

Re:Immovable property consisting of land admeasuring approximately 8937 sq. mtrs. being a part of City Survey No.2 (Tikka No.2-5) and City Survey no. 421 (part) bcth of Village Netivli, Taluka Kalyan, District Thane.

TITLE CERTIFICATE

1. We have been instructed by our client, West Pioneer Properties (India) (Private) Limited (hereinafter referred to as "the said Company") to certify their title to the abovementioned land.
2. By and under a Deed of Conveyance dated 26th September 2012, Hardcastle Waud Manufacturing Company Limited, sold and transferred in favour of the said Company the immovable property inter alia including the abovementioned land. The aforesaid Deed of Conveyance has been registered with the Sub-Registrar Kalyan on 5th January 2013 under Serial No.KLN-5/76/2013.
3. The Property Card in respect of the aforesaid land reflects the name of the said Company.
4. The said Company is in exclusive possession of the aforesaid land.
5. The Directors of the said Company declare that the original title deeds and documents inter alia in respect of the lands conveyed in favour of the said Company had been burnt and destroyed in a fire in the year 1973, when the building named Alice Building at D.N. Road, Mumbai - 400 001, in which the predecessors in title of the said Company had their office, was gutted and destroyed. Hence the old original title deeds and documents are not in existence.
6. The said Company has availed of financial facility from The Ratnakar Bank Limited, Mumbai on the security inter alia of the abovementioned land and the said Company has accordingly registered a mortgage and other documents as were required by the said bank.
7. In or about 2010, one Yeshwant N. Chowdhari and others (hereinafter for brevity's sake referred to as "the applicants") had filed an application before the Sub-Divisional officer (SDO) claiming to be the heirs of an erstwhile tenant Sitaram Koli and challenging the Order dated 27th May 1956

passed by the Learned Mamlatdar deleting the name of the said Sitaram Koli, as a tenant in respect of parts of Survey no.16,18,19/1, 19/3 and 35, by effecting a mutation entry no.138 in the records of rights. The aforesaid application was rejected by the SDO by his Order dated 15th March 2010. An appeal was filed by the applicants before the Deputy Collector, Thane (being the appellate authority) against the Order of the SDO, which appeal was rejected on 22nd February 2011. Pending the disposal of the aforesaid appeal, Suit No.44 of 2011 was filed by the applicants against Hardcastle & Waud Manufacturing Company Limited (subsequently the said Company has also been joined as a party to said Suit), before the Civil Judge, Junior Division, Kalyan, interalia praying for similar reliefs which the appellate Court did not grant in the said Appeal. In view of the said Appeal being rejected the aforesaid Suit would become in fructuous. However, the said Suit is pending and till date there is no adverse or restraining orders passed against the Hardcastle & Waud Manufacturing Company Limited and/or the said Company.

9. It is clarified that in or about the year 1951, the user of the lands bearing Survey No.16, 18, 19/1, 19/2, 19/3, 19/4, 19/5 and 35 (which was the subject matter of the aforesaid applications) was converted from agricultural to non agricultural use.

10. As stated above by a conveyance dated 26th September 2012 Hardcastle & Waud Manufacturing Company Limited sold interalia the abovementioned lands to the said Company.

11. We have investigated the title of the said Company to the abovementioned lands and have taken searches and have perused certified copies of the abovementioned documents of title and are satisfied about the old original title deeds not being available, the same having been destroyed by fire as aforesaid and hereby certify that in our opinion the title of the said Company to the abovementioned land is clear and marketable and free from encumbrances, charges and/or claims, subject to the following, namely –

(a) The security created in favour of The Ratnakar Bank Limited,

(b) The Suit No.44 of 2011 filed by the applicants before the Civil Judge, Junior Division, Kalyan.

DATED THIS 24th day of July 2017.

A. H. Parpia & Co.
A.H. PARPIA AND COMPANY
Advocates and Solicitors