

KING & PARTRIDGE
ADVOCATES

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*48 Lavelle Road
Bangalore - 560 001*

AND AT HYDERABAD

8th September 2004

Our Ref: N: V – 2632/2004

Vaswani Estates Developers Private Limited,
52, Vittal Malliya Road,
Bangalore 560 001

Attn: Mr.Neville M.Vaswani
Director

Dear Sirs,

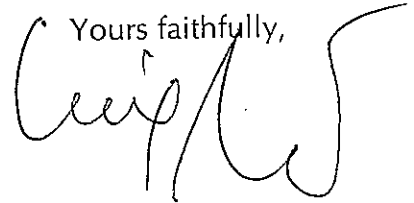
S.No.81 of Pattandur Agrahara Village

We thank you for your letter dated 3rd June 2004.

We enclose our Report on Title on the above property for your
reference.

Encl: a/a.

Yours faithfully,



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8th September 2004

Our Ref: N : V – 2632 / 2004

REPORT ON TITLE

Property: S.No.81 measuring One Acre, Pattandur Agrahara Village,
K. R. Puram Hobli, Bangalore East Taluk.

Owner: R. Yeggappa.

An extent of one acre in S.No.81 was in the occupation of Chikkathayappa, son of Kenchappa. The Special Deputy Commissioner for Inam Abolition in Case No.126/1959-60 Registered Chikkathayappa, son of Kenchappa as the occupant of an extent of one acre of land in S.No.81 under Section 9 of the Karnataka (Personal & Miscellaneous) Inams Abolition act, 1954, on the basis of a Sale Deed executed by the Inamdar. The said Chikkathayappa was therefore treated as transferee and consequently any interest of the Inamdar to the extent of the said one acre of land. We have examined the certified copy of the orders passed by the Special Deputy Commissioner in case No.126/1959-60. In addition to S.No.81, the said Chikkathayappa was registered as occupant in respect of S.Nos.87, 91, 68 and

and 96 as a permanent tenant under Section 5 of the aforesaid Act in respect of which lands he was required to pay premium equivalent to twenty times the annual assessment in addition to the annual assessment payable each year.

Chikkathayappa died leaving behind his wife Thimmakka and six sons, Narayanappa, Anjanappa, Lakshmaiah, Nagaraja, Krishnappa and Ashwathanarayana. On Chikkathayappa's death his wife Thimmakka and the aforesaid six sons were shown as khatedars in respect of one acre of land in S.No.81 vide M.R.No.5/1987-88 a certified copy of which, we have examined

On 6th June 1988, Nagaraja, Krishnappa and Ashwathanarayana, the fourth, fifth and sixth sons of late Chikkathayappa along with their mother Thimmakka sold and conveyed an extent of 20 guntas in S.No.81 to Yeggappa, son of late Rangappa. The said 20 guntas was the southern half of S.No.81. The Sale Deed was registered as document No.3013/1988-89, Vol.2859, Book I, pages 204 – 208 in the office of the Sub-Registrar, Bangalore South Taluk. We have examined the original of the said Deed of Sale. Yeggappa's name was entered in the Mutation Register vide M.R.No.3/1988 – 89 in respect of the said 20 guntas the certified extract of which, we have examined. On 21st November 1988, Narayanappa, Anjanappa and Lakshmaiah, the first, second

and third sons of late Chikkathayappa, executed a Sale Deed in respect of the remaining 20 guntas of land in favour of the same purchaser viz., Yeggappa. The said Sale Deed was registered as document No.10355/1988-89, Vol.2990, pages 59 – 62, Book I, in the office of the aforesaid Sub-Registrar. In the Sale Deed dated 6th June 1988 as well as in the Sale Deed dated 21st November 1988, the Vendors have stated that S.No.81 measuring one acre was divided between the six sons of late Chikkathayappa, whereunder the southern half of 20 guntas was allotted to the fourth, fifth and sixth sons and the northern portion was allotted to the share of the first, second and third sons of late Chikkathayappa. No formal Partition Deed seems to have been entered into by the said sons of late Chikkathayappa. It is stated that the said Vendors had on 5th December 1981 made an Agreement with N.Siddalingaiah, son of Nanjundappa for the sale of the said land and that the aforesaid purchaser had filed O.S.No.63/84 on the file of the Additional Civil Judge, Bangalore District which suit was decreed on 26th September 1987 directing the Vendors to execute a registered Sale Deed in favour of the Plaintiff or his nominees, and accordingly on 16th October 1988 the Vendors had entered into a further agreement with the said N.Siddalingaiah and as directed by the said Purchaser

the Deed of Sale was being registered in the name of Yeggappa, the purchaser referred to above. All the six sons of late Chikkathayappa have sold and disposed S.No.81 in its entirety, the fact that there was no family Partition Deed amongst them is not of any relevance. The said R.Yeggappa's name was shown in respect of the said southern portion of S.No.81 vide M.R.No.11/1988-89, a certified copy of which we have examined.

We have examined the R.T.Cs for the years 1987-87 to 2000-02 which show the flow of title to Yeggappa in the above manner and no other person has been shown as having any interest in the land. The Tahsildar, Bangalore South Taluk, in his endorsement No.LRF.CR.64/1999-2000 dated 24th March 1999 has certified that there are no applications received from any person for conferment of tenancy rights in respect of S.No.81

We have also examined the Akarband of S.No.81 which shows that the extent of S.No.81 is one acre and there is no kharab or waste land therein. The land revenue for the year 2003-04 in respect of S. No.80/1 has been paid.

The following Encumbrance Certificates have been furnished to us:

E.C.No.2495/94-95 from 1.4.1960 to 31.5.1989

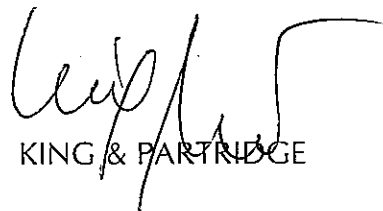
E.C.No.7770/1994-95 from 1.6.1989 to 19.2.1995

E.C.No.6447/1999-2000 from 20.2.1995 to 20.9.1999; and

E.C.No.7556/2004-05 from 21.9.1999 to 13.6.2004

The above Encumbrance Certificates do not disclose any encumbrance on S.No.81. In the first Encumbrance Certificate, the sale by Nagaraja and others in favour of R.Yeggappa under Sale Deed dated 6th June 1988 and the Sale by Narayanappa and others in favour of R.Yeggappa are reflected. In the second Encumbrance Certificate the transactions between late Chikkathayappa's sons and R.Yeggappa are reflected. We have examined the R.T.Cs. for the years 1986-87 to 2001-02 which show the names of Narayanappa and other five sons in column No.9 and 12 until the sale and thereafter R.Yeggappa's name is shown in these columns. We have examined the Endorsement No.CRF.CR.64/99-2000 dated 24th July 1999 confirming that there are no applications for conferment of tenancy in respect of S.No.81. As per Akarband, the extent of the land in S.No.81 is shown as one Acre.

As a result, we are of the view that R.Yeggappa has good and marketable title to S.No.81 measuring one Acre and there are no encumbrances on the said land.


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21st September 2004

Our Ref : N : V – 2632 / 2004

REPORT ON TITLE

Property: S.No.82/2 of Pattandur Village, Varthur Hobli, Bangalore East Taluk (formerly Bangalore South Taluk) measuring 1 acre 39 guntas.

Owner: Kiviyappa and others.

Baddigappa son of Nagappa was in possession of a parcel of agricultural land in Old S.No.21, New S.No.82 of Pattandur Agrahara, K.R.Puram Taluk, Bangalore East Taluk. It was an Inam land. Apparently, Baddigappa had purchased the said land from the Inamdar of the Inam Village, Pattandur Agrahara or from the successor-in-interest of the Inamdar. The particulars are not available. On 27th April 1959, Baddigappa sold the land to Shamanna son of Malur Muthappa. The Deed of Sale executed by Baddigappa was registered as document No.432, Book I, Vol.105, pages 214-216 in the Office of the Sub-Registrar, Bangalore South Taluk. Later, Baddigappa repurchased the said land from Shamanna under a Deed of Sale dated 11th July 1961 which was registered

as document No.2043/61-62, Book I, Vol.252, pages 172-173 in the Office of the said Sub-Registrar. We have examined the photocopies of both the sale deeds. The extent of land shown in both the sale deeds is 2 acres 10 guntas.

When the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 came into force, Baddigappa who was in lawful possession and enjoyment on the effective date became entitled to be registered as occupant of the land under Section 9 of the said Act in the capacity of successor-in-title of the Inamdar. Accordingly, the Deputy Commissioner for Abolition of Inams in case No.118/59-60 registered Baddigappa as the occupant of S.No.82. He was also registered as occupant of another parcel of land comprised in S.No.105 of the same village as the Kadim tenant. In the Survey and Settlement which ensued the abolition of Inams in the State, the land in the occupation of Baddigappa in S.No.82 was after its sub division assigned S.No.82/2 and the extent was shown as 1 acre 39 guntas on the basis of actual enjoyment by Baddigappa. In this manner Baddigappa came to own 1 acre 39 guntas of agricultural land in S.No.82/2

Baddigappa died intestate some time during the year 1975-76 leaving behind five sons viz., Doddamuniyappa, Humappa, Kiviyappa, M.B.Krishnappa

and M.B.Nagappa. During the year 1985-86 proceedings for change in the Mutation were taken up. Doddamuninagappa, the first son of Baddigappa had by then died leaving behind his wife Basamma, three daughters and two sons. As per the statements made by the surviving sons of Baddigappa and Basamma at the enquiry for the transfer of khata, Muninagappa and Humappa had separated from the family and they had been given other properties. Accordingly, the names of Kiviyappa, M.B.Krishnappa and M.B.Nagappa were entered in the Mutation Register as the joint khatedars of S.No.82/2. In this behalf we have seen the Mutation Extract of M.R.No.5/85-86 showing the name of Kiviyappa, M.B.Krishnappa, M.B.Nagappa as joint khatedars of S.No.82/2.

We have also examined the RTCs for the years 1969-70 to 2002-03. In Column Nos. 9 and 12 of the RTCs from the years 1986-87 onwards upto date the names of the said three brothers are shown as Owners in occupation and cultivation. Column 11 does not show any right in favour of any third parties.

We have examined the Survey Extract, Hissa Tippy and Akarband which show the exact extent of land in S.No.82/2 as 1 acre 39 guntas. There is no kharab in S.No.82/2. The land revenue assessment has been paid upto date.

The Tahsildar in his endorsement No.LRF:CR:64/99-2000 dated 24.7.1999 has confirmed that no application in Form 7 has been received for conferment of tenancy rights under the Land Reforms Act.

We have examined the following Encumbrance Certificates:

1. No.14127/94-95 for the period 1.4.1960 to 31.5.1989.
2. No.7760/84-85 for the period 1.6.1989 to 19.2.1995
3. No.6454/99-00 for the period 20.2.1995 to 20.9.1998
4. No.7558/04-05 for the period 21.9.1999 to 13.6.2004

The above Encumbrance Certificates do not disclose any encumbrances.

Baddigappa having died intestate during 1975-76, under the provisions of the Hindu Succession Act, 1956, his wife and children succeed to his estate, each of their share being equal. Baddigappa's wife has died. All the children of Baddigappa get equal share in the property. However, Muninagappa and Humappa having separated themselves from the family after taking their share in other properties, the other sons viz., Kiviyappa, M.B.Krishnappa and M.B.Nagappa and their sisters will become entitled to the land in S.No.82/2. Muninagamma, one of the daughters of Baddigappa has since died. She is

survived by two daughters viz., Gowramma and Muniyamma who take their deceased mother's share equally. Thus, Kiviyappa, M.B.Krishnappa and M.B.Nagappa and their surviving sisters Chikkanagamma, Muddamma, Burugamma and two daughters of Doddamininagamma are entitled to the land in S.No.82/2.

The said land is free from all encumbrances, charges and liens and has marketable title and the aforesaid persons are entitled to the land in equal shares; Gowramma and Muniyamma daughters of late Doddamuninagamma being entitled to one share belonging to their mother.


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*48 Lavelle Road
Bangalore - 560 001*

AND AT HYDERABAD

19th November 2004

Our ref : N:H:V-2632/2004

Vaswani Estates Developers Pvt. Ltd.,
No.52, Vittal Mallya Road,
Bangalore 560 001.

Attn.Mr.Neville M.Vaswani

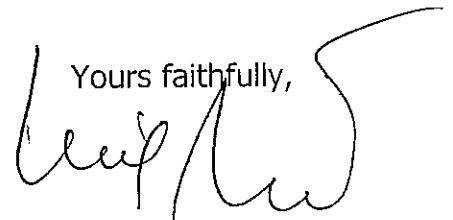
Dear Sirs,

Survey Nos.82/1 and 82/3 of Pattandur Agrahara Village,
Krishnarajapuram Hobli, Bangalore East Taluk

We have prepared our Report on Title in respect of the above Survey

Numbers which we enclose for your reference.

Yours faithfully,



Encl :

KING & PARTRIDGE
ADVOCATES

PARTNERS
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T.S. SURESH
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AND AT HYDERABAD

19th November 2004

Our ref : N:H:V-2632/2004

REPORT ON TITLE

Property : Survey No.82/1 (1 acre 36 guntas) and Survey No.82/3 (15 guntas) totally measuring 2 acres 11 guntas, of Pattandur Village, Krishnarajapuram Hobli, Bangalore East Taluk, Bangalore District

Owners : A.P.Sarojamma and B.N.Satish in respect of 1 acre 05 ½ guntas
D.Ramarkrishnappa in respect of 1 acre 05 ½ guntas

Survey No.82 of Pattandur Village was an inam land. An extent of 1 acre 34 guntas of land in the said Survey Number was under the possession and enjoyment of Dodda Thimmaraya, he being the transferee and successor-in-interest of the Inamdar having purchased the said land from the Inamdar. Upon the abolition of inams, the Special Deputy Commissioner for Abolition of Inams vide his Order dated 3rd February 1962 in Case No.102 granted the occupancy rights of the above land in favour of Dodda Thimmaraya under Section 9 of the Mysore (Personal and Miscellaneous)

Inams Abolition Act, 1954. An Endorsement was issued by Special Deputy Commissioner on 28th March 1963 registering him as the holder and the khatedar of the above land. We have seen the Order and the Endorsement issued by the Special Deputy Commissioner.

Anjanamma was in possession and enjoyment of 25 guntas of land in Survey No.82. Therefore, the Special Deputy Commissioner in his Order dated 3rd February 1962 in Case No.62/59-60 registered her as a permanent tenant in respect of the said land. An Endorsement dated 7th February 1963 was also issued registering her as the holder and the khatedar of the above land.

On Hissa Survey and measurement, the area of the land under the possession and enjoyment of Dodda Thimmaraya was found to be 1 acre 38 guntas including 02 guntas of kharab and was assigned Survey No.82/1 and the area of the land under the possession and enjoyment of Anjanamma was found to be 16 guntas including 01 gunta of kharab and was assigned Survey No.82/3. Hissa Tippy and Akarband show the extent as above.

Upon the death of Dodda Thimmaraya, his son, Koorappa sold the entire land measuring 1 acre 36 guntas in Survey No.82/1 to M.Ramaiah, son of Muniveerappa under a Sale Deed dated 28th March 1967 which was registered as document No.6370/66-67 of Book I, Volume 35, Pages 225 – 227 in the office of the Sub-Registrar, Bangalore South Taluk. We have seen a certified copy of the Sale Deed. Anjanamma also sold the land measuring 15 guntas in Survey No.82/3 to Ramaiah under a Sale Deed dated 31st March 1967 which was registered as document No.8/67-68 of Book I, Volume 638, Pages 39 – 42. We have seen a photocopy of this Sale Deed. Thus, Ramaiah came to own both the Survey Nos.82/1 and 82/3.

On 24th August 1970, Ramaiah along with his sons namely R.Krishnappa and R.Narayana, sold both the Survey Numbers to K..N.Narayana Rao, son of Shanubhog Nanjappa. The Sale Deed was registered as document No.2722/70-71 of Book I, Volume 829, Pages 241 – 243 in the office of the Sub-Registrar, Bangalore South Taluk, a certified copy of which we have examined. Mutation was effected in the name of K.N.Narayana Rao vide M.R.No.13/70-71 on 1st September 1970, an extract of which we have seen.

Section 95 of the Karnataka Land Revenue Act, 1964 requires that if any agricultural land is to be used for purposes other than agricultural, the owner/occupant of such land is required to obtain conversion of the land for the required purpose from the Deputy Commissioner, who is the competent authority. In the instant case, K.N.Narayana Rao obtained conversion of entire land measuring 2 acre 11 guntas comprised in both the above Survey Numbers from agricultural to non-agricultural commercial purposes namely Dairy and Poultry Farm from the Deputy Commissioner, Bangalore District. We have seen the Conversion Order bearing reference No.B.Dis.ALN.SR.5878 dated 2nd July 1971.

The next document examined by us is also a certified copy of the Sale Deed dated 30th December 1978 registered as document No.5936/78-79 of Book I, Volume 1558, Pages 159 – 163 in the office of the Sub-Registrar, Krishnarajapuram, Bangalore, whereby K.N.Narayana Rao sold Survey No.82/1 to B.S.Narayanaswamy and D.Ramakrishnappa. We have examined a certified copy of the Sale Deed. The description of the land in the Sale Deed shows the extent as 1 acre 38 guntas, which probably included 02 guntas of kharab. On the same day, K.N.Narayana Rao executed another Sale Deed in favour of the said two purchasers whereunder he sold Survey

No.82/3. This Sale Deed was registered as document No.5937/78-79 of Book I, Volume 1359, Pages 111 – 114, a certified copy of which we have seen. We have examined a certified copy of the Sale Deed. In this Sale Deed, the extent of the land sold is shown as 25 guntas, which is a mistake for 15 guntas as confirmed by Akarband.

The next document examined by is a certified copy the order passed by the Additional City Civil Judge on 28th November 1983 in O.S.No.6341/80. It appears that the above Suit was filled by K.N.Seethamma against K.N.Narayana Rao, B.S.Narayanaswamy and D.Ramakrishnappa for a judgement and decree declaring that the plaintiff was the owner in possession and enjoyment of the land in Survey Nos.82/1 and 82/3 and for a direction to the defendants to put the plaintiff in possession of the land. The plaintiff had averred that she had purchased the land from the first defendant on 20th September 1977 under a Sale Deed which was registered as document No.2611/77-78 of Book I, Volume 1259, Pages 195 – 196. Subsequently, the plaintiff agreed to cancel the Sale Deed in her favour and agreed to execute a fresh Sale Deed in favour of B.S.Narayanaswamy and D.Ramakrishnappa, being the second and third defendants and accordingly

the suit was compromised. As per the compromise petition, the court passed the said order dismissing the suit as not pressed.

The RTCs for the years 1974-75 to 2001-02, which we have examined, show the name of K.N.Narayana Rao as the only person having rights over the land in Survey Nos.82/1 and 82/3. The RTCs refer to the conversion of the land. It is not known how K.N.Narayana Rao is entitled to the land in view of the fact he had sold both the Survey Numbers as far back as 30th December 1978 to B.S.Narayanaswamy and D.Ramakrishnappa. Pursuant to the order of the court, no fresh Sale Deed was executed by the plaintiff in the above suit in favour of B.S.Naryanaswamy and D.Ramakrishnappa as agreed and undertaken by her in the compromise petition.

Muniraju, son of late Koorappa, the erstwhile owner referred to above, had filed a suit in O.S.No.329/95 in the Court of the Principal Civil Judge, Bangalore Rural District against K.N.Narayana Rao, wife and son of B.S.Narayanaswamy (who had died by then) and D.Ramakrishnappa for a declaration that he was the absolute owner of an undivided one-half share in Survey No.82/1 and for certain other reliefs. The defendants entered

appearance and contested the suit. The court by its order dated 27th October 1998 dismissed the suit on the ground that the plaintiff was not entitled for any of the reliefs sought for in the suit. We have seen the order of the court.

We have seen the following encumbrance certificates :

- a) In respect of Survey No.82/1 :
 - i) No.8934/04-05 from 28th March 1967 to 31st March 1989 which shows the entries relating to the sale transactions referred to above ;
 - ii) No.5918/04-05 from 1st June 1989 to 31st March 2004 ;
 - iii) No.25196/04-05 from 1st April 2004 to 8th November 2004.
- b) In respect of Survey No.82/3 :
 - i) No.6917/95-96 from 1st April 1962 to 31st March 1970 ;
 - ii) No.1470/04-05 from 1st April 1970 to 31st March 1989 ;
 - iii) No.7764/94-95 from 1st June 1989 to 19th February 1998 ;
 - iv) No.6449/99-2000 from 14th February 1998 to 20th September 1999 ;
 - v) No.7559/04-05 from 21st September 1999 to 13th June 2004.

The above certificates do not disclose any encumbrance.

We may add that although no Sale Deed was executed by Seethamma, the plaintiff in O.S.No.6341/80 in favour of B.S.Narayanaswamy and D.Ramakrishnappa as undertaken by her in the compromise petition, the said purchasers were in uninterrupted possession and enjoyment of the land ever since 30th December 1978, that is, the day they purchased the land from K.N.Narayana Rao. B.S.Narayanaswamy died intestate, consequent to which, the aforesaid land devolved on his wife A.P.Sarojamma and a son B.N.Satish, being his legal heirs.

We are, therefore, of the view that A.P.Sarojamma and her son together are entitled to 1 acre 05 ½ guntas, being one-half share in the land totally measuring 2 acres 11 guntas, i.e. 1 acre 36 guntas in Survey No.82/1 and 15 guntas in Survey No.82/3 and D.Ramakrishnappa is entitled to 1 acre 05 ½ guntas, being the remaining one-half share.


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27th October 2004

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Attn.Mr.Neville M.Vaswani

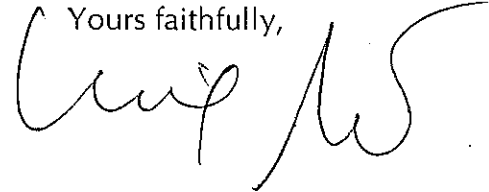
Dear Sirs,

Survey Nos.83/1, 83/2, 83/3 and 87/5, all of Pattandur
Agrahara Village, Krishnarajapuram Hobli,
Bangalore East Taluk

We have prepared our Report on Title in respect of the above Survey
Numbers which we enclose for your reference.

Encl :

Yours faithfully,



KING & PARTRIDGE

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27th October 2004

Our Ref : N:H:V-2632 / 2004

REPORT ON TITLE

- Property : 1. Survey No.83/1 measuring 13 guntas
2. Survey No.83/2 measuring 14 guntas
3. Survey No.83/3 measuring 13 guntas
4. Survey No.87/5 measuring 1 acre 26 guntas

all of Pattandur Agrahara Village, Krishnarajapuram Hobli,
Bangalore East Taluk.

- Owners : 1. M.Krishna and others
2 & 4 Jayamma and her sons, R.Muniraju and R.Narayanappa.
3. Kenchappa

Old Survey No.30 of Jodi Pattandur Village was in the ownership of Baddigappa, son of Naga. The title to Survey No.30 had been derived either by Baddigappa or his forefathers from the Inamdar of Jodi Pattandur Village. On 23rd December 1957, Baddigappa and his two sons Naga and Nagappa sold Survey No.30 to B.Kenchappa, son of Bathyappa. The Sale Deed was registered as document No.3340/57-58, Book I, Volume 41, pages 160 – 161 in the Office of the Sub-Registrar, Bangalore South Taluk. We have seen a photocopy of the said Sale Deed. In the Sale Deed the extent of land has been shown as 1 ¼ acres approximately. In the subsequent survey, Survey

No.30 was assigned Survey No.83 of Pattandur Agrahara Village and on ground the extent was found to be 1 acre. After the death of Kenchappa, his son Bathyappa was in possession and enjoyment of the said 1 acre of land in Survey No.83. Consequent to the abolition of Inams, the Special Deputy Commissioner for abolition of Inams by his order dated 3rd February 1962 in Case No.25/59-60 registered Bathyappa as the occupant of Survey No.83 as successor-in-interest of the Inamdars under Section 9 of the Mysore (Personal & Miscellaneous) Inams Abolition Act, 1954. Bathyappa was also in possession of Survey No.87 measuring 1 acre 32 guntas as a tenant and hence he was registered as a permanent tenant in respect of Survey No.87 under Section 5 of the said Act. We have seen the photocopy of the order passed by the Special Deputy Commissioner.

Bathyappa died on 19th June 1964 leaving behind three sons viz., B.Muniyappa, Ramaiah and Kenchappa as his legal heirs. It appears that the three sons of Bathyappa had entered into an oral partition of the family properties wherein Survey No.83 was divided into three parts comprising of 13 guntas, 14 guntas and 13 guntas and the first 13 guntas was allotted to the share of B.Muniyappa, first son of Bathyappa, and the second 13 guntas was allotted to the share of Kenchappa, third son of Bathyappa and 14 guntas was

allotted to the share of Ramaiah, second son. The land in Survey No.87 was allotted exclusively to Ramaiah. The three sons seem to have been in possession and enjoyment of their respective shares at the time of resurvey of inam lands by the Survey Department. Accordingly, Muniyappa's land measuring 13 guntas was assigned Survey No.83/1, Ramaiah's land measuring 14 guntas was assigned Survey No.83/2 and Kenchappa's land measuring 13 guntas was assigned Survey No.83/3. On survey and measurement, the land in Survey No.87 was found to be 1 acre 34 guntas excluding 07 guntas of kharab. On sub-division, Survey No.87 was assigned Survey No.87/5.

We have examined the RTCs in respect of Survey No.83/1 from 1969-70 to 2001-02. For the years 1969-70 to 1972-73 Bathyappa's name was shown in Column 12 and Muniyappa's name was shown in column No.9. From 1973-74 onwards Muniyappa's name was shown in column No.12. Column No.11 does not show any charges, encumbrances or third party rights. Muniyappa died intestate on 20th September 2000 leaving behind three sons namely M.Krishna, M.Ramanjaneya and M.Mahendra Kumar and two daughters namely Kamalamma and Shanthamma, as his legal heirs. Beeramma, wife of Muniyappa, had predeceased him. We have seen the Death Certificate of Muniyappa. Consequent to the death of Muniyappa, the land in Survey

No.83/1 devolved on his legal heirs in accordance with the rules of intestate succession.

Ramaiah, the second son of Bathyappa died as per the report made by the Village Accountant in the course of change of the mutation entries in respect of 4 items of land owned by Ramaiah including Survey Nos.83/2 and 87/5. As per the Village Accountant's report, Ramaiah was survived by his wife Jayamma and two sons viz., R.Muniraju and R.Narayana. Authenticated family tree of late Ramaiah confirms that Jayamma and her two sons were the only heirs of Ramaiah. The two sons of Ramaiah had no objection for entering Jayamma's name in the Mutation Register. Accordingly, Jayamma's name was shown as the Khatedar and person in occupation and enjoyment of Survey Nos.83/2 and 87/5 along with other properties. We have seen a photocopy of Mutation Extract No.2/89-90 as certified by the Tahsildar, Bangalore South Taluk. We have also seen RTCs for the years 1969 - 70 to 2002 - 03 in respect of Survey Nos.83/2 and 87/5. Although Ramaiah died some time later, Jayamma's name was being shown as the occupant and Ramaiah was shown as the owner/khatedar until the year 1980 - 90. No third party rights or charges or encumbrances are noted in Column 11 of the RTCs in respect of both the Survey Numbers. On 28th October 1999, Jayamma and her sons along with their respective children sold 02 $\frac{3}{4}$ guntas in Survey No.87/5 to

Venkataramaiah, 01 ½ guntas to Narayanappa and 03 ¾ guntas to Krishnamurthy under three separate Sale Deeds, which were registered as documents Nos.5638/99-2000, 5639/99-2000 and 5640/99-2000 respectively in the office of the Sub-Registrar, Krishnarajapuram, Bangalore. Thus, the land retained by Jayamma and her sons in Survey No.87/5 is 1 acre 26 guntas.

In respect of Survey No.83/3 we have seen RTCs for the years 1969 - 70 to 2001 - 02. In column Nos.9 and 12, Kenchappa's name has been shown as the khatedar and the person in possession and cultivation. Column No.11 does not show any charges or encumbrances.

We have examined certified copies of Atlas and Akarband. Akarband confirms the extent of the land in Survey Nos.83/1, 83/2 and 83/3 as 13 guntas, 14 guntas and 13 guntas respectively and the extent in Survey No.87/5 as 1 acre 34 guntas and 07 guntas of kharab. As per the Endorsement bearing No.LRF:CR:127/2004-05 dated 6th October 2004 issued by the Tahsildar no application in Form 7 has been received for conferment of tenancy rights under the Karnataka Land Reforms Act, 1961 in respect of any of Survey Nos.83/1, 83/2, 83/3 and 87/5.

We have examined the following Encumbrance Certificates.

- a) In respect of Survey No.83/1 :
 - i) No.14128/94-95 for the period from 1st April 1960 to 31st May 1989 ;
 - ii) No.12241/95-96 from 1st June 1989 to 17th March 1996 ;
 - iii) No.6455/99-2000 from 18th March 1996 to 20th September 1999;
and
 - iv) No.7561/04-05 from 21st September 1999 to 13th June 2004.
- b) In respect of Survey No.83/2 :
 - i) No.14134/94-95 from 1st April 1962 to 31st May 1989 ;
 - ii) No.7766/94-95 from 1st June 1989 to 18th February 1995 ;
 - iii) No.6450/99-2000 from 23rd January 1995 to 20th September 1999 ;
 - iv) No.7560/04-05 from 21st September 1999 to 13th June 2004.
- b) In respect of Survey No.83/3 :
 - i) No.3489/04-05 from 1st January 1970 1962 to 31st March 1980 ;
 - ii) No.15231/94-95 from 1st June 1980 to 31st May 1989 ;
 - iii) No.6796/94-95 from to 1st June 1989 to 19th January 1995 ; and
 - iv) No.7553/04-05 from 20th January 1995 to 13th June 2004.

- d) In respect of Survey No.87/5:
 - i) No.3491/04-05 from 1st April 1962 to 31st March 1989 ; and
 - ii) No.17891/04-05 from 1st June 1989 to 27th August 2004.

The above certificates do not disclose any encumbrance. Encumbrance certificates from 1st April 1980 to 31st May 1980 in respect of Survey No.83/3 and from 1st April 1989 to 31st May 1989 in respect of Survey No.87/5 may be made available.

As a result, we are of the view that : -

- i) M.Krishna, M.Ramanjaneya, M.Mahendra Kumar, Kamalamma and Shanthamma, being the children of late B.Muniyappa, are the absolute owners and have a good and marketable title to 13 guntas of agricultural land in Survey No.83/1 and their title is free of all encumbrances, charges and liens ;
- ii) Jayamma and her sons namely R.Muniraju and R.Narayanappa, being the wife and sons respectively of late Ramaiah, are the absolute owners and have a good and marketable title to the agricultural land measuring 14 guntas in Survey No.83/2 and 1 acre 26 guntas in Survey No.87/5 and their title is free of all encumbrances, charges and liens ; and

- iii) Kenchappa is the absolute owner and has a good and marketable title to the agricultural land measuring 13 guntas in Survey No.83/3 and his title is free of all encumbrances, charges and liens.


KING & PARTRIDGE