 7/12 extracts.

(ii) It appears that the Mr. Bhagwan Kondaba Bhumkar had obtained a loan to the tune of Rs. 25,000/- from Wakad Vaid Karyakar Sahakar Society Ltd. and pursuant thereto the charge of the said society was mutated in the revenue records. The same is reflected vide mutation entry no. 3948. It appears that the said Mr. Bhagwan Kondaba Bhumkar had duly repaid the said loan and pursuant thereto the charge of the said society was deleted from the revenue records. The same is reflected vide mutation entry no. 5418.

(k) It appears that the Mr. Bhagwan Kondaba Bhumkar and others had obtained a loan to the tune from Bank of Maharashtra and pursuant thereto the charge of the said bank was mutated in the revenue records of Survey No. 113/1/1. The same is reflected vide mutation entry no. 4965.

(l) It appears that the said Mr. Bhagwan Kondaba Bhumkar expired intestate on 16/4/1998 leaving behind his legal heirs namely (i) Mr. Sitaram Bhagwan Bhumkar – son, (ii) Mr. Nivrutti Bhagwan Bhumkar – son, (iii) Mr. Namdeo Bhagwan Bhumkar – son, (iv) Mrs. Lankabai Rajaram Moikar – daughter, (v) Mrs. Akabai Ramchandra Kodre – daughter and (vi) Smt. Anjanabai Bhagwan Bhumkar – widow. Pursuant thereto the names of the said legal heirs were mutated in the revenue records. The same is reflected vide mutation entry no. 7088.

(m) It appears that by a Development Agreement dated 7/1/2005 registered with the office of the Sub Registrar Havell No. 5 of serial no. 203/2005, the said Mr. Sitaram Bhagwan Bhumkar

Mr. Chetan Sitaram Bhumkar, Ms. Neelam Sitaram Bhumkar, Master Sural Sitaram Bhumkar, Mr. Nivrutti Bhagwan Bhumkar, Master Jaydeo Nivrutti Bhumkar, Ms. Sonam Nivrutti Bhumkar, Mr. Akash Namdeo Bhumkar and Mrs. Lankabai Rajaram Moikar have entrusted the exclusive development rights and authority to develop the said Survey No. 113/1/1 unit and in favour of Mr. Arun Sampatrao Patil for consideration and on certain terms and conditions. In pursuance to the said Development Agreement dated 7/1/2005, the said Mr. Bhumkar and others have executed a Power of Attorney dated 7/1/2005 registered with the office of the Sub Registrar Havelli No. 5 at serial no. 204/2005 in favour of Mr. Arun Sampatrao Patil interalia vesting in him with several powers and authorities pertaining to Survey No. 113/1/1.

(u) It appears that by a Development Agreement dated 19/1/2005 registered with the office of the Sub Registrar Havelli No. 17 at serial no. 422/2005, the said Mr. Bhumkar, Mr. Chetan Sitaram Bhumkar, Ms. Neelam Sitaram Bhumkar, Master Sural Sitaram Bhumkar, Mr. Nivrutti Bhagwan Bhumkar, Master Jaydeo Nivrutti Bhumkar, Ms. Sonam Nivrutti Bhumkar, Mr. Akash Namdeo Bhagwan Bhumkar, Smt. Anjanabai Bhagwan Bhumkar and Mrs. Lankabai Rajaram Moikar through their Constituted Attorney Mr. Arun Sampatrao Patil and Mr. Arun Sampatrao Patil have entrusted the exclusive development rights and authority to develop the said Survey No. 113/1/1 unit and in favour of M/s. K. P. Developers for consideration and on certain terms and conditions. In pursuance to the said Development Agreement dated 19/1/2005, the said Mr. Sitaram Bhagwan Bhumkar and others have executed a Power of Attorney dated 19/1/2005 registered with the office of the Sub Registrar Havelli No. 17 at serial no. 423/2005 in favour of the partners of M/s. K. P. Developers interalia vesting in them with several powers and authorities pertaining to Survey No. 113/1/1.

(o) It appears that by a Deed of Confirmation dated 18/2/2005 registered with the office of the Sub Registrar Havelli No. 17 at serial no. 1122/2005, executed by Mrs. Alkabal Ramchandra Kodre in favour of Mr. Arun Sampatrao Patil, the said Mrs. Alkabal Ramchandra Kodre has to the terms and conditions as set out in the Development Agreement dated 7/1/2005 registered with the office of the Sub Registrar Havelli No. 5 at serial no. 203/2005 and the same to be binding on her, in pursuance to the said Deed of Confirmation dated 18/2/2005, the said Mrs. Alkabal Ramchandra Kodre has executed a Power of Attorney dated 18/2/2005 registered with the office of the Sub Registrar Havelli No. 17 at serial no. 1123/2005 in favour of Mr. Arun Sampatrao Patil interalia vesting in him with several powers and authorities pertaining to Survey No. 113/1/1. The effect of the Deed of Confirmation was mutated in three revenue records wide mutation entry no. 10063.

(d) It appears that on obtaining the Order bearing No. KULKARYA/43/SR/272/2010 dated 28/12/2010 passed by the Sub Divisional Officer Maval under section 43 of The Maharashtra Tenancy and Agricultural Lands Act, 1948 for Survey No. 113/1/1 and other lands, by a Sale Deed dated 1/3/2011 registered with the office of the Sub Registrar Havelli No. 19 at serial no. 2568/2011 the said Mr. Sitaram Bhagwan Bhumkar, Mr. Chetan Sitaram Bhumkar, Ms. Neelam Sitaram Bhumkar, Master Sural Sitaram Bhumkar, Mr. Nivrutti Bhagwan Bhumkar, Master Jaydeo Nivrutti Bhumkar, Ms. Sonam Nivrutti Bhumkar, Mr. Namdeo Bhagwan Bhumkar, Master Akshay Namdeo Bhumkar, Mr. Akash Namdeo Bhumkar, Smt. Anjanabai Bhagwan Bhumkar and Mrs. Lankabai Rajaram Moikar and Mrs. Alkabal Ramchandra Kodre through their Constituted Attorney Mr. Arun Sampatrao Patil have absolutely sold and conveyed the said Survey No. 113/1/1 unit and in favour of Mr. Arun Sampatrao Patil for consideration and on certain terms and conditions. Pursuant thereto the name of the said purchaser was mutated in the revenue records. The same is reflected vide mutation entry no. 13219. It is clarified that the said mutation entry no. 13219 is not produced for inspection and the said fact has been ascertained from the notings on 7/12 extract and subsequent Sale Deed which have been executed.

(b) It appears that pursuant to the Order bearing No. HNO/155/SR/151/2020 dated 28/7/2020 passed by the Tahasildar, Mulshi, the remark of New Tenure was deleted from the revenue records. The same is reflected vide mutation entry no. 16775.

(r) It appears that by Conveyance Deed dated 2/9/2020 registered with the office of the Sub Registrar Havelli No. 11 at serial no. 8878/2020, the said Mr. Arun Sampatrao Patil along with M/s. K. P. Developers, Mrs. Alkabal Ramchandra Kodre, Mr. Ramchandra Hikal Kodre, Mr. Yuvraj Ramchandra Kodre, Mrs. Palkavi Yuvraj Kodre and Mr. Kavitaj Ramchandra Kodre have absolutely sold and conveyed a portion measuring 63.63 Ares i.e. 6363 square metres carved out of Survey No. 113/1/1 unit and in favour of M/s. Capiteus Realty LLP through its designated

partners Mr. Rajesh Krushnakumar Goyal and Mr. Jaydeep Dhananjay Modak for consideration and on certain terms and conditions. Pursuant thereto the name of said purchaser was mutated in the revenue records. The same is reflected vide mutation entry no. 16794.

(i) It appears that by Conveyance Deed dated 4/9/2020 registered with the office of the Sub Registrar Haveli No. 11 at serial no. 9020/2020, the said Mr. Arun Sampatrao Patil along with M/s. K. P. Developers, Mrs. Alkabal Ramchandra Kodre, Mr. Ramchandra Hiralal Kodre, Mr. Yuvraj Ramchandra Kodre, Mrs. Pallavi Yuvraj Kodre and Mr. Kaviraj Ramchandra Kodre have absolutely sold and conveyed a portion admeasuring 60.97 Ares i.e. 6097 square metres carved out of Survey No. 113/1/1 unto and in favour of M/s. Redicon Homes LLP through its designated partners Mr. Rajesh Krushnakumar Goyal and Mr. Jaydeep Dhananjay Modak for consideration and on certain terms and conditions. Pursuant thereto the name of said purchaser was mutated in the revenue records. The same is reflected vide mutation entry no. 16795. It is clarified that the portion admeasuring 6097 square metres is not the subject matter of this report.

(ii) It appears that the name of M/s. Capiteus Realty LLP has been changed to M/s. RGS Realty LLP and the fresh Certificate of Incorporation has been issued by Registrar of Companies on 22/12/2020 and the effect thereof has been mutated in the revenue records and the name of M/s. Capiteus Realty LLP has been deleted and replaced by M/s. RGS Realty LLP. The same is reflected vide mutation entry no. 17060.

(2) Permissions and Sanctions

(a) As per the Zone Certificate dated 25/2/2020 issued by Pimpri Chinchwad Municipal Corporation, the said Survey No. 113 is in the residential zone and is affected by one 18 metre wide road and 9 metre wide road. I have been informed by my clients that an area admeasuring 1150.17 square metres out of the said land is affected by Road widening.

(b) The Pimpri Chinchwad Municipal Corporation vide its Commencement Certificate bearing no. B.P/Wakad/91/2021 dated 30/6/2021 and revised Commencement Certificate No. B.P/Wakad/01/2022 dated 5/1/2022 has sanctioned the layout and building plans in respect of the proposed buildings to be constructed on the said land.

(c) The State Level Environment Impact Assessment Authority vide its letter dated 12/3/2022 has granted the Environment Clearance for the proposed project to be developed on the said Land.

(3) Qualifying Comments/Remarks

(a) I have also caused to be carried out searches in the Index II registers available in the office of the Sub Registrar of Assurances at Haveli Nos. 1 to 27, Pune for the years from 1992 till date through my associate Ms. Trupiti Jadhav, Advocate. I have been informed by Ms. Trupiti Jadhav, Advocate that from the available records during the searches, save and except as herein, no any entry evidencing any encumbrances of whatsoever nature in and upon the said Land are found or traced. It is clarified that no physical searches have been carried out at the office of the Sub Registrar considering the COVID - 19 situation and the Notification dated 19/5/2020 issued by Inspector General of Registration and Controller of Stamps restricting physical searches and directing only for E-searches.

(b) Litigations:

(i) Revenue Litigations

It appears that one Mr. Sitaram Bhagwan Bhumkar and others had challenged the certification of mutation entry no. 13219 before the Circle Officer and pursuant thereto same was allotted H.No. SR/26/2011. Pursuant the judgment and Order dated 30/7/2011, the said application was rejected and mutation entry no. 13219 was ordered to be certified. Being dissatisfied by the said Order dated 30/7/2011, the said Mr. Sitaram Bhagwan Bhumkar and others preferred an Appeal before the Sub Divisional Officer against Mr. Arun Sampatrao Patil and others interalia challenging the Order dated 30/7/2011 for certification of mutation entry no. 13219. Pursuant to the judgment and Order dated 16/4/2015 passed by the Sub Divisional Officer, the said Appeal was allowed and the Order dated 30/7/2011 was set aside.

Being dissatisfied by the said Order dated 16/4/2015, the said Mr. Arun Sampatrao Patil preferred an Appeal before the Additional Collector, Pune against Mr. Sitaram Bhagwan Bhumkar and others interalia challenging the Order dated 16/4/2015. Pursuant to the judgment and Order dated 30/5/2016 passed by the Additional Collector, Pune, the said Appeal was allowed and the Order dated 16/4/2015 was set aside.

Being dissatisfied by the said Order dated 30/5/2016, the said Mr. Chetan Sitaram Bhumkar preferred a Revision before the Additional Commissioner, Pune against Mr. Arun Sampatrao Patil and others inter alia challenging the Order dated 30/5/2016. Pursuant to the Judgment and Order dated 21/4/2018 passed by the Additional Commissioner, Pune, the said Revision was dismissed allowed and the Order dated 30/5/2016 was confirmed.

Being dissatisfied by the said Order dated 21/4/2018, the said Mr. Chetan Sitaram Bhumkar preferred a Writ Petition before the Hon'ble High Court, Bombay bearing Writ Petition No. 11445/2018 against Mr. Arun Sampatrao Patil and others inter alia challenging the Order dated 21/4/2018 passed by the Additional Commissioner, Pune. Pursuant to the Order dated 1/3/2021 passed by the Hon'ble High Court, the said Writ Petition is disposed of as withdrawn with liberty.

(iii) Civil Litigations

(i) Regular Civil Suit No. 125/2003 before the Civil Judge Junior Division, Pimpri
The said suit has been filed by one Mrs. Alkaba Ramchandra Bhumkar against Mr. Sitaram Bhagwan Bhumkar and others for Declaration, Partition and Injunction. The partition claimed was including Survey No. 113/1/1 of village Wakad amongst other lands. The said Civil Suit was Decreed Ex-parte on 30/12/2009 in favour of the Plaintiffs.

(ii) Regular Dakhlat No. 9/2010 before the Civil Judge Junior Division, Pimpri now numbered as Special Dakhlat No. 181/2018 before Civil Judge Senior Division, Pune.
The said Dakhlat was been filed by Mrs. Alkaba Ramchandra Bhumkar against Mr. Sitaram Bhagwan Bhumkar and others for execution of the Decree passed on 30/12/2009 in Regular Civil Suit No. 125/2003. The said Mr. Arun Sampatrao Patil filed an application for impeding him as a party to the dakhlat inter alia stating that he had obtained the development rights in respect of the said Survey No. 113/1/1 from all the owners including Mrs. Alkaba Ramchandra Bhumkar. The Decree Holder has filed a withdrawal pursu at Ex. 64 and pursuant to the Order dated 9/12/2021 passed below Ex. 1, the said Dakhlat was dismissed as withdrawn.

(iii) Special Civil Suit No. 1041/2012 before the Civil Judge Senior Division, Pune
The said suit has been filed by one Mrs. Alkaba Ramchandra Bhumkar against Mr. Arun Sampatrao Patil and others for Declaration and Injunction. The suit is including Survey No. 113/1/1 of village Wakad amongst other lands. The said Civil Suit was been withdrawn by the Plaintiffs on 18/9/2020.

(iv) Regular Civil Suit No. 341/2016 before the Civil Judge Senior Division, Pune
The said suit has been filed by one Mr. Chetan Sitaram Bhumkar against Mr. Arun Sampatrao Patil and others for Injunction simpliciter and includes Survey No. 113/1/1 of village Wakad amongst other lands. The Plaintiff therein had also filed the application for interim injunction at Exh. 5 and which was decided on merits and the Hon'ble Court has dismissed the said Application for interim injunction at Exh. 5 which was filed by the Plaintiff vide Order dated 5/8/2019.

I have gone through the Plaint and the other documents filed in the said Suit and also the Written Statement. It appears from the contents of the Plaint that Plaintiff is claiming relief of Injunction against the Defendants for changing the nature of the suit property. In my opinion, the admitted fact in the suit is that the Plaintiff and Defendant No. 2 to 9 have executed a Development Agreement and Power of Attorney in favour of Defendant No. 1 i.e. Mr. Arun Sampatrao Patil for consideration and that the Plaintiff is himself a party and signatory to the same. Further the suit has been filed after a period of 11 years and the suit is barred by limitation. It is pertinent to note that the said suit is totally silent on the point of possession of the suit property and the Development Agreement clearly depicts that the possession of Survey No. 113/1/1 is with the Defendant No. 1 i.e. Mr. Arun Sampatrao Patil. Further the said Mr. Arun Sampatrao Patil had obtained a conveyance of the said Survey No. 113/1/1 in his favour and subsequent thereto has sold and conveyed the said Survey No. 113/1/1 as mentioned in this report to subsequent purchasers including my clients. My clients are also not a party to the said Civil Suit. Considering the aforesaid facts and position of law, I am of the opinion that the said Civil Suit will not have any effect on the title of my clients to the said Land. No interim or ad interim orders have been passed which would effect the title of my clients to the said Land.

(v) Misc Civil Appeal No. 325/2019 before the District and Sessions Court, Pune
The said Misc. Civil Appeal has been filed by one Mr. Chetan Sitaram Bhumkar against Mr. Arun Sampatrao Patil and others inter alia challenging the Order dated 5/8/2019 passed in Regular Civil Suit No. 341/2016 whereby the Application for interim injunction at Exh. 5 filed by the Mr. Chetan Sitaram Bhumkar was dismissed.

Considering the aforesaid facts and position of law as discussed in (iv) above, I am of the opinion that the outcome of said Appeal will not have any effect on the title of my clients to the said Land. No interim or ad interim orders have been passed which would affect the title of my clients to the said Land.

- (c) It is clarified that the mutation entry nos. 15452 and 15911 pertain to corrections being made in the computerized 7/12 extracts pursuant to the order passed by the Tahasildar, Pune.
- (d) It is clarified that of the specific instructions of my clients, I have not issued any public notice calling for objections and/or claims for the purposes of issuance of this report.
- (e) It is clarified that I have relied on the said Search and Title Report dated 16/12/2021 issued by the undersigned in respect of the said Land.

- (f) It is clarified that this report is based on the searches carried out at the office of the Sub Registrar of Assurances and on the documents produced before me inter alia title deeds and revenue records for my inspection and certain information supplied to me by my clients.
- (g) It is clarified that verification of pending litigations in respect of the said Land is difficult due to various reasons including (i) litigations can be filed/instituted in various for a depending upon the relief claimed, and/or (ii) records of litigations maintained by courts and other authorities (judicial or otherwise) are not updated not maintained descriptively and not easily available and accessible, and/or (iii) Online searches in Court web portal do not provide any description of the property and searches based on names is not feasible, and/or (iv) there are no registers maintained in respect of matters referred to arbitration. Considering the aforesaid, I have not conducted any litigation searches before any court of law or before any other authority (judicial or otherwise) to verify whether the said Land is subject matter of any litigation.

- (h) Certain documents/ correspondence, mutation entries are not made available to me and hence I have assumed and relied on the other documents and/or link facts and/or notings on 7/12 extract to arrive at a conclusion which can be presumed to be correct unless proved or a new entry is lawfully substituted therefor.

- (i) I have assumed that all members of the Hindu Undivided Family if referred above have been made a party to the documents as discussed hereinaabove and no person/s are left out. It is clarified that as the detailed family has not been furnished to me, I have assumed and relied on the correctness as regards all members of Hindu Undivided Family being made a party to the documents. Further as a custom, the titles to said Land is ascertained on the basis of perusal of the village records maintained by the Revenue Department and of which the copies were made available to me by my clients. Relying upon the presumptions under law about the same being correct unless proved otherwise or contrary and an analysis of the same with regards to the applicable laws is used to deduce a chain of title.

- (j) It is further clarified for the purposes of issuance of this report, (A) I have assumed (i) the right, constitution, deeds or legal capacity of all persons, natural or artificial to execute the documents mentioned herein, genuineness of all signatures, and authenticity of all documents submitted to me as certified or photocopies and have not examined the same, (iii) only photocopies of the documents referred above are produced for inspection and I have assumed the same to be true and correct, (iii) that all permissions, if necessary have been obtained, (iv) the accuracy and completeness of all the factual representations made in the documents and information given to me, (v) that there have been no changes, amendments or modifications to the documents examined by me, (8) I have relied upon the information relating to (i) Lineage on the basis of the revenue records and society records made available and certain information provided to me by my clients, (ii) there are no litigations/ claims/ applications/etc. of whatsoever nature pending in respect of the said Land before any Court, Forum, Revenue Courts and Authority, Judicial/ Quasi Judicial Officer or Authority, Arbitrator, etc. as per information provided to me by my clients, (iii) physical areas of the said Land and thereon on the basis of the documents made available and information provided to me by my clients and (iv) boundaries of the said Land on the basis of documents and information provided to me by my clients.

(k) It is further clarified that since my scope of work does not include considering aspects within the domain of an architect or surveyor, I have not carried out any physical inspection of the said Land nor have commented on its zoning and development aspects, etc, thereof. Further I am not certifying the boundaries of the said Land nor am I qualified to express my opinion on physical identification of the said Land.

This Title Report is based on the provisions of the law as applicable and prevailing as on date and the facts of the matter which is derived from documents perused and information provided and as I understand them to be. My understanding is based upon and limited to the information and documents provided to me and any variance of facts or of law may cause a corresponding change in my Title Report.

Dated this 25th day of March, 2022.

Prasanna S Darade
Prasanna
Advocate

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