

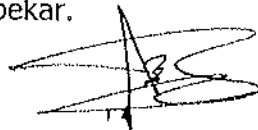
SEARCH AND TITLE REPORT

Re : - All that piece and parcel of land or ground admeasuring Hectares 01 = 75 Ares bearing Survey No.23 [earlier bearing Survey No.22] Hissa No.4/1, situate, lying and being at Village Undri within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Gram Panchayat of Village Undri and falling in the "Residential" Zone under the Regional Plan for Pune Metropolitan Region currently in force, hereinafter referred to as "**the captioned property**".

At the instance and instructions of my client **M/S. G.G.L.B. ESTATES** having its Office at San Mahu Complex, 5 Bundgarden Road, Pune - 411 001, I have investigated the title of the captioned property and my search and title report is as under :-

1. DOCUMENTS GIVEN FOR MY PERUSAL:-

- 1) Xerox copies of 7/12 extracts of the captioned property from 1930 to 1964, 1971 to 2012.
- 2) Xerox copy of Mutation Entry bearing Nos. 1502, 1558, 3398, 3792, 4057, 8427, 9549, 9610 & 9731.
- 3) Xerox copy of Zone Certificate dated 17/03/2012.
- 4) Xerox Copy of the Order dated 03/11/2003 passed in RTS Appeal No. 94/92 dated 03/11/2003 by Deputy Collector and Special Land Acquisition Officer No.23, Pune.
- 5) Xerox Copy of the Order dated 31/01/2007 passed in RTS Appeal No. RTS/2/A/2/2004 by Additional Collector, Pune.
- 6) Xerox Copy of Order dated 19/09/2011 passed in RTS Appeal No. RTS/Pune/91/2007 by Divisional Commissioner, Pune Division Pune.
- 7) Xerox copy of Partition Deed dated 15/11/1991 by and between Shri Genbhau Laxman Ambekar and Shri Tukaram Genubhau Ambekar & other, which were registered at Sub-Registrar Haveli No.3 vide no. 720/91.
- 8) Xerox copy of Memorandum of Understanding dated 30/07/2010 by and between Shri Sajid Ismail Furniturewala And Shri Tukaram Genubhau Ambekar.



- 9) Xerox copy of Deed of Conveyance dated 16/03/2012, by and between Shri Tukaram Genbhau Ambekar & others And M/s. G.G.L.B. Estates, which was registered at Sub-Registrar Haveli No.10 vide No. 4980/2012.
- 10) Xerox copies of Power of Attorney dated 16/03/2012, which was registered at Sub-Registrar Haveli No.10 vide No. 4981/2012.

II. TRACING OF TITLE:-


It appears that the land bearing S.No.22 Hissa No.4 totally admeasuring 06 Acres 13 Gunthas was originally owned by Mr.Laxman Genu Ambekar. It appears from the Mutation Entry No. 1502 the said Mr.Laxman Genu Ambekar expired somewhere in the year 1964 leaving behind him his son Mr.Genubhau Laxman Ambekar and wife Smt.Dhondabai Laxman Ambekar as his only heirs as per the law of succession by which the deceased was governed and the name of Mr.Genubhau Laxman Ambekar as the Manager of the HUF was recorded on the 7/12 extract of the captioned property.

That, the provisions of the Maharashtra Weights & Measures Act, 1958 and Indian Coinage Act, 1956 were made applicable to Village - Undri and effect of the same was given to the revenue records of the Survey Numbers of Village Undri vide Mutation Entry No.1558 and accordingly the area of S.No.22 Hissa No.4 was converted from 06 Acres 13 Gunthas to 02 Hectares 56 Ares.

That from the perusal of Mutation Entry No.3398 it appears that the said Mr.Genubhau Laxman Ambekar has sold, transferred and assured an area admeasuring Hectares 00 - 81 Ares out of S.No.22 Hissa No.4 unto and in favour of Mr.Ramdas Ghule vide Sale Deed dated 19/01/1984. In pursuance of the same two separate Hissas of the said S.No.22/4 were originated as follows :-

	<u>S.No./ H.No.</u>	<u>Area</u>	<u>Owner</u>
(1)	S.No.22 Hissa No.4/1	01 Hectares 75 Ares	Mr.Genubhau L. Ambekar
(2)	S.No.22 Hissa No.4/2	00 Hectares 81 Ares	Mr.Ramdas Ghule

That from the perusal of Mutation Entry No.3792, it appears that as per the Final Notification dated 06/09/1977 issued by Additional Collector, Pune, Village "Vadachi Wadi" was declared independent revenue Village and accordingly the Survey Numbers of Village Undri were revised. In pursuance of the same S.No.22 Undri was revised to S.No.23, Undri.



That, from the perusal of Mutation Entry No. 4057 it appears that Mr. Uttam Ramchandra Hole purchased the captioned property from Mr. Genubhau Laxman Ambekar through his Constituted Attorney Mr. Shaikh Mushtaq Mohammad vide registered Sale Deed dated 08/10/1991 which is registered at the Office of Sub-Registrar Haveli No.3 at Serial No.81/91.

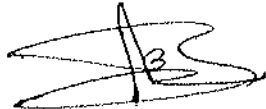
From the perusal of Mutation Entry No.8427 it appears that the said Mr.Uttam Ramchandra Hole expired on 01/08/2007 leaving behind him the following persons as his only heirs as per the law of succession by which the deceased was governed and accordingly their names were mutated on the 7/12 extract of the captioned property:-

Sr. No.	Name	Relation
1.	Mr. Kiran Uttamrao Hole	Son
2.	Mr. Mithun Uttamrao Hole	Son
3.	Mrs. Kalyani Vishal Bankar	Daughter
4.	Smt. Shindhu Uttamrao Hole	Wife

III. AS TO THE RTS APPEALS AND SUITS IN RESPECT OF THE CAPTIONED PROPERTY:-

RTS APPEALS :-

It appears that R.T.S. Appeal No.94/92 was filed by Mr.Genubhau Laxman Ambekar deceased through his heirs Mr.Tukaram Genubhau Ambekar & Ors against Mr.Uttam Ramchandra Hole in the Court of Deputy Collector and Special Land Acquisition Officer No.23, Pune, challenging the Mutation Entry No.4057 by virtue of which the name of the said Mr. Uttam Ramchandra Hole was recorded as owner on the 7/12 extract of the captioned property in pursuance of the Sale Deed dated 08/10/1991 executed by Mr. Genubhau Laxman Ambekar through his Constituted Attorney Mr. Shaikh Mushtaq Mohammad and which is registered at the Office of Sub-Registrar Haveli No.3 at Serial No.81/91. As per the Order dated 03/11/2003 passed by the Deputy Collector and Special Land Acquisition Officer No.23, Pune in the said R.T.S. Appeal No.94/92, the said Appeal was allowed and the said Mutation Entry No.4057 was cancelled.



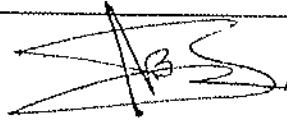
Being aggrieved by the said Order dated 03/11/2003 passed by the Deputy Collector and Special Land Acquisition Officer No.23, Pune in the said R.T.S. Appeal No.94/92, the said Mr.Uttam Ramchandra Hole filed R.T.S. Appeal No.RTS/2/A/2/2004 against the said Mr.Tukaram Genubhau Ambekar & Ors in the Court of Additional Collector, Pune. The Additional Collector, Pune passed Order on 31/01/2007 in the said R.T.S. Appeal No.RTS/2/A/2/2004 whereby the said Appeal was rejected and the Order passed by the Deputy Collector and Special Land Acquisition Officer No.23 was confirmed.

Being aggrieved by the said Order dated 31/01/2007 passed by The Additional Collector, Pune passed Order on 31/01/2007 in the said R.T.S. Appeal No.RTS/2/A/2/2004, the said Mr.Uttam Ramchandra Hole, deceased through his heirs Smt.Sindhu Uttam Hole & Ors filed Revision Application bearing No.RTS/Pune/91/2007 against Mr.Tukaram Genubahu Ambekar & Ors in the Court of Divisional Commissioner, Pune Division, Pune. The said Revision Application was dismissed and the orders of the lower courts were confirmed by the Judgement dated 19/09/2011 given by Divisional Commissioner, Pune Division, Pune.

The effect of the aforesaid orders were cumulatively given to the revenue records of the captioned land vide Mutation Entry No.9549 and accordingly the position of the revenue records of the captioned land prior to the Mutation Entry No.4057 was confirmed. In pursuance of the same the name of Mr.Uttam Ramchandra Hole entered on the 7/12 extract of the captioned land vide Mutation Entry No.4057 and the names of the heirs of Mr.Uttam Ramchandr Hole i.e. Mr.Kiran Uttam Hole & Ors recorded on the 7/12 extract of the captioned land vide Mutation Entry No.8427 were deleted and the name of Mr.Genubhau Laxman Ambekar as the Manager of the HUF was entered.

It appears by the Mutation Entry No. 9610 that the Shri Genbhau Laxman Ambekar expired on 12/06/2002 and the name of his legal heirs were mutated on the 7/12 extract of the captioned property namely as follows :-

Sr. No.	Name	Relation
1.	Mr. Tukaram Genbhau Ambekar	Son
2.	Mr. Arun Genbhau Ambekar	Son
3.	Mr. Popat Genbhau Ambekar	Son
4.	Sou. Anusaya Devidas Ghule	Daughter
5.	Smt. Bhikabai Genbhau Ambekar	Wife



CIVIL SUITS:-

Mr.Tukaram Genubhau Ambekar & Ors have filed Special Civil Suit No.16/1992 against (1) Mr.Genubhau Laxman Ambekar (2) Mr.Uttam Ramchandra Hole deceased through heirs Smt.Sindhu Uttam Hole, Mr.Kiran Uttam Hole, Mr.Mithun Uttam Hole and Mrs.Kalyani Vishal Bankar and (3) Mr.Shaikh Mushtaq Mohammad, in the Court of Civil Judge Senior Division, Pune at Pune for Declaration, Injunction and Pre-emption. The said Special Civil Suit No.16/1992 has been given new number i.e. Regular Civil Suit No.4502/2012 and the same is pending before the Honourable Court.

During the pendency of the aforesaid Special Civil Suit No.16/1992, the said Mr.Kiran Uttam Hole and Ors have filed Regular Civil Suit No.1164/2010 against Mr.Tukaram Genubhau Ambekar in the Court of Civil Judge Junior Division, Pune at Pune for Declaration, Injunction and Possession. The said suit is also pending before the Honourable Court.

That no restraining orders have been passed by the Honourable Court in the said Regular Civil Suit No.4502/2012 (Old No. Special Civil Suit No.16/1992) and/or in the Regular Civil Suit No.1164/2010.

IV. AS TO THE PRESENT OWNERSHIP STATUS OF THE CAPTIONED PROPERTY:-

During the pendency of the aforesaid Regular Civil Suit No.4502/2012 and Regular Civil Suit No.1164/2010, the said 1. Mr. Tukaram Genubhau Ambekar, 2. Mr. Arun Genubhau Ambekar, 3. Mr. Popat Genubhau Ambekar, 4. Smt. Bhikabai Genubhau Ambekar & 5. Sou Anusaya Devidas Ghule (as Owners/ Vendors) and 1. Mr. Devidas Laxman Takle and 2. Mr. Sajid Ismail Furniturewala (as Consenting Party) have sold, transferred, conveyed and assured the captioned property unto and in favour of M/s G.G.L.B. Estates through its Partners (1) Meenamani Ganga Developers L.L.P through Mr. Annuj Umesh Goel, (2) Mr. Ramesh Kimatram Chabriya, (3) Mr. Sagar Harish Pariyani & (4) Mr. Sagar NiranjanKumar Batra by Sale Deed dated 16/03/2012 which is duly registered at the Office of Sub-Registrar Haveli No.10 at Serial No.4980/12, and accordingly the name of **M/s G.G.L.B. ESTATES** through its Partners (1) Meenamani Ganga Developers L.L.P through Mr. Annuj Umesh Goel, (2) Mr. Ramesh Kimatram Chabriya, (3) Mr. Sagar Harish Pariyani & (4) Mr. Sagar NiranjanKumar Batra is mutated on the 7/12 extract of the captioned property as owner thereof vide Mutation Entry No.9731.



V. AS TO THE SEARCH OF INDEX II REGISTERS MAINTAINED AT THE CONCERNED SUB-REGISTRAR OFFICES:-

I have caused the search of the captioned property from 1983 to 2012 (till date) vide receipt no. 2938/2012 dated 22/08/2012 from the available registers of Index-II extracts at the concerned Sub-Registrar Offices. At the time of search I found majority of the Index -II registers at the office of the Joint Sub-Registrar Haveli No. I and II in torn condition and hence I cannot comment upon the same in detail. However, from the available registers of Index-II extracts at the office of the Joint Sub-Registrar Haveli No. III, IV, VI, VII, VIII, X and XI, I did not come across any cross entry other than those stated above.

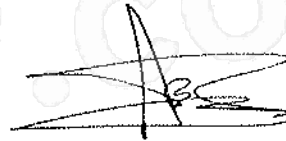
VI. OPINION :-

Upon the aforesaid foregoing and findings based on the scrutiny of the documents given for my perusal and having regard to the legal considerations which I deem relevant, and subject to the order that may be passed by the Honourable Court in the pending Regular Civil Suit No.4502/2012 and Regular Civil Suit No.1164/2010, I am of the opinion that the title of the said **M/S. G. G. L. B. ESTATES** to the captioned property is clean, clear and marketable.

Hence this report.

Pune

Date :- 30/08/2012



(ADV. ANAND B. BANSODE)

नोंदणी ३९ म.
Regn. 39 m.

दिनांक २२/४ सन २०१२

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नोदेषीकृत डाकेने पाठवली जाईल.

या कार्यालयात देणू नये ईल.

दुष्पमः निबन्धकः.

नावे नोंदणीकृत डाकेने पाठवावा.

हवाली करावी. दुय्यम निबंधक वर्ग-३

हवेली क्र. १०, सायबुल्लेगर्वा

ANAND B. BANSODE
B.A., LL.B.
ADVOCATE

आनंद बी. बनसोडे
बी.ए., एल.एल.बी.
अॅडव्होकेट

Resi :- Survey No. 1/7A+7B, Property No. 108, Near Bhapkar Gas Agency, Pisoli Village,
Tal: Haveli, Dist: Pune - 411 028. Cell No :- 9822409260.

SERACH AND TITLE REPORT

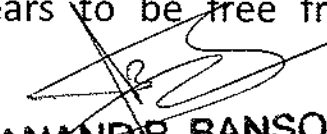
Continuation Report of my Report issued on Dated 30/08/2012. By me in respect of all that piece and parcel of land or ground admeasuring Hectares 01=75 Ares bearing Survey No. 23 [earlier bearing Survey No. 22] Hissa No. 4/1, situate lying and being at Village Undri within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Gram Panchayat of Village Undri and falling in the "Residential" Zone under the Regional Plan for Pune Metropolitan Region currently in force, hereinafter referred to as "**the captioned property**"

At the instance and instructions of my client **M/s G.G.L.B. ESTATES** having its Office at San Mahu Complex, 5 Bundgarden Road, Pune- 411 001, I have investigated the title of the captioned property and the present report is part and parcel of my continuation Report to Dated 30/08/2012. Search is as under:-


AS TO THE SERACH OF INDEX II REGISTERES MAINTAINED AT THE CONCERNED SUB-REGISTRAR OFFICES :-

I have caused the search of the captioned property from 2012 to 2014 (till date) vide receipt GRN No. MH 00 1791895201415 E dated 15/07/2014 from the available registers of Index-II extracts at the concerned Sub-Registrar Offices.

On the basis of this receipt of payment , I Conducted the search from online search facility made available by the Department of Registration, Govt. of Maharashtra on their official website, the property under report appears to be free from encumbrances.


ANAND B. BANSODE
B.A.L.L.B. (Advocate)
House No. 108, S. No. 1 / 7A+7B,
Near Bhapkar Gas Agency,
Pisoli Village, Tal. Haveli, Dist. Pune
Mob. No. 9822409260

CHALLAN
MTR Form Number-6

GRN	MH001791895201415E	BARCODE		Date	15/07/2014-15:02:50	Form ID	
Department				Inspector General Of Registration			
Type of Payment				Payer Details			
Search Fee				TAX ID (If Any)			
Other Items				PAN No. (If Applicable)		AJKPB1840L	
Office Name				Full Name		Anand Baswant Bansode	
HVL1_HAVELI NO1 SUB REGISTRAR							
Location				Flat/Block No.		108 Pisoli	
PUNE							
Year				Premises/Building			
2014-2015 One Time							
Account Head Details			Amount In Rs.		Road/Street		
0030072201 SEARCH FEE			300.00		Pisoli		
					Area/Locality		
					Pisoli Pune		
					Town/City/District		
					PIN		
					4 1 1 0 6 0		
					Remarks (If Any)		
					Sr.No.23/4/1 VILL.UNDRI. PUNE.41102		
					8		
					Amount In		
					Three Hundred Rupees Only		
Total			300.00		Words		
Payment Details				FOR USE IN RECEIVING BANK			
STATE BANK OF INDIA							
Cheque-DD Details				Bank CIN		REF No.	
				00003002014071540181		IK53252563	
Cheque/DD No				Date		15/07/2014-03:03:22	
				Bank-Branch		STATE BANK OF INDIA	
Name of Bank				Scroll No. , Date		197 , 16/07/2014	
Name of Branch							

Mobile No. : 9822409251

Signature Not
Verified
Digitally signed by
PRAKASH NAVASO
CHAVAN
Date: 2014.07.21
15:25:01 IST
Reason: Secure
Document
Location: India

OPINION :-

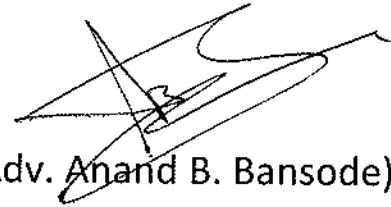
Upon the aforesaid foregoing and findings based on the scrutiny of the documents given for my perusal and having regard to the legal considerations which I deem relevant, and subject to the order that may be passed by the Honourable Court in the pending Regular Civil Suit No. 4502/2012 and Regular Civil Suit No. 1164/2010, I am of the opinion that the title of the said M/s G.G. L.B.Estates to the captioned property is clean, clear and marketable.

The present continuation Report to be considered as part & parcel of my report dated 30/08/2012.

Hence this report.

Pune

Date :- 21/07/2014



(Adv. Anand B. Bansode)

ANAND B. BANSODE

B.A.L.L.B. (Advocate)
House No. 108, S. No. 1 / 7A+7B,
Near Bhapkar Gas Agency,
Pisoli Village, Tal. Haveli, Dist. Pune
Mob. No. 9822409260

ANAND B.BANSODE
B.A.L.L.B.
ADVOCATE

आनंद बी. बनसोडे
बी. ए. एल. एल.बी.
ऑड्होकेट

Resi :- Survey No. 1/7A+7B, Grampanchayat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

Date: 18/10/2016

To,

- 1] M/s. G.G.L.B Estates, A partnership Firm,
2] M/s. Meenamani Ganga Builders LLP, a Limited Liability Partnership Firm
Add :- Sanmahu Complex, 5 Bund Garden Road,
Pune - 411001.

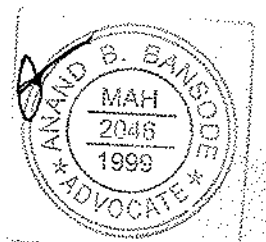
Subject :-

Search & Title Report in respect of All that piece and parcel of land or Ground Admeasuring. 1 Hectors 75 Ares bearing Survey No. 23 (Old Survey No. 22), Hissa No 4/1, situated at Village Undri, within the Registration Sub- District of Taluka Haveli, District Pune with in the limit of Grampanchayat of Village Undri and falling in the "Residential" Zone under the regional plan for Metropolitan Region currently in force herein reposed to as "The Captioned Property".

As the instance and instructions of my client M/s. G.G.LB Estates a Partnership Firm, having office at Sanmahu Complex, 5 Bund Garden Road Pune - 411001, I have investigated the Title of the captioned Property and my Search and title report is as under :-

I) Document Given for my perusal :-

- 1) Xerox copy of 7/12 Extract of the captioned property from 1930 to 1964, 1971 to 2016.
- 2) Xerox copy of Mutation Entry interpret of caption Property bearing No. 1502, 1558, 3398, 3792, 4057, 8427, 9549, 9610, 9731.
- 3) Xerox copy of Zone Certificate dtd. 17/03/2012.
- 4) Xerox copy of Order dtd 03/11/2003 passed in RTS appeal No. 94/92 by the Deputy Collector & Special Land Acquisition Officer No. 23 Pune.
- 5) Xerox copy of Order dtd 31/01/2007 passed in RTS Appeal No. RTS/2/A/2/2004 by the Additional Collector Pune.



ANAND B.BANSODE
B.A.L.L.B.
ADVOCATE

आनंद बी. बनसोडे
बी. ए. एल. एल.बी.
अॅडव्होकेट

Resi : - Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

- 6) Xerox copy of Order dtd 19/09/2011 passed in RTS Appeal No. RTS/Pune/91/2007 passed by Divisional Commissioner Pune Division Pune.
- 7) Xerox copy of Order dtd 09/04/2013 passed in (Prakaran Kra. RTS-3412/Pra.Kra.247/L-6) by the Revenue Minister of State of Maharashtra.
- 8) Xerox copy of Memorandum of Understanding dtd 30/07/2010 by and between Mr. Sajid Ismail Furniturwala and Mr. Tukaram Genubhau Ambekar.
- 9) Xerox copy of Deed of Conveyance dtd 16/03/2012 by Mr. Tukaram Genubhau Ambekar & others in favour of Partnership Firm M/s. G.G.L.B Esate, registered at Sr. No. 4980/12 in the office of Sub-Registrar of Assurance Haveli No. 10.
- 10) Xerox copy of Power of Attorney dtd 16/03/2012 given by Tukaram Genubhau Ambekar others in favour of M/s. G.G.L.B Partnership Firm, registered at Sr. No. 4981/12 in the office of Sub-Registered of Assurances Haveli No. 10.
- 11) Xerox copy of Order Dtd 17/04/2013 of the Collector of Pune bearing No. PMH/NA/SR/958/12 by which N. A, Permission was granted to use captioned Property and also building plan of the captioned property submitted by M/s. G.G.L.B. EState were sanctioned.
- 12) Xerox copy of Plaint of (Civil Suit No. 4502/12 (Old No. 16/92) Filed by Tularam Genubhau Ambekar and others against Genbhau Laxman Ambekar & legal heirs of late Tukaram Ramchandra Hole. Written Statement of all the dependants in the said Suit, Roznama of the said Suit.



ANAND B.BANSODE
B.A.L.L.B.
ADVOCATE

आनंद बी. बनसोडे
बी. ए. एल. एल.बी.
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Resi :- Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

- 13) Xerox copy of Complaint of Special Civil Suit No. 1707/13 Old No. Regulars Civil Suit No. 1164/10 filed by Mr. Kiran Uttam Hole & others against Mr. Tukaram Genu Ambedkar & others written Statements of all the dependants in the said Suit. Order dtd 11/02/2016 passed below Application at Ex 180 in said Suit clubbing above mentioned R-C- Suit No. 40502/12 and Special Civil Suit No. 1707/12. Roznama of the said Suit.
- 14) Xerox copy of Deed of Transfer dtd 21/04/2015 executed by M/s. G.G.L.B Estates partnership Firm in favour of Collector of Pune District transferring 1722.60 Sq. Mtrs area out of land bearing Survey No. 23/4/1 Undri Pune for Road widening, Registered at Sr. No. 3344/15 in the office of Sub-Registrar of Assurances Haveli No. 1
- 15) Xerox copy of Deed of Retirement dtd. 15/09/2015 registered at Sr. No. 9271/15 in the office of Sub –Registrar of Assurances Haveli No. 23 in between G.G.L.B EState partnership Firm and one of its partners M/s. Meenamani Ganga Builder LLP, by which 55% area out of the Captioned Property is transferred in the name of M/s. Meenamani Ganga Builders L.L.P.
- 16) Xerox copy of (J V) Development Agreement dtd 06/11/2015 registered at Serial No. 9272/15 registered in the office of Sub-Registrar Assurances Haveli No. 23 in between M/s. G.G.L.B EState partnership Firm and M/s. Meenamini Ganga Builder L.L.P to Develop the captioned property.
- 17) Xerox copy of Power of Attorney dtd 06/11/2015 registered at Sr. No. 9273/2015 in the office of Sub-Registrar of Assurances Haveli No. 23 executed by M/s. G.G.L.B EState Partnership firm in favour of M/s. Meenamani Ganga Builders LLP in respect of Captioned Property.



ANAND B.BANSODE
B.A.L.L.B.
ADVOCATE

आनंद बी. बनसोडे
बी. ए. एल. एल.बी.
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Resi :- Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

18) Xerox copy of Deed of Mortgage dtd. 30/12/2015 executed by Meenamani Ganga Developers L.L.P in Respect of the Captioned property along with M/s. Balaji Associates in respect of lands bearing No. 25 A & 25A/26 situated at village Dhanori Taluka Haveli, District- Pune in favour of State Bank Of India, securing loan of Rs. 50,00,00,000/- given to Meenamani Ganga Builders L.L.P registered at Sr. No. 10701/15 in the office of Sub-Registrar of Assurance Haveli No. 11

In all 16 documents all Xerox copies.

II) Tracing & Title :-

a) It appears that land bearing S. No. 22 , Hissa No. 4 totally Adm. 06 Acres 13 Gunthas was originally Owned by Mr. Laxman Genu Ambekar.

It appears from Mutation Entry No. 1502 that said Mr. Laxman Genu Ambekar expired in the year 1964 leaving behind him Son the Mr. Genubhau Laxman Ambekar & Wife Smt. Dhondabai Laxman Ambekar as his only legal heirs and as per the said law of succession by which the deceased was governed, name of Mr. Genubhau Laxman Ambekar as karats Manager of HUF was recorded on the 7/12 extract record of the captioned property.

b) That the provisions of the Maharashtra weights Measures Act 1958 and India Coines Act 1956 were made applicable to village Undri and effect of the same was given to the Revenue records of village Undri vide Mutation Entry No. 1558 and accordingly the area of Sr. No. 22, Hissa No. 4 was converted from 6 Acres 13 Guntha to 2 Hectors 56 Ares.

c) That from the perusal & Mutation Entry No. 3398 it appears that said Mr. Genubhau Laxman Ambekar has sold an area admeasuring Hectors 00-81 Ares out of the said Survey No. 22, Hissa No. 4 Undri to Mr. Ramdas Ghule vide Sale Deed dtd. 19/01/1984. In pursuance of the same two separate Hissa of the said land bearing Survey No. 22/4 Undri were Originated as fallows :-

- 1) S.No. 22, Hissa No. 4/1 , 1H 75 Ares, Mr. Genubhau L.Ambekar
- 2) S.No. 22, Hissa No. 4/2, 00 H 81 Ares Mr. Ramdas Ghule.



ANAND B.BANSODE

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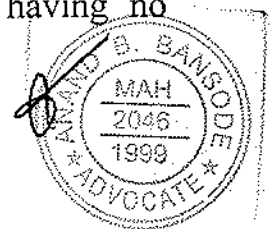
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अॅडव्होकेट

Resi :- Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

- d) That from the perusal of Mutation Entry No. 3792, it appears that as per the final notification dtd. 06/09/1977 issued by additional Collector, Pune Village "Vadachi Wadi" was declared an independent Revenue village and accordingly the Survey Numbers of village Undri were revised. In pursuance of the same S. No. 22 Undri was revised to Survey No. 23 Undri.
- e) From the perusal of Mutation Entry No. 4057 it appears that Mr. Uttam Ramchandra Hole had purchased the captioned property from Mr. Genubhau Laxman Ambekar through his Power of Attorney Mr. Shaikh Mushtaq Mohommad by Sale Deed dtd. 08/10/1991 registered at Serial No. 81/91 in the office of Sub- Registrar of Haveli, Pune.
- f) It appease from the Judgment and Order dtd. 03/11/2003 passed in RTS Appeal No. 94/92 by the Deputy Collector & Special Land acquisition officer No. 23 Pune. That 1) Mr. Tukaram Genubhau Ambekar, 2) Mr. Arun Genubhau Ambekar 3) Mr. Popat Genubhau Ambekar 4) Sou. Anusaya Devidas Ghule 5) Smt. Bhikabai Genubhau Ambekar had challenged the said Mutation Entry No. 4057 which was made in respect of the Sale Deed dtd 08/10/1991 registered at Sr. No. 81/91 in the office of Sub-Registrar Haveli No. 3 in respect of the captioned property allegedly executed by Mr. Shaikh Mushtaq Mohommad as a Power of Attorney of Mr. Genubhau Laxman Ambekar in favour of Mr. Uttam Ramchandra Hole. The Hon'ble Deputy Collector has rightly and legally come to the conclusion that the said Sale Deed dtd. 08/10/1991 is illegal null and void ab initio and therefore effect of the same can not be given to the 7/12 record of the captioned property and by Order dtd. 03/11/2003 he cancelled the concerned Mutation Entry No. 4057. The Deputy Collector Pune has rightly pointed out that the said Shaikh Mushtaq Mohammad had executed the said Sale Deed dtd 08/10/1991 on the basis of the P-O-A dtd. 18/09/1989 allegedly executed by Mr. Genubhau Laxman Ambekar in his favour but the said Power of Attorney is not as per mandatory Provisions of sec 32 and 33 (i) (a) of The Registration Act 1908, in as much as the same is not authenticated by Registrar or the Sub Registrar in whose district such person resides. And therefore the said Sale Deed of 08/10/1991 executed by Mr. Shaikh Mushtaq Mohamad as P-O-A of Mr. Genubhau Laxman Ambekar in favour of Mr. Uttam Ramchandra Hole is illegal null and void having no Consequences.



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Resi : - Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

Pertinent to note that the similar observations are made by the Hon'ble Apex court in the Case, Shri. Kishor Chandra Singh V/s. Babu Ganesh Prashad Bhagal, reported in **1954 AIR 316** in which it has been held as under :-

"Shri, Shri, Shri. Kishor Chandra Singh V/s Babu Ganesh Prasad Bhagal and on 9th March, 1954 equivalent citations 1954 at R 3/6 1954 SCR 919.

In Jambu Prasad v. Muhammad after Ali Khan (1), it was observed by the Judicial Committee approving of the decision in Ishri Prasad v. Bhajinath (2) that, '... the terms of Sections 32 & 33 of Act III of 1877 are imperative, and that a presentation of a document for Registration by an agent..... who has not been duly authorized in accordance with those (1) 42 I.A. 22.

(2) I.L.R. 28 All. 707.

Where, therefore, document is presented for Registration by a person other than a party to it or his legal representative or assign or by person who is not an agent authorized in the manner prescribed in Section 33, such presentation is wholly in operative, and the Registration of such a Document is void."

- g) From the perusal of Order date 31/01/2007 passed in the RTS Appeal No. RTS/2/A/2/2004 by the Collector of Pune which was preferred against judgment and Order date 3/11/2003 in the above referred RTS Appeal No.94/92 the Collector of Pune up held the Order of the Deputy Collector. Mr. Tukaram Uttam Hole and others had challenged the said Order date 31/01/2007 of the Collector Pune by preferring Revision Petition No. RTS/ Pune/91/2007 but same came to be dismissed by Order dtd. 19/09/2011. Against the said Order the said Mr. Tukaram Uttam Hole & others had preferred Prakan kra. ITS 3412/prak.kra. 247/L6 before the Hon'ble Revenue Minister of State of Maharashtra but same also came to be dismissed by Order dtd. 09/04/2013, and as a result the said Mutation Entry No. 4057 is finally stands cancelled.



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आनंद बी. बनसोडे
बी. ए. एल. एल.बी.
ऑड्होकेट

Resi :- Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

- h) It appears that Mr. Tukaram Genubhau Ambekar and others had also challenged the said Sale Deed dtd. 08/10/1991 executed by said Mr. Shaikh Mushtaq Mohamad as Power of Attorney Mr. Genubhau Laxman Ambekar in favour of Mr. Uttam Ramchandra Hole by filling Regular Civil Suit No. 4502/2012 (Old Regular Civil Suit No. 16/92) in the Court of Civil Judge Junior Division Pune- which is Pending.
- i) It also appears that Mr. Uttam Ramchandra Hole expired on 01/08/22007 and his legal heirs namely Mr. Kiran Uttam Hole, Mithun Uttam Hole, Mrs. Kalyani Vishal Bankar & Smt. Shridhar Uttam Hole have filed Special Civil Suit No. 1707/2013 (old Number Regular Civil Suit No. 1164/2010) for possession of the captioned property which is pending before the Civil Judge Senior Division Pune. And as the both the above Suits are between the same parties in respect of same properties same are clubed together.
- j) During pendency of the above two Suits M/s. G.G.L.B. EState Partnership Firm has purchased the captioned property by registered Sale Deed dtd. 16/03/2012, registered at Sr. No. 4980/12 in the office of sub Registrar Haveli No. 10 from Mr. Tukaram Genubhau Ambekar and others, and its name is recorded to the 7/12 record of the captioned property by Mutation Entry 9731 It appears that said Mr. Tukaram Genubhau Ambekar & others have also executed registered P-O-A in favour of M/s. G.G.L.B Partnership Firm, registered at Sr. No. 4981/12 in the office of Sub-Registrar of Assurances Haveli No. 10 and the said G.G.L.B partnership Firm was put in actual and physical possession of the captioned property. And said partnership firm has got N.A Permission and Building plan sanctioned from the competent authority i.e. Collector of Pune by Order dtd. 17/04/2012.

From the Deed of Transfer dated 21/04/2015 executed by M/s G.G.L.B Estate partnership firm in favour of the Collector of Pune it appears that the said partnership firm has transferred 1722.60 sq. Mtrs. area out of the captioned property for purpose of road widening. The said Deed of Transfer is registered at Sr. No. 3344/15 in the office of sub Registrar of Assurances Haveli No. 1



ANAND B.BANSODE
B.A.L.L.B.
ADVOCATE

आनंद बी. बन्सोडे
बी. ए. एल. एल.बी.
ऑड्होकेट

Resi :- Survey No. 1/7A+7B, Grampanchayat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

- k) From Deed of Retirement date 15/09/2015, registered at Sr. No. 9271/15 in the office of Sub-Registrar of Assurances Haveli No. 23, it appears that one of the partners of the said partnership firm G.G.L B Estate namely Meenamani Ganga Builders L.L.P retired from the said firm and in consideration of it's contribution 55% Ares out of the captioned property is transferred in favour of Meenamani Ganga Building L.L.P.
- l) It appears From the (JV) Development Agreement dtd. 06/11/2016, registered at Sr. No. 9272/15 in the office of Sub-Registrar of Assurances Haveli No. 23 in between M/s. G.G.L.B EState and Meenamani Ganga L.L.P and concerned Power of Attorney executed by M/s G.G.L.B Estates partnership firm in favour of Meenamani Ganga Builder LLP that both the these firm are Jointly developing the captioned property.
- m) From Deed of Mortgage dtd. 30/12/2015 registered at Sr. No. 10701/15 in the office of Sub-Registrar of Assurance Haveli No. 11, it appears that Meenamani Ganga Developers L.L.P have mortgaged the captioned property along with M/s. Balaji Associates the lands bearing Survey No. 25A & 25A/26 situated at village Dhanori Taluka Haveli District Pune in favour of State Bank of India Commercial Branch (C.B), Sadashiv Peth, Tilak Road, Pune - 411030. for securing loan of Rs. 50,00,00,000/- (Rupees Fifty crores).

III) Regarding Litigation in respect of the captioned property :-

As Stated herein above the Revenue Authorities from Deputy Collector of Pune to Commissioner of Pune Division and also Revenue Minister of State of Maharashtra has up held the cancellation of the said Mutation Entry No. 4057, which was made as per the said Sale Deed at 08/10/1991 of captioned property executed by Mr. Shaikh Mushtaq Mohommed as Power of Attorney of Late Mr. Genubhau Laxman Ambekar in favour of Mr. Uttam Ramchandra Hole holding that the said alleged Power of Attorney dtd. 18/09/1989 allegedly executed by Late Mr. Genubhau Laxman Ambekar in favour of Mr. Shaikh Mushtaq Mohommad (on the basis of which the said Sale Deed dtd. 08/10/1991 executed) is not as per mandatory previsions of Section 32 & Section 33(i) (a) of the Registration Act, 1908, in as much as the said Power of Attorney is not authenticated by the concerned Registrar or Sub-Registrar and



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Resi : - Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

therefore the Sale Deed dtd. 08/10/1991 executed by the said of Mr. Uttam Ramchandra Hole is illegal null and void ab initio having no consequences. This finding of the Revenue Authorities is perfectly in accordance with the ratio laid down by the Hon'ble Apex Court in case reported in 1954 AIR 316, Shri. Kishor Chandra Singh V/s. Babu Ganesh Prasad Bhagat & others, in which the Hon'ble Apex Court held as Under -:

"Shri, Shri, Shri. Kishor Chandra Singh V/s Babu Ganesh Prasad Bhagat and on 9th March, 1954 equivalent citations 1954 at R 3/6 1954 SCR 919.

In Jambu Prasad v. Muhammad after Ali Khan (1), it was observed by the Judicial Committee approving of the decision in Ishri Prasad v. Bhairnath (2) that, '... the terms of Sections 32 & 33 of Act III of 1877 are imperative, and that a presentation of a document for Registration by an agent..... who has not been duly authorized in accordance with those (1) 42 I.A. 22.

(2) I.L.R. 28 All. 707.

Where, therefore , document is presented for Registration by a person other than a party to it or his legal representative or assign or by person who is not an agent authorized in the manner prescribed in Section 33, such presentation is wholly inoperative, and the Registration of such a Document is void."

In this backdrop if we see the pending litigation in respect of the captioned property i.e. Special Civil Suit No. 4502/12 (old Regular Civil Suit No. 16/1992) filed by Mr. Tukaram Ganubhau Ambekar & others against 1)Mr. Ganubhau Laxman Ambekar 2) Mr. Uttam Ramchandra Hole since deceased through his legal heirs & 3)Mr. Shaikh Mushtaq Mohammad in the Court of Civil Judge senior Division Pune to declare that the said Sale Deed date 8/10/1991 is illegal null and void and other reliefs has a good merit and has good chance of success.

On the Contrary Special Civil Suit 1707/2013 (Old Regular Civil Suit No 1164/2010) filed by Mr. Kiran Uttam Hole and others for possession of the captioned property on the basis of the said Sale Deed date 8/10/1991 has no merit at all and therefore they have no chance to success in the said Suit. Because they do not have title to the captioned property as the said Sale Deed dated 8/10/1991 on the basis of which they are claiming title is illegal null and void for the reasons stated here in above.



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Resi :- Survey No. 1/7A+7B, Grampanchyat Property No.108, Near Bhapkar Gas Agency,
Pisoli village, Tal: Haveli, Dist: Pune 411 028, Cell No.98224 09260.

Iv) As to the present ownership status of the Captioned property :-

M/s. G.G.L.B of Estates a partnership Firm & Meenamani Ganga Developers L L P are the joint owners of the captioned property in which M/s G.G.L.B of Estates partnership firm has 45% share and remaining 55% share is with Meenamani Ganga Developers & L L P and they are in possession of the same and are developing the captioned property in joint venture.

v) As to the search of Index II Registers maintained at the concerned sub – Registrar offices :-

I have caused the search of captioned property from 1983 to 2016 (till date & paid necessary charges of search) vide receipt No. MH005236869201617E dated 17/10/2016 from the register of Index II extracts at the concerned Sub- Registrar Office, but except mortgage Deed dated 30/12/2015 in favour of the State Bank of India Commercial Branch Sadashiv Peth Pune. Registered at Serial No. 10701 in the office of Sub-Registrar of Assurances Haveli No.11 for securing the amount of Rs 50,00,000,00/- (Rs fifty crores only) I do not find any other encumbrances in respect of the captioned Property. But I have to say that at the time of search I found majority of Index-II registers at the office of the joint Sub-Registrars Haveli No. I and II in torn condition and hence I cannot comment upon the same in detail. However from the available registers of Index –II extracts at the office of the joint Sub-Registrars Haveli No III, IV, VI, VII ,VIII, X and XI, I did not come any other cross entry others than Stated above.

VI) Opinion :-

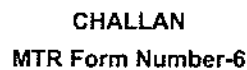
Upon the aforesaid forgoing findings based on the scrutiny of the documents given for my perusal I am of the opinion that title of partnership firm M/s. G.G.L.B. Estate Partnership Firm and Meenamani Ganga Builders LLP to the Captioned Property is clean, clear and marketable and they have every right to develop the captioned property & deal with the same but by way of abundant precaution I have to say that the judgment and decree to be passed in the said Special Civil Suit No 1707/13 (old Reg Civil Suit No. 1164 /2010) filed by Mr. Kiran Uttam Hole & others will be binding on the Captioned Property.

Place :- Pune

Date :- 18/10/2016

(Adv. Anand B. Bansode)
ANAND B. BANSODE

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House No. 108, S. No. 1 / 7A+7B,
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Mob. No. 9822409260



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