

GANESH MAHESH MORE B.A. L.L.B

Advocate, High Court.

Off: 101/102,
Sharnam residency,
Eduji Road, opp. BalGanpati
Temple, Charai,
Thane (W) -400601.

Date: 23.06.2022

To,

MahaRERA

6th & 7th floor, Housefin Bhavan,

Plot no. C-21, E-Block,

Bandra Kurla Complex,

Bandra (E), Mumbai 400051.

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to the portion admeasuring 3165 sq.mtrs. from and out of First Property i.e. land bearing Survey No. 70, Hissa No. 6 admeasuring 3200 Square Meters lying, being and situated at village Vadavali, Taluka and District Thane and another portion admeasuring 35 square meters from and out of Second Property i.e. Land bearing Survey No. 53, Hissa No. 6 admeasuring 1720 Square Meters lying, being and situated at village Mogharpada, Taluka and District Thane admeasuring in agreegate 3200 sq.mtrs. is hereinafter collectively referred to as "**Said Property**")

1/- I have investigated the title of property more particularly described in the Annexure which is owned by Mr. Navnath Hendar Ture on their request by perusing the following documents i.e. :

- Current 7/12 extract.
- 7/12 extracts for last 50 years
- Relevant Mutation entries.

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- Search Report issued by Search Clerk Mr. Vishal Gaikwad.
 - Developer's Title Deed
 - Public Notice dated December 18, 2017 published in local daily English newspaper namely "Free Press Journal" and in Marathi newspaper "Thane Vaibhav"
 - Sanctioned plan, Layout and permissions.

2/- On the perusal of the above mentioned documents and all other relevant documents relating to title of the Said Property I am of the opinion that, the title of promoter is clear marketable and without any encumbrances.

Name of the Owners : MR. NAVNATH HENDAR TURE

Name of the Promoter : M/S. ACE SIGNATURE HOMES L.L.P.

Address : 201/A, Manas Residency, Veer Sawarkar Marg, Naupada, Thane (w).

Details of Land: All that pieces and parcels of land bearing 1) Survey No. 70, Hissa No. 6 admeasuring 3200 Square Meters lying, being and situated at village Vadavali, Taluka and District Thane **(First Property)** and 2) Survey No. 53, Hissa No. 6 admeasuring 1720 Square Meters lying, being and situated at village Mogharpada, Taluka and District Thane **(Second Property)**.

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The portion admeasuring 3165 sq.mtrs. from and out of First Property i.e. land bearing Survey No. 70, Hissa No. 6 admeasuring 3200 Square Meters lying, being and situated at village Vadavali, Taluka and District Thane and another portion admeasuring 35 square meters from and out of Second

Property i.e. Land bearing Survey No. 53, Hissa No. 6 admeasuring 1720 Square Meters lying, being and situated at village Mogharpada, Taluka and District Thane admeasuring in aggregate 3200 sq.mtrs. is hereinafter collectively referred to as "**Said Property**"). The Said Property is the subject matter of present Title Report.

The Report reflecting the flow of the title of promoter on the said property enclosed herewith an Annexure.



Advocate Ganesh Mahesh More

Encl: Annexure:- Title flow of the Said Property

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ANNEXURE

1. Observations in respect of First Property:

1.1 In respect of 7/12 extracts:

It appears from the perusal of current 7/12 extract dated March 1, 2018 that, the First Property is owned by Mr. Navnath Hendar Ture and others.

1.2 In respect of 6 D Mutation Entries :

1.2.1 It appears from the mutation entry no. 527 dated 5/12/1961 that, Mr. Mahadu Gopal Ture demised in the year 1960 leaving behind him his only legal heir Son Mr. Hendar Mahadu Ture and accordingly his name was mutated in the record of rights of First Property and several other properties.

1.2.2 It appears from the mutation entry no. 9 dated 10/10/1977 that, Mr. Hendar Mahadu Ture demised in the year 1971 leaving behind him his legal heirs wife Smt. Thamabai Hendar Ture, Son 1) Mr. Navnath Hendar Ture, five daughters, 2) Mrs. Shakuntala Walakya Shinge and 3) Mrs. Gauribai Parashuram Patil 4) Mrs. Kantibai Gajanan Bhoir 5) Miss. Gulabbai Hendar Ture 6) Miss. Laxmibai Hendar Ture.

1.2.3 It appears that the mutation entry no. 25 dated 11/10/14977 is not relevant to the First Property.

1.2.4 It appears from the mutation entry no. 497 dated 24/01/1980 that, Mr. Dinshaw Kawasji Dongariwala alias Thanawala demised on

November 27, 1959 leaving behind him Dossabhai Bahiramji Dongriwala as his only legal heir.

1.2.5 It appears from the mutation entry no. 806 dated 6/6/2008 that Agricultural Land Tribunal and Additional Tahsildar, Thane passed order dated 26.01.1965 bearing no. IPL-X-P-26/VADAVALI-72/1-65 under Section 32G of Maharashtra (Bombay) Tenancy and Agricultural lands Act, 1948 (MTAL Act) and thereby determined purchase price to be paid by Tenant purchaser Mr. Hendar Mahadu Ture and accordingly name of original owners were removed and Mr. Hendar Mahadu Ture was recorded as Occupant.

1.2.6 It appears from the mutation entry no. 821 dated 2/07/2008 that, Tahsildar and Agricultural Land Tribunal further issued Certificate of Purchase dated October 15, 1988, bearing no. IPL-I-X-26, KRAMANK 3965 under section 32M of MTAL Act after payment of entire purchase price by the tenant Mr. Hendar Mahadu Ture to the original owners viz. Mr. Framroj Kasavaji and Mr. Dosabhai Bahiramji and the charge of original land owners were removed from the other rights column of Records of Rights of First property and another Property.

1.2.7 It appears from the Certificate provided by the Talathi in respect of the mutation entry no. 1682 dated 15/07/2017 that, the said mutation entry was mutated to facilitate computerization of land records and to remove inconsistency in the hand written record and computerized record in pursuance of Order of Hon'ble Mumbai High Court bearing no. 10204/2015 dated December 08, 2015 and directions of Settlement Commissioner dated December 03, 2015.

1.2.8 It appears from the mutation entry no. 1772 dated 11/05/2017 that, the said mutation entry has been cancelled and fresh mutation

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entry has been mutated to record legal heirs of Thamabai alias Thamibai Hendar Ture.

1.2.9 It appears from the mutation entry no. 1784 dated 16/06/2017 that Smt. Thamibai Hendar Ture demised on October 08, 2014 leaving behind her legal heirs (son) Mr. Navnath Hendar Ture and daughter 1) Mrs. Shakuntala Walakya Shinge, 2) Mrs. Gauri Parashuram Patil and 3) Mrs. Kantabai Gajanan Bhoir, 4) Mrs. Gulabbai Hendar Ture and 5) Mrs. Laxmibai Hendar Ture with the First Property and several other properties.

1.2.10 It appears from the mutation entry no. 2074 dated 25/06/2020 that, the Tchasildar and Agricultural Lands Tribunal granted permission u/s. 43 of MTAL Act in favour of Navnath Hendar Ture and others bearing order KULVAHIVAT/KAVI-1971/SR-05/2020 dated March 05, 2020.

2. Observations in respect of Second Property:

2.1 In respect of 7/12 extracts:

It appears from the perusal of current 7/12 extract dated 16/12/2021 that, the Second Property is owned by M/s. Shreelabh Enterprises and others.

2.2 In respect of 6 D Mutation Entries :

2.2.1 It appears from the mutation entry no. 464 dated 07/07/1951 that, area and assessment of the Second Property was converted into decimal system in accordance with the provisions of Standard Weights and Measures Act, 1956.

2.2.2 It appears from the mutation entry no. 862 dated 05/12/1961 that, Mr. Mankya Alshya Thkur demised on 30/09/1956 leaving behind his only legal heir son Mr. Namdev Mankya Thakur.

2.2.3 It appears that the mutation entry no. 1322 dated 21/02/1970 that, Mr. Namdev Mankya Thakur demised in or around 1966 leaving behind wife Smt. Raghubai Namdev Thakur, 4 sons viz. 1) Bhimdev Namdev Thakur, 2) Mr. Sakharam Namdev Thakur, 3) Mr. Sadashiv Namdev Thakur and 4) Mr. Suryadev Namdev Thakur and 2 daughters viz. 1) Parvatibai Namdev Thakur and 2) Laxmibai Namdev Thakur.

2.2.4 It appears from the mutation entry no. 448 dated 05/07/2011 that, Laxmibai Namdev Thakur alias Mr. Laxmibai Babu Bhoir demised on 17/08/2007 leaving behind 2 sons viz. 1) Mr. Ganesh Babu Bhoir and 2) Mr. Sachin Babu Bhoir as her only legal heirs.

2.2.5 It appears from the mutation entry no. 526 dated 14/02/2012 that Smt. Raghubai Namdev Thakur demised on 27/1/2011 leaving behind, 4 sons viz. 1) Bhimdev Namdev Thakur, 2) Mr. Sakharam Namdev Thakur, 3) Mr. Sadashiv Namdev Thakur and 4) Mr. Suryadev Namdev Thakur and one daughter Parvatibai Namdev Thakur and 2 grandsons viz. 1) Mr. Ganesh Babu Bhoir and 2) Mr. Sachin Babu Bhoir as her only legal heirs.

2.2.6 It appears from the mutation entry no. 765 dated 31/10/2017 that, Sachin Babu Bhoir and Ganesh Babu Bhoir conveyed and transferred their undivided share, rights, title and interest in respect of Second Property in favour of M/s. Shreelabh Enterprises by executing Conveyance Deed dated 30/08/2017 which is duly registered with the Sub-Registrar of assurances, Thane at serial no. TNN-12/2494/2017.

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- 2.2.7 It appears from the mutation entry no. 798 dated 28/05/2018 that, Mr. Sanjay Thakkar paid the NA taxes as prescribed by the Tahasildar, Thane accordingly the remark of NA has been recorded in respect of record of rights of the Second Property.**
- 2.2.8 It appears from the mutation entry no. 816 dated 09/10/2018 that, Mrs. Parvatibai Namdev Thakur conveyed and transferred her undivided share, rights, title and interest in respect of Second Property in favour of M/s. Shreelabh Enterprises by executing Conveyance Deed dated 05/09/2018 which is duly registered with the Sub-Registrar of assurances, Thane at serial no. TNN-2/9795/2018.**
- 2.2.9 It appears from the mutation entry no. 951 dated 29/09/2021 that, as per the order of Tahasildar dated 28/09/2021 bearing no. 155/chuk durusti/286/2021, the correction has been carried out in the record of rights in respect of remark of Non-Agricultural Land of Second Property.**
- 2.2.10 It appears from the mutation entry no. 923 dated 01/02/2021 that, Mr. Sanjay Thakkar partner of M/s.Shreelabh Enterprises have paid requisite NA taxes accordingly obtained Sanad as per the provisions of Section 42-A and (1) (A) of Land Revenue Code 1966 in respect of Second Property.**
- 2.2.11 It appears from the Certificate provided by the Talathi in respect of the mutation entry no. 733 that, the said mutation entry was mutated to facilitate computerization of land records and to remove inconsistency in the hand written record and computerized record in pursuance of Order of Hon'ble Mumbai High Court bearing no. 10204/2015 dated December 08, 2015 and directions of Settlement Commissioner dated December 03, 2015.**

3. In respect of Search Report with the Sub-Registrar of Assurances.

3.1 Search Report dated March 07, 2018 in respect of First Property issued by Mr. Vishal Gaikwad, Searcher, in the office of The Sub-Registrar of Assurances at Thane I, II, V, VII, VIII, IX, X, XI, XII and XIII for the period of year 1988 to 2018 was placed before me.

- It appears that, Navnath Hendar Ture and others entered into an agreement with M/s. Padmavati Developers through its partner Mr. Atul Sawla on 03/06/2008 and same is registered with the Sub-Registrar of Assurances, Thane at serial no. TNN-1/5430/2008 on 26/09/2008. Mr. Navnath Hendar Ture and others had sent a legal notice through Advocate Sanjay A. Mhatre on 21/05/2009 and thereby cancelled the Development Agreement dated 26/03/2008 and power of attorney dated 26/09/2008. The owners have affirmed on 15th June, 2022 that the Padmavati Developers have never filed any suit or other legal proceedings challenging the validity of termination within the time line prescribed under Limitation Act and further affirmed that termination of previous developers has attained finality.
- No transaction is found in the search report during the years 1991 to 2007 and 2009 to 2015 and 2018 (till March 07, 2018) as records are found nil.
- Records for the year 1988 to 1990 are shown as torned.
- Relevant transactions are recorded in the year 2016, 2017 and 2019.

3.2 Search Report dated November 18, 2019 in respect of First Property issued by Mr. Vishal Gaikwad, Searcher, in the office of The Sub-

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Registrar of Assurances at Thane I, II, V, VII, VIII, IX, X, XI, XII and XIII for the period of year March 08, 2018 till today was placed before me.

- No transaction is found in the search report during the March 08, 2018 till November 18, 2019 as records are found nil.

3.3 Search Report dated May 24, 2022 in respect of First Property issued by Mr. Vishal Gaikwad, Searcher, in the office of The Sub-Registrar of Assurances at Thane I, II, V, VII, VIII, IX, X, XI, XII and XIII for the period November 18, 2019 to May 24, 2022 till today was placed before me.

- No transaction is found in the search report during the November 18, 2019 to May 24, 2022 as records are found nil.

Search Report dated 14th June, 2022 in respect of Second Property issued by Mr. Vishal Gaikwad, Searcher, in the office of The Sub-Registrar of Assurances at Thane I, II, V, VII, VIII, IX, X, XI, XII and XIII for the period of year 1992 to 14th June, 2022 was placed before me.

Relevant transaction between the original Land Owners and Shreelabh Enterprises are recorded in the year 2011, 2012, 2016, 2017 and 2018. The Agreement for Exchange dtd. 16th October, 2019 is also recorded.

No transaction is found in the search report during the years 1992 and 2010, 2013 to 2015 and 2020 to 2022 (till June 14, 2022) as records are found nil.

Records for the year 1992 to 2000 are shown as torned.

4. In respect of Title Deeds:

a) Agreement for Sale:

Mr. Navnath Hendar Ture and others executed Agreement for Sale dated January 11, 2017 in favour of the Developers and thereby agreed to sell their (7/12th) un-divided share admeasuring 1866.67 square meters from and out of the First Property and also assigned exclusive development rights in respect of their un-divided share out of First Property, which is duly registered with the Sub Registrar of Assurances, Thane, at serial no. TNN-5/371/2017.

b) Power of Attorney:

Mr. Navnath Hendar Ture and others have executed Power of Attorney dated January 11, 2017 in respect of their (7/12th) un-divided share admeasuring 1866.67 square meters from and out of the First Property in favour of the Developers which is duly registered with the Sub Registrar of Assurances, Thane, at serial TNN-5/372/2017.

c) Agreement for Sale and Development:

Mrs. Shakuntala Hendar Ture alias Mrs. Shakuntala Walakya Shinge and others have executed Agreement for Sale and Development dated October 27, 2016 in favour of Developers and thereby agreed to sell their their (5/12th) un-divided share admeasuring 1333.33 square meters from and out of the First Property and also assigned exclusive development rights in respect of their un-divided share out of First Property, which is duly registered with the Sub Registrar of Assurances, Thane, at serial no. TNN-5/12187/2016.

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d) Power of Attorney:

Mrs. Shakuntala Hendar Ture (Shakuntala Walakya Shinge) and others executed Power of Attorney October 27, 2016 in favour of the Developers in respect of their (5/12th) un-divided share admeasuring 1333.33 square meters from and out of the First Property, which is duly registered with the Sub Registrar of Assurances, Thane, at serial no. TNN-5/12190/2016.

e) Development Agreement:

Mr. Sakharam Namdev Thakur and others in confirmation with Mrs. Vatsala Sakharam Thakur and others granted development rights of their undivided share from and out of Second Larger Property in favour of Promoters by executing Development Agreement dated 19th October 2011 which is duly registered with the Sub-Registrar of Assurances, Thane at serial no. TNN-5/9505/2011 and further executed power of attorney on even date which is duly registered with the Sub-Registrar of Assurances, Thane at serial no. TNN-5/9507/2011.

f) Conveyance Deed:

Mr. Sachin Babu Bhoir and Ganesh Babu Bhoir conveyed and transferred their undivided share, rights, title and interest in respect of Second Proeprty in favour of M/s. Shreelabh Enterprises by executing Conveyance Deed dated 30/08/2017 which is duly registered with the Sub-Registrar of assurances, Thane at serial no. TNN-12/2494/2017.

g) Mrs. Parvatibai Namdev Thakur conveyed and transferred her undivided share, rights, title and interest in respect of Second Proeprty in favour of M/s. Shreelabh Enterprises by executing Conveyance Deed dated

05/09/2018 which is duly registered with the Sub-Registrar of assurances, Thane at serial no. TNN-2/9795/2018.

- h) Agreement For Exchange:** M/s. Ace Signature Homes LLP, M/s. Shreelabh Enterprises represented by its partners Mr. Sanjay Thakkar and Mr. Navnath Hender Ture and others have executed Agreement for Exchange of 35 sq.mtrs. portion each out of the First Property and Second Property. The said Agreement for Exchange dtd. 16th October, 2019 is duly registered with the Sub-registrar of Assurances, Thane at Sr.No.TNN-1/11559/2019.

5. Paper Notice:

- As a part of due diligence Advocate Prasanna Mate have published paper notice on behalf the Developers inviting claims in local daily English newspaper namely "Free Press Journal" and Marathi newspaper "Thane Vaibhav" on December 18, 2017.
- Shri. Rakesh Babanrao Borhade raised objection dated Janaury 12, 2018 to the Said Marathi public notice published in Marathi newspaper "Thane Vaibhav". However, it appears that the Writ Petition No. 4362/2017 filed by Mr.Rakesh Babanrao Borhade has been dismissed by the Hon^{ble} High Court.

6. Conclusion:

- 6.1** On behalf of the Developers, We have investigated the title of the Owners and rights of Developers to the said property on request of the Developers to ascertain the status of the property.

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- 6.2** We have perused the certified copies and plain copies of document of title relating to the property which are known to us to be relevant for the purpose of this certificate.
- 6.3** We have been provided search report for the period of 1988 to 2018. Therefore opinions and observations shall be qualified and restricted to the said period and also to the extent of availability of record only, as it appears that in some of the cases record is unavailable.
- 6.4** The Development Agreement and Power of Attorney of M/s. Padmavati Developers appears to have been terminated.
- 6.5** The information given in this report arises from the examination of the searches and inquiries to the extent of documents provided for perusal which are attached herewith.
- 6.6** In our opinion, the Owners have clear and marketable title to the Said Property and the Developers hold valid and clear development rights and right of preferential purchase in respect of the Said Property.

Date: 23.06.2022

Place: Thane


Ganesh Mahesh More
Advocate