



SANA CHIRAG SHAIKH

Advocate
MAH/4633/2011

FORMAT – A
(Circular No:- 28 /2021)

To,
Maharashtra Real Estate Regulatory Authority,
6th and 7th Floor, Housefin Bhavan,
Plot no. C-21, E Block, Bandra Kurla Complex,
Bandra (East), Mumbai – 400 051.

LEGAL TITLE REPORT

SUB: Title Clearance Certificate with respect to City Survey no. 238, admeasuring about 1191 sq. meters situate along with a structure standing thereon, assessed under Municipal Ward P/ N Ward , lying and being at Valnai, Taluka Borivali, Mumbai Suburban District, within the registration District of Mumbai Suburban. **(hereinafter referred as the Said plot)**

I have investigated the title of the said plot on the request of MR. BARSEES JAWAHAR ANASTASIO D'SOUZA and following documents i.e. :-

Description of the property

1. ALL that piece or parcel of land or ground together with the storied house standing thereon formerly situated at Valnai (Orlem) in the Revenue Village of Valnai in the South Salsette Taluka of the Bombay Suburban District, Registration Sub- District Bandra, Registration District Bombay Suburban bearing Survey No. – 34 Hissa No.4 Area 10-3/4 Gunthas assessment 11annas. Now situated at City Survey no. 238, admeasuring about 1191 sq. meters situate along with a structure standing thereon, assessed under Municipal Ward P/ N Ward , lying and being at Valnai, Taluka Borivali, Mumbai Suburban District, within the registration District of Mumbai Suburban.

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The documents of allotment of plot

2. An Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 and presented at the Office of the Sub-Registrar of Bandra on 5th October 1940

Flow of Title

3. WHEREAS IT APPEARS FROM Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 THAT by an Indenture of Mortgage dated the 8th day of July 1930 and registered at the office of the Sub-Registrar of Bombay on the 8th July 1930 under Serial No. 2965 of Book No. I and made between the said Manuel Gomes of the one part and Framroze Rustomji Vatchha and Jehangir Rustomji Vatcha Mortgagees of the other part, the said Manuel Gomes did in consideration of the sum of Rs.3000/- paid to him by the Mortgagees grant, convey and assure unto the Mortgagees the land, hereditaments and premises secondly described in the schedule thereunder written subject to redemption upon payment by the said Manuel Gomes to the Mortgagees of the said sum of Rs. 3000/- and interest thereon in the manner and at the time therein mentioned.
4. WHEREAS IT APPEARS FROM Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 THAT THE SAID LAND, hereditaments and premises were put up for sale by public auction through court in regular Darkhast No. 134 of 1936 of the Sub-Judge's Court at Andheri filed by the vendor against the said Manuel Gomes in execution of the decree in Regular Civil Suit No. 410 of 1932 of the said court.



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5. WHEREAS IT APPEARS FROM Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 THAT AND WHEREAS at the said sale, one Mr. Simon Anton Pereira of Malad purchased the said land, hereditaments and premises on the 25th August 1937 at or for the price of Rs. 400/- subject to the said Mortgage for Rs. 3000/-. THE SAID SALE was confirmed by the Court on the 3rd March 1938 AND WHEREAS a sale certificate in respect of the said land, hereditaments and premises was granted to the vendor by the Second class Sub-Judge at Andheri on the 28th March 1938.
6. WHEREAS IT APPEARS FROM Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 THAT Possession of the said land, hereditaments and Premises was handed over by the said Manuel Gomes to the Mr. Simon Anton Pereira in March 1939. AND WHEREAS Mr. Simon Anton Pereira the vendor therein with the concurrence of Framroze Rustomji Vatchha and Jehangir Rustomji Vatcha the Mortgagees had agreed with the one Mr. Alfred D'Souza the purchaser therein for the absolute sale to him of the land, hereditaments and premises described in the schedule hereunder written at or for the price of Rupees (Rs . 3500/-) three thousand five hundred only free from incumbrances AND WHEREAS the sum of Rs. 3000/- and interest was still due on the security of the recited Mortgage.
7. IT APPEARS THAT vide an Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 and was presented at the Office of the Sub-Registrar of Bandra on 5th October 1940, Mr. Simon Anton Pereira, the vendor therein with the concurrence of Framroze Rustomji Vatchha and Jehangir Rustomji Vatcha Mortgagees therein have as and by way of absolute sale confirmed , granted , conveyed and assured unto the Purchaser Mr. Alfred

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D'Souza ALL that the land, herditaments and premises described in the schedule hereunder written together with all out-houses, buildings, yards, wells, ways, water, water-courses, sewers ditches, drains, liberties, easements, profits, privileges and appurtenances whatsoever to the said land, hereditaments for the price of Rupees (Rs. 2825/-) two thousand eight hundred and twenty five only paid to the Mortgagees therein by Purchasers therein and sum of Rupees (Rs .675/-) Six hundred and seventy five only paid to the vendor therein by the Purchasers therein. Making together the sum of Rs. 3500/-.

8. WHEREAS Mr. Alfred D'Souza died at Bombay (now Mumbai) on 10.01.1954 leaving a Will dated 15th November 1953. And Whereas by and under the said Will the said Mr. Alfred D'Souza bequeathed all his moveable and immovable properties both at Versova and Valnai to his wife Mary Magdalene D'Souza and after her death to the said Barsees D'Souza.
9. WHEREAS vide mutation no. 529/ 12.05.1958 the names of his wife Mrs. Mary D'Souza and Son Mr. Barsees Jawahar Anastasio D'souza were entered in the revenue records as owners of the scheduled property.
10. THAT AS PER THE SAID WILL of Alfred D'Souza dated 15th November, 1953, Alfred bequeathed a sum of Rs. 100/- to his son Ceada (son of Mr. Alfred D'Souza by his first wife Late Mrs. Rose Mary D'Souza), Rs. 500/- to the said Lea (daughter of Mr. Alfred D'Souza by his first wife Late Mrs. Rose Mary D'Souza) and Rs. 100/- to the said Ivy (daughter of Mr. Alfred D'Souza by his first wife Late Mrs. Rose Mary D'Souza)

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11. THAT Smt. Mary Magdalene Dsouza died intestate on 02.11.1966.
12. THAT VIDE DEED OF FAMILY SETTLEMENT dated 03rd August 1990, executed between Bares son of Alfred D'Souza of one part and Mrs. Lea Joseph daughter of Mr. Alfred D'Souza by his first wife Late Mrs. Rose Mary D'Souza of the other part. The said Lea has confirmed the Will left by her deceased father Alfred D'Souza dated 15th November, 1953 as his last Will and Testament by which the said Alfred D'Souza bequeathed all his moveable and immovable properties to the said Bares which are set out in the first and second schedule thereunder written.
13. It is seen from the family settlement dated 03rd August 1990 that, on 06.04.1954 the said Ceada received a sum of Rs. 100/- from the said Mary Magdalene D'Souza in full satisfaction of his share left to him by the said Alfred D'souza in his will dated 15th November 1953.
14. It is further seen from the family settlement dated 03rd August 1990 that the said Lea has received diverse amounts from the estate of the said Alfred D'souza during the lifetime of the said Mary Magdalene D'Souza and thereafter from the said Bares aggregating to more than Rs. 500/-
15. It is further seen from the family settlement dated 03rd August 1990 that the said Lea was staying in a part of the house belonging to Bares and known as "The Shelter" situate at 127 Marve Road, Valnai, Malad West, Bombay. That in lieu of rights of occupancy and all other rights of any nature that the said Lea had in the said property known as 'Shelter' or any other property mentioned in the First and Second schedule thereunder, Bares shall provide



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residential accommodation comprising of two flats- Flat no 101 admeasuring 795 sq ft builtup area and Flat no. 102 admeasuring 795 sq ft built-up area to said Lea in proposed development on the plot of land bearing CTS no. 147, 147/1 and 148 of Village Valnai sitate at Malad West, belonging to the said Bareses on terms and conditions of the settlement deed dated 3rd August 1990. It is seen from the family settlement that Bareses has provided funds for purchase of Flat no. 213 in 'Little Sunflower'' building situated in Lourdes Colony, Orlem, Malad, which is occupied by Lea's son Mr. Baylon D'souza with his family.

16. THAT VIDE DEED OF FAMILY SETTLEMENT DATED 07TH DECEMBER, 1992 and subsequent Deed of Confirmation (to the Deed of Family Settlement) dated 13th June 1994, made and executed before the Jt-Sub-registrar of Assurances at Bandra- Mumbai on 13. 06.1997 bearing no. 3604/94 by and between Mr. Bareses J. A. D'Souza, son of Mr. Alfred D'Souza by his second wife Late Mrs. Mary D'Souza and Mrs. Ivy D'Lima alias Ivy D'Souza, daughter of Mr. Alfred D'Souza by his first wife Late Mrs. Rose Mary D'Souza. The said Mrs. Ivy D'Lima on behalf of herself and her heirs confirmed the will left by her decease father Alfred D'Souza dated 15th November 1953 as his last will and testament by which all the said moveable and immovable properties of Mr. Alfred D'Souza situated at Valnai and Versova and more specifically described in the schedule thereunder belong to the said Bareses D'souza son of Alfred D'souza absolutely with all the rights of disposition attached thereto and concerning thereto and that the said Ivy D'Lima or her heirs, executors and administrators have no claim of any nature whatsoever in the said properties including the property investigated herein.

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17. It appears from Deed of Family Settlement dated 07th December, 1992, that by way of family settlement and to have better and cordial relationship between the parties who are brother and sister and with a view to maintain family harmony amongst all members of the family of the parties and to preserve the family honour and avoid litigations and ill will the said Barsees shall pay to the said Ivy sum of Rs. 8,00,000/- (Rupees Eight Lakhs Only) in lieu of the rights of claim if any of the said Ivy in any of the moveable and immovable properties of the said deceased Alfred D'Souza which are set out in the first and second schedule thereunder.
18. That Smt. Mary Dsouza wife of Late Mr. Alfred D'Souza and Mr. Barsees Jawahar Anastasio D'souza son of Late Mr. Alfred D'Souza were the joint owners of the said NOW KNOWN AS CTS. No. 238 situated at village Valnai admeasuring about 1191 sq meters, along with a structure standing thereon, assessed under Municipal Ward P/ N Ward. Their names are recorded in the property card bearing CTS. No. 238, Village Valnai.
19. THAT Smt. Mary Dsouza died intestate on 02.11.1966 leaving behind Mr. Barsees Jawahar Anastasio D'souza son of Late Mr. Alfred D'Souza as her only legal heir. THAT pursuant to order of the City Survey Office and mutation number 740 dated 10/05/2023 **MR. BARSES JAWAHAR ANASTASIO D'SOUZA** son of Late Mr. Alfred D'Souza have become absolute and sole owner of the said property.

Property Register Card issued by City Survey Office:

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20. That vide mutation no. 529/ 12.05.1958 the names of his wife Mrs. Mary D'Souza and Son Mr. Barsees Jawahar Anastasio D'souza were entered in the revenue records as owners of the scheduled property.
21. THAT pursuant to order of the City Survey Office and mutation number 740 dated 10/05/2023 **MR. BARSES JAWAHAR ANASTASIO D'SOUZA son of Late Mr. Alfred D'Souza** was entered in the revenue records.

Search report for 30 years from 1994 till 2023

22. I have perused the registers of Index II search report for last 30 years. The records maintained at SUB REGISTRAR OFFICE AT MUMBAI SRO pertaining to the year 1997, 1998, 2001, 2002, 2005-2008 are found to be in torn condition, The records maintained at SUB-REGISTRAR OFFICE AT BANDRA S.R.O. / BDR pertaining to the year 1994 to 2005 are found to be in torn condition, The records maintained at SUB REGISTRAR OFFICE AT GOREGAON pertaining to year 1997, 1998, 1999 are found to be in torn condition. From perusal of records I **have not found any adverse entry in respect of the said Property.**
23. 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 **MR. BARSES JAWAHAR ANASTASIO D'SOUZA** is clear, marketable and without any encumbrances.

Owners of the land

MR. BARSES JAWAHAR ANASTASIO D'SOUZA is owner with respect to City Survey no. 238, admeasuring about 1191 sq. meters situate along with a structure standing

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thereon, assessed under Municipal Ward P/ N Ward , lying and being at Valnai, Taluka Borivali, Mumbai Suburban District, within the registration District of Mumbai Suburban.

The report reflecting the flow of the title of the owner on the said land is enclosed herewith as annexure.

Encl : Annexure

DATED THIS 30th Day of November 2024


Ms. Sana Shaikh
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6/08/2025

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FLOW OF THE TITLE OF THE SAID PROPERTY

1. An Indenture of Conveyance dated 5th October 1940 bearing no. BND/1094/1/8/1940 and presented at the Office of the Sub-Registrar of Bandra on 5th October 1940.
2. Deed of Family Settlement dated 03rd August 1990, between Mr. Barse D'Souza and Mrs. Lea Joseph.
3. Deed of Family Settlement dated 07th December 1992, between Mr. Barse D'Souza and Mrs. Ivy D'Lima.
4. A copy of the Search Report issued by Mr. Chandrakant More, Search clerk/Title Investigator for period between 1994-2023.
5. A certified copy of Property Register Card bearing CTS no. 238 of Village Valnai
6. Any other relevant title : not applicable.
7. Litigations if any : NILL

Dated this 30th November 2024


Ms. Sana Shaikh
Advocate
Mumbai.
(MAH/4633/2011)

06/01/2025