

Rameshkumar B. Nage
ADVOCATE

Add:- S.No.36/1D,Pune-Solapur
Road, Manjriform, Pune
Reg, No. MAH/657/1986
Mob. No. 9604974370

SEARCH AND TITLE REPORT

My client MAJESTIQUE DUROPOLIS PRIVATE LIMITED through its authorized person Mr. Kailash G Mundada having its office at 9th Floor, Majestique Cityview Building, S.No.510+511, Gultekadi, Pune-411037 have instructed me to give the Search & title opinion in respect of the land more particularly described in below mentioned schedule.

SCHEDULE

DESCRIPTION OF THE SAID LAND

All that piece and parcel of land bearing present CTS No. 947 (formerly numbered as S.No. 148 Hissa Nos. 1+2+3) having an area admeasuring 13,110.74 sq.mtrs as per sanctioned layout (and area admeasuring 13,116.54 sq.mtrs as per revenue records) out of total area admeasuring 15600 sq.mtrs, along with the standing structure thereon, situated at village- Kothrud, Taluka-Haveli, District-Pune within the limits of Pune Municipal Corporation and within the jurisdiction of the Sub Registrar Haveli, Pune and bounded as follows:-

On or towards the East : By Nala
On or towards the West : By S. No. 148 (P)
On or towards the South : By 42 mtrs road
On or towards the North : By Nala.

Hereinafter referred to as the said "Land/property"

THE SEARCH

The search and title report of the said captioned property taken at your instance is as follows.


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Due to decentralization from 1st November, 2005 any document can be registered in any of the Sub Registrar offices of Pune. I have caused the search of the Index II registers for the last 30 years (1995 to 2024) in the office of the sub-registrar, Pune of the said captioned property.

Before taking the said search the requisite fee was paid vide e-challan bearing GRN MH017435360202324U dated 15/03/2024.

During the said search, many of the Index II registers were found to be in bad condition and pages of many registers were in loose and torn condition. No entry with respect to the said captioned property except mentioned herein after was found in the available record for the above said period. Except for the following transactions, no other transactions were noticed during the search and on perusal of records.

In the nutshell from the available record of the Index II registers, no disclosure of any adverse entry with respect to the captioned property was found.

From the available records in the office of the aforesaid Sub Registrar and concern documents and records made available for my inspection and search, the investigation has revealed as under-

1. THE TITLE

Perused following documents for tracing the title of the said land :-

- (i) Photocopy of Sale Deed dated 01/06/1965 Regn. No. 1158/1965 at Sub Registrar, Haveli No. 2;
- (ii) Photocopy of Society Registration Certificate No. PNA/HSG/1502/of 1981 dated 09/04/1981 in the name of 'New Friends Co-operative Housing Society Ltd.' with Endorsement dated 07/03/2000;


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- (iii) Photocopy of Resolution dated 15/10/1987 passed by 'New Friends Co-operative Housing Society Ltd.';
- (iv) Photocopy of Order No. HN/KV/223/2003 dated 03/04/2003 issued by Tahsildar, Haveli;
- (v) Photocopy of Non Agricultural Assessment Order No. NA/SR/3941/1984 dated 26/12/1984 passed by collector Pune for the said lands;
- (vi) Photocopy of Zonal Certificate No. DPO dated 14/10/2022 from PMC.
- (vii) Order dated 28/02/2022 issued by sub Registrar of Co-operative society, Pune.
- (viii) Photocopy of Development Agreement executed by New Friends Co-operative Housing Society Ltd infavour of Majestique Duropolis Private Limited which is duly registered at serial no. 11163/2023 with the office of the Sub Registrar Haveli No. 11 of dated 01/06/2023.
- (ix) Photocopy of Irrevocable Power of Attorney executed by New Friends Co-operative Housing Society Ltd infavour of Majestique Duropolis Private Limited which is duly registered at serial no. 11165/2023 with the office of the Sub Registrar Haveli No. 11 of dated 01/06/2023.
- (x) Photocopy of Commencement Certificate bearing no. CC/3227/23 of dated 14/03/2024 issued by Pune Municipal Corporation, Pune.

2. DEVOLUTION OF TITLE WITHIN LAST 30 YEARS –

(A) 7/12 extract/property card:-

On perusal of 7/12 Extract and relevant Mutation Entries it appear that land bearing former Survey No 148/1/2/3 corresponding CT No. 947 total are admeasuring 15600 sq mtrs owned & Possessed by New Friends Co-operative Housing Society Ltd.


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(B) Sale Deed :-

(i) On perusal of photocopy of Sale Deed dated 01/06/1965 which is duly registered with the office of the Sub Registrar Haveli No. 2, Pune vide serial no. 1158/1965, it appears that and as could be ascertained from the documents (such as 7 x 12 extracts from 1993 to till 2023 etc), (1) Mr. Pralhad Govind Chipalkatti, (2) Mr. Ramchandra Bhimrao Kulkarni, (3) Mr. Vijay Pandit Chipalkatti, (4) Mrs. Kusum Vasantrya Chipalkatti, (5) Major Vasant Krishna Bopardikar, (6) Mr. Yashwant Krishna Bopardikar, (7) Mrs. Shanta Shrinivas Yervadekar, (8) Mr. Bhagwant Nagesh Datar, (9) Mr. Govind Ramchandra Pai, (10) Mr. Vishnu Krishna Chipalkatti, (11) Mr. Govind Krishna Kulkarni, (12) Mr. Madhukar Purshottam Mondkar, (13) Mr. Dashrathirao Raghunathrao, (14) Mr. Hanumant Gopal Deshpande, (15) Mr. Narayan Moreshwar Gore, (16) Mr. Hari Ramchandra Karandikar and (17) Mr. Eknath Govind Dhumal purchased by registered Sale Deed dated 01/06/1965 bearing Registration S.No. 1158/1965 of Sub-Registrar Haveli No. 2, Pune. Accordingly, their names were recorded as possessors and owners of the said land vide Mutation entry No.284.

(ii) The entries of names Shri Hari Vinayak Likhite and Shri Shridhar Mahadev Dixit on 7 x 12 extract of S. No. 148/1 and name of Shri Mahadev Yashwant Datar on 7 x 12 extract of S. No. 148/2 came to be deleted as 'non-entities' (Mutation Entry No. 9376 dated 20/2/1986).

(C) Layout -

That the above 1 to 17 purchasers got the plotted layout sanctioned from the Pune Municipal Corporation, Pune vide No. 3515 dated 06/10/1966 with subsequent revisions as per rules and regulations.

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1/12/2024

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(D) Upon implementation of Metric. system, the area and revenue assessment of the said lands came to be revised as –

(1) S. No. 148 Hissa No. 1 area 01 H 07 Ares,

(2) S. No. 148 Hissa No. 2 area 00 H 18 Ares,

(3) S. No. 148 Hissa No. 3 area 0 H 31 Ares,

- vide Mutation Entry No. 3180 dated 18/03/1969.


(E) Society Registration Certificate :-

(i) The said purchasers thereafter formed a Co-operative Housing Society Ltd in the name and style as 'New Friends Co-operative Housing Society Ltd' and registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 bearing registration No. PNA/HSG/1502/1981 dated 09/04/1981 and initially sub-classified as Tenant Ownership.

(ii) Accordingly, 17 members of the Society resolved as per resolution no. 05 dated 28/11/1982 for mutating the name of the said Society and in terms thereof the name of the said Society was recorded on the relevant revenue record and the names of the members of the Society (which were entered vide Mutation Entry No. 2841 dated 12/4/1967) came to be deleted from the 7/12 extract vide Mutation Entry No. 8489 dated 13/12/1983.

(F) NA Order :-

The Hon'ble Collector of Pune has granted Non Agricultural Assessment permission for the said lands vide its Order bearing No. NA/SR/3941/1984 dated 26/12/1984.


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16/1/2024

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(G) (i) Subsequently, as per Order No. Pune City-1/P.N./7/New Friends /House/2000 dated 07/03/2000 classification of the said Society came to be changed as Tenant Co- partnership Housing Society'.

(ii) The said three pieces of lands were entered in the name of said 'New Friends Co-operative Housing Society Ltd' and, therefore, the said three pieces of lands were clubbed together under order No. HN/KV/223/2003 dated 03/4/2003 issued by Tahsildar, Haveli and accordingly, a new 7 x 12 extract bearing 'S. No. 148 Hissa No. 1+2+3 area admeasuring 1 H 56 Ares', was created vide Mutation Entry No. 16006 dated 09/4/2003.

(iii) It is found that as area of 2483.46 sq.mtrs was acquired by Pune Municipal Coporation, Pune for D. P. Road (i.e. Paud Road) and name of PMC came to be entered on the 7 x 12 extract for the area of 24.81 Ars and name of 'New Friends Co-operative Housing Society Ltd' is entered for the area of 1 H 31.17 Ars vide Mutation Entry No. 16210 dated 06/2/2004.

(H) Property Card :-

(i) City Survey Scheme was implemented for the said lands and accordingly, 'CTS No. 947' was numbered for the said land having total area 28431 sq.mtrs was formed by City Survey Officer No. 1, Pune.

(ii) The name of said 'New Friends Co-operative Housing Society Ltd' came to be entered on the said land card extract and the system of 7/12 extract came to be discontinued as per Mutation Entry No. 20848 dated 02/11/2018.

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(I) It is found as under :-

- a. (i) That the said Society (with 17 founder members) entered into arrangement with M/s. Mutha Kulkarni and Co (Shivajinagar Works) for construction of building as per sanctioned building plan from the Pune Municipal Corporation.

(ii) The said Developer i.e. M/s. Mutha Kulkarni and Co (Shivajinagar Works) holding authorization from the said Society entered into agreements or writings with the Purchasers of flats/shops/offices proposed to be constructed by developers on the said Land.
- b. That the said M/s. Mutha Kulkarni and Co (Shivajinagar Works) assigned work of development of the said land to / in favour of M/s Mutha Kulkarni and Co (New Friends Society Works) vide an Agreement dated 29/10/1984 whereby M/s Mutha Kulkarni and Co (New Friends Society Works) to receive 1% commission on the sale price of the unit.
- c. That Pursuant to the said Agreement dated 29/10/1984 the New Friends Co-operative Housing Society Ltd through its Chairman Mr. S. N. Gore executed Notarized General Power of Attorney dated 04/05/1987 in favour of Mr. Laxman Murlidhar Kulkarni and Mr. Milind Laxman Kulkarni being the partners of M/s. Mutha Kulkarni and Co (New Friends Society Works).
- d. (i) Meanwhile, dispute ensued between the M/s Mutha Kulkarni and Co (New Friends Society Works) and M/s Mutha Kulkarni and Co (Shivajinagar Works) whereby M/s Mutha Kulkarni and Co. (N. F. S. W.) filed two Suits bearing No. 1008/87 and No.1039/87 against M/s. Mutha Kulkarni and Co. (Shivajinagar Works).


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(ii) Subsequently, the parties settled the matter and Compromise Letter was executed between them.

(iii) In terms of the settlement, Agreement dated 27/02/1983 was executed by the said Society in favour of M/s. Mutha Kulkarni and Co was cancelled and obligations in respect of the construction and development of the said land which was undertaken by M/s. Mutha Kulkarni and Co. (Shivaji Nagar) under the said Agreement dated 27/02/1983 was assigned and given to M/s. Mutha Kulkarni and Co (New Friends Society Works).

(iv) Further, M/s. Mutha Kulkarni and Co. agreed to withdraw the Civil Suit Nos. 1008/1987 and No. 1039/1987 and confirm the development rights stand vested unto M/s. Mutha Kulkarni and Co. (New Friends Society Works).

(v) Accordingly, various buildings were constructed by M/s. Mutha Kulkarni and Co. (New Friends Society Works) as per the building plan sanctioned by the Pune Municipal Corporation.

e. (i) The said Society thereafter passed resolution dated 13/10/1987 in its Extra Ordinary General Body Meeting giving its consent and approval to M/s. Mutha Kulkarni and Company (New Friends Society Works) for assignment to the development rights of building A-3 and A-4 to the extent of F.S.I. 22848 sq. fts to M/s. Skyline Constructions, a partnership firm.

(ii) Accordingly, the said M/s. Mutha Kulkarni and Company (New Friends Society Works) assigned the development rights of building A-3 and A-4 to the extent of F.S.I. 22848 sq. fts to M/s Skyline Constructions, a partnership firm vide unregistered Agreement dated 03/11/1987.


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(iii) Similarly, the said M/s. Mutha Kulkarni and Co (New Friends Society Works) also executed a Notarized Power of Attorney dated 04/11/1987 in favour of M/s. Skyline Constructions.

f. New Friends Co-operative Housing Society Ltd has also granted development rights of an area admeasuring 721.84 sq. mtrs out of sanctioned layout of S. No. 148, Hissa Nos. 1+2+3 total area admeasuring 01 Hectare 56 Ares bearing corresponding CTS No. 947 to M/s. Mangal Developers, a partnership firm by executing Development Agreement dated 17/01/2003 duly registered at the Office of the Sub-Registrar Haveli No, 4 at Serial No. 604/2003 on 21/01/2003 alongwith Irrevocable Power of Attorney dated 17/01/2003 duly registered at the Office of the Sub-Registrar Haveli No, 4 at Serial No. 605/2003.

g. However, this Search and Title Report is not touching any of the developmental activities carried out by the said Society or its earlier Developer.

(J) Zone Certificate :-

As per Zonal Certificate No. DPO dated 14/10/2022 from PMC, S. No. 148 of Village Kothrud falls in residential zone with reservation for MSTN-7 and EP-34 (New Reservation proposed as Metro Station shown on plan; SMR-69 (widening of existing North-South road in S. No. 90 and 91 Kothrud be reduced to 21 meter: and EP-94 (sanction as proposed, but the appropriate authority shall be Maharashtra Metro Rail Corporation Ltd).


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(K) Redevelopment Agreement :-

On perusal of Photocopy of Re-development Agreement executed by New Friends Co-operative Housing Society Ltd infavour of Majestique Duropolis Private Limited which is duly registered at serial no. 11163/2023 with the office of the Sub Registrar Haveli No. 11 of dated 01/06/2023, it appears that members of the society decided to redevelop the said land the offer given by the Majestique Duropolis Private Limited was found to be in the best interest of the Society and, thereafter, The final offer dated 01/02/2022 given by the Majestique Duropolis Private Limited was accepted by Society and all the Members of the Society.

Accordingly said society in Special General Body Meeting of the on 20/02/2022 it was unanimously resolved to accept the said offer made by the Majestique Duropolis Private Limited and agreed to grant rights of re-development of the said land along with the existing structure thereon to the said Majestique Duropolis Private Limited.

That Sub Registrar of Cooperative Society Pune, by its order dated 28/02/2022 bearing No. 4017 granted it's no objection for the redevelopment of New Friends Cooperative Housing Society Ltd.

Accordingly, the New Friends Cooperative Housing Society Ltd. through its Chairman and Secretary alongwith its executive committee members and redevelopment committee members granted development rights in respect to the land bearing corresponding CTS No. 947 and formerly mentioned as S. No. 148 Hissa Nos. 1+2+3 for area admeasuring 12,394.70 sq.mtrs i.e. 01H 23.947R out of the total area land admeasuring 15,600 sq.mtrs i.e. 01 H 56 R sq.mtrs along with standing structure thereon situated at village Kothrud, Taluka Haveli District Pune, to and in favour of Majestique Duropolis Private Limited by registered Development Agreement dated 01/06/2024 which is registered in the office of Sub Registrar Haveli No.11 vide Sr. No.11163/2023.


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(L) Irrevocable Power of Attorney :-

On perusal of Photocopy of Irrevocable Power of Attorney executed by New Friends Co-operative Housing Society Ltd infavour of Majestique Duropolis Private Limited which is duly registered at serial no. 11165/2023 with the office of the Sub Registrar Haveli No. 11 of dated 01/06/2023, it appears that in pursuance of the aforesaid Re-development Agreement, said Landowners i.e. New Friends Cooperative Housing Society Ltd. through its Chairman and Secretary alongwith its executive committee members and redevelopment committee members had executed Power Attorney, nominating Majestique Duropolis Private Limited through its authorised director Mr. Kailash G.Mundada, as their attorney/ies to do various acts, deeds, matters, things etc. in relation to the redevelopment of the said land which was duly authenticated before the Sub-Registrar Haveli no. 11, Pune on dated 01/06/2023 at Sr. No. 11165/2023.

(M) Commencement Certificate :-

On perusal of Photocopy of Commencement Certificate bearing no. CC/3227/23 of dated 14/03/2024 issued by Pune Municipal Corporation, Pune, alongwith True Copy of Blue Print of Sanction Plan, it appears that the said Developer had prepared and submitted the building plan of the proposed building/s to be constructed on the said Land. The PMC have sanctioned the building plan vide the said Commencement Certificates and the said Developer accordingly commenced construction of the said building/s in accordance with the said plans.

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VIEW OF THE DISCUSSION MADE IN PARAS ABOVE I CONCLUDE THAT:

1. **Encumbrances:** No entry showing any encumbrance such as sale, transfer, mortgage, charge or otherwise in respect of the said Land was found during the search.
2. **Remarks:** In the office of Sub-registrar Haveli 1, 2, 4, 10, 11, 12, 23 of Pune, search is taken from the available for records for my inspection. However from the available records for my inspection, there was no adverse entry showing any transaction in respect of the said Land.

Apart from manual search I have also taken e-search on official web site of Department of Registration & stamp, Government of Maharashtra.

3. On the basis of all the above facts, records, documents perused by me which are provided by client and relying on them, I have no hesitation to opine that land owner namely New Friends Co-operative Housing Society Ltd. possesses good, clear and marketable title over the said Land and Majestique Duropolis Private Limited through its authorised director Mr. Kailash G.Mundada is authorized to develop the said land as per the redevelopment agreement mentioned above.

Note :-

1. This Search and Title Report is not touching any of the developmental activities carried out by the said Society or its earlier Developer.
2. This Search and Title Report is based upon the information and documents made available to me. All the copies of the documents given for my inspection are returned herewith.

Place :- Pune
Dated:- 16/03/2024

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