



Date- 16/02/2019.

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", 1ST floor 2413, East Street, Camp, Pune - 411001 instructed me to issue a Supplementary Title Opinion in respect of the following 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

Sr. No.	Survey No.	Area Hecter-Are
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

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

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 as follows-

- i) 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 27.53.67 Ares.
- x) S.No. 9/1Part/2/1A/2/2 to 2/7/9 Meter Road admeasuring 12.90.73 Ares.

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 and on dtd. 02 October 2018. In continuation thereof I am issuing this Supplementary Title Opinion.

M/s. Manikchand Kumar Properties is the owner of the lands bearing Survey No. 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.

3. LIST OF THE DOCUMENTS PRODUCED BEFORE ME :-

- a. Copy of detailed Title Opinion dtd. 22/09/2016 Title Opinion dtd. 23/09/2016 issued by Adv. Swati Gadgil- Oza.
- b. Copy of Regular Civil Suit and Injunction Application filed before Hon'ble Civil Court, Senior Division, Pune bearing No. 1700 of 2018 filed by Mr. Kalim Ali Balg, Jenabben Yusufi Jiruwala, Mr. Prasad Umesh Karaley, Mr. Ramakanth Subramanian and Indra Rajnikanth, Mr. Varun Agarwal/ Rahul Agarwal against Kumar Princetown Co Operative Housing Society Ltd. and Manikchand Kumar Properties.
- c. Copy of order issued by Hon'ble Civil Judge Senior Division, Pune on Exh. 15 in the R.C.S. No. 1700 of 2018.
- d. Copy of Appeal filed under Misc. Civil Appeal No.42/2019 before Hon'ble District Judge, Pune against the Status Quo issued by Hon'ble Civil Judge Senior Division, Pune vide order dtd.14/12/2018 in the R.C.S. No 1700/2018.

4. AS TO THE LITIGATIONS -

As mentioned in the earlier supplementary title opinion/s issued by me the pending litigations are as follows-

- a) Mrs. Suman Zinjurde, daughter filed a Civil Suit bearing Sp. Civil Suit No. 622/2015 (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) 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(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.
- e) 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.

- f) As per the Consent Terms dtd. 4/04/2018 the Kumar Princetown Co-Operative Housing Society Ltd. has undertaken to withdraw the following suits -
- Criminal Complaint No. 29/2015 filed before the JMFC, Cantonment Court, Pune file against the Manikchand Kumar Properties and others.
 - Complaint bearing No. 355/2015 filed before Consumer Disputes Redressal State Commission, Maharashtra State circuit bench-Pune.

It is necessary to withdraw the pending cases/ suits as per the abovementione Consent Terms.

5. AS TO THE NEW LITIGATION / SUIT-

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.

6. OPINION :

Relying on copies of documents produced before me and information given to me and subject to observations mentioned in this and earlier supplementary title opinion dtd.14/05/2018 and dtd. 2/10/2018 issued by me and subject to whatever stated above I am of the opinion that-

M/s Manikchand Kumar Properties is an owner of all that pieces and parcels of land bearing 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.

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.Jayraj 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 0Hect. - 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.

M/s. Kumar Agro Products Pvt. Ltd. formerly known as M/s. Canopus Builders Pvt. Ltd. is owner of all that pieces and parcels of land bearing S. Nos. 9/2/1A, 9/2/3 situated at Undri, Tal-Haveli, Dist-Pune.

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.

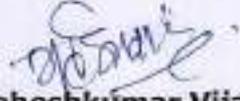


Manikchand Kumar Properties and others for the purchase of their individual flats constructed on the portion of land out of the said property in the building projects known as Princetown Royal and Princetown Tower.

Manikchand Kumar Properties is entitled to develop the lands bearing S. Nos. 9/2/1A, 9/2/3 situated at Undri, Tal-Havelli, 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 14/05/2018 and 02/10/2018.

Pune.
Dtd.- 16th February 2019.


Maheshkumar Vijaysinh Pawar
(Advocate)

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