

Jit/11/2020

Date:11/11/2020.

## SEARCH REPORT AND TITLE OPINION

### 1. Description of the property:-

All that piece and parcel of land admeasuring 01-Hector 90-Ares i.e. 19000 Sq. Mtrs. of new Gat No.884 (old Gat No.885,) assessed at Rs.05=82ps., situated at revenue village Wagholi, Taluka Haveli, and City District Pune, within the area of Pune Metropolitan Region Development Authority, Pune and within the Registration District of Pune, Sub- Registrar, Haveli and bounded as under:-

- On or towards East : By Gat NO.885 owned by Greenmark Properties, Mr.Rohidas Kale & Mr. Namdev Kale.  
On or towards South : By Gat No.956 & 883.  
On or towards West : By Gat No. 894 owned by Greenmark Properties.  
On or towards North : By Gat No.885(Part)owned by Mr.Namdev Kale

together with all the appurtenances thereto, hereinafter referred to as "the said property".

### 2. Copies of the Documents:- Following documents are supplied to me for the purpose of this opinion.

- a) 7/12 extract of the said property and concern mutation entries.
- b) Partition deed No.3814 dated 04/09/2004 of Shri. Narsingh Babaji Kale & family.
- c) Order passed by Civil Judge S.D. Pune under Special Civil Suit No.1951/2007.
- d) Release deed No.4204 dated 25/05/2010, executed by Mrs. Varsha Amit Shirke, Miss. Pooja Eaknath Kale in favour of Mr. Deepak Eaknath Kale
- e) Sale deed No.7191 dated 10/08/2011 executed by Shri. Prakash Narsingh Kale, Shri. Sunil Prakash Kale, Chayya Prakash Kale, Shri. Eaknath Narsingh Kale, Shri. Deepak Eaknath Kale in favour of M/s. Shilp Properties.
- f) Joint Development agreement No.9804 dated 15/10/2011 executed by M/s. Shilp Properties in favour of M/s. Dreams Construction (Pune).
- g) Layout plan sanctioned from the Assistant Director of Town Planning Pune, Branch Pune its letter bearing No. Wagholi/884/4733 dated 12/08/2014 and Environmental Clearance dated 09/12/2016.
- h) Cancellation Deed No.527 dated 18/01/2019 executed by M/s. Dreams Construction (Pune) in favour of M/s. Shilp Properties.



- i) Revised building plan sanctioned from Pune Metropolitan Region Development Authority, Pune vide its letter No. 298/19-20 dated 18/02/2020 and revise Environmental Clearance dated 16/01/2020.
- j) Joint Development Agreement No.6010 and Power of Attorney No.6011 both dated 04/11/2020 executed by M/s. Shilp Properties in favour of M/s. EASTEND SPACES LLP.
- k) Public Notice dt.29/04/2020 published in daily Prabhat.

### 3. Brief title History of the property:-

- a. It appears that the original Survey No.147 Hissa No.2, admeasuring about 24-Acre 11-Guntha was originally owned by Shri. Laxman Genu Kale, and his name was mutated on the revenue record vide mutation entry No.3004 dt.08/03/1940.
- b. It appears from mutation entry No.7540, the said Survey No.147/2 was divided in to 10 part having Survey No.147/2/1 to Survey No.147/2/10 and by virtue of the aforesaid sub divisions the Survey No.147/2/10 was allotted in the name of Shri. Narsing Babaji Kale. Accordingly an effect has been given on the said property together with other properties.
- c. In the year of 1973, The Consolidation officer implemented scheme for the consolidation of holdings in village - Wagholi, Taluka - Haveli, Dist. Pune under section 15A of The Bombay Prevention of the Fragmentation and Consolidation Act 1947, whereby the Survey No.147/2/10 converted in to Gat NO.885 admeasuring about 01-Hector 90-Ares. The effect of the said consolidation was given to the revenue record by mutation No.1 of the aforesaid property together with other Properties of Gat No.1 to 2554.
- d. Shri. Narsingh Babaji Kale mortgaged the land of Gat No.885 with Pune District Land Development Bank, for agriculture loan of Rs.3,100/- and accordingly any effect has been given on the said property and the name of said Bank entered in the owners colomun and Shri. Nasingh Babaji Kale in the others right. The aforesaid loan amount was repaid by said Shri. Narsingh Babaji Kale and his name was re-entered on the owners column vide mutation entry No.1174.
- e. Shri. Narsingh Babaji Kale, Shri. Eknath Narsingh Kale and Shri. Prakash Narsingh Kale mutually executed Partition deed dt. 04/09/2004 in respect of their undivided properties i.e. land bearing Gat No.884 (old



885) admeasuring about 01-Hector 90-Ares, Gat No.886 (old 887) admeasuring about 01-Hector 02-Ares, which is duly registered in the office of the Sub Registrar, Haveli No.7, Pune at Sr. No.3814 of 2004. By virtue of the aforesaid Partition deed eastern side are admeasuring about 00 - Hector 95- Are south of Gat No. 884(old 885) and area admeasuring about 00-Hector 51-Ares out of Gat No. 886(old 887)got in the share of Shri. Prakash Narsingh Kale and western side area admeasuring about 00-Hector 95-Ares out of Gat No. 884 (New and are admeasuring about 00-Hector 51-Are south of Gat No.886 (New887)got in the share of Shri. Eaknath Narsingh Kale. Accordingly an effect has been given on the said property to get her with other property vide mutation entry no.1600.

- f. It appears that Sou Tarabi Haribhau Dherange deceased through her legal heirs Shri. Bahusaheb Haribhau Dherange and other had filled Special Civil Suit No.1951/2007 before Civil Judge S.D.,Pune against Shri. Narsingh Babaji kale, Shri. Eknath Narsingh Kale and Shri. Prakash Narsingh Kale for declaration of the Partition deed dt.04/09/2004 was illegal and they have undivided share in the suit properties. By an order dt. 13/08/2009, the Hon'ble Civil Judge, S.D. Pune dismissed the said suit filled by said Sou.Tarabai Dherange. Sou Tarabi Haribhau Dherange deceased through her legal heirs Shri. Bahusaheb Haribhau Dherange further challenged the order dt.13/08/2009 before Hon'ble District Court, Pune by filling Civil Appeal No.617/2009.The aforesaid Appellant and Shri. Narsingh Babaji Kale, Shri. Eknath Narsingh Kale and Shri. Prakash Narsingh Kale compromised with mutual understanding and the appellant has withdrawal the aforesaid Civil Appeal No.617/2009 by filling Purshis at Exh.nO.25 and admitted that they have not any owner ship rights, title, interest or claims against the said property.
- g. It appears from Release deed dated 25<sup>th</sup> May 2010, Mrs. Varsha Amit Shirke, Miss. Pooja Eaknath Kale the daughters of Shri. Eaknath Narsingh Kale were released, surrender all their undivided rights, title, interest and claims of their ancestral properties unto and in favour of their brother Mr. Deepak Eaknath Kale. The aforesaid Release deed is duly registered in the office of the Sub Registrar, HaveliNo.7, Pune at Sr. No.4204 of 2010.
- h. In pursuance of Sale deed dated 10<sup>th</sup>August 2011,Shri. Prakash Narsing Kale, Shri. Sunil Prakash Kale, Chayya Prakash Kale, Shri. Eaknath Narsing Kale, Shri. Deepak Eaknath Kale sold, transferred and



conveyed an area admeasuring about 01-Hector 90-Ares, of Gat No.884 (old 885) unto and in favour of present owner/Party of the First part M/s. Shilp Properties a Partnership Firm, Registered under the Indian Partnership Act 1932, having its registered office at: 128, Dhanukar Colony, Kothrud, Pune 411038, with consent of Shri. Narsing Babaji Kale, Shri. Haribhau Daulati Dherange, Shri. Bhausahab Haribhau Dherange, Shri. Shekhar Dattatray Dherange, Sou. Sangita Bhausahab Dherange, Sou. Sharda Shekhar Dherange, Shri. Shahaji Bhausahab Dherange, Ganesh Bhausahab Dherange on the terms, conditions and consideration particularly mentioned there in. The aforesaid Sale deed is duly registered in the office of the Sub Registrar, Haveli No.11, Pune at Sr. No.7191of 2011.

- i. By virtue of Joint Venture Agreement dated 15<sup>th</sup> October 2011, the land owners M/s. Shilp Properties entrusted the Development rights in respect of the said property unto and in favour of M/s. Dreams Construction (Pune) Private Limited having its registered office at Office No.301, City Mall, Pune on the terms, conditions and consideration particularly mentioned therein. The aforesaid Joint Venture Agreement is duly registered in the office of the Sub Registrar, Haveli No.II, Pune at Sr. No.9804 of 2011.
- j. In pursuance of the aforesaid Joint Venture Agreement dated 15.10.2011 the said M/s. Dreams Constructions with a view to develop the Scheduled property by constructing multistoried building/s thereon and accordingly prepared a building layout plan and got the said plan sanctioned and approved from the Assistant Director of Town Planning Pune, Branch Pune for construction of residential units thereon vide its letter bearing No. Wagholi/884/4733 dated 12/08/2014 and also obtained Environmental Clearance dated 09/12/2016 in respect of the Scheduled property.
- k. It appears that due to non compliance of the terms and conditions of the Joint Venture agreement dated 15/10/2011, M/s. Shilp Properties issued legal notice to M/s. Dreams Construction (Pune) Pvt. Ltd. for cancellation of the afore said Joint Venture Agreement. Accordingly by virtue of Deed of Cancellation dt.18/01/2019, M/s. Shilp Properties cancelled, terminated and annulled the aforesaid Joint Venture Agreement & Power of Attorney dated 15/10/2011 and Supplementary agreement dated 05/03/2018 executed with M/s. Dreams Construction (Pune) Pvt. Ltd. with effect from date of execution of Cancellation deed. The aforesaid Deed of Cancellation is duly



registered in the office of the Sub Registrar, Haveli No.1, Pune at Sr. NO. 527 of 2019.

- l. It appears that in pursuance of Deed of cancellation dated 18/01/2019, the M/s. Shilp Properties is remain lawful owner and occupier of the said property and the said property is in the possession of M/s. Shilp Properties.
- m. It appears that M/s. Shilp Properties have revised the earlier building plan and got the said plan sanctioned and approved from the Pune Metropolitan Region Development Authority, Pune vide its letter No. 298/19-20 dated 18/02/2020 and obtained the revise Environmental Clearance dated 16/01/2020 in respect of the Scheduled property.

**4. Development Agreements with Developer M/s. EASTEND SPACES LLP:-**

**M/S. SHILP PROPERTIES**, a Partnership Firm, Registered under the Indian Partnership Act 1932, having its registered office at: 128, Dhanukar Colony, Kothrud, Pune 411 038, through its Partners Mr. Kantilal Mavji Patel and Mr. Jayantilal Mavji Patel pursuant to the Joint Development Agreement dated 04/11/2020 which is duly registered at the office of the Sub Registrar, Haveli No.I, Pune at Sr. No.6010 of 2020 entrusted the development rights with respect to the area totally admeasuring about 01-Hector 90-Ares equivalent to **19000 sq. mtrs.** of Gat No.884,Wagholi, Taluka Haveli, Dist. Pune in favour of the M/s. **EASTEND SPACES LLP**, a Limited Liability Partnership Firm, Registered under the Limited Liability Partnership Act 2008, having its registered office at: Office No.102, Shalimar Pride, S. B. Road, Near ICC Tower, Shivajinagar, Pune - 411016 i.e. the Developer herein. In support of the Joint Development agreement the Partners of M/s. Shilp Properties executed Irrevocable General Power of Attorney in respect of aforesaid property in favour of the partners of the Developer to enable them the development and construction of the multistoried scheme on the aforesaid entire property. The said Irrevocable General Power of Attorney is also registered in the office of Sub Registrar Haveli No. I, Pune at Sr. No.6011of 2020.

**5. Searches:**

My colleague Advocate P. R. Mehta have caused to take search after paying a requisite fees for search under Receipt No.MH006661173202021E



dated 06/11/2020. Since 2005-2006 the documents can be registered in any office of Sub Registrar, Haveli situated within the PMC and PCMC area and hence it has been difficult to carry out search in all offices within short period. I have taken search from the registration offices and online through IGR web site i.e. www.igrmaharashtra.gov.in.. During the search no document evidencing any subsisting mortgage, charge or encumbrance was found in respect of the said property from the record available in the office of the Sub Registrar, Haveli, Pune. Some registers were not available for personal inspection and some of their papers were misplaced and some of torn out from the books.

I have caused a notice to be published in daily "Prabhat" dated 23.04.2019 calling upon objections, if any, from public at large, with regard to the title of M/s. Shilp Properties. In response thereof I have not received any objection;

**6. Title:**

Subject to whatever stated above, I am of the opinion that; M/s. Shilp Properties is full and absolute owner of all that piece and parcel of land admeasuring 01-Hector 90-Ares i.e. 19000 Sq. Mtrs. of new Gat No.884 (old Gat No.885,) assessed at Rs.05=82ps., situated at revenue village Wagholi, Taluka Haveli, and City District Pune and their title is clean clear and marketable.

By virtue of the Joint Development agreement dt.04/11/2020, the Developer M/s. EASTEND SPACES LLP having absolute right and authority to develop and construct the buildings on the scheduled property in accordance with the Development Control Rules and Regulations of Town Planning authority and to sell, transfer the residential/commercial units therein as per terms and conditions particularly mentioned in the Development agreement.

7. All the documents referred to above are returned to the client.

Pune:

Date: 11/11/2020



*Jitendra B. Pawar Adv.*  
11/11/2020  
ADV. JITENDRA B. PAWAR.



CHALLAN  
MTR Form Number-6



GRN	MH006661173202021E	BARCODE	[Barcode]			Date	06/11/2020-12:12:27	Form ID			
Department	Inspector General Of Registration				Payer Details						
Type of Payment	Search Fee Other Items				TAX ID / TAN (If Any)						
					PAN No.(If Applicable)						
Office Name	HVL1_HAVELI NO1 SUB REGISTRAR				Full Name	Adv P R Mehta					
Location	PUNE										
Year	2020-2021 One Time				Flat/Block No.	New Gat No. 884 Old Gat No. 885					
Account Head Details		Amount In Rs.		Premises/Building							
0030072201 SEARCH FEE		750.00		Road/Street	area 1 H 90 R						
				Area/Locality	Wagholi Pune						
				Town/City/District							
				PIN							
				Remarks (If Any)	Search for 30 years						
				Amount In	Seven Hundred Fifty Rupees Only						
Total			750.00	Words							
Payment Details				STATE BANK OF INDIA				FOR USE IN RECEIVING BANK			
Cheque-DD Details				Bank CIN	Ref. No.	00040572020110664364	CKO3360483				
Cheque/DD No.				Bank Date	RBI Date	06/11/2020-12:24:13	Not Verified with RBI				
Name of Bank				Bank-Branch		STATE BANK OF INDIA					
Name of Branch				Scroll No. , Date		Not Verified with Scroll					

Department ID :

Mobile No. : 9623273719

NOTE:- This challan is valid for reason mentioned in Type of payment only. Not valid for other reasons or unregistered document  
सदर चलान "टाइप ऑफ पेमेंट" मध्ये नमूद कारणासाठीच लागू आहे. इतर कारणासाठी किंवा नोंदणी न करावयाच्या दस्तासाठी लागू नाही.

*Lawas Adv.*  
11/11/2020