

SATISH MISHRA & CO.

Advocates, High Court

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FORMAT - A

(Circular No. 28/2021)

To,
Maharashtra Real Estate Regulatory Authority,
Bandra (East),
Mumbai - 400 051.

LEGAL TITLE REPORT

Sub.: Title clearance certificate with respect to Plot bearing CTS Nos. 57, 58 & 100 Situated at Kondivita, Andheri (East), Taluka Andheri, District; Mumbai - 400 069 (hereinafter referred as the said plot)

A I have investigated the title of the said plot on the request of M/s. CHANDIWALA ENTERPRISES and following documents i.e.:-

1. Description of the property : Ownership land, CTS No. 57, 58 & 100

2. As per documents present owners are as under :-

(1) Yasmin Shiraj Sorathia, (2) Noorjahan Aboobakar Sorathia, (3) Juned Dawood Chunawala, (4) Zakaria Aboobakar Sorathia, (5) Asma Zakaria Sorathia, (6) Mrs. Nasima Juned Chunawala, (7) Javed Dawood Chunawala, (8) Wahid Habib Chunawala (9) Sabiha Shiraj Sorathia, (10) Salman Shiraj Sorathia, (11) Anisa Aboobakar Sorathia (12) Zahida Javed Chunawala (13) Salma Zakariya Khandwani.

3. 7/12 extract/property card issued by City Survey Office dated 19.11.2015, mutation entry no. 123

4. Search report dated 22.06.2021 for 30 years from 1992 till 2021.



B On 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 M/s. CHANDIWALA ENTERPRISES is clear, marketable and without any encumbrances.

Developers of the Land

(1) Chandiwala Enterprises

(2) Qualifying comments/remarks if any : No

C The report reflecting the flow of the title of the M/s. CHANDIWALA ENTERPRISES on the said land is enclosed herewith as annexure.

SATISH MISHRA
Advocate



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TITLE CERTIFICATE

Three pieces or parcels of land situate at Kondivita, Andheri (East), Mumbai, in the Revenue Village Kondivita, Taluka Andheri, within the Registration Sub-District of Bandra, District Mumbai Suburban, within Greater Mumbai:-

Firstly: Bearing Survey No. 20, Hissa No. 1, 3 and 5 and CTS Nos. 57 (Part) and 58 admeasuring 5513 square meters as per registered documents and admeasuring 5436.8 square meters as per Property Register Card (hereinafter called the "**First Property**").

Secondly: Bearing Survey No. 20, Hissa No. 4 and CTS No. 57 admeasuring 2060.70 square meters or thereabouts, Survey No. 20, Hissa No. 6 and bearing CTS No. 100, admeasuring 423.60 square meters or thereabouts as per registered documents and admeasuring 301.6 square meters as per Property Register Card, and admeasuring in the aggregate 2484.30 square meters or thereabouts (hereinafter called the "**Second Property**").

Thirdly: Bearing CTS No. 55/2 (Part) admeasuring 98.25 square meters or thereabouts (hereinafter called the "**Third Property**").

Under instructions of our clients **M/s. Chandiwala Enterprises**, a partnership, having their address at 222/A, AL-Moonaz Arcade, 1st Floor, Opp. Post Office, S. V. Road, Andheri (West), Mumbai - 400 058,



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we have investigated the title of the First Owners (defined hereafter), the Second Owners (defined hereafter) and the Third Owners (defined hereafter), to their respective titles/rights to the First Property, the Second Property and the Third Property above referred to (hereinafter collectively called the "**said Property**" and separately or individually called the "**First Property**", the "**Second Property**" and the "**Third Property**", and the right, title and interest of M/s. Chandiwala Enterprises in respect of the said Property, and in this connection we have to state as follows:-

1. On the perusal of the copies of the relevant title documents furnished to us, it is observed that:
 - (a) **As per P. R. Card**, Originally all that piece or parcel of land ground and hereditaments at Village Kondivita bearing survey No. 20, Hissa No. 1, 3 and 5 and CTS No. 57 (Part) and 58, area admeasuring about 5513 sq. meters, as per registered documents and area admeasuring about 5436.8 sq. meters as per Property Register Cards, belonged to **Roque Pedrue Gonsalvis** and his mother **Catherine Gonsalvis**, as per the Partition Decree in Suit No. 15 of 1934 and No. 83 of 1936 their names were mutated as per Mutation Entry No. 164 dated **26/03/1942**, in the Record of Right (herein called the "**First Property**").
 - (b) The said Smt. Catherine Gonsalvis, died on 14th day of January 1974, and as per Mutation Entry No. 855, dated 15th April 1980 Smt. Catherine Gonsalvis, name was deleted from the Record of Rights and retaining the name of the said **Roque Pedrue**



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Gonsalvis (hereinafter called the "said Roque") as the absolute owner of First Property.

(c) One **Abdul Jabbar Khan** had informed one **Haji Mohd. Hanif Ahmed Sorathia** (hereinafter called the "said Sorathia") that the said Roque proposed to sell the First Property for the sum of Rs. 4,00,000/- (Rupees Four Lakhs only), and accordingly, by an Agreement dated **03rd September, 1986**, duly registered under Serial No. 4947/1986 at Bandra, made by and between the said Roque as the Vendor of the one part and the said **Abdul Jabbar Khan** as the Purchaser of the other part, the said Abdul Jabbar Khan, acting for and on behalf of the **said Sorathia**, agreed to purchase the First Property, from the said Roque Pedrue Gonsalvis, for the consideration and on the terms, conditions and covenants therein contained. The said Sorathia paid the sum of Rs. 2,00,000/- (Rupees Two Lakhs only) to the said Abdul Jabbar Khan, who in turn paid the said amount to the said Roque Pedrue Gonsalvis, pursuant to the said Agreement dated 03rd day of **September, 1986**. We have verified the original Agreement dated **03rd September, 1986**.

(d) In the meanwhile, vide Agreement dated **31st October, 1987**, the said Abdul Jabbar Khan agreed to sell the First Property to one **Mr. Haroon Abba Khandwani** (hereinafter called the "said Khandwani"), at or for the consideration of Rs. 8,00,000/- (Rupees Eight Lakhs only) and on the terms and conditions therein contained, and the said Khandwani paid the balance sum of Rs. 2,00,000/- (Rupees Two Lakhs only) to the said



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Roque, and thereby the said Roque received his full consideration for the sale of the First Property. We have verified the original Agreement dated **31st October, 1987**.

- (e) At the request of the said Abdul Jabbar Khan, the said Roque executed a direct **General Power of Attorney** dated **10th November, 1987** in favour of the said Khandwani for development of the First Property which was notarized by Mr. A. G. Patankar.
- (f) As per the possession note dated 13th November 1987 the said Abdul Jabbar Khan confirmed being put in possession of the First Property by the said Roque pursuant to the said Agreement dated **03rd day of September, 1986**. As per another Possession Note also dated 13th November 1987, the said Khandwani acknowledged possession of the First Property from the said Abdul.
- (g) The said **Roque died on 8th March, 1990**, leaving his last WILL and Testament dated 08th August, 1989 appointing Rev. Father Milton Gonsalvis as Executor and bequeathing various properties including First Property to Mr. Wilbur Dominic D'souza @ Wilbur Gonsalvis absolutely (hereinafter called the "said Wilbur"). The said will had been probated in High Court T & I J Petition No. 517/1990 and granted on **21st May, 1992**. We have verified the probate granted on 21st May, 1992.
- (h) By a **Declaration dated 15th November, 1996**, the said **Abdul Jabbar Khan** has inter alia, solemnly declared that the said



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Sorathia was desirous of purchasing the First Property from the said Roque, and that the said **Abdul Jabbar Khan** acted as Nominee on behalf of the said Sorathia while entering into the said **Agreement dated 03rd September, 1986 with the said Roque**, and that the stamp duty thereon was paid by the said Sorathia, and that the possession of the First Property was handed over by the said Roque to the said Sorathia in the year 1897, and since then the said Sorathia was in possession of the First Property, and further that the said **Abdul Jabbar Khan** had no personal claim, right, title and interest in the First Property. It is further mentioned in the said Declaration that the said Wilbur, being the beneficiary under the Last Will of the said Roque, agreed to complete the sale in favour of the said Sorathia. We have verified the **Declaration dated 15th November, 1996 executed by the said Abdul Jabbar Khan**.

- (i) By another **Declaration dated 08th November, 1996, the said Khandwani** has inter alia solemnly declared that under the **Agreement dated 31st October, 1987**, he was acting as Nominee on behalf of the said Sorathia and that he the said Khandwani had no personal claim in First Property. We have verified the **Declaration dated 08th November, 1996, executed by the said Khandwani**.
- (ii) By the following **12 Deeds of Conveyance**, all duly registered with the Sub-Registrar of Assurances, Mumbai Suburban District, the following nominees of the said Sorathia purchased a **1/12 undivided share, right, title and interest each**, in the **First Property** admeasuring **5513 square meters** (i.e. 459.41



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square meters each), from Rev. Father Milton Gonsalvis (the Executor appointed under the Last Will of the late said Roque) and Mr. Wilbur Dominic D'souza @ Wilbur Gonsalvis (the beneficiary under the Last Will of the late said Roque). The names of the Purchasers the dates of the Deeds of Conveyance and their Registration Serial Numbers are contained in the Table 'A' hereafter:-

TABLE 'A'

| Sr. No. | Name of the Purchaser | Date of Deed of Conveyance | Serial No. under which the Deed of Conveyance has been registered |
|---------|--------------------------------|----------------------------|---|
| 1. | Mrs. Yasmin Shiraj Sorathia | 21/12/2002 | BDR-4/8427/2002 |
| 2. | Noorjahan Aboobakar Sorathia | 26/12/2002 | BDR-4/8540/2002 |
| 3. | Juned Dwood Chunawala | 26/12/2002 | BDR-4/8655/2002 |
| 4. | Zakerai Aboobakar Sorathia | 20/12/2002 | BDR-4/8389/2002 |
| 5. | Shiraj Aboobakar Sorathia | 21/12/2002 | BDR-4/8426/2002 |
| 6. | Asma Zakaria Sorathia | 20/12/2002 | BDR-4/8387/2002 |
| 7. | Aboobakar Ahmed Sorathia | 20/12/2002 | BDR-4/8388/2002 |
| 8. | Mrs. Zahida Javed Chunawala | 18/12/2002 | BDR-4/8317/2002 |
| 9. | Mrs. Farida Aboobakar Sorathia | 18/12/2002 | BDR-4/8416/2002 |
| 10. | Dawood Ahmed Chunawala | 17/12/2002 | BDR-4/8315/2002 |
| 11. | Javed Dawood Chunawala | 17/12/2002 | BDR-4/8276/2002 |
| 12. | Jahan Developers | 17/12/2002 | BDR-4/8275/2002 |

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(k) Out of the aforesaid 12 Purchasers under the aforesaid Deeds of Conveyance, four of the Purchasers mentioned at Serial Nos. 8, 9, 10 and 12 sold and conveyed their respective shares to the following persons, vide **four separate Deeds of Conveyance**, all **duly registered** with the Sub-Registrar of Assurances, Mumbai Suburban District, details whereof are contained in the Table 'B' hereafter:-

TABLE 'B'

| Sr. No. | Name of the Vendor | Name of the Purchaser | Date of Deed of Conveyance & Serial No. under which it has been registered |
|---------|--------------------------------|-------------------------------|--|
| 1. | Mrs. Zahida Javed Chunawala | Mrs. Salma Zakariya Khandwani | 28/07/2004 BDR4/04341/2004 |
| 2. | Mrs. Farida Aboobakar Sorathia | Mrs. Nasima Juned Chunawala | 28/07/2004 BDR4/04340/2004 |
| 3. | Dawood Ahmed Chunawala | Mrs. Saira Wahid Chunawala | 28/07/2004 BDR4/04335/2004 |
| 4. | Jahan Developers | Mr. Wahid Habib Chunawala | 28/07/2004 BDR4/04342/2004 |

(l) In the aforesaid circumstances the Purchasers mentioned at Serial Nos. 1 to 7 and 11 in Table 'A' and the Purchasers mentioned at Serial Nos. 1 to 4 in Table 'B' i.e. (1) Yasmin Shiraj Sorathia, (2) Noorjahan Aboobakar Sorathia, (3) Juned Dawood Chunawala, (4) Zakaria Aboobakar Sorathia, (5) Shiraj Aboobakar Sorathia, (6) Asma Zakaria Sorathia, (7) Aboobakar Ahmed Sorathia, (8) Mrs. Salma Zakariya Khandwani, (9) Mrs. Nasima Juned Chunawala, (10) Mrs. Saira Wahid Chunawala,



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(11) Javed Dawood Chunawala, and (12) Wahid Habib Chunawala (hereinafter collectively called the "**Original First Owners**") became the owners of the First Property.

(m) We have verified the originals of the said 12 Deeds of Conveyance mentioned in Table 'A' and the said 4 Deeds of Conveyance mentioned in Table 'B'.

(n) By an **Agreement for Lease** dated **18th day of December, 1986**, entered by and between **the said Rouque** (therein referred as "The Lessor") of the One Part and one **Mrs. Hurabai Dawood Chunawala** (therein referred as "The Lessee" and hereinafter referred to as the "**Original Third Owner**") of the Other Part, the said Mr. Rouque Gonsalves demised to the Original Third Owner a portion of the First Property bearing Survey No. 20, Hissa No. 1 and C.T.S. No. 58, Kondivita Village, Andheri (East), Mumbai, and the said Lease was duly confirmed by the Deed of Confirmation dated **1st day of November, 2002**, duly registered with Sub-Registrar of Assurance at Andheri II, Mumbai Suburban District, Bandra under serial No. BDR - 4/7240/2002 dated **1st day of November, 2002**. The Original Third Owner shall also be treated as "**Co-Owner**". We have verified the original of the Deed of Confirmation dated **1st November, 2002**.

(o) As per the **Consent Decree Dated 29th day of July, 1991**, in High Court Suit No. 1044/1991, one Benjamin William Gonsalvis (hereinafter called the "**said William**") being the owner of and seized and possessed of property bearing Survey No. 20, Hissa No. 4 and CTS No. 57 admeasuring 2060.70 square meters or



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thereabouts, Survey No. 20, Hissa No. 6 and bearing CTS No. 100, admeasuring 423.60 square meters or thereabouts as per registered documents and admeasuring 301.6 square meters as per Property Register Card, and admeasuring in the aggregate 2484.30 square meters or thereabouts (herein referred as "**Second property**"), sold and conveyed the Second Property to (1) Dawood Ahmed Chunawala, (2) Aminabai Ahmed Chunawala, (3) Jaida Mohammed Hanif, (4) Farida Aboobajar Sorathia, and (5) Smt. Khatijabai Mohd. Hanif, each having a 1/5th undivided share, right, title and interest therein. The said Decree is duly registered with the sub-registrar at Andheri II, Mumbai Suburban District, (Bandra) under Sr. No. BDR-4/1595/2006 dated 04/03/2006.

(p) The said **Aminabai Ahmed Chunawala**, having a 1/5th undivided share, right, title and interest in the Second Property, **died**, after having left her **Last WILL and Testament**, dated **13th November, 1998** (in Gujarati), which was probated in High Court T & I J Petition No. 1012/2013 issued on 07th March, 2014. As per clause 4 of probated will, Aminabai gave and bequeathed her absolute (1/5th) undivided share in the Second Property to Jaida alias Zahida Javed Chunawala, one of the daughter of the Testator and the wife of Javed bhai, and accordingly the (1/5th) undivided share of the late Aminabai vested in the said Jaida alias Zahida Javed Chunawala, along with the 1/5th share purchased by her as aforesaid, totaling to 2/5th undivided share.



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(q) **The said Farida Aboobakar Sorathia, died on 23rd December, 2009**, and on her death intestate, her 1/5th undivided share in respect of **Second Property** vested in her legal heirs namely, (1) Aboobakar Ahmed Sorathia, (2) Shiraj A. Sorathia, (3) Zakaria A. Sorathia, (4) Noorjahan A. Sorathia, and (5) Anisa A. Sorathia, No. 4 and 5 are both married.

(r) **By a Deed of Gift, dated 17th December, 2015, Smt. Khatijabai Mohd. Hanif** (mother of Zahida) (therein called as "Donor") gifted her 1/5th undivided share in respect of the **Second Property**, to **Jaida alias Zahida Javed Chunawala** (therein called as "Donee"), out of natural love and affection. The said Deed of Gift was duly registered with the Sub-Registrar of Assurances at Andheri II, Mumbai Suburban District (Bandra) under Sr. No. BDR-1/10481/2015.

(s) Thus in the aforesaid premises (1) Dawood Ahmed Chunawala, (2) Zahida Javed Chunawala, (3)(a) Aboobakar Ahmed Sorathia, (b) Shiraj Aboobakar Sorathia, (c) Zakaria Aboobakar Sorathia, (d) Noorjahan Aboobakar Sorathia (married), (e) Anisa Aboobakar Sorathia (married), being the legal heirs and representatives of late Farida A. Sorathia, (4) Zahida Javed Chunawala (by the Will dated 13th November, 1998 of late Aminabai Ahmed Chunawala), and (5) Zahida Javed Chunawala (through Gift Deed dated 17th December, 2015 by Khatijabai Mohamed Hanif) (hereinafter collectively called the "**Original Second Owners**") became the owners of the Second Property.



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(t) We have verified the originals of the said **Consent Decree Dated 29th day of July, 1991, the Last WILL and Testament, dated 13th November, 1998** of the late **Aminabai Ahmed Chunawala**, Probate in High Court T & I J Petition No. 1012/2013 issued on 07th March, 2014 and **the Deed of Gift, dated 17th December, 2015**.

(u) The First Property and the Second Property were landlocked, and so by a Deed of Exchange dated 17th November, 2015, registered with the Sub-Registrar of Assurances at Bandra under Serial No. BDR-1/10484/ 2015, made between the Municipal Commissioner of Greater Mumbai, represented by the Dy. Municipal Commissioner therein called the Corporation of the One Part and the Second Owners of the Other Part, the MCGM as the owner of land bearing CTS No. 55/2 of Village Kondivita exchanged a portion of its property admeasuring 98.25 square meters [herein called the "**Third Property**"] which abuts the 13.40 meter wide D. P. Road, with portion out of the Second Property, and so the First Property and the Second Property, have a proper access. We have verified the original of the said Deed of Exchange dated 17th November, 2015.

(v) The First Property, Second Property and Third Property, form one contiguous piece of land, and about the 13.40 meter wide D. P. Road.

(w) **By a Development Agreement dated 30th December, 2015**, registered with the Sub-Registrar of Assurances at Andheri No. 1, MSD, Bandra, under Serial No. BDR-1/1570/2016 (hereinafter



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called the "**said Development Agreement**"), made and executed between the **Original First Owners** of the First Part, the **Original Second Owners** of the Second Part, the **Original Third Owner** of the Third Part and the said **M/s. Chandiwala Enterprises** of the Fourth Part, the Original First Owners, the Original Second Owners and the Original Third Owner granted the development rights in respect of the First Property and the Second Property more particularly described in the First and Second Schedules thereunder written being the same as that described in the First and Second Schedules hereunder written, to the said **M/s. Chandiwala Enterprises**, at or for the consideration and on the terms and conditions therein contained.

- (x) By a **Power of Attorney dated 30th December, 2015**, registered with the Sub-Registrar of Assurances at Andheri No. 1, MSD, Bandra, under Serial No. BDR-1/1571/2016, the Original First Owners, the Original Second Owners and the Original Third Owner, granted in favour of the said **M/s. Chandiwala Enterprises**, the powers for development of the First Property and the Second Property including to deal with the concerned authorities and obtain necessary approvals/ sanctions for the development of the First Property and the Second Property, as therein contained. We have verified the original of the **Development Agreement and Power of Attorney both dated 30th December, 2015**.
- (y) In these circumstances the said **M/s. Chandiwala Enterprises** became entitled to the development rights in respect of the First



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Property and the Second Property bearing CTS Nos. 57, 58 and 100, admeasuring in the aggregate 8024.1 square meters as per Property Register Cards, more particularly described in the First and Second Schedules written hereunder.

(z) **By a suit** in Bombay City Civil Court at Dindoshi, Borivali Division, Goregaon, under Suit No. 2208 of 2013, filed by one (1) Smt. Asgari Abdul Jabbar Khan, & (2) Mr. Muhammad Firoz Abdul Jabbar Khan, (therein referred as "Plaintiffs") claiming to be in use, occupation possession and enjoyment of the First Property, against (1) Juned Daud Chunawala and (2) Haji Mohamed Hanif Sorathia (therein referred as "Defendants"), *inter alia* praying for an order and declaration that the Power of Attorney dated 20.08.1986 ("POA") executed by one Abdul Jabbar Abdul Rehman Khan in favour of Haji Mohamed Hanif Sorathia is forged, fabricated and colourable document and Deed of Assignment (of various dates in the year 2002 mentioned in each Suit) dated 26.12.2002 in respect of portion of the First Property for an order and declaration that the Power of Attorney dated 20.08.1986 ("said POA") is forged, fabricated and colourable document and that the Deed of Assignment dated 26.12.2002 in respect of portion of the First Property admeasuring 459.41 square meters, executed by Defendant No. 2 (on basis of the said POA) in favour of Defendant No. 1 is illegal and that the same be quashed and set aside. The said Suit has been dismissed by Order dated 10th November, 2017.



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(aa) The said (1) Smt. Asgari Abdul Jabbar Khan, & (2) Mr. Muhammad Firoz Abdul Jabbar Khan (the Plaintiffs), claiming to be in use, occupation possession and enjoyment of the First Property, have also filed the following Suits in the Bombay City Civil Court at Dindoshi, Borivali Division, Goregaon, against the following parties (which include some of the Original First Owners and the Original Second Owners). The said Plaintiffs have in all the said Suits *inter alia* prayed for an order and declaration that the said POA executed by the said Abdul Jabbar Abdul Rehman Khan in favour of Haji Mohamed Hanif Sorathia is forged, fabricated and colourable document and that the Deeds of Assignment (of various dates in the year 2002 mentioned in each Suit), in respect of portions of the First Property, each portion admeasuring 459.41 square meters, executed by Haji Mohamed Hanif Sorathia (being the Defendant No. 2 in all the Suits), on the basis of the said POA, in favour of the Defendant No. 1 of each Suit, are illegal and that the same be quashed and set aside. The said Suits are pending, hearing and final disposal, and till date no adverse orders have been passed in any of the said Suits. The details of the Suit Numbers, names of the Defendants and the dates of the various Deeds of Assignment, are contained in the in the Table 'C' hereinbelow :-



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TABLE 'C'

| Sr. No. | Suit No. | Defendants | Date of Deed of Assignment |
|---------|----------------------------|---|----------------------------|
| 1. | S. C. Suit No. 751 of 2013 | (1) Sayra V. Chunawala, (2) Haji Mohamed Hanif Sorathia | 26.12.2002 |
| 2. | S. C. Suit No. 752 of 2013 | (1) M/s. Janan Builders, (2) Haji Mohamed Hanif Sorathia | 17.12.2002 |
| 3. | S. C. Suit No. 773 of 2013 | (1) Daud A. Chunawala, (2) Haji Mohamed Hanif Sorathia | 17.12.2002 |
| 4. | S. C. Suit No. 774 of 2013 | (1) Abubakar A. Sorathia, (2) Haji Mohamed Hanif Sorathia | 20.12.2002 |
| 5. | S. C. Suit No. 775 of 2013 | (1) Hurabai Daud Chunawala, (2) Haji Mohamed Hanif Sorathia | 01.11.2002 |
| 6. | S. C. Suit No. 776 of 2013 | (1) Noorjahan Abubakar Sorathia, (2) Haji Mohamed Hanif Sorathia | 26.12.2002 |
| 7. | S. C. Suit No. 777 of 2013 | (1) Jawed Daud Chunawala, (2) Haji Mohamed Hanif Sorathia | 17.12.2002 |
| 8. | S. C. Suit No. 778 of 2013 | (1) Jahida J. Chunawala, (2) Haji Mohamed Hanif Sorathia | 18.12.2002 |
| 9. | S. C. Suit No. 779 of 2013 | (1) Jakaria A. Sorathia, (2) Haji Mohamed Hanif Sorathia | 20.12.2002 |
| 10. | S. C. Suit No. 780 of 2013 | (1) Yashmin S. Sorathia, (2) Haji Mohamed Hanif Sorathia | 26.12.2002 |
| 11. | S. C. Suit No. 781 of 2013 | (1) Ashma J. Sorathia, (2) Haji Mohamed Hanif Sorathia | 20.12.2002 |
| 12. | S. C. Suit No. 782 of 2013 | (1) Farida A. Sorathia, (2) Haji Mohamed Hanif Sorathia | 18.12.2002 |
| 13. | S. C. Suit No. 783 of 2013 | (1) Siraj A. Sorathia, (2) Haji Mohamed Hanif Sorathia | 21.12.2002 |



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(bb) Slum Rehabilitation Authority ("SRA"), has issued a Letter of Intent under No. K-E/PVT/0235/20181213/LOI, dated 9th October, 2019 ("LOI") whereby it considered and approved the sanctioned FSI of 3.00 in favour of the said **M/s. Chandiwala Enterprises** for joint development in Slum Rehabilitation Scheme on plot bearing CTS Nos. 57, 58, 100 of Village; Kondivita, Andheri (East), Mumbai, being the First Property and the Second Property (hereinafter collectively called the "**said Property**"), as per the provisions of Regulation 33 (11) (A) for Permanent Transit Scheme (PTC scheme) under the Development Control & Promotion Regulations - 2034, Greater Mumbai (hereinafter called the "**DCPR 2034**") and Development of Reserved land under Accommodation Reservation (AR) for public purpose under the provisions of Regulation 17 (1) of DCPR 2034, on the terms and conditions therein contained.

(cc) Under the LOI, the concerned SRA have presently considered the area of the said Property as admeasuring 7652.15 square meters, out of which portion admeasuring 3347.66 square meters, will be developed under Regulation 33(11) of DCPR 2034, while the remaining portion admeasuring 4304.49 square meters, will be developed under Regulation 17(1) of the DCPR 2034.

(dd) Pursuant to the LOI, out of the said Property therein described as admeasuring 7652.15 square meters, land admeasuring 2152.24 square meters (hereinafter called the "**Reserved Portion**") along with the Building to be constructed thereon (as



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hereafter mentioned) is to be surrendered to the Municipal Corporation of Greater Mumbai ("MCGM") and the remaining land admeasures 5499.91 square meters and shall hereinafter be called the "**Sale Portion**".

(ee) Plans for constructing the following buildings on the said Property are duly sanctioned by the SRA, and Intimations of Approval (IOA) and Commencement Certificates have been issued in favour of **M/s. Chandiwala Enterprises** as follows:-

- i. Plans for construction of Composite **Building No. 1** (comprising of PTC Units for residential and commercial user and Sale Units for residential user), to be constructed on the Sale Portion of the said Property, have been approved by the SRA, vide **IOA** (Intimation of Approval) No. K/E/PVT/0235/ 20181213/AP/R1 dated 22nd November, 2019, and **Commencement Certificate** No. K/E/PVT/ 0235/20181213/ AP/R1, dated 3rd December, 2019 has been issued in respect thereof.
- ii. Plans for construction of **Building No. 2** (MCGM), to be constructed on the Reserved Portion of the said Property, and to be handed over to MCGM along with the Reserved Portion, have been approved by the SRA, vide **IOA** (Intimation of Approval) No. K/E/PVT/0235/20181213/AP dated 17th March, 2020, and Commencement Certificate No. K/E/PVT/0235/ 20181213/AP, dated 12th November, 2020 has been issued in respect thereof.



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iii. Plans for construction of Sale **Building No. 3**, to be constructed on the Sale Portion of the said Property, have been approved by the SRA, vide **IOA** (Intimation of Approval) No. K/E/PVT/0235/20181213/AP/S3, dated 22nd November, 2019, and Commencement Certificate No. K/E/PVT/0235/20181213/AP/S3, dated 3rd December, 2019 has been issued in respect thereof.

iv. Plans for construction of Sale **Building No. 4**, to be constructed on the Sale Portion of the said Property, have been approved by the SRA, vide **IOA** (Intimation of Approval) No. K/E/PVT/0235/20181213/AP/S4 dated 22nd November, 2019, and Commencement Certificate No. K/E/PVT/0235/20181213/AP/S4, dated 3rd December, 2019 has been issued in respect thereof.

(ff) The said Shiraj Aboobakar Sorathia died on [15.04.2020], leaving him surviving (i) Yasmin Shiraj Sorathia, (ii) Sabiha Shiraj Sorathia, and (iii) Salman Shiraj Sorathia, as his only heirs and legal representatives. The said Aboobakar Ahmed Sorathia died on 17.12.2020, leaving him surviving (i) Zakaria Aboobakar Sorathia, (ii) Noorjahan Aboobakar Sorathia, (iii) Anisa Aboobakar Sorathia and (iv) the legal heirs of the late Shiraj Aboobakar Sorathia, being the said (I) Yasmin Shiraj Sorathia, (II) Sabiha Shiraj Sorathia, and (III) Salman Shiraj Sorathia, as his only heirs and legal representatives. The said Saira Wahid Chunawala through release deed dated 28.05.2021 release her share in favour of Javed Dawood Chunawala &



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Juned Dawood Chunawala (i) Javed Dawood Chunawala, and
(ii) Juned Dawood Chunawala, as her only heirs and legal
representatives.

(gg) in the aforesaid circumstances (1) Yasmin Shiraj Sorathia, (2)
Noorjahan Aboobakar Sorathia, (3) Juned Dawood Chunawala,
(4) Zakaria Aboobakar Sorathia, (5)(a) Yasmin Shiraj Sorathia,
(b) Sabiha Shiraj Sorathia, (c) Salman Shiraj Sorathia (being the
legal heirs of late Shiraj Aboobakar Sorathia), (6) Astma Zakaria
Sorathia, (7)(a) Zakaria Aboobakar Sorathia, (b) Noorjahan
Aboobakar Sorathia, (c) Anisa Aboobakar Sorathia, (d)(i) Yasmin
Shiraj Sorathia, (ii) Sabiha Shiraj Sorathia, (iii) Salman Shiraj
Sorathia (being the legal heirs of late Shiraj Aboobakar Sorathia)
(Nos. 7(a) to (d) all being legal heirs of late Aboobakar Ahmed
Sorathia), (8) Mrs. Salma Zakariya Khandwani, (9) Mrs. Nasiima
Juned Chunawala, (10)(a) Javed Dawood Chunawala, (b) Juned
Dawood Chunawala (through release deed of Saira Wahid
Chunawala), (11) Javed Dawood Chunawala, and (12) Wahid
Habib Chunawala **(hereinafter collectively called the "First
Owners")**, are the present owners of the First Property.

(hh) The said Dawood Ahmed Chunawala died on 26.09.2019,
leaving him surviving (i) Javed Dawood Chunawala, (ii) Juned
Dawood Chunawala (iii) Saira Wahid Chunawala & Salma Zikar
Khandwani thereafter through release deed dated 28.05.2021
released their respective share in favour of Javed Dawood
Chunawala & Juned Dawood Chunawala as his only heirs and
legal representatives. The said Aboobakar Ahmed Sorathia died



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on 17.12.2020, leaving him surviving (i) Zakaria Aboobakar Sorathia, (ii) Noorjahan Aboobakar Sorathia, (iii) Anisa Aboobakar Sorathia and (iv) the legal heirs of the late Shiraj Aboobakar Sorathia, being the said (I) Yasmin Shiraj Sorathia, (II) Sabiha Shiraj Sorathia, and (III) Salman Shiraj Sorathia, as his only heirs and legal representatives. The said Shiraj Aboobakar Sorathia died on [15.04.2020], leaving him surviving (i) Yasmin Shiraj Sorathia, (ii) Sabiha Shiraj Sorathia, and (iii) Salman Shiraj Sorathia, as his only heirs and legal representatives.

(ii) In the aforesaid circumstances (1)(a) Javed Dawood Chunawala, (b) Juned Dawood Chunawala (being legal heirs of late Dawood Ahmed Chunawala & through release deed dated 28.05.202) (2) Zahida Javed Chunawala, (3)(a)(i) Zakaria Aboobakar Sorathia, (ii) Noorjahan Aboobakar Sorathia, (iii) Anisa Aboobakar Sorathia, (iv)(A) Yasmin Shiraj Sorathia, (B) Sabiha Shiraj Sorathia, (C) Salman Shiraj Sorathia, (Nos. (3)(a)(i) to (iv) all being legal heirs of late Aboobakar Ahmed Sorathia), (b)(i) Yasmin Shiraj Sorathia, (ii) Sabiha Shiraj Sorathia, (iii) Salman Shiraj Sorathia (all being legal heirs of late Shiraj Aboobakar Sorathia), (c) Zakaria Aboobakar Sorathia, (d) Noorjahan Aboobakar Sorathia (married), (e) Anisa Aboobakar Sorathia (married) (being the legal heirs and representatives of late Farida A. Sorathia), (4) Zahida Javed Chunawala (by the Will dated 13th November, 1998 of late Aminabai Ahmed), (5) Zahida Javed Chunawala (through Gift Deed dated 17th December,



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2015 by Khatijabai Mohamed Hanif), **(hereinafter collectively called the "Second Owners")**, are the present owners of the Second Property.

(ii) The said Mrs. Hurabai Dawood Chunawala, being the Original Third Owner died on 05.03.2020 leaving her surviving her sons Javed Dawood Chunawala and Juned Dawood Chunawala (being legal heirs of late Mrs. Hurabai Dawood Chunawala, after Mrs. Saira Wahid Chunawala and Mrs. Salma Zikar Khandwani (being the remaining two heirs of late Mrs. Hurabai) have released their rights vide **duly registered** Deed of Release dated 28.05.2021 in favour of Javed Dawood Chunawala and Juned Dawood Chunawala). Thus the said Javed Dawood Chunawala and Juned Dawood Chunawala **(hereinafter collectively called the "Third Owners")** became entitled to the rights of the Original Third Owner).

(kk) We have caused necessary searches to be taken.

(ll) In the circumstances aforesaid and based on the aforesaid documents, we hereby certify that in our opinion, subject to the right, title and interest of the said **M/s. Chandiwala Enterprises, under the said Development Agreement dated 30th December, 2015**, the First Owners and the Second Owners are, the respective Owners of and are respectively seized and possessed of the First Property and the Second Property and the Third Owners have become entitled to the rights of the Original Third Owner under the said Development Agreement; and pursuant



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to the said Deed of Exchange dated 17th November, 2015, the Second Owners have become the owners of the Third Property.

(mm) On perusal of the Letter of Intent issued by Slum Rehabilitation Authority (S.R.A.), I.O.D., C.C. and all relevant Revenue Records, P. R. Cards, Development Agreement and Power of Attorney etc. in respect of the First Property and the Second Property we state that:-

In view of the above, as per only my opinion that the right, title and interest of the said **M/S. Chandiwala Enterprises** in the First Property, the Second Property and the Third Property is clear and marketable and is free from all encumbrances, and the said **M/s. Chandiwala Enterprises** are entitled to sell and dispose off the Flats/Shops/Offices/Premises and car park Spaces coming to their share under the said **Development Agreement dated 30th December, 2015**.

Hence this certificate is issued on this 19th day of **June, 2021**.

Mr. Satish U. Mishra


Advocates

