



FORMAT-A
(Circular No. 28 /2021)

LEGAL TITLE OPINION

Sub .- Title Opinion with respect to all that piece and parcel of the lands bearing Survey No. 178/1A admeasuring 42 Ares, Survey No. 178/2A admeasuring 49.5 Ares, Survey No. 178/1B admeasuring 43 Ares, Survey No. 178/2B admeasuring 49.5 Ares, Survey No. -179/2/1A/2 adm. 21 Ares, Survey No. 179/2/1A/2A admeasuring 80 Ares, Survey No.- 179/2/1A/2B admeasuring 80 Ares, Survey Number - 179/2/1B admeasuring 20 Ares, Survey No. -179/2/2 admeasuring 20 Ares all lands lying and situated at Village- Hadapsar, Taluka- Haveli, District- Pune within the limits of Pune Municipal Corporation.

I have investigated the title of the aforesaid land on request of Mr. Hitesh Kewalkumar Jain Director of Kumar Properties Infratech Developers Pvt. Ltd. having office at- 2413, East Street, Camp, Pune- 411001 and has provided following documents-

- Description of Property-** All that piece and parcel of the Survey No. 178/1A admeasuring 42 Ares, Survey No. 178/2A admeasuring 49.5 Ares, Survey No. 178/1B admeasuring 43 Ares, Survey No. 178/2B admeasuring 49.5 Ares, Survey No. - 179/2/1A/2 adm. 21 Ares, Survey No. 179/2/1A/2A admeasuring 80 Ares, Survey No.- 179/2/1A/2B admeasuring 80 Ares, Survey Number - 179/2/1B admeasuring 20 Ares, Survey No. -179/2/2 admeasuring 20 Ares all lands lying and situated at Village- Hadapsar, Taluka- Haveli, District- Pune within the limits of Pune Municipal Corporation.
- All the documents mentioned in the detailed title opinion annexed herewith.
- Photo Copies of relevant Revenue Records / 7/12 extracts in respect of the said entire property and Mutation Entries thereon.
- Search Report/s for 30 years of the land/s under the project.

On perusal of the documents mentioned in the detailed title opinion the title of the owners Kumar Properties Infratech Developers Pvt. Ltd. appears to be clear and marketable and the Promoter / Developer "Kumar Properties Infratech Developers Pvt. Ltd.", having rights to develop the said properties subject to pending litigation and encumbrances mentioned in the detailed title opinion.

Owners of the said properties under the project -

Sr. No.	Survey Number and Hissa Number	Area (Hectare - Ares)	Owner as per the revenue record
1	178/1A	00-42	Kumar Properties Infratech Developers Pvt. Ltd.
2	178/2A	00-49.50	
3	178/1B	00-43	
4	178/2B	00-49.50	
5	179/2/1A/2	00-21	
6	179/2/1A/2A	00-80	
7	179/2/1A/2B	00-80	
8	179/2/1B	00-20	
9	179/2/2	00-20	





Pending Litigation –

Smt. Hirabai Harishchandra Thorat and others have filed Regular Civil Suit No. 325/2011 against Raghunath Baburao Tupe and others for partition and declaration in respect of various lands including Survey No 178/1B of Village –Hadapsar which are under the project.

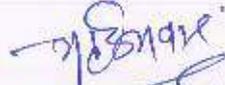
Encumbrances-

The lands under the project and receivables are mortgaged with **IDBI trusteeship Services Ltd.**

The title opinion and continuation thereof reflecting the flow of the title and rights of the Owner / Promoter and pending litigation and encumbrances on the lands mentioned hereinabove is enclosed herewith as **Annexure.**

Encl. : Annexure.

Date : 03/11/2021


Maheshkumar Vijaysinh Pawar
(Advocate)



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Date- 24TH September 2021

TITLE OPINION

DESCRIPTION OF THE SAID PROPERTIES -

All that piece and parcel of the following lands lying and situated at Village- Hadapsar, Taluka- Haveli, District- Pune and within the limits of Pune Municipal Corporation.

SCHEDULE-A

Sr. No.	Survey Number and Hissa Number	Area Hectare- Ares	Name of Owner
1	178/1A	00-42	Kumar Properties Infratech Developers Pvt. Ltd.
2	178/2A	00-49.50	
3	178/1B	00-43	
4	178/2B	00-49.50	

The aforesaid properties are hereinafter jointly referred to as the "Schedule-A" Properties.

SCHEDULE-B

Sr. No.	Survey Number and Hissa Number	Area Hectare- Ares	Name of Owner
1	179/2/1A/2	00-21	Kumar Properties Infratech Developers Pvt. Ltd.
2	179/2/1A/2A	00-80	
3	179/2/1A/2B	00-80	
4	179/2/1B	00-20	
5	179/2/2	00-20	

The aforesaid properties are hereinafter jointly referred to as the "Schedule-B" Properties.

Pune Municipal Corporation has sanctioned the layout and amalgamation plan of the Schedule-A and Schedule-B Properties vide No. CC/3548/18 dtd. 13/02/2019 and revised layout of building vide CC/0751/21 dtd. 29/06/2021.





The aforesaid Schedule-A and Schedule-B properties are jointly referred as "**Said Properties**" for the sake of convenience.

INSTRUCTIONS –

I have been instructed by Mr. Hitesh Kewalkumar Jain Director of Kumar Properties Infratech Developers Pvt. Ltd. having office at- 2413, East Street, Camp, Pune- 411001 to prepare a title opinion in respect of the Schedule-A and Schedule-B Properties.

LIST OF THE DOCUMENTS PROVIDED FOR MY PERUSAL FOR SCHEDULE-A PROPERTIES -

1. Xerox Copies of relevant Revenue Records / 7/12 extracts in respect of the said properties
2. Xerox Copies of relevant Mutation entries thereon.
3. Xerox Copy of Sale Deed dtd. 17/12/1992 which is executed between Mrs. Hemlata Raghunath Tupe and M/s. Kumar Gentech Tissue Cultures Company, a Partnership Firm through its partners Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain which is registered in the office of the Sub-Registrar Haveli No. 3 at Serial No. 1488/1992 in respect of the land bearing Survey No. 178/1B adm. 43 Ares.
4. Xerox Copy of Sale Deed dtd. 17/12/1992 which is executed between Mr. Arvind Bhikaji Tupe and M/s. Kumar Gentech Tissue Cultures Company, a Partnership Firm through its partners Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain which is registered in the office of the Sub-Registrar Haveli No.3 at Serial No. 1489/1992 in respect of the land bearing Survey No. 178/1A admeasuring 42 Ares.
5. Xerox Copy of Sale Deed dtd. 17/12/1992 which is executed between Mr. Ashok Mahadu Tupe, Dattatraya Mahadu Tupe and Anusaya Mahadu Tupe and M/s. Kumar Gentech Tissue Cultures Company, a Partnership Firm through its partners Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain which is registered in the office of the Sub-





- Registrar Haveli No.3 at Serial No. 1490/1992 in respect of the land bearing Survey No. 178/2A admeasuring 49.2 Ares.
6. Xerox Copy of Sale Deed dtd. 17/12/1992 which is executed between Mr. Dnyaneshwar Sadba Tupe, Gulab Sadba Tupe, Smt. Sunderabai Sadba Tupe and M/s. Kumar Gentech Tissue Cultures Company, a Partnership Firm through its partners Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain which is registered in the office of the Sub-Registrar Haveli No.3 at Serial No. 2202/1993 (new no.) bearing Old No. 1491/1992 in respect of the land bearing Survey No. 178/2B admeasuring 49.5 Ares.
 7. Xerox copy of Zone Certificate issued by Pune Metropolitan Region Development Authority (PMRDA), Pune vide Outward No. PMRDA/ Mouje Hadapsar/Tal.- Haveli/ Dist. Pune / S.No./G.No.178 / P.No.10587 dtd. 11th January 2017
 8. Xerox Copies of relevant documents in respect of the Regular Civil Suit No. 325/2011 filed before Hon'ble Jt. Civil Judge, Jr. Division, Pune alongwith the Order passed by Hon'ble Jt. Civil Judge, Jr. Division, Pune below Exh.5.
 9. Xerox Copy of Order below Exh.5 in the Mis. Civil Appeal No. 343/2013 passed by the District Court, Pune.
 10. Xerox copy of the Order dtd. 21/01/2019 passed by Hon'ble High Court, Bombay in the matter of Writ Petition No. 11536 of 2014.
 11. Xerox Copy of letter issued by appearing lawyer Miss. Kinkar Sumita P. (Advocate) on dtd. 04/12/2020 in respect of the status and stage of Regular Civil Suit No. 325/2011 pending before Civil Judge Senior Division, Pune.

LIST OF THE DOCUMENTS PROVIDED FOR MY PERUSAL IN RESPECT OF SCHEDULE-B LANDS:-

1. Xerox Copies of relevant Revenue Records / 7/12 extracts in respect of the Schedule-B properties
2. Xerox Copies of relevant Mutation entries thereon.
3. Xerox Copy of Sale Deed dtd. 07/07/1987 which is executed between Ramkumar Hiratal Rathi, Shrikrishna Mahadeo Behare, Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan





- Dattatraya Gaikwad as Purchasers and Mr. Sanjay Sambhaji Ghule, Kiran Sambhaji Ghule as Vendors which is registered in the office of the Sub-Registrar Haveli No. 2 at Serial No. 8697/1987 In respect of the Said Properties.
4. Xerox Copy of Sale Deed dtd. 30/01/1995 which is executed between Mr.Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr.Lalitkumar Kesarimal Jain as Purchasers and Mr.Chetan Dattatraya Gaikwad as Vendor which is registered in the office of the Sub-Registrar Haveli No.3 at Serial No. 723/1995 (New Number 724/1995).
 5. Xerox Copy of Correction Deed dtd. 25/08/1999 which is executed between Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain and Ramkumar Hiralal Rathi, Shrikrishna Mahadeo Behare since deceased through legal heirs Smt. Shallni Shrikrishna Behare, Asahok Shrikrishna Behare, Vijay Shrikrishna Behare, Maduri Sudhir Mandke, and Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad which is registered in the office of the Sub-Registrar Haveli No.3 at Serial No. 4483/1999.
 6. Xerox Copy of Partition Deed dtd. 25/08/1999 which is executed between Ramkumar Hiralal Rathi, Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad, between Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain which is registered in the office of the Sub-Registrar Haveli No.3 at Serial No. 4485/1999.
 7. Xerox copy of Partition Deed dtd 17/03/2001 executed between Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain and Mr. Lalitkumar Kesarimal Jain which is registered in the Office of Sub-Registrar Haveli No.3 at serial no. 2154/2001.
 8. Xerox Copy of Will dtd. 20/04/1997 of Mr. Shrikrishna Mahadeo Behare.
 9. Xerox Copy of Zone Certificate issued by Chief Executive Officer , Pune Metro Region Development Authority vide No. PMRDA/Mouje





Hadapsar/Tal. Haveli/Dist. Pune/ S. No./G. No.178/P.No.10587/dtd.
11/01/2017.

In addition to the aforesaid documents following copies of documents are also provided for my perusal.

1. Xerox Copy of Agreement dtd. 21/06/2016 executed by Mr. Nilesh Ashok Magar and others in respect of the easementary rights, which is registered in the office of Sub-Registrar Haveli No.3 at Serial No. 7715/2016.
2. Xerox copy of Debenture Trust Deed/Mortgage deed dated 09-12-2015 which is registered at the office of Sub-registrar Haveli No. 23 at Sr. No. 10014/2015 executed by Manish Vimalkumar Jain and others in favour of IDBI Trusteeship Services Ltd.
3. Xerox Copy of the Deed of Release dtd. 21/02/2018 which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 2808/2018 on dtd. 28/02/2018 executed by IDBI Trusteeship Ltd. unto and in favour of Mr. Manish Jain and others.
4. Xerox Copy of the Mortgage Deed executed by Mr. Manish V. Jain and others in respect of the Said Properties and other properties in favour of Piramal Trusteeship Services Pvt. Ltd. which is registered in the office of Sub-Registrar Haveli No.11 at Serial No. 12147/2017 on dtd. 28/11/2017.
5. Xerox Copy of amalgamation and layout of buildings vide Commencement Certificate bearing No. CC/3548/18 dtd. 13/02/2019 issued by Pune Municipal Corporation.
6. Xerox copy of proposed building vide Copy of Commencement Certificate bearing No. CC/1008/20 dtd. 04/11/2020 issued by Pune Municipal Corporation.
7. Xerox copy of revised building vide Copy of Commencement Certificate bearing No. CC/0751/21 dtd. 29/06/2021.

MVP





8. Xerox Copy of Sale Deed dtd. 02/07/2021 executed by Kumar Gentech and Tissue Culture Company through proprietor Manish Vimalkumar Jain as Vendor No.1, Smt. Pushpa Vimalkumar Jain, Manish Vimalkumar Jain, Mr. Rajas Vimalkumar Jain, Mrs. Rashmi Ritesh Chandaliya (Jain) and Mr. Kewalkumar Kesarimal Jain, Smt. Ranjana Inderkumar Jain, Shri. Ameya Inderkumar Jain, Ms. Apoorva Inderkumar Jain (Name after marriage Mrs. Apoorva Mohit Goyal) as Vendor No.2 unto and in favour of Kumar Properties Infratech Developers Pvt. Ltd. as Purchaser in respect of the said properties and the said Sale Deed is registered in the Office of Sub-Registrar Haveli No.11 at Serial NO. 9739/2021 on dtd. 05/07/2021.

9. Xerox Copy of the Mutation Entry No. 51335 dtd. 10/07/2021 for recording the name of Kumar Properties Infratech Developers Pvt. Ltd. in the revenue record.

10. Xerox Copy of the Letter issued by Tahasildar, Haveli, Pune vide Outward No. NA/SR/276/2019 dtd. 25/08/2021 for assessing the said properties for non agricultural use and also recording such conversion of the Said Properties into Non Agricultural Lands in the Village form No.2.

11. Xerox Copy of the Re Conveyance Deed dtd. 04/08/2021 executed by Mortgagee / Security Trustee Piramal Trusteeship Services Pvt. Ltd. through authorized signatory Smt. Archana Satish Bhatiya in favour of Kumar Properties Infratech Developers Pvt. Ltd. and others.

12. Xerox Copy of the Mortgage Deed dtd. 07/07/2021 executed by Borrower **Kumar Properties Infratech Developers Pvt. Ltd.** through authorized signatory Mr. Hitesh Kewalkumar Jain alongwith corporate guarantor Kumar Agro Products Pvt. Ltd. and Personal Guarantor/s Kewalkumar Jain, Hitesh Kewalkumar Jain unto and in favour of **IDBI trusteehip Services Ltd.** and which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 10098/2021 on dtd. 08/07/2021.

13. Xerox copy of Search Report dtd. 15/09/2021 issued by Smita J. Jaju (Company Secretary) of Kumar Properties Infratech Developers Private Limited.





14. Xerox Copy of letter dtd. 23/09/2021 Issued by Piramal Trusteeship Services Pvt. Ltd. in favour of Kumar Agro Products Pvt. Ltd. in respect of satisfaction of charge created under Mortgage Deed. Dtd. 28/11/2017.

AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE "SCHEDULE-A" PROPERTIES.

I] AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE PROPERTY BEARING SURVEY NO. 178/1A ADM. 42 ARES OF VILLAGE- HADAPSAR.

It is revealed from the revenue record / Village Form No, VII, VIIA, XII for the year 1958 – 1964 that, Balwanta Bhiva Gandle has purchased land bearing Survey No. 178/1A admeasuring 01 Acres 02 Gunthas from Bhiku Balaji Tupe vide Sale Deed dtd. 27/05/1940 and accordingly vide Mutation Entry No. 3102 name of Balwanta Bhiva Gandle was entered in the revenue record.

It is revealed from the Mutation Entry No. 6531 dtd. 16/06/1967 that, Arvind Bhikoba Tupe has purchased land from Balwanta Bhiva Gandle vide Sale Deed dtd. 25/07/1966 and accordingly name of Mr. Arvind Bhikoba Tupe was entered in the revenue record of the said land bearing Survey No. 178/1A of Village -Hadapsar.

Mutation Entry No.6988 shows that, the provisions of the Maharashtra Weights and Measures Act 1958 and Indian Coinage Act 1955 made applicable to the record of rights of Village-Hadapsar and therefore area of the land bearing Survey No.178/1A was converted from Acre-Gunthas to Hectare –Ares being 00 Hectare 42 Ares.

It is seen from the Copy of the Sale Deed dtd. 15/12/1992, which is registered in the Office of the Sub-Registrar Haveli No.III at Serial No. 1498/1992 that, Mr. Arvind Bhokoba Tupe sold, conveyed and transferred the land bearing Survey No. 178/1A admeasuring 42 Ares unto and in favour of M/s. Kumar Gen tech Tissue Cultures Company through its partners (i) Mr. Vimalkumar Kesarimal Jain (ii) Kewalkumar Kesarimal Jain (iii) Inderkumar Kesarimal Jain (iv) Lalitkumar Kesarimal Jain and in pursuance of the said





Sale Deed the name of Purchaser M/s. Kumar Gen Tech and Tissue Cultures Company through its partners (i)Mr. Vimalkumar Kesarimal Jain (ii) Kewalkumar Kesarimal Jain (iii) Inderkumar Kesarimal Jain (iv) Lalitkumar Kesarimal Jain was mutated and entered in the revenue record / 7/12 extract of the said land bearing Survey No. 178/1A adm. 42 Ares vide Mutation Entry No. 16664 dtd. 10/06/1993.

It is seen from the Mutation Entry No. 47188 dtd. 16/03/2017 that, as per the application of Mr. Manish Vimalkumar Jain alongwith Copy of Deed of Retirement and reconstitution and certificate from Registrar of Firms in respect of the firm Kumar Sons (a partnership firm) that M/s. Kumar Gen Tech and Tissue Cultures Company, a Division of Kumar Sons stood vested in favour of Mr. Manish Vimalkumar Jain including all assets and accordingly names of all the retired partners i.e. Vimalkumar Kesarimal Jain, Kewalkumar Kesarimal Jain, Inderkumar Kesarimal Jain, Lalitkumar Kesarimal Jain were deleted and name of Kumar Gentech tissue Culture Company through Mr. Manish Vimalkumar Jain is mutated on the revenue record / 7/12 extract of the said land bearing S.No. 178/1A adm 42 Ares.

II) AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE PROPERTY BEARING SURVEY NO. 178/1B ADMEASURING 43 ARES OF VILLAGE- HADAPSAR

Mr. Shankar Balaji Tupe became entitled to all the rights, title and interest in respect of the land bearing Survey No. 178/1B admeasuring 1 Acres 3 Gunthas of Village- Hadapsar by virtue of the partition effected between Shankar Balaji Tupe and Bhiku Balaji Tupe and accordingly name of Mr. Shankar Balaji Tupe is mutated as the holder of the land bearing Survey No. 178/1B admeasuring 43 Ares by the Mutation Entry No. 2555 dtd. 01/05/1934.

Mr. Shankar Balaji Tupe died on 3/12/1961 leaving behind following legal heirs-

Baburao Shankarrao Tupe	--- Son
Tanhabai Shankarrao Tupe	--- Widow
Nilabai Aanaji Aakhede	--- married Dauther





Shantabai Bajirao Ghule	--- married Dauther
Hirabai Harishchandra Thorat	--- married Dauther
Suman Rajaram Kakde	--- married Dauther
Krishnabai Bajirao More	--- married Dauther

The names of the above legal heirs were entered on the revenue record / 7/12 extract of the land bearing S.No.178/1B vide **Mutation Entry No. 5639** dtd. 16/01/1962.

The Mutation Entry No.5640 dtd. 16/01/1962 shows that, the aforesaid married daughter of Late Shankar Balaji Tupe made an application and statement before the revenue authorities and accordingly their names were deleted from the revenue record / 7/12 extract of the land bearing S.No.178/1B.

It is revealed from the Mutation Entry No. 5641 dtd. 17/01/1962 that, Mr. Baburao Shankarrao Tupe and Tanhubai Shankarrao Tupe and others have partitioned the various lands including land bearing Survey No.178/1B between themselves and accordingly the land bearing Survey No.178/1B was allotted to the share of Tanhubai Shankarrao Tupe.

It is observed from the Mutation Entry No.6668 dtd. 16/11/1967 that, Tanhubai Shankarrao Tupe died on 13/08/1966 leaving behind, her legal heirs and representatives Son-Baburao Shankarrao Tupe and married daughters- Nifabai Aanaji Aakhade, Shantabai Bajirao Ghule, Hirabai Harishchandra Thorat, Suman Rajaram Kakde, Krishnabai Bajirao More. Since all the daughters have relinquished their rights in respect of the said land bearing S.No.178/1B as mentioned in Mutation Entry No. 5640, the name of Baburao Shankarrao Tupe came to be recorded on the revenue record / 7/12 extract of the said land as owner and possessor thereof.

Mutation Entry No.6988 shows that, the provisions of the Maharashtra Weights and Measures Act 1958 and Indian Coinage Act 1955 made applicable to the record of rights of Village-Hadapsar and therefore area of the land bearing Survey No.178/1B was converted from Acre-Gunthas to Hectare -Ares being 00 Hectare 43 Ares.





Mutation Entry No. 7305 dtd. 10/02/1971 shows that, pursuant to the application made by Baburao Shankarrao Tupe name of his daughter in Law, Hemlata Raghunath Tupe came to be entered on the 7/12 extract of the land bearing Survey No. 178 Hissa No. 1B as owner of the said land and name of Mr. Baburao Shankar Tupe was deleted.

It is seen from the Copy of the Sale Deed dtd. 17/12/1992, which is registered in the Office of the Sub-Registrar Haveli No.III at Serial No. 1488/1992 that, Mrs. Hemlata Raghunath Tupe sold, conveyed and transferred the land bearing Survey No. 178/1B admeasuring 43 Ares unto and in favour of M/s. Kumar Gen tech Tissue Cultures Company through its partners (i)Mr. Vimalkumar Kesarimal Jain (ii) Mr. Kewalkumar Kesarimal Jain (iii) Mr. Inderkumar Kesarimal Jain (iv) Mr. Lalitkumar Kesarimal Jain and in pursuance of the said Sale Deed the name of Purchaser M/s. Kumar Gen Tech and Tissue Cultures Company through its partners (i)Mr. Vimalkumar Kesarimal Jain (ii) Mr. Kewalkumar Kesarimal Jain (iii) Mr. Inderkumar Kesarimal Jain (iv) Mr. Lalitkumar Kesarimal Jain was mutated and entered in the revenue record / 7/12 extract of the said land bearing Survey No. 178/1B adm. 43 Ares vide Mutation Entry No. 16663 dtd. 10/06/1993.

It is seen from the Mutation Entry No. 47188 dtd. 16/03/2017 that, as per the application of Mr. Manish Vimalkumar Jain alongwith Copy of Deed of Retirement and reconstitution and certificate from Registrar of Firms in respect of the firm Kumar Sons (a partnership firm) that M/s. Kumar Gen Tech and Tissue Cultures Company, a Division of Kumar Sons stood vested in favour of Mr. Manish Vimalkumar Jain including all assets and accordingly names of all the retired partners i.e. Vimalkumar Kesarimal Jain, Kewalkumar Kesarimal Jain, Inderkumar Kesarimal Jain, Lalitkumar Kesarimal Jain were deleted and name of Kumar Gentech tissue Culture Company through Mr. Manish Vimalkumar Jain is mutated on the revenue record / 7/12 extract of the said land bearing S.No. 178/1B adm. 43 Ares.

AS TO THE LITIGATION-

Mrs. Hirabai Harishchandra Thorat and others as legal heirs of Shankar Balaji Tupe have filed before Hon'ble Jt. Civil Judge, Jr. Division, Pune the Regular Civil Suit No. 325/2011 against Raghunath Baburao Tupe and others for





partition and declaration in respect of various lands which includes land bearing **Survey No 178/1B** and other lands. The said suit is still pending. Smt. Hirabai Thorat and others have also filed Application at EXH-5 for Temporary Injunction which was Rejected by Hon'ble Jt. Civil Judge, Jr. Division, on 14/08/2013. The Plaintiffs i.e. Hirabai Thorat and others have filed Appeal against the said order dtd. 14/08/2013 vide Mis. Civil Appeal No. 343/2013 before the District Court, Pune which was also dismissed by Hon'ble District Court by order on 08/08/2014.

Aggrieved by the said Order dtd. 08/08/2014 given by Hon. District Court, Mrs.Hirabai Thorat and others have filed Writ Petition bearing No. 11536/2014 before Hon'ble High Court, Bombay.

The Hon'ble High Court Bombay has heard the petition and has dismissed it on 21/01/2019. The Hon'ble Bombay High Court mentioned while dismissing the said Writ Petition that,

"Applying the tests laid down by the Apex Court in Wander's Limited's case (supra) to the facts of the present case, it cannot be said that the Courts below exercised the discretion arbitrarily or capnciously or perversely or that the Courts below had ignored the settled principles of law regulating grant or refusal of interlocutory injunctions. This Court will not reassess the material and seek to reach a conclusion different from the one reached by the courts below if the one reached by that courts below is reasonably possible on the material. This Court would normally not be justified in interfering with the exercise of discretion solely on the ground that if it had considered the matter at the trial stage it would have come to a contrary conclusion. If the discretion has been exercised by the courts below reasonably and in a judicial manner the fact that this Court would have taken a different view may not justify interference with the exercise of discretion by the Courts below. Hence, the Petition fails and the same is dismissed".





The said Regular Civil Suit No. 325/2011 is still pending before Hon'ble Jt. Civil Judge, Jr. Division, Pune.

It is also seen that appearing lawyer on behalf of previous owners Kumar Gentsch Tissue Culture and others Miss. Kinkar Sunita P. (Advocate) has issued letter on dtd. 04/12/2020 in respect of the status and stage of Regular Civil Suit No. 325/2011 pending before Civil Judge Senior Division, Pune. It appears that in the said suit issued are framed and the matter is fixed for cross examination.

It is necessary to take on record Sale Deed dtd. 02/07/1021 in the pending Regular Civil Suit No. 325/2011 and accordingly necessary steps to be taken for replacement of Defendants.

III) AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE PROPERTY BEARING SURVEY NO. 178/2A ADM. 49.5 ARES and SURVEY NO. 178/2B ADM. 49.5 ARES OF VILLAGE- HADAPSAR

The record of Rights / Village Form No. VII, VIIA / XII shows that, prior to the year 1966 the land bearing Survey No. 178/2 was totally admeasuring 02 Acres 17 Gunthas was owned by Sadhu Kisan Tupe and Mahadu Balaji Tupe.

It is seen from the Mutation Entry No. 6298 dtd. 4/4/1966 that, out of the aforesaid owners Mr. Mahadu Balaji Tupe expired on 30/05/1965 leaving behind legal heirs viz. sons- Shivaji Mahadu Tupe, Dattatraya Mahadu Tupe, Ashok Mahadu Tupe, Hirabal Sambhaji Tupe, Daughters- Tarabal Chandrakant Mujumale, Baby Narayan Chorghhe, and widow- Anusaya Mahadu Tupe and accordingly their names were entered on the revenue record.

Mutation Entry No.6988 shows that, the provisions of the Maharashtra Weights and Measures Act 1958 and Indian Coinage Act 1955 made applicable to the record of rights of Village-Hadapsar and therefore area of the land bearing Survey No.178/2 was converted from Acre-Gunthas to Hectare -Ares being 00 Hectare 99 Ares.

Thereafter, in the year 1985 pursuant to the application given by Ashok Mahadu Tupe under section 85 of the Maharashtra Land Revenue Code 1966





for partition of the various lands including land bearing S.No.178/2 and as per the order of the Tahasildar / revenue authorities dtd. 25/12/1981 the land bearing Survey No. 178/2 admeasuring 2 acres 17 gunthas was sub divided between co owners i.e. Dattatraya Mahadu Tupe, Ashok Mahadu Tupe Anusaya Mahadu Tupe and Sahadu Kisan Tupe.

Thus as per the order of Tahasildar the land bearing Survey Number 178/2 totally admeasuring 99 Ares was subdivided as follows-

Survey No. 178/2A admeasuring 49.5 Ares was allotted to the share of Dattatraya Mahadu Tupe, Ashok Mahadu Tupe and Smt. Anusaya Mahadu Tupe.

Survey No. 178/2B admeasuring 49.5 Ares was allotted to the share of Sadhu Kisan Tupe.

The effect of the same was given in to the revenue record / 7/12 extract vide mutation entry No. 11476 dtd. 28/11/1985.

As to the transfer of ownership in respect of the land bearing S. No. 178/2A adm. 49.5 Ares unto Kumar Gen tech Tissue Culture Company.

It is seen from the Copy of the Sale Deed dtd. 17/12/1992, which is registered in the Office of the Sub-Registrar Haveli No.III at Serial No. 1490/1992 that, Ashok Mahadu Tupe for self and as Karta of his HUF, Dattatraya Mahadu Tupe for self and as Karta of his HUF and Smt Anusaya Mahadu Tupe have sold, conveyed and transferred the land bearing Survey No. 178/2A admeasuring 49.5 Ares unto and in favour of M/s. Kumar Gen tech Tissue Cultures Company through its partners (1)Mr. Vimalkumar Kesarimal Jain (ii) Kewalkumar Kesarimal Jain (iii) Inderkumar Kesarimal Jain (iv) Lalitkumar Kesarimal Jain and in pursuance of the said Sale Deed the name of Purchaser M/s. Kumar Gen Tech and Tissue Cultures Company through its partners (1)Mr. Vimalkumar Kesarimal Jain (ii) Kewalkumar Kesarimal Jain (iii) Inderkumar Kesarimal Jain (iv) Lalitkumar Kesarimal Jain was mutated and entered in the revenue record / 7/12 extract of the said





land bearing Survey No. 178/2A adm. 49.5 Ares vide Mutation Entry No. 16674 dtd. 18/06/1993.

It is seen from the Mutation Entry No. 47188 dtd. 16/03/2017 that, as per the application of Mr. Manish Vimalkumar Jain alongwith Copy of Deed of Retirement and reconstitution and certificate from Registrar of Firms in respect of the firm Kumar Sons (a partnership firm) that M/s. Kumar Gen Tech and Tissue Cultures Company, a Division of Kumar Sons stood vested in favour of Mr. Manish Vimalkumar Jain including all assets and accordingly names of all the retired partners i.e. Vimalkumar Kesarimal Jain, Kewalkumar Kesarimal Jain, Inderkumar Kesarimal Jain, Lalitkumar Kesarimal Jain were deleted and name of Kumar Gentech tissue Culture Company through Mr. Manish Vimalkumar Jain is mutated on the revenue record / 7/12 extract of the said land bearing S.No. 178/1B adm. 43 Ares.

As to the transfer of ownership in respect of the land bearing S.No. 178/2B adm. 49.5 Ares unto Kumar Gen tech Tissue Culture Company

The land bearing Survey No. 178/2B adm. 49.5 is allotted to the share of Sadhu Kisan Tupe

Pursuant to the Mutation Entry No. 12622 dtd. 12/08/1988 it is revealed that, Shri. Sadhu Kisan Tupe expired on 24/05/1988 leaving behind his heirs viz. sons- Dnyaneshwar Sadhu Tupe, Gulab Sadhu Tupe, widow Sunderabai Sadhu Tupe married daughters- Shakuntala Nana Thorat, Ratnaprabha Shahaji Bahirat, Mangala Prabhakar Nikam. It is seen that pursuant to the affidavit given by the married daughters their names came to be deleted from the revenue record / 7/12 extract of the land bearing S.No. 178/2B and names of Dnyaneshwar Sadhu Tupe, Gulab Sadhu Tupe and Sunderabai Sadhu Tupe were mutated as owner thereof.

It is seen from the Copy of the Sale Deed dtd. 17/12/1992, which is registered in the Office of the Sub-Registrar Haveli No.III at Serial No. 1491/1992 (new number 2202/1993) that, Dnyaneshwar Sadba Tupe for self and as Karta of his HUF, Gulab Sadba Tupe for self and as Karta of his HUF and Smt Sunderabai Sadba Tupe have sold, conveyed and transferred the





land bearing Survey No. 178/2B admeasuring 49.5 Ares unto and in favour of M/s. Kumar Gen tech Tissue Cultures Company through its partners (i)Mr. Vimalkumar Kesarimal Jain (ii) Kewalkumar Kesarimal Jain (iii) Inderkumar Kesarimal Jain (iv) Lalitkumar Kesarimal Jain and in pursuance of the said Sale Deed the name of Purchaser M/s. Kumar Gen Tech and Tissue Cultures Company through its partners (i)Mr. Vimalkumar Kesarimal Jain (ii) Kewalkumar Kesarimal Jain (iii) Inderkumar Kesarimal Jain (iv) Lalitkumar Kesarimal Jain was mutated and entered in the revenue record / 7/12 extract of the said land bearing Survey No. 178/2B adm. 49.5 Ares vide Mutation Entry No. 16675 dtd. 10/06/1993.

It is seen from the Mutation Entry No. 47188 dtd. 16/03/2017 that, as per the application of Mr. Manish Vimalkumar Jain alongwith Copy of Deed of Retirement and reconstitution and certificate from Registrar of Firms in respect of the firm Kumar Sons (a partnership firm) that M/s. Kumar Gen Tech and Tissue Cultures Company, a Division of Kumar Sons stood vested in favour of Mr. Manish Vimalkumar Jain including all assets and accordingly names of all the retired partners i.e. Vimalkumar Kesarimal Jain, Kewalkumar Kesarimal Jain, Inderkumar Kesarimal Jain, Lalitkumar Kesarimal Jain were deleted and name of Kumar Gentech tissue Culture Company through Mr. Manish Vimalkumar Jain is mutated on the revenue record / 7/12 extract of the said land bearing S. No. 178/2B adm. 49.5 Ares.

AS TO THE DEVOLUTION OF TITLE IN RESPECT OF THE "SCHEDULE-B" PROPERTIES VIZ. SURVEY NO. 179/2/1A/2 ADMEASURING 21 ARES. SURVEY NO. 179/2/1A/2A ADMEASURING 80 ARES, SURVEY NO. 179/2/1A/2B ADMEASURING 80 ARES. SURVEY NO. 179/2/1B ADMEASURING 20 ARES. SURVEY NO. 179/2/2 ADMEASURING 20 ARES OF VILLAGE- HADAPSAR.

It is revealed from the revenue record / Village Form No, VII, VIIA, XII for the year 1955 that, Nilkanth Bhaskar Kirtane was owner of the land bearing Survey No. 179/2 admeasuring 05 Acres 18 Gunthas as per the partition dtd. 13/06/32 effected between Vaman, Vinayak, Tarakishor and Rajaram Narhar Kirtane, Manmohan Damodar Kirtane, Manohar Damodar Kirtane, Madhukar Damodar Kirtane, Radhabai Damodar Kirtane In respect of the land bearing





S.No. 179/2 and other lands and as per the partition deed the land bearing Survey No. 179/2 admeasuring 05 Acres 18 Gunthas was allotted to the share of Mr. Nilkanth Bhaskar Kirtane. The same is effected on the Revenue Record vide Mutation Entry No. 2291 dtd. 26/07/1932.

Mr. Nilkanth Bhaskar Kirtane expired on 16/01/1959 leaving behind his legal heirs viz. Son Sharad Nilkanth Kirtane and widow Pramilabai Nilkanth Kirtane and accordingly names of legal heirs were recorded on the revenue record vide Mutation Entry No. 5394 dtd. 7/05/1960.

Pursuant to the application statement given by Smt Pramilabai Kirtane, her name was deleted from the revenue record vide Mutation Entry No. 5395 and name of her son Mr. Sharad Nilkanth Kirtane was recorded as the owner.

Mutation Entry No.6988 shows that, the provisions of the Maharashtra Weights and Measures Act 1958 and Indian Coinage Act 1955 made applicable to the record of rights of Village-Hadapsar and therefore area of the land bearing Survey No.179/2 was converted from Acre-Gunthas to Hectare -Ares being 02 Hectare 21 Ares.

Mr. Sharad Nilkanth Kirtane expired on 01/09/1976 without having wife, son, daughter, mother, father, sister, brother and hence names of his uncles sons and daughter as his legal heirs viz. Sadashiv Waman Kirtane, Narayan Waman Kirtane, Deval Bhagwat, Shobhana Kibe, Murlidhar Vinayak Kirtane, Dilip Tarakishor Kirtane, Ananda Tarakishor Kirtane etc. were recorded on the revenue record vide Mutation Entry No. 8728 dtd. 27/04/1977.

Pursuant to the application given by Dilip Tarakishor Kirtane, Manohar Damodar Kirtane, Madhukar Damodar Kirtane and as per the order of Tahasildar name of Rajaram Narhar Kirtane appearing in the other rights column was deleted vide Mutation entry No. 9075 dtd. 12/09/1978.

It is revealed that, Ramchandra Ganesh Luktuke, Girijabai Shankar Showade, and Nallnibai Manohar Pandit have applied to the Civil Court, Pune vide Misc. Application No. 641/1976 for obtaining succession certificate which was issued by the Civil Court in favour of Ramchandra Ganesh Luktuke, Girijabai





Shankar Shewade, and Nalinibai Manohar Pandit as legal heirs of Sharad Nilkanth Kirtane and accordingly their names were recorded as per the order of court in the succession matter as legal heirs of Sharad Kirtane and each is entitled to 1/3 rights each in the land bearing S.No. 179/2.

Thereafter pursuant to the Order of Tahasildar bearing No. THO/75/85 dtd. 05/01/1982 and as per the list received from the Civil Court, Jr. Division, Pune on dtd. 18/11/1981 and as per the Injunction for not certifying the Mutation Entry No. 9783 dtd. 9/11/1981 and accordingly as per the order of Tahasildar in the RTS No. 22/79 filed by Ramchandra Ganesh Luktuke, Girjabai Shankar Shewade, Nalinibai Manohar Pandit (as legal heirs of Sharad Nilkanth Kirtane) Against Dilip Tarakishor Kirtane, Madhusudan Damodar Kirtane, Madhukar Damodar Kirtane the names appearing in the other rights column of the land bearing S.No. 179/2 viz. Sakharam Pandu Sundrabal, Shrinivas Vitthal Madar, Ramchandra Trimbak Tarakshor and Rajaram Narhar, Narayan Sakharam Kole, Sadashiv Vaman Kirtane, Narayan Waman Kirtane, Deval Bhagwat, Shobhana Kibe, Murlidhar Shaha, Sharad Ramchandra Talawalkar, Vinayak Ramchandra Talawalkar, Madhukar Ramchandra Talawalkar, Charushila Shankar Bulkar, Vinayak Yelapurkar, Rajaram Narkar Kirtane were deleted from the revenue record vide Mutation Entry No. 9910 dtd. 05/01/1982 and names of Ramchandra Ganesh Luktuke, Girjabai Shankar Shewade, Nalinibai Manohar Pandit were retained as owners thereof.

It is revealed from the Mutation Entry No. 10661 dtd 7/3/1984 that, Mr. Sanjay Sambhaji Ghule has purchased vide Sale Deed dtd. 26/09/1983 from Smt. Girjabai Shankar Shewade portion of land admeasuring 20 Ares from and out of the land bearing Survey No. 179/2 and accordingly name of purchaser Mr. Sanjay Sambhaji Ghule was entered on the new 7/12 extract bearing Survey No. 179/2/2 admeasuring 20 Ares. The name of the owner was recorded on the 7/12 extract of the land bearing S.No.179/2/1 admeasuring 02 Hectares 01 Ares.

It is revealed from the Mutation Entry No. 10662 dtd 7/3/1984 that, Mr. Sanjay Sambhaji Ghule has purchased vide Sale Deed dtd. 26/09/1983 from Smt. Nalinibai Manohar Pandit portion of land admeasuring 20 Ares from and out of the land bearing Survey No. 179/2 and accordingly name of purchaser





Mr. Sanjay Sambhaji Ghule was entered on the new 7/12 extract bearing Survey No. 179/2/1B admeasuring 20 Ares. The name of the owner was recorded on the 7/12 extract of the land bearing S.No.179/2/1A admeasuring 01 Hectares 81 Ares.

It is revealed from the Mutation Entry No. 10663 dtd. 7/3/1984 that, Mr. Sanjay Sambhaji Ghule has purchased vide Sale Deed dtd. 26/09/1983 from Ramchandra Ganesh Luktuke portion of land admeasuring 20 Ares from and out of the land bearing Survey No. 179/2 and accordingly name of purchaser Mr. Sanjay Sambhaji Ghule was entered on the new 7/12 extract bearing Survey No. 179/2/1A/2 admeasuring 21 Ares. The name of the owner was recorded on the 7/12 extract of the land bearing S.No.179/2/1A/1 admeasuring 01 Hectares 60 Ares.

It is revealed from the Mutation Entry No. 10664 dtd 7/3/1984 that, Mr. Nandkumar Nivruti Ghule has purchased vide Sale Deed dtd. 26/09/1983 from Ramchandra Ganesh Luktuke, Smt. Girijabai Shankar Shewade and Smt. Nalinibai Manohar Pandit, portion of land admeasuring 80 Ares from and out of the land bearing Survey No. 179/2 and accordingly name of purchaser Mr. Nandkumar Nivrutti Ghule was entered on the new 7/12 extract bearing Survey No. 179/2/1A/2B admeasuring 20 Ares. The name of the owner was recorded on the 7/12 extract of the land bearing S.No.179/2/1A/2A admeasuring 00 Hectares 80 Ares.

It is revealed from the Mutation Entry No. 10665 dtd 7/3/1984 that, Mr. Ajay Shivajirao Ghule has purchased vide Sale Deed dtd. 26/09/1983 from Ramchandra Ganesh Luktuke, Smt. Girijabai Shankar Shewade and Smt. Nalinibai Manohar Pandit, land admeasuring 80 Ares bearing Survey No. 179/2/1A/2A and accordingly name of purchaser Mr. Ajay Shivajirao Ghule was entered on the 7/12 extract of the land bearing S.No.179/2/1A/2A admeasuring 00 Hectares 80 Ares.

Pursuant to the application of Sanjay Sambhaji Ghule and others given to Tahasildar for partition of the various lands including lands bearing Survey No. 179/2/1B,179/2/1A/2, 179/2/1A/2A, 179/2/1A/2B and accordingly as per the order of Tahasildar bearing No. THO/Watap/103/85 dtd. 28/11/1985





under Section 85 of MLRC Act lands bearing Survey Number 179/2/1B admeasuring 20 Ares, S.No.179/2/1A/2 adm. 21 Ares given to the share of Mr. Sanjay Sambhaji Ghule and lands bearing Survey No. 179/2/1A/2A admeasuring 80 Ares and land bearing S.No. 179/2/1A/2B admeasuring 80 Ares given to the share of Miss. Kiran Sambhaji Ghule. And accordingly vide Mutation Entry No. 11529 dtd 28/11/1985 the names of Sanjay Sambhaji Ghule and Kiran Sambhaji Ghule were mutated on the revenue record of the lands under partition.

It is seen from the copy of the Sale Deed dtd. 27/07/1987 that, Mr. Ramkumar Hiralal Rathi, Mr. Shrikrishna Mahadev Behare, Mr. Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad have purchased lands bearing S.No.179/2/1A/2 adm. 21 Ares, Survey No.179/2/1A/2A admeasuring 80 Ares, Survey No. 179/2/1A/2B admeasuring 80 Ares, Survey Number 179/2/1B admeasuring 20 Ares, Survey No. 179/2/2 admeasuring 20 Ares totally admeasuring 2 Hectares 21 Ares from Mr. Sanjay Sambhaji Ghule and Miss. Kiran Sambhaji Ghule with the consent of Sambhajirao Sakharan Ghule, Nandkumar Nivrutti Ghule, Ajay Shivajirao Ghule. The said Sale Deed dtd. 7/07/1987 is registered in the Office of Sub-Registrar Haveli No.2 at Serial No. 8697 of 1987 on 27/07/1987. By virtue of the said Sale Deed names of Mr. Ramkumar Hiralal Rathi, Mr. Shrikrishna Mahadev Behare, Mr. Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad were recorded on the revenue record vide Mutation Entry No.12146 dtd. 30/09/1987.

By a registered Sale Deed dtd. 30/01/1995 Mr. Vimalkumar Kesarimal Jain, Mr.Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain have purchased portion of land admeasuring 63.14 Ares (being 2/7th share) from and out of the total area of the lands bearing S.No.179/2/1A/2 adm. 21 Ares, Survey No.179/2/1A/2A admeasuring 80 Ares, Survey No. 179/2/1A/2B admeasuring 80 Ares, Survey Number 179/2/1B admeasuring 20 Ares, Survey No. 179/2/2 admeasuring 20 Ares totally admeasuring 2 Hectares 21 Ares from Mr. Ramkumar Hiralal Rathi, Mr. Shrikrishna Mahadev Behare, Mr. Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad. The said Sale Deed dtd. 30/01/1995 is registered in the Office of Sub-Registrar Haveli No.2 at Serial





No. 723 of 1995 and the same is recorded in the revenue record vide Mutation Entry No. 20502 dtd. 12/09/1997.

The said Sale Deed dtd. 30/01/1995 read with the Correction Deed dtd. 25/08/1999 which is registered in the office of Sub-Registrar Haveli No.3 at serial No. 4483/1999. The Said Correction Deed is executed to correct the mistake appeared in the Sale Deed dtd. 30/01/1995 while mentioning names of Vendors. The name of Mr. Chetan Gaikwad is wrongly mentioned as Vendor and names of Ramkumar Rathi and others are mentioned as Consenting Party the same shall be corrected by this Correction Deed and names of Vendors are mentioned as Mr. Ramkumar Hiralal Rathi, Mr. Shrikrishna Mahadev Behare, Mr. Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad.

The Mutation Entry No. 24082 dtd. 10/03/1999 reveals that, Shrikrishna Mahadeo Behare died on 7/02/1998 leaving behind his last Will dtd. 20/04/1997, whereby his share in the lands bearing lands bearing S.No.179/2/1A/2 adm. 21 Ares, Survey No.179/2/1A/2A admeasuring 80 Ares, Survey No. 179/2/1A/2B admeasuring 80 Ares, Survey Number 179/2/1B admeasuring 20 Ares, Survey No. 179/2/2 admeasuring 20 Ares totally admeasuring 2 Hectares 21 Ares was bequeathed to his son Mr. Ashok Shrikrishna Behare.

It is observed from the Mutation Entry No. 28536 dtd. 08/07/2002 that, vide Partition Deed 25/08/1999 which is registered in the Office of Sub-registrar Haveli No. 3 at Serial No. 4485 / 1999 executed between Mr. Ramkumar Hiralal Rathi, Mr. Ashok Shrikrishna Behare, Mr. Dattatraya Fakirba Gaikwad, Mr. Chetan Dattatraya Gaikwad, Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain the lands bearing Survey No. 179/2/1A/2 adm. 21 Ares, Survey No.179/2/1A/2A admeasuring 80 Ares, Survey No. 179/2/1A/2B admeasuring 80 Ares, Survey Number 179/2/1B admeasuring 20 Ares, Survey No. 179/2/2 admeasuring 20 Ares totally admeasuring 2 Hectares 21 Ares are allotted to the share of Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain and accordingly





their names are mutated and recorded on the revenue record vide Mutation Entry No. 28536.

By virtue of the Partition Deed dtd. 17/04/2001 executed between Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain, Mr. Lalitkumar Kesarimal Jain, the lands bearing Survey No. 179/2/1A/2 adm. 21 Ares, Survey No.179/2/1A/2A admeasuring 80 Ares, Survey No. 179/2/1A/2B admeasuring 80 Ares, Survey Number 179/2/1B admeasuring 20 Ares, Survey No. 179/2/2 admeasuring 20 Ares totally admeasuring 2 Hectares 21 Ares are allotted to the share of Mr. Vimalkumar Kesarimal Jain, Mr. Kewalkumar Kesarimal Jain, Mr. Inderkumar Kesarimal Jain and accordingly their names were mutated and recorded on the revenue record vide Mutation Entry No. 27502 dtd. 3/10/2001 and name of Mr. Lalitkumar Kesarimal Jain is deleted from the said lands.

It is seen from the Mutation Entry No. 36297 dtd. 25/02/2008 that Mr. Inderkumar Kesarimal Jain died on 27/09/2007 and names of his legal heirs viz. Ameya Inderkumar Jain (son), Apoorva Inderkumar Jain (daughter) and Ranjan Inderkumar Jain (wife) were recorded on the revenue record of the said properties.

Mutation Entry No.46446 dtd. 30/10/2015 shows that, Mr. Vimalkumar Kesarimal Jain expired on 07/06/2011 and names of his legal heirs viz. Manish Vimalkumar Jain (Son), Rajas Vimalkumar Jain (Son), Ramshmi Ritesh Chandallya (Jain) (Daughter) and Smt. Pushpa Vimalkumar Jain (wife) were recorded on the revenue record / 7/12 extract of the said properties.

By virtue of the Sale Deed dtd. 02/07/2021 executed by Kumar Gertech and Tissue Culture Company through proprietor Manish Vimalkumar Jain as Vendor No.1, Smt. Pushpa Vimalkumar Jain, Manish Vimalkumar Jain, Mr. Rajas Vimalkumar Jain, Mrs. Rashmi Ritesh Chandallya (Jain) and Mr. Kewalkumar Kesarimal Jain, Smt. Ranjana Inderkumar Jain, Shri. Ameya Inderkumar Jain, Ms. Apoorva Inderkumar Jain (Name after marriage Mrs. Apoorva Mohit Goyal) as Vendor No.2 unto and in favour of Kumar Properties Inftratech Developers Pvt. Ltd. as Purchaser in respect of the said properties and the said Sale Deed is registered in the Office of Sub-Registrar Haveli





No.11 at Serial NO. 9739/2021 on dtd. 05/07/2021 the Purchaser Kumar Properties Infratech Developers Pvt. Ltd. became sole owners of the Schedule-A and Schedule-B properties. Accordingly vide Mutation Entry No. 51335 dtd. 10/07/2021 the name of Kumar Properties Infratech Developers Pvt. Ltd. is mutated in the revenue record.

AS TO THE OWNERSHIP OF KUMAR PROPERTIES INFRATECH DEVELOPERS PVT. LTD.

All that piece and parcel of lands bearing S.No.178/1A adm. 00-42 S.No. 178/2A adm. 00-49.50 S.No.178/1B adm. 00-43 S. No. 178/2B adm. 00-49.50 situated at Village- Hadapsar, Pune owned by Kumar Gentech and Tissue Culture Company through proprietor Manish Vimalkumar Jain as Vendor No.1, and owners of lands bearing S.No. 179/2/1A/2 Adm. 00-21 S.No. 179/2/1A/2A adm. 00-80 S.No. 179/2/1A/2B Adm. 00-80 S.No. 179/2/1B Adm. 00-20 S.No. 179/2/2 Adm. 00-20 situated at Hadapsar, Pune i.e. Smt. Pushpa Vimalkumar Jain, Manish Vimalkumar Jain, Mr. Rajas Vimalkumar Jain, Mrs. Rashmi Ritesh Chandaliya (Jain) and Mr. Kewalkumar Kesarimal Jain, Smt. Ranjana Inderkumar Jain, Shri. Ameya Inderkumar Jain, Ms. Apoorva Inderkumar Jain (Name after marriage Mrs. Apoorva Mohit Goyal) as Vendor No.2 executed Sale Deed dtd. 2/07/2021 unto and in favour of Kumar Properties Infratech Developers Pvt. Ltd. which is registered in the Office of Sub-Registrar Haveli No.11 at Serial NO. 9739/2021 on dtd. 05/07/2021. Under the said Sale Deed, Kumar Properties Infratech Developers Pvt. Ltd. becomes owners of the Said Properties mentioned in the Schedule-A and Schedule-B.

Accordingly under the Sale Deed dtd. 2/7/2021 vide Mutation Entry No. 51335 dtd. 10/07/2021 the name of Kumar Properties Infratech Developers Pvt. Ltd. is recorded as owners in the revenue record/ Village form No. VII, VIIA and XII of the Said Properties.

AS TO THE ZONE OF THE SAID PROPERTIES.

It is seen from the copy of the Zone Certificate issued by Pune Metropolitan Region Development Authority (PMRDA), Pune vide Outward No. PMRDA/





Mouje Hadapsar/Tal.- Haveli/ Dist. Pune / S.No./G.No.178 / P.No.10587 dtd. 11th January 2017 that, the land bearing Survey Number- 178 of Village-Hadapsar is falling under- Residential zone as per the Regional Development Plan of Pune.

It is seen from the copy of the Zone Certificate issued by Pune Metro Region Development Authority (PMRDA), Pune vide Outward No. PMRDA/Mouje Hadapsar/Tal.- haveli/ Dist. Pune / S.No. /G.No.179 / P.No.10587 dtd. 11th January 2017 that, the land bearing Survey Number- 179 of Village-Hadapsar is falling under- Residential zone as per the Regional Development Plan of Pune and which is affected by 24 M wide Road.

AS TO THE SEARCH OF RECORDS OF REGISTRAR OF COMPANIES (ROC)

Smita J. Jaju, Company Secretary has issued Search Report dtd. 15th September 2021 of the Kumar Properties Infratech Developers Pvt. Ltd.. It is seen that under the Debenture trust deed dtd. 7th July 2021 charge of Rs. 145,00,00,000/- is created on the said properties.

AS TO THE SEARCH OF INDEX-II REGISTERS

I have caused the Search of the Index -II registers kept in the various Offices of the Sub-Registrars pertaining to the Schedule-A property for last thirty years through Adv. Vishal Vishwas Dhage. He has taken the Search of the records maintained online by IGR Department of the said properties. He has deposited necessary fees of Rs. 750/- vide receipt / GRN No. MH006231129202122E dtd. 15/09/2021 for Schedule-A Property and also deposited necessary fees of Rs. 750/- vide receipt / GRN No. MH006232251202122E dtd. 15/09/2021 for Schedule-B property.

During the search of the Index-II registers through online method of records available Online no adverse entries or encumbrances (except the Debenture Trust Deed/Mortgage deed dated dtd. 07/07/2021 which is registered at the office of Sub-registrar Haveli No. 11 at Sr. No. 10098/2021) were found.





It is also found that, Mr. Nilesh Magar and others have given easementary rights over 12M wide road from and out of the land bearing Survey No, 137/7 owned by , Mr. Nilesh Magar and others unto Mr. Manish V. Jain and others vide Agreement dtd. 21/06/2016 which is registered in the Office of Sub-Registrar Haveli No.III at Serial No. 7715/2016.

AS TO THE MORTGAGE DEED AND RELEASE OF THE SAME

- a) It further appears that the Mr. Manish Vimalkumar Jain has mortgaged the lands bearing Survey No. 178/1A admeasuring 42 Ares, Survey No. 178/2A admeasuring 49.5 Ares, Survey No. 178/18 admeasuring 43 Ares, Survey No. 178/2B admeasuring 49.5 Ares, all lands lying and situated at Village- Hadapsar, Taluka- Haveli, District- Pune unto IDBI Trusteeship Services Ltd. vide Debenture Trust Deed/Mortgage deed dated 09-12-2015 which is registered at the office of Sub-Registrar Haveli No. 23 at Sr. No. 10014/2015 upon the terms and conditions mentioned in the said Debenture Trust Deed.

It is seen from the copy of the Deed of Release dtd. 21/02/2018 which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 2808/2018 on dtd. 28/02/2018 that Mr. Manish Jain of Kumar Gentech and Tissue Culture Company has repaid the entire amount of loan to the IDBI Trusteeship Ltd. and accordingly charge of the Mortgagor on the said properties get released.

- b) It is seen from the copy of the Re Conveyance Deed dtd. 04/08/2021 which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 11477/2021 executed by Mortgagee / Security Trustee Piramal Trusteeship Services Pvt. Ltd. through authorized signatory Smt. Archana Satish Bhatiya In favour of Kumar Properties Infratech Developers Pvt. Ltd. and others that the charge created under Mortgage Deed dtd. 21/09/2018 which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 13746/2018 and any supplemental thereto on the Said Properties/ Project have been released / re-conveyed by the Mortgagor.





It is seen from the copy of the Deed of Reconveyance / Redemption of Mortgage dtd. 04/08/2021 which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 11477/2021 that the said mortgage as contemplated in the said mortgage deeds redeemed to the extent of Said Properties mortgaged assets.

PRESENT EXISTING ENCUMBRANCE --

It is seen that, the lands and project on the properties bearing Survey No. 178/1A admeasuring 42 Ares, Survey No. 178/2A admeasuring 49.5 Ares, Survey No. 178/1B admeasuring 43 Ares, Survey No. 178/2B admeasuring 49.5 Ares, Survey No. 179/2/1a/2 Admeasuring 21 ares, Survey No. 179/2/1a/2a Admeasuring 80 Ares, Survey No. 179/2/1a/2b Admeasuring 80 Ares, Survey No. 179/2/1b Admeasuring 20 Ares, Survey No. 179/2/2 Admeasuring 20 Ares of Village- Hadapsar vide Mortgage Deed dtd. 07/07/2021 executed by Borrower **Kumar Properties Infratech Developers Pvt. Ltd.** through authorized signatory Mr. Hitesh Kewalkumar Jain alongwith corporate guarantor Kumar Agro Products Pvt. Ltd. and Personal Guarantor/s Kewalkumar Jain, Hitesh Kewalkumar Jain unto and In favour of **IDBI trusteehip Services Ltd.** and which is registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 10098/2021 on dtd. 08/07/2021.

It is seen from the copy of letter dtd. 23/09/2021 Issued by Piramal Trusteehip Services Pvt. Ltd. in favour of Kumar Agro Products Pvt. Ltd. that, charged created under the Mortgage Deed dtd. 28/11/2017 for Rs. 350 Crores (100) registered vide Document No. 12147/2017 (Mortgage Deed) in respect of various properties under the Mortgage Deed including Scheduler-A and B lands has been repaid and lender has issued No dues certificate on 3rd October 2018. However requisite release deed for releasing charge over the security is not yet executed. It is also mentioned in the said letter that such release deed shall be executed within 30 days from the date of letter.

AS TO THE AMALGAMATION AND SANCTION OF PLANS IN RESPECT OF THE SCHEDULE-A AND SCHEDULE-B PROPERTIES.

The owners of the Schedule-A and Schedule-B properties have jointly sanctioned the plans in respect of the Said Properties, Pune Municipal





Corporation has sanctioned the layout + amalgamation plan of the Schedule-A and Schedule-B Properties vide No. CC/3548/18 dtd. 13/02/2019.

It is also seen that, plans in respect of the proposed building are sanctioned vide Copy of Commencement Certificate bearing No. CC/1008/20 dtd. 04/11/2020 issued by Pune Municipal Corporation.

It is further seen that, the revised building plan is also sanctioned vide Copy of Commencement Certificate bearing No. CC/0751/21 dtd. 29/06/2021 by Pune Municipal Corporation.

AS TO THE NON-AGRICULTURAL PERMISSION

It is seen from the copy of the Letter issued by Tahasildar, Haveli, Pune vide Outward No. NA/SR/276/2019 dtd. 25/08/2021 for assessing the said properties for non agricultural use and also recording such conversion of the Said Properties into Non Agricultural Lands in the Village form No.2.

QUALIFICATIONS AND ASSUMPTIONS

This opinion is given subject to following qualifications –

- i) This Opinion is given presuming that the documents mentioned above are the accurate and photo copies of the documents and the documents mentioned are not modified and amended and the said documents are executed by the parties named in the documents.
- ii) This opinion covers only the transactions brought to my notice by my client.
- iii) All information including photocopies of documents that have been supplied to me have been accepted as being correct unless otherwise stated. It is also presumed that executants of the particular instrument/s are fully empowered to execute it with the contents mentioned therein. I further state that, I restrict my opinion on the photocopies of documents and information provided to me only.



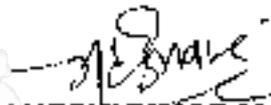


OPINION

On the basis of photocopies of relevant documents produced before me and observations mentioned herein and subject to Search Report issued by Adv. Vishal Dhage, I am of the opinion that, Kumar Properties Infratech Developers Pvt. Ltd. has acquired ownership rights under and by virtue of the Sale Deed dtd. 02/07/2021 registered at Serial No. 9739/2021 in the Office of Sub- Registrar Haveli No.11 in respect of the properties bearing Survey No. 178/1A admeasuring 42 Ares, Survey No. 178/2A admeasuring 49.5 Ares, Survey No. 178/1B admeasuring 43 Ares, Survey No. 178/2B admeasuring 49.5 Ares, Survey No. -179/2/1A/2 adm. 21 Ares, Survey No. 179/2/1A/2A admeasuring 80 Ares, Survey No.- 179/2/1A/2B admeasuring 80 Ares, Survey Number - 179/2/1B admeasuring 20 Ares, Survey No. -179/2/2 admeasuring 20 Ares all lands lying and situated at Village- Hadapsar, Taluka- Haveli, District- Pune within the limits of Pune Municipal Corporation.

The title of Kumar Properties Infratech Developers Pvt. Ltd. in respect of the aforesaid properties appears to be clear and marketable subject to the mortgage/charge of IDBI trusteeship Services Ltd. created under Mortgage Deed dtd. 08/07/2021 registered in the Office of Sub-Registrar Haveli No.11 at Serial No. 10098/2021 and also subject to the final decision of the Hon'ble Court in the matter of Civil Suit No. 325/2011 and further proceedings thereof in respect of the land bearing Survey Number- 178/1B.

Pune.
Date : 24th September 2021.


MAHESHKUMAR V. PAWAR
(Advocate)

