

ADVOCATE SURBHI OSWAL

8600130600

MAH/2667/2016

oswalsurbhi02@gmail.com

Office No 208, Wing B

Indulal Commercial Complex Condominium,

LBS Road, Next to Kaka Halwai,

Navi Peth Pune-411030.

FORMAT A

(Circular No.- 28/2021)

Date:09.05.2023

To,

Maharashtra Real Estate
Regulatory Authority
(MahaRERA)

LEGAL TITLE REPORT

Subject: Title Clearance Certificate with respect to all that piece and parcel of Plot No. 38 admeasuring 12957 Square Feet i.e. 1203.75 Square Meters and Plot No. 39 admeasuring 10299 Square Feet i.e. 956.75 Square Meters, carved out of land bearing Survey No. 573 Hissa No. 1 to 5D, corresponding CTS No. 277 and 276 respectively situate at village Munjeri (Bibwewadi), Taluka Haveli, District Pune, together with rights of easement, road, hereditament etc. (hereinafter called and referred to as "the said Property")

We have investigated the title of the said plot on the request of **M/S. SAMRAT DEVELOPERS**, A REGISTERED PARTNERSHIP FIRM, having its office at Office No. 4, 2nd Floor, Chandrasheel Apartment, Next to Hotel Deccan Rendevous off Apte Road, Shivaji Nagar, Pune 411 005 (PAN: ABIFS5435N), represented by its Partners **Mr. Rajendraji Bora** and **Mr. Vikasji Bhatewara** and following documents:-

1) Description of the Property.

All that piece and parcel of Plot No. 38 admeasuring 12957 Square Feet i.e. 1203.75 Square Meters and Plot No. 39 admeasuring 10299 Square Feet i.e. 956.75 Square Meters carved out of land bearing Survey No. 573 Hissa No. 1 to 5D, corresponding CTS No. 277 and 276 respectively situate at village Munjeri (Bibwewadi), Taluka Haveli, District Pune and which plots are bounded as under-

ON OR TOWARDS EAST-
ON OR TOWARDS WEST-
ON OR TOWARDS NORTH-
ON OR TOWARDS SOUTH-

by part of Survey No. 573
by road
by road
compound wall and road



Together with rights of easement, road, hereditament etc. (hereinafter called and referred to as the said PROPERTY).

2) The documents of allotment of the said Property

- a. Photocopy of 7/12 extract of Survey No. 573 Hissa No. 1 to 5D from 1992 to 2016.
- b. Photocopy of the Property cards of the said Property
- c. Mutation Entry bearing No. 27403, 4225, 4224, 7363, 7898, 10468, 10450, 10490, 10929, 14944, 15865, 15866, 16170, 16570, 21670, 3203, 3012,
- d. Photocopy of Lis Pendency dated 04.09.2017 and registered at the office of the Sub Registrar II Pune, at Serial No. 6696/2017.
- e. Photocopy of Death Certificate of late Shri. Suryakant Shankarlal Khinvasara and the late Shri. Abhay Suryakant Khinvasara.
- f. Photocopy of the Sale Deed dated 27.09.2022 and registered at the office of the Sub Registrar, Haveli no. 11, Pune at Serial No. 20440/2022
- g. Photocopy of the Power of Attorney dated 27.09.2022 and registered at the office of the Sub Registrar, Haveli no. 11, Pune at Serial No. 20441/2022
- h. Photocopy of Commencement Certificate No. CC/0255/23 dated 28.04.2023.
- i. NA order

3) Search report-

In respect of the said property, for last 30 years issued by Advocate Vaibhav Shirude dated 01.09.2022

- 4) **Litigation-**One M/s. Horizon Developers has filed a Suit bearing Special Civil Suit No. 556/2017 against Late MR. Abhay Suryakant Khinvasara, Mr. Chandrashekhar Suryakant Khinvasara Smt. Kamla alias Kamlabai Suryakant Khinvasara, Mrs. Sushma Prakash Bafna and Mrs. Neeta Santosh Runwal which matter is pending before the Hon'ble Civil Judge Senior Division, Pune. In the said suit, no interim Orders have been passed restraining the Defendants from inter alia creating third party interest on the above captioned lands and after providing ample opportunities to the Plaintiff the Hon'ble Court on 22.02.2018 has Ordered below Exhibit 33 that "*matter is adjourned from time to time. Hence Exh. 5 be heard along with the suit*". That M/S. SAMRAT DEVELOPERS has filed an Application for Intervention in the said matter and the same is pending adjudication.

It appears that the Plaintiff, M/s. Horizon Developers has also filed a Writ Petition bearing No. WPST/13508/2018 before the Hon'ble Bombay High Court challenging the Order below Exhibit 27.



whereby the Hon'ble Court has rejected the Application preferred by the Plaintiff for the production of documents. The said matter is pending for adjudication.

This Certificate has been issued subject to claims made in the above proceedings.

- 5) 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. SAMRAT DEVELOPERS** is clear and marketable except the encumbrances mentioned in the Annexure A

6) Owner of the land-

The said land belongs to **M/S. SAMRAT DEVELOPERS.**

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

Encl : **Annexure A.**

Date: 09.05.2023



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FORMAT A
(Circular No.- 28/2021)
FLOW OF TITLE OF THE SAID PROPERTY

1. It can be seen that the late **Shri. Suryakant Shankarlal Khinvasara** was the owner of all that piece and parcel of Plot No. 38 admeasuring 12957 Square Feet i.e. 1203.75 Square Meters and Plot No. 39 admeasuring 10299 Square Feet i.e. 956.75 Square Meters, out of the layout Plan sanctioned by the PMC, and both plots carved out of land bearing Survey No. 573, Hissa No. 1 to 5D, corresponding CTS No. 277 and 276 respectively situate at village Munjeri (Bibwewadi), Taluka Haveli, District Pune and within the limits of Pune Municipal Corporation (hereinafter both Plot No. 38 & 39 are collectively referred to as "**the said Property**") and was in vacant and peaceful possession thereof. That his name was recorded in the owners column of the 7/12 Extracts vide Mutation Entry bearing No. 16570 dated 10.03.1989.
2. It can be seen that thereafter the said Late Shri. Suryakant Shankarlal Khinvasara expired intestate on 21.02.2001 leaving behind him-

- (a) Mr. Abhay Suryakant Khinvasara (Son)
- (b) Mr. Chandrashekhar Suryakant Khinvasara (son)
- (c) Mrs. Sushma Prakash Bafna (daughter)
- (d) Mrs. Neeta Santosh Runwal (daughter)
- (e) Smt. Kamla alias Kamlabai Suryakant Khinvasara (wife)

as his only heirs being entitled to 20% undivided share each. That their names were recorded in the owners column of the 7/12 Extracts vide Mutation Entry bearing No. 21670.

3. Subsequently, Mr. Abhay Suryakant Khinvasara expired intestate on 04/11/2019 leaving behind him his legal heirs as under,

- (a) Mrs. Asha Abhay Khinvasara
- (b) Mr. Aadesh Abhay Khinvasara
- (c) Ms. Shriya Abhay Khinvasara
- (d) Mrs. Kamla alias Kamlabai Suryakant Khinvasara

The same is seen and recorded vide Mutation Entry 3012.

4. It can be seen that thus the said Property was owned and possessed by Mr. Chandrashekhar Suryakant Khinvasara and others in the following manner-

1	Smt. Asha Abhay Khinvasara	5%
2	Mr. Aadesh Abhay Khinvasara	5%



3	Ms. Shriya Abhay Khinvasara	5%
4	Mrs. Kamla alias Kamlabai Suryakant Khinvasara	25%
5	Mr. Chandrashekhar Suryakant Khinvasara	20%
6	Mrs. Sushma Prakash Bafna	20%
7	Mrs. Neeta Santosh Runwal	20%

5. It can be seen that a Lis Pendency bearing No. 6696/2017 and registered at the office of the Sub Registrar, Haveli No. II, Pune, is registered in respect of the said Property, by M/s. Horizon Developers, through its Partner, Mr. Pradeep Oswal.
6. It can be seen vide Mutation Entry bearing No.27403 dated 12.06.2018 that as per Order bearing outward No. 712/12/kra.Na.bhu./Duheri nond band/pabhu 6/Gultekdi, Munjeri, Bibwewadi/18 issued by the Town Planning Authority dated 07.06.2018 and as per Letter from Tehsildar dated 08.06.2018 bearing No. kavi/715/2018 it has been declared that the lands as mentioned therein including the said property within the limits of the Municipal Corporation of the City of Pune has been converted as Non Agricultural Land and therefore henceforth the 7/12 extracts shall be stopped and City Survey Property Cards shall be issued towards the same and the sa.
7. It can be seen that vide a Sale Deed and Power of Attorney both dated 27.09.2022 and registered at Haveli No. 11, at Serial No. 20440/2022 and 20441/2022 respectively, the aforesaid owners, i.e. Smt. Kamala alias Kamlabai Suryakant Khinvasara, Mrs. Sushma Prakash Bafna, Mr. Chandrashekhar Suryakant Khinvasara, Mrs. Neeta Santosh Runwal, Mr. Adesh Abhay Khinvasara, Smt. Asha Abhay Khinvasara and Mrs. Shriya Ankush Jain Alias Miss. Shriya Abhay Khinvasara with the consent and confirmation of Mrs. Preeti Adesh Khinvasara, Ms. Inaaya Adesh Khinvasara Minor through natural Guardian Mr. Adesh Abhay Khinvasara, Mrs. Smita Chandrashekhar Khinvasara, Mrs. Shradha Pritesh Achaliya Alias Shradha Chandrashekhar Khinvasara, Mr. Sidhant Chandrashekhar Khinvasara and Mrs. Neha Sidhant Khinvasara sold the said property to and in favour of M.s/ Samrat Developers represented by its Partner Vikas Pukhraj Bhatewara. Thus the name of M.s/ Samrat Developers represented by its Partner Vikas Pukhraj Bhatewara was mutated on the property card vide Mutation Entry bearing No. 3203
8. The Office of the Collector, Pune vide his Order bearing No. PRN/06723/II Pune dated 31.12.1984 granted permission of the conversion of the user of the larger land (which includes the said property) to Non Agricultural under the provisions of Section 44 of the Maharashtra Land Revenue Code, 1966
9. Vide the above recited Order, the Municipal Corporation of the City of Pune has sanctioned the building/layout plan in respect of the said property and also sanctioned the revised building plans Vide Commencement Certificate bearing No. CC/0255/23 dated 28.04.2023 in respect of the said property.

We have inspected the Original Sale Deed by which Samrat Developers has purchased the said property.



Search : Search Report for 30 years by Advocate Vaibhav Shirude dated 01.09.2022

Possession- M/s. Samrat Developers has possession to the said Property.

Public Notice : Public Notice dated 27.10.2022 was issued by Adv. Subhash Z. Ostwal in the daily Loksatta and Public Notice dated 28.10.2022 in the daily Indian Express. Further, another Public Notice dated 01/11/2022 was issued by Adv. Subhash Z. Ostwal in the daily Prabhat. We have been informed that no objections/claims were received from any person whatsoever in respect of the Public Notice.

Litigation : It can be seen that one, M/s. Horizon Developers has filed a Special Civil Suit bearing No. 556/2017 against Abhay Suryakant Khivansara and others in respect of the said property. In the said suit, no interim Orders have been passed restraining the Defendants from inter alia creating third party interest on the above captioned lands and after providing ample opportunities to the Plaintiff the Hon'ble Court on 22.02.2018 has Ordered below Exhibit 33 that "*matter is adjourned from time to time. Hence Exh. 5 be heard along with the suit*". That M/S. SAMRAT DEVELOPERS has filed an Application for Intervention in the said matter and the same is pending adjudication.

It appears that the Plaintiff, M/s. Horizon Developers filed a Writ Petition bearing No. WPST/13508/2018 before the Hon'ble Bombay High Court challenging the Order below Exhibit 27 whereby the Hon'ble Court has rejected the Application preferred by the Plaintiff for the production of documents. The said matter is pending adjudication.

Note –

a. This opinion is given upon and subject to the condition that any inaccuracy or omission from any deed or document relating to the said property or any certified or examined copy or abstract of any deed or documents. This report is based on the revenue records and copy of the documents made available for our perusal and also on the information furnished and representations made by our Client.

b. It is represented to us by our Client that there is no other matter pending before any Court of Law, Tribunal, etc., in respect of the above captioned land and we have relied on the same and no separate search in the Courts is carried on by us.

c. The Client has represented to us that presently there is no mortgage, charge, lien, attachment, claims, demands and or any other encumbrances save and except disclosed above as on the date of issuance of this Report



Date- 09.05.2023

MH007078362202223E	Government of Maharashtra	Regn. 39 M
Department of Registration and Stamps		
01 Sep 2022	Receipt	Receipt no.: 1112538873
	Name of the Applicant :	VAIBHAV SHIRUDE
	Details of property of which document has to be searched :	Dist :Pune Village :Bibavewadi S.No/CTS No/G.No. : 573
	Period of search :	From :2002 To :2022
	Received Fee :	525
The above mentioned Search fee has been credited to government vide GRN no :MH007078362202223E		
As this is a computer generated receipt, no stamp or signature is required.		
For Physical search in office, Please bring this receipt along with mentioned Gras Challan.		
Payment of search fee through GRAS challan can be verified on ' gras.mahakosh.gov.in/challan/views/fmSearchChallanWithoutReg.php '.		



