



**Date- 05/12/2022.**

**SUPPLEMENTARY TITLE OPINION**

**1. INSTRUCTIONS -**

Mr. Kewalkumar K. Jain, Partner of M/s. Manikchand Kumar Properties, a partnership firm registered under the provisions of Partnership Act, 1932, having its office at -"Kumar Capital", 1<sup>st</sup> floor 2413, East Street, Camp, Pune - 411001 instructed me to issue a Supplementary Title Opinion in respect of the properties mentioned below in the description of said properties.

**2. DESCRIPTION OF SAID PROPERTIES-**

All that piece and parcels of the following lands lying, being and situated at revenue Village -Undri, Taluka – Haveli, District – Pune now included within the limits of Pune Municipal Corporation and within the registration District – Pune, Sub District – Taluka – Haveli.

<b>Sr. No.</b>	<b>Survey No.</b>	<b>Area Hecter-Are</b>
1.	9/1	06 Hect. 31 Ares out of total area adm. 08 Hect. 65 Ares.
2.	9/2/1A	00 – 55
3.	9/2/2	00 - 55
4.	9/2/3	00 – 55
5.	9/2/4	00 - 55
6.	9/2/5	00 – 55
7.	9/2/6	00 – 55
8.	9/2/7	00 - 55
	Total	10 Hect. 16 Ares

**M/s. Manikchand Kumar Properties** are the owners of the lands being old Survey Nos. 9/1(Part), 9/2/2, 9/2/3, 9/2/4, 9/2/5 and 9/2/6 and 9/2/7 and M/s. Kumar Agro Products Pvt. Ltd. (formerly known as M/s. Canopus Builders Pvt.





Ltd.) is owner of the lands bearing S.No.9/2/1A and 9/2/3 situated at Village- Undri, Tal-Haveli, Dist-Pune and M/s.Manikchand Kumar Properties is entitled to Development Rights in respect of the lands bearing S.No.9/2/1A and 9/2/3 of Village- Undri, Pune.

In view of non agricultural order of the Collector bearing No. PRH/NA/SR/249/2007 dtd. 17/05/2007 alongwith the layout plan sanctioned by Building Department, Pune Municipal Corporation vide Commencement Certificate No.CC/4810/06 dtd.30/03/2007 and also copy of the Non Agricultural Demarcation Plan (C-Copy) issued by Dy. Superintendent of Land Records, Pune having outward No. 1748/2016 dtd. 23/04/2016 and accordingly the effect of the sanctioned layout plan and amendments thereto is given into the revenue record and the new updated revenue record / 7/12 extracts are prepared as under-

- i) S. No. 9/1Part/2/1A/2/2 to 2/7 Plot No.1 area admeasuring 327.92.02 Ares (32792.02 sq. mtrs.).
- ii) S.No. 9/1Part/2/1A/2/2 to 2/7 Plot No.2 admeasuring 17.14.18 Ares.
- iii) S.No. 9/1Part/2/1A/2/2 to 2/7 Plot No.3 admeasuring 5.15.88 Ares.
- iv) S.No.9/1Part/2/1A/2/2 to 2/7 Plot No.4 area admeasuring 125.51.94 Ares (12551.94 sq. mtrs.)
- v) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /1/2 area admeasuring 47.92.96 Ares (4792.96 sq. Mtrs.)
- vi) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /3 admeasuring 14.81.46 ares (1481.46 sq. mtrs.)
- vii) S.No. 9/1Part/2/1A/2/2 to 2/7 Amenity Space/1/2 admeasuring 94.11.63 Ares (9411.63 sq. mtrs.)
- viii) S.No. 9/1Part/2/1A/2/2 to 2/7 /60 Meter Road admeasuring 323.54.40 Ares.
- ix) S.No.9/1Part/2/1A/2/2 to 2/7/24 Meter Road area admeasuring 26.09.67 Ares (2609.67 sq. mtrs.)
- x) S.No. 9/1/2/1A/2/7/9 Meter Road admeasuring 12.90.73 Ares.
- xi) Portion of land admeasuring 00. 2085 Sq. mtrs. out of the land bearing S.No. 9/1 totally admeasuring 2 Hect. 54.85 Ares (i.e.25485 sq. mtrs.).

And which lands are hereinafter collectively referred to or called as the "Said Properties" for the sake of brevity and convenience.







**3. LIST OF THE DOCUMENTS PRODUCED BEFORE ME :-**

- Copy of detailed Title Opinion dtd. 22/09/2016 Title Opinion dtd. 23/09/2016 issued by Adv. Swati Gadgil- Oza.
- Copies of online 7/12 extracts dtd. 6/9/2022.
- Copy of Order dtd. 26<sup>th</sup> August 2022 issued by Justice S.P. Tayade (President) and S.T. Barne (Judicial Member) in the Complaint bearing No. 355/2015 filed before District Consumer Redressal Forum, Pune.
- Copy of the Order dtd. 4/03/2021 of Jt. Judicial Magistrate, First Class, Cantonment Court, Pune in the Criminal Complaint No. 29/2015.

Adv. Swati Gadgil-Oza had issued a detailed title opinion in respect of the aforesaid properties lying and situated at Village- Undri, Tal.- Haveli, District – Pune on dtd.22/09/2016 and Title Opinion dtd. 23/09/2016 and in continuation thereof I had issued Supplementary title Opinion on dtd. 14/05/2018, 21/05/2018 dtd. 02/10/2018, dtd. 16/02/2019 and dtd. 9/07/2021. In continuation thereof I am issuing this Supplementary Title Opinion.

**4. AS TO THE SANCTION OF PLANS / REVISIONS / N.A. ORDERS ETC. -**

It is seen that, as per the non agricultural order of the Collector bearing No. PRH/NA/SR/249/2007 dtd. 17/05/2007 alongwith the layout plan sanctioned by Building Department, Pune Municipal Corporation vide Commencement Certificate No.CC/4810/06 dtd.30/03/2007 and also copy of the Non Agricultural Demarcation Plan (C-Copy) issued by Dy. Superintendent of Land Records, Pune having outward No. 1748/2016 dtd. 23/04/2016 and accordingly the effect of the sanctioned layout plan has been given to the lands bearing Survey No. 9/1 admeasuring 06 Hect. 31 Ares, S.No. 9/2/1A adm. 00 Hect. 55 Ares, S.No. 9/2/2 adm. 00 Hect. 55 Ares, S.No. 9/2/3 adm. 00 Hect. 55 Ares, S.No. 9/2/4 adm. 00 Hect. 55 Ares, S.No. 9/2/5 adm. 00 Hect. 55 Ares, S.No. 9/2/6 adm. 00 Hect. 55 Ares, S.No. 9/2/7 adm. 00 Hect. 55 Ares totally admeasuring 10 Hect. 16 Ares and accordingly out of the said lands the land bearing Survey No. 9/1 has been converted to non agricultural user and hence the revenue records for the same has been revised / corrected by mentioning name of the owner and area and remaining 7/12 extracts are cancelled and new 7/12 extracts as per the sanctioned layout and N.A. Order are opened/prepared as follows-

- S.No. 9/1Part/2/1A/2/2 to 2/7 Plot No.1 admeasuring 348.96.61 Ares.





- ii) S.No. 9/1Part/2/1A/2/2 to 2/7 Plot No.2 admeasuring 17.14.18 Ares.
- iii) S.No. 9/1Part/2/1A/2/2 to 2/7 Plot No.3 admeasuring 5.15.88 Ares.
- iv) S.No. 9/1Part/2/1A/2/2 to 2/7 Plot No.4 admeasuring 117.74.23 Ares.
- v) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /1/2 admeasuring 46.29.47 Ares.
- vi) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /3 admeasuring 18.90.65 Ares.
- vii) S.No. 9/1Part/2/1A/2/2 to 2/7 Amenity Space / 1/2 admeasuring 97.80.18 Ares.
- viii) S.No. 9/1Part/2/1A/2/2 to 2/7 /60 Meter Road admeasuring 323.54.40 Ares.
- ix) S.No. 9/1Part/2/1A/2/2 to 2/7/24Meter Road admeasuring 26.09.67 Ares.(2690.67 Sq. mtrs.)
- x) S.No. 9/1Part/2/1A/2/2 to 2/7/9 Meter Road admeasuring 12.90.73 Ares.

It is also revealed from the copy of the Mutation Entry No. 11137 dtd. 31/10/2018 that, upon application of Manikchand Kumar Properties through Mr. Kewalkumar Jain alongwith copy of Revised / Corrected sanctioned layout bearing No. CC/3710/16 dtd. 29/03/2017 by Executive Engineer, Development Plan Office (Zone No.1) of Pune Municipal Corporation the areas of following lands have been corrected / amended -

- xii) S. No.9/1Part/2/1A/2/2 to 2/7 Plot No.1 area is changed from admeasuring 348.96.61 Ares to admeasuring 327.92.02 Ares (32792.02 sq. mtrs.).
- xiii) S.No.9/1Part/2/1A/2/2 to 2/7 Plot No.4 area is changed from admeasuring 117.74.23 Ares to admeasuring 125.51.94 Ares (12551.94 sq. mtrs.)
- xiv) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /1/2 area is changed from admeasuring 46.29.47 Ares to 47.92.96 Ares (4792.96 sq. Mtrs.)
- xv) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /3 area changed from admeasuring 18.90.65 Ares to 14.81.46 ares (1481.46 sq. mtrs.)
- xvi) S.No. 9/1Part/2/1A/2/2 to 2/7 Amenity Space / 1/2 admeasuring 97.80.18 Ares area changed to 94.11.63 Ares (9411.63 sq. mtrs.)
- xvii) S.No. 9/1Part/2/1A/2/2 to 2/7/24 Meter Road area changed from admeasuring 27.53.67 Ares to 26.09.67 Ares (2609.67 sq. mtrs.)
- xviii) S. No. 9/1 old cultivable area admeasuring 1 Hect 44 Ares and Pot Kharab (non cultivable) area admeasuring 00 Hect 90 Ares







corrected to cultivable area admeasuring 1 Hect. 6485 Ares and  
Pot Kharab (non cultivable) admeasuring 00 Hect. 90 Ares.

Thereafter, it is seen from the Copy of the Commencement Certificate No. CC/0674/19 dtd. 25/06/2019 that, the layout plan of the said properties has been revised.

It is also seen from the Copy of the Commencement Certificate No. CC/0470/20 dtd. 02/09/2020 that, the Building plan of the said properties has been revised.

**5. AS TO THE LITIGATIONS -**

- a) Mrs. Suman Zinjurde filed a Civil Suit bearing Sp. Civil Suit No. 622/2015 (old No. 300/2012) for partition, separate possession and injunction against Mr.Ramdas Sakharam Magar and others, M/s. Kumar Company, M/s. Manikchand Kumar Properties which **is pending.**
- b) In the Sp. Civil Suit No. 622/2015 (old no. 300/2012) Mrs. Suman Zinjurde filed an application at Exh. 5 for grant of temporary injunction against defendants restraining them from creating third party interest in the suit property till the decision of the suit. The said application was rejected by the Hon'ble Civil Judge Senior Division and appeals thereon before High Court of Judicature at Bombay and Supreme Court of India are also dismissed. The said Sp. Civil Suit no. 622/15(old No. 300/2012) is still pending in the Civil Court Senior Division at Pune.
- c) Mrs. Suman Zinjurde has also filed Civil Suit No. 1901/2013 against Pune Municipal Corporation, M/s Kumar Company, M/s Manikchand Kumar Properties and others u/s. 34 read with section 38 of Specific Relief Act. **The said suit is still pending.**
- d) Kumar Princetown Co-operative Housing Society has filed complaint against M/s.Manikchand Kumar Properties before Consumer Disputes Redressal State Commission, Maharashtra State Mumbai, bearing No. 355/2015 for recovery of amount of maintenance collected by M/s. Manikchand Kumar Properties. In the said Complaint bearing No. 355/2015 the Complainant has filed withdrawal pusi in view of





settlement of matter between the parties and accordingly Justice S.P. Tayade (President) and S.T. Barne (Judicial Member) have disposed the matter vide Oral Order dtd.26<sup>th</sup> August 2022.

- e) The Kumar Princetown Co-Operative Housing Society Ltd. has also filed complaint before Additional District Consumer redressal Forum, Pune under complaint no.APDF/381/2014 against Manikchand Kumar Properties and others for the reasons of providing defective services and removal of wall between two projects. The Hon'ble Additional District Consumer redressal Forum, Pune has passed order on dtd. 25/04/2016 and orderd to demolish the wall constructed and keep the layout as it is and also to pay Ruppes fifty Thousand to complainant society towards damages and also to pay rupees five thousands towards expenses of complaint.

It is seen from the Copy of the Order dtd. 14<sup>th</sup> August 2018 by Presiding Member Dr. S.K.Kakade of State Consumer Disputes Redressal Commission Maharashtra, Circuit Bench, Pune that, in terms of the Consent Terms and in view of the amicable settlement of Dispute between Kumar Princetown Co-Operative Housing Society and Manikchand Kumar Properties have filed Joint pursis for seeking permission of State Consumer Commission for withdrawal of 1) First Appeal No. A/16/843 of 2016 filed by Kumar Prince Town Co-Operative Housing Society Ltd. against Manikchand Kumar Properties and others and 2) First Appeal bearing No.A/16/877 of 2016 filed by Manikchand Kumar Properties and others against Kumar Princetown and accordingly both the appeals stands disposed of as withdrawn.

- f) In the Regular Civil Suit No. 832/2015 the Plaintiff Kumar Princetown Co-Operative Housing Society and Defendants Manikchand Kumar Properties and others have filed consent terms at Exh.60 before the Honble Civil Judge Jr. Division, PMC Court, Pune, contending that the matter is settled between them as per the terms mentioned in the Consent Terms. The Plaintiff Society has filed Purshis at Exh.61 for deletion of name of Defendant No.1 i.e. Pune Municipal Corporation from the array of the plaint. In terms of the said Consent Terms filed at Exh.60 by both the parties, the Honble Civil Judge Jr. Division PMC Court, Pune passed an order on 4/4/2018 and disposed the said suit bearing No. 832/2015. In the Misc. Appeal No.256/2017, under the







application filed at Exh.23 and Consent Terms at Exh.24 by both the parties, the Honble District Judge, Pune has passed an order on 04/04/2018 and has thereby set aside the order below Exh.5 in RCS No.632/2015 and has accordingly disposed of the Misc. Appeal No.256/2017.

In view of the Consent Terms filed by the Promoter Manikchand Kumar Properties and the Kumar Princetown Co-operative Housing Society it is agreed that (i) the Promoter has granted a permanent right of way over a 20 feet wide drive way passing through the Entire Land under the Project (except the portion on which building Nos. A1 to A4 are constructed) from North side of the layout abutting to the compound wall abutting the proposed 60 meter wide DP Road and (ii) The Promoter has agreed to grant the rights to use a Tennis Court admeasuring 46 feet X 98 feet i.e. 419 sq. mtrs. to be developed / constructed by the Promoter on the portion of land out of the Entire Land under the Project (except the portion on which building Nos. A1 to A4 are constructed) adjoining to 9 meter road located at North side of the layout and adjacent to the 20 feet driveway.

- g) The Kumar Princetown Co-Operative Housing Society Ltd. has filed Complaint against Manikchand Kumar Properties and others before Judicial Magistrate First Class (JMFC) Cantonment Court, Pune at Pune bearing Criminal Complaint No. 29/2015. In this Matter the Complainant has filed Application being withdrawal pursis at Exh.13 before the Hon'ble JMFC Cantonment Court, Pune and accordingly the Jt. Judicial Magistrate, First Class, Cantonment Court, Pune has disposed the application as withdrawn vide Order dtd. 4/03/2021.
- h) It is seen that, Mr. Kalim Ali Baig, Jenabben Yusufi Jiruwala, Mr. Prasad Umesh Karaley, Mr. Ramakanth Subramanian and Indra Rajnikanth, Mr. Varun Agarwal/Rahul Agarwal who are the purchasers of flat/s in the building No.B1 of Princetown Royal Project ["Plaintiffs"] have filed Suit for Declaration and Injunction before Hon'ble Civil Court, Senior Division, Pune bearing Regular Civil Suit No. 1700 of 2018 against Kumar Princetown Co Operative Housing Society Ltd. and Manikchand Kumar Properties ["Defendants"]. The Plaintiff has filed Application for **Satus Quo** under **Exh 15**. Hon'ble Court has passed an Order on Exh.15 on dtd.14/12/2018 and







directed to the Defendants i.e. Kumar Princetown Co Operative Housing Society Ltd. and Manikchand Kumar Properties, "...not to make any further construction on the common amenities including open space referred in the Agreement of Sale executed in favour of Plaintiffs, they are further directed not to create any obstacle from using common amenities by plaintiffs till further order..."

Thereafter aggrieved by the said order Kumar Princetown Co Operative Housing Society Ltd. has filed Appeal under Misc. Civil Appeal No.42/2019 before Hon'ble District Judge, Pune against the said order dtd.14/12/2018. **The said Appeal is pending.**

- i) Mr. Prasad Umesh Karaley, Mrs. Rajitha Prasad Karaley, Mr. Rajnikanth Subramanian, Mrs. Indra Rajnikanth, Mr. Kalim Ali Baig, Jenabben Yusufi Jiruwala, have filed Regular Civil Suit no. 1156/2020 for declaration and injunction before Hon'ble Civil Court, Senior Division, Pune against Manikchand Kumar Properties and others. **The Said Suit is Pending.**

**6. AS TO THE SEARCH OF INDEX-II REGISTERS**

I have taken Search of the Index-II registers for the year 2021 and 2022 by depositing requisite fees of Rs. 50/- vide Challan GRN No. MH011658925202223P dtd. 05/12/2022. I had taken search of Index-II registers online from the data preserved by IGR, Maharashtra on their official site. During the search I have not found any cross or adverse entry of encumbrance or Mortgage on the Said Properties. I came across the entries of sell of flats to various purchasers in the said project princetown, except these entries there are no other entries found.

**7. QUALIFICATIONS AND ASSUMPTIONS-**

This supplementary opinion is given subject to 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. In case of any discrepancy in documents, plans etc. affecting title of owners appears, the same shall be complied / rectified by client immediately. 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.

**8. OPINION :**

Relying on copies of documents produced before me and information given to me and subject to observations mentioned in this and earlier Title Opinions dtd. 22/09/2016 and 23/09/2016 issued by Adv. Swati Oza and supplementary title opinions dtd.14/05/2018 and dtd. 2/10/2018 and dtd. 09/07/2021 issued by me and subject to whatever stated above I am of the opinion that-

M/s Manikchand Kumar Properties and Canopus Builders Pvt. Ltd. ( Now Kumar Agro Products Pvt. Ltd.) are owners of all that pieces and parcels of lands bearing old S. Nos. 9/1, 9/2/2, 9/2/3, 9/2/4, 9/2/5, 9/2/6, 9/2/7 situated at Undri, Tal-Haveli, Dist-Pune having new Survey Nos.i) S.No.9/1Part/2/1A/2/2 to 2/7 Plot No.1 area admeasuring 327.92.02 Ares (32792.02 sq.mtrs.) ii) S.No.9/1 Part /2/ 1A/2/2 to 2/7 Plot No.2 admeasuring 17.14.18 Ares iii) S.No.9/1Part/2/1A/2/2 to 2/7 Plot No.3 admeasuring 5.15.88 Ares. iv) S.No.9/1Part/2/1A/2/2 to 2/7 Plot No.4 area admeasuring 125.51.94 Ares (12551.94 sq. mtrs.) v) S. No. 9/1Part/ 2/1A/2/2 to 2/7 Open Space /1/2 area admeasuring 47.92.96 Ares (4792.96 sq. Mtrs.) vi) S.No. 9/1Part/2/1A/2/2 to 2/7 Open Space /3 admeasuring 14.81.46 ares (1481.46 sq. mtrs.) vii) S.No. 9/1Part/2/1A/2/2 to 2/7 Amenity Space/1/2 admeasuring 94.11.63 Ares (9411.63 sq. mtrs.) viii) S.No. 9/1Part/2/1A/2/2 to 2/7 /60 Meter Road admeasuring 323.54.40 Ares. ix) S.No.9/1Part/2/1A/2/2 to 2/7/24 Meter Road area admeasuring 26.09.67 Ares (2609.67 sq. mtrs.) x) S.No. 9/1/2/1A/2/7/9 Meter Road admeasuring 12.90.73 Ares. xi) Portion of land admeasuring 00. 2085 Sq. mtrs. out of the land bearing S.No. 9/1 totally admeasuring 2 Hect. 54.85 Ares (i.e.25485 sq. mtrs.). However ownership rights of M/s. Manikchand Kumar Properties in respect of S. No.9/1 are subject to the rights of M/s. Jayraj Developers Unit-2 (Deed of confirmation reveals that the said M/s.Jayrai Developers Unit-2 has assigned rights of an area admeasuring about 2601 sq.mtrs. in favour of Ekta Housing Pvt. Ltd. vide Agreement dated 21-06-2007) in respect of area admeasuring about 00 Hect. - 26.01 Are i.e. 2601 sq. mtrs. which





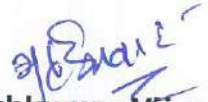
falls under access road strip along with right to use FSI, permitted TDR thereto as per deed of confirmation dated 07-11-2007.

The said ownership rights of M/s. Manikchand Kumar Properties, M/s. Kumar Agro Products Pvt. Ltd. (formerly known as M/s Canopus Builders Pvt. Ltd.), are subject to the rights and interest of the flat purchasers who have purchased / entered into agreements with M/s. Manikchand Kumar Properties and others for the purchase of their individual flats constructed on the portion of land out of the said properties in the building projects known as Princetown Royal and Princetown Tower.

Manikchand Kumar Properties is entitled to develop the lands amalgamated with the other properties bearing S. Nos. 9/2/1A, 9/2/3 situated at Undri, Tal-Haveli, Dist-Pune.

This Supplementary Title Opinion is issued in continuation of the Title Opinion dtd.22/09/2016 and Title Opinion dtd. 23/09/2016 issued by Adv. Swati Gadgil-Oza and Supplementary Title Opinion's issued by me on dtd. 14/05/2018, 21/05/2018 dtd. 02/10/2018, dtd. 16/02/2019 and dtd. 9/07/2021.

Pune.  
Dtd.- 05/12/2022.

  
**Maheshkumar Vijaysinh Pawar**  
**(Advocate)**

