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S.M. KARNIK

B. A. LL.B

ADVOCATE

(Enrollment No. MAH/1569/1985)

AJAY YADAV

B.Com. LL.B.

ADVOCATE

(Enrollment No. MAH/4008/2011)

TO WHOMSOEVER IT MAY CONCERN

Property/Land Ref.: All that pieces and parcels of an agricultural land situate, lying and being at Revenue Village Kavesar, Taluka and District Thane, within the limits of Thane Municipal Corporation, and in the Registration District and Sub-District of Thane bearing Survey/Hissa Nos. 120/1A, 120/1C and 123/12D.

1. The search of the Index II of the above referred land has been taken by us with help of Search Clerk late Shri. Suresh S. Shewale and Mrs. Sharda P. Kadam in the office of Sub-Registrar of Assurances at Thane from 1981 to 28.02.2019. It is found in the said search that the transaction have taken place in respect of the above referred lands together with the other properties of the owners as mentioned in the respective Search Reports.
2. That the piece and parcel of land bearing Survey/Hissa No. 120/1A of Village – Kavesar is owned by Motiram Jagnanth Patil and others (hereinafter referred to as the **said First Owners**), Survey/Hissa No. 120/1C of Village- Kavesar is owned by Harehwar Manilal Daki and others and 3 other families (hereinafter all of them jointly referred to as **the said Second Owners**), and Survey/Hissa No. 123/12D of Village – Kavesar is owned by Ananta Krushna Daki and others (hereinafter referred to as **the said Third Owners**).



3. That interalia in respect of the land bearing Survey/Hissa No. 120/1A out of the lands above referred to, Khatedar Shri. Laxman Rama Daki expired in the year 1975 leaving behind him legal heir only daughter Savitribai Jagannath Patil (M.E. No. 1389). By and under Development Agreement dated 16.04.1999 registered in the office of the Sub-Registrar of Assurances, Thane - 1 under Sr. No. 2880/1999 executed by the said Savitribai Jagannath Patil during her life-time including her sons and daughters of the **First Owners** excluding Shri. Motiram Jagannath Patil granted the development rights in favour of Roma Builders Pvt. Ltd., a Company registered and incorporated under the Companies Act, 1956, having it's office at - 514, Dalamal Towers, Nariman Point, Mumbai - 400 021 (**the Developers**), further by and under the Confirmation-cum-Supplementary Agreement dated 16.01.2002 registered in the office of Sub-Registrar of Assurances, Thane - 5 below Sr. No. 218/2002 on 16.01.2002 executed by the said Motiram Jagannath Patil of the said First Owners in favour of the **Developers**, **confirmed** the execution of the Development Agreement dated 16.04.1999 executed by the said Savitribai Jagannath Patil and others in favour of the **Developers** and further vide Agreement for Sale dated 31.10.2013 registered in the office of the Sub-Registrar of Assurances, Thane - 5 below Sr. No. 10996/2013 on 31.10.2013 executed by the said Motiram Jagannath Patil of the said **First Owners** in favour of the Developers, sold and transferred his undivided share interalia in the land bearing Survey/Hissa No. 120/1A out of the lands referred above. In pursuance to the Development Agreement dated 16.04.1999, Confirmation-cum-Supplementary Agreement dated 16.01.2002 and Agreement for Sale dated 31.10.2013 respectively executed by the said **First Owners** including their respective relatives also have executed in favour of the nominees of the **Developers** registered Power of Attorney/s dated 23.04.1999, 16.01.2002, 31.10.2013 and 31.10.2013 respectively interalia allowing authorizing the said Attorneys to do,

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perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.

4. i) That as per Taluka Hukum bearing No. RT-SR-85 dated 10.07.1953 in respect of interalia the land bearing Survey/Hissa No. 120/1C out of the land above referred to, the names of Dhanjisha R. Zaveri and Hilabai Barjorji Mehta were deleted and the names of 1) Manilal Hasha Daki, 2) Laxmibai Gopal Gondhali, 3) Gangaram Rama and 4) Krushna Bhau were recorded in the revenue records (M.E.No. 427)
- ii) That the said Gangaram Rama Daki expired in the year 1959 or thereabout leaving behind to him heir only son Shanivar Gangaram Daki (M.E.No.622), , also the said Shanivar Gangaram Daki died on 10.11.1997 leaving behind to him wife Smt. Jaibai Shanivar Daki, who died on 27.06.2000 leaving behind to her only two married daughters 1) Chandrabai Kabir Patil and 2) Pushpa Pramod Gondhale.
- iii) That, the said Manilal Hasha Daki died on 06.11.89 leaving behind to him the heirs sons, namely 1) Shri. Santadas Manilal Daki, 2) Hareshwar Manilal Daki, 3) Yogeshwar Manilal Daki, and daughters 1)Smt. Bhagirathi Manilal Daki, 2) Smt. Tarabai Vyanktesh Bovi, 3)Smt. Narmada Namdeo Patil, 4) Damyanti Sakharam Patil and 5) Parvati Suresh Bhosale and wife Kashibai Manilal Daki. (M.E.No. 1784).
- iv) That, the said Smt. Laxmibai Gopal Gondhali died on 01.10.1999, leaving behind to her only heir son Kamlakar Gopal Gondhali (M.E.No. 1886).
- v) That, the said Krushna Bhau Manera died in the year 1960 or thereabout, leaving behind to him only heir married daughter Smt. Suman Laxman Gaikwad (M.E.No. 1926).



vi) By and under the Development Agreement dated 08.08.2005 duly registered with the Sub – Register of Assurances Thane -2 under serial No. 5032/2005 on 09.08.2005 executed by the said Shri. Hareshwar Manilal Daki and six others, the said Shri. Kamlakar Gopal Gondhali and the said Suman Laxman Gaikwad out of the said **Second owners** granted the development rights interalia in respect of land bearing Survey/Hissa No. **120/1C** in favour of the **Developers**, further by and under the Development Agreement dated 02.03.2006 registered with the Sub-Registrar of Assurances, Thane – 5 under Sr.No. 1388/2006 executed by 1)Smt. Narmada Namdeo Patil and 2) Smt. Parvatibai Suresh Bhosale i.e. the co-owners in the family of the said ~~Hareshwar Manilal Daki and others out of the said Second Owners~~ granted the development rights to the extend of their undivided shares in respect of Survey/Hissa No. 120/1C to and in favour of the Developers, further by and under the Development Agreement dated 14.02.2008 registered in the office of the Sub-Registrar of Assurances, Thane-5 under Sr.No. 1410/2008 on 14.02.2008 executed by the said Santadas Manilal Daki, i.e. one of the co-owner in the family of the said Hareshwar Manilal Daki and others interalia in respect of the land bearing Survey/Hissa No. 120/1C, further by and under the Confirmation-cum-Supplementary Agreement dated 14.02.2008 registered in the office of the Sub-Registrar of Assurances, Thane -5 under Sr.No. 1414/2008 on 14.02.2008 executed by Smt. Sharda Santadas Daki and 4 others i.e. close relatives of the said Santadas Manilal Daki in favour of the **Developers** confirmed the execution of the Development Agreement dated 14.02.2008 executed by the said Santadas Manilal Daki in favour of the **Developers**, further by and under Development Agreement dated 02.03.2006 duly registered in the office of the Sub-Registrar of Assurances, Thane – 5 under Sr. No. 1387/2006 on 02.03.2006 executed by the said Smt. Chandrabai Kabir Patil and Smt. Pushpa Pramod Gondhale out of the said **Second Owners** granted the development rights to the extend of their undivided shares in the land bearing Survey/Hissa No. 120/1C out of the lands above referred to,

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in favour of the **Developers**. The said **Second Owners** in pursuance of the diverse Agreements referred as aforesaid in support thereof executed registered/notarized irrevocable Power of Attorney/s dated 09.08.2005, 02.03.2006, 02.03.2006, 14.02.2008 and 14.02.2008 respectively interalia allowing, authorizing the attorney/s i.e. the nominees of the Developers to do, perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.

5. i) That interlia the land bearing Survey/Hissa No. 123/12D out of the lands referred above to, was owned, seized and possessed by one Krushna Ganu Daki, who expired somewhere around 1960-61 leaving behind his legal heirs wife Parvatibai Krushna Daki (deceased) sons - 1) Waman Krushna Daki (since deceased), 2) Anant Krushna Daki, 3) Atmaram Krushna Daki (since deceased), and accordingly their names were recorded in the Owners/kabjedar coloumn of the 7/12 extracts of the land bearing Survey/Hissa No. 123/12D (M.E.No.991).
- ii) That Waman Vishnu Daki expired as on 18.07.2002 leaving behind him his legal heirs, wife – Smt. Mathibai Waman Daki, son 1) Vishnu Waman Daki, married daughters 2) Girjabai alias Rupali Dilip Patil, and 3) Rukmini Waman Daki.
- iii) That Atmaram Krushna Daki expired as on 18.06.1988 leaving behind him his legal heirs, wife Smt. Gangabai Atmaram Daki, sons 1) Gorakh alias Gaurav Atmaram Daki, 2) Bhanudas Atmaram Daki, 3) Liladhar Atmaram Daki, 4) Maruti Atmaram Daki, and married daughter 5) Surekha Dinesh Patil.
- iv) That Smt. Gangabai Atmaram Daki expired as on 09.08.2017 leaving behind legal heirs 1) Gorakh alias Gaurav Atmaram Daki, 2) Bhanudas Atmaram Daki, 3) Liladhar Atmaram Daki, 4) Maruti Atmaram Daki, and married daughter Mrs. Surekha Dinesh Patil.



v) That Gorakh alias Gaurav Atmaram Daki expired as on 10-08-2018 leaving behind his legal heirs wife Smt. Shantabai Gorakh alias Gaurav Daki, sons- 1) Kunal Gorakh alias Gaurav Daki, 2) Nitin Gorakh alias Gaurav Daki, and married daughter Smt. Seema Mahendra Bhoir.

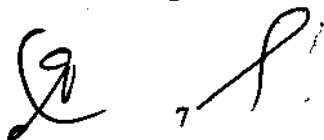
vi) That Bhanudas Atmaram Daki (since deceased) leaving behind his legal heirs wife Anjani Bhanudas Daki, sons 1) Mohan Bhanudas Daki, 2) Mukesh Bhanudas Daki and married daughter 3) Smt. Reena alias Jaswanti Roshan Madhavi.

vii) By and under Development Agreement dated 17.01.2003 duly registered with the Sub-Registrar of Assurances, Thane-5 under serial no. 1940/2003, executed by Vishnu Waman Daki and others of the **Third Owners** interalia in respect of Survey/Hissa No. 123/12D out of the lands referred above to, further by and under Confirmation-cum-Supplementary Agreement dated 23.04.2003 executed by 1) Smt. Gangabai Atmaram Daki, 2) Shri. Gorakh Atmaram Daki, 3) Shri. Bhanudas Atmaram Daki, 4) Shri. Liladhar Atmaram Daki, 5) Shri. Maruti Atmaram Daki, 6) Smt. Surekha Dinesh Patil i.e. some of the co-owners in the family of the said Third Owners confirmed the execution and terms and conditions of the Development Agreement dated 17.01.2003 executed by Vishnu Waman Daki and others in favour of the Developers interalia in respect of land bearing Survey/Hissa No. 123/12D, and confirmed, transfer and assignment of their undivided share, right, title and interest to and in favour of the **Developer**, further by and under Agreement for Sale dated 04.06.2010 duly registered with the Sub-Registrar of Assurances, Thane - 5 under serial no. 6110/2010 executed by Anant Krushna Daki and others of the **Third Owners** sold and transferred their undivided share interalia the land bearing Survey/Hissa No. 123/12D out of the lands referred above to, in favour of the **Developers**, further by and under Agreement for Sale dated 21.11.2013 duly registered with the Sub-Registrar of Assurances, Thane - 5 under serial no. 11545/2013 executed by Smt. Chhaya Anant Daki and others of the **Third Owners**

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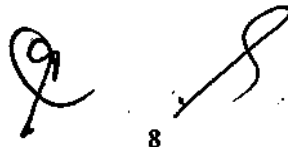
sold and transferred their undivided share interalia the land bearing Survey/Hissa No. 123/12D out of the lands referred above to, in favour of the **Developers**, further by and under Agreement for Sale dated 22.02.2019 duly registered with the office of Sub-Registrar of Assurances, Thane – 12 under Sr. No. 2070/2019 executed by Smt. Shanta alias Shantabai Gorakh alias Gaurav Daki and 6 others i.e. some of the co-owners excluding the said Shri. Bhanudas Atmaram Daki (since deceased) in the family of the said Third Owners and confirmed by Baby Jui Kunal Daki and others i.e. relatives of the said Smt. Shanta alias Shantabai Gorakh alias Gaurav Daki and 6 others have agreed to sell, transfer and assign their share, right and title interalia in land bearing Survey/Hissa No. 123/12D out of the land referred above in favour of the Developers. The said Smt. Shanta alias Shantabai Gorakh alias Gaurav Daki and 6 others along with execution of the Agreement for Sale dated 22.02.2019, also confirmed therein the execution and terms and conditions of Development Agreement dated 17.01.2003 executed by Vishnu Waman Daki and others and Confirmation-cum-Supplementary Agreement dated 23.04.2003 executed by 1) Smt. Gangabai Atmaram Daki, 2) Shri. Gorakh Atmaram Daki, 3) Shri. Liladhar Atmaram Daki, 4) Shri. Maruti Atmaram Daki, 5) Smt. Surekha Dinesh Patil and others including the said Late Bhanudas Atmaram Daki in favour of the Developers interalia of land bearing Survey/Hissa No. 123/12D in favour of the **Developers**. In pursuance of the aforesaid diverse said Agreements the said **Third Owners**, executed Power of Attorney dated 17.01.2003, 23.04.2003, 04.06.2010, 21.11.2013 and 22.02.2019 interalia allowing, authorizing the nominees and assignees of the Developers to do perform and carry out various acts, deeds, matters, things privileges, rights and authorities which are in details contained therein.

6. In view thereof, we record that the Developers are fully, freely authorized and entitled to deal with and dispose of the Development on the above referred land (constructed



and/or otherwise) in the manner and for the consideration and upon the terms and conditions as the Developers may think fit, proper and to receive, recover and appropriate the consideration and all other benefits on terms of such sale and transfer.

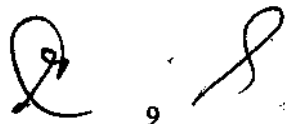
7. It is observed by us that vide Notification No. TPS-1204/Thane/DP/DCR/UD-12 dated 25th May 2006 issued u/s 37(2) of Maharashtra Regional and Town Planning Act, 1966, The Government of Maharashtra, Urban Development Dept., Mantralaya, Mumbai 400032 has implemented and sanctioned regulations mentioned therein for development of Special Township Project in the area under the Thane Municipal Corporation, further the Govt. of Maharashtra through its competent authorities have granted the Locational Clearance bearing order nos. TPS-1206/2682/CR-97/07/UD-12 dated 4th March 2009 and TPS-1206/2682/CR-97/07/UD-12 dated 7th August 2009 issued by Section officer of Urban Development Department, Mantralaya, Mumbai, for implementing Special Township Scheme thereon. It is further observed by us that, Thane Municipal Corporation, Thane vide its amended Commencement Certificate vide V. P. No. S06/0063/2010/TMC/TDD/PCC/2867/18 dated 02.11.2018 sanctioned the building plans for construction of various buildings including a building popularly known as "EAGLERIDGE A" on the piece, parcel and portion of the land above referred to, Mrs. Sharmistha Mukerjee-Shinde, Architect has issued a certificate to that effect dated 26.12.2018.
8. On investigating the documents made available to us for inspection from the Developers including various NOC's under the Maharashtra Land Revenue Code 1966, Urban Land (Ceiling and Regulation) Act, 1976 (since repealed), revenue records and search reports, including an order bearing no. TNC 06/2013/C.R. 321/J-1 dated 03.08.2013 passed by the Hon'ble Revenue Minister Maharashtra U/s 88(1) (b) of Maharashtra Tenancy and Agricultural Land Act 1948 and publication of official



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Gazette thereto stating therein that the publications of Sec. 1 to 87 of Maharashtra Tenancy and Agricultural Land Act 1948 shall not apply to the notified lands to which the locational Clearance have been sanctioned by the Government to implement Special Township Scheme, further I/we have gone through 'Public Notice' dated 29.05.2006 in daily 'Thane Vaibhav' published by Sub - Divisional Officer, Thane, Division - Thane wherein given property description interalia, village - Kolshet/Kavesar, wherein mentioned about acquisition of the land by the Govt. under Indian Forest Act 1927, and Maharashtra Private Forest Act 1975 for acquisition of the lands and letter dated 11.12.2012 issued by Range Forest Officer, Thane Forest Division, Thane, mentioned therein the lands excluding the lands above referred to, listed Survey Nos. of the Kolshet / Kavesar villages are deemed to be "Reserved Forests" as per the provisions of the Maharashtra Private Forest (Acquisition) Act, 1975 and more particularly we have gone through specific notification issued under section 37(2) of Maharashtra Regional and Town Planning Act 1966 issued by the Government of Maharashtra Urban Development, Mantralay Mumbai - 400032 dated 25th May 2006, bearing no. TPS-1204/Thane/DPDCR/UD-12 wherein specially it is mentioned that non-agricultural permission will be automatic as soon as the Scheme is notified, lands mentioned under Special Township in area under Thane Municipal Corporation wherein as per regulation no. 2 Special concession have been given.

9. That Spl. Civil Suit No. 746/08 was filed in the Court of Hon'ble Civil Judge (S.D.), Thane, at Thane by the **Developers** against the said **First Owners** interalia in respect of the land bearing Survey/Hissa No. 120/1A for the relief of Specific Performance of Contract, Injunction and such other reliefs together with preferring an Application for Injunction, the Hon'ble Court was pleased to pass an order dated 04.01.2010 wherein the said Injunction Application was partly allowed restraining the Defendants i.e. the said **First Owners** from disturbing the possession of the Developer over the suit

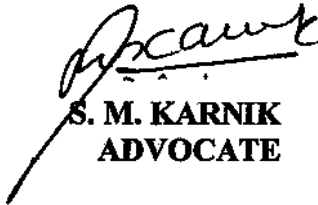
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properties therein and creating third party interest in any manner till disposal of the suit. No further Appeal/Writ is/was preferred by the owners Smt. Savitribai Jagannath Patil and others and the suit is pending for further hearing.

10. Mangilal Parmar (since deceased) through Hemant Parmar and others has/have filed Regular Civil Suit No. 715/2013 in respect of interalia the land bearing Survey/Hissa No. 120/1A out of the lands above referred to, against the State of Maharashtra and the Developers for declaration. The Developer has filed its Written Statement in the said suit and the suit is pending for further hearing. No adverse order is passed against the Developer till today.
11. Further, we have gone through one Special Civil Suit No. 667/2017 filed in the Court of Hon'ble Civil Judge (S.D.) Thane at Thane by Kevalchand Tarachand Vardavat and others against the Developers and others interalia in respect of Survey/Hissa No. 120/1A, for the relief of declaration, possession and injunction, the Developer have filed its/their written statement/say and matter is pending for further hearing.
12. In the aforesaid facts, in our opinion the title of the said First Owners, the said Second Owners, the said Third Owners together with the Developers to the lands hereinabove referred is clear and marketable, subject to final disposal of Special Civil Suit No. 746/2008, Special Civil Suit No. 715/2013 and Special Civil Suit No. 667/2017.

Thane.

Date: 01.03.2019


S. M. KARNIK
ADVOCATE


AJAY S. YADAV
ADVOCATE