

**ASHVIN D. RATHOD**

B.Com, LL.B,

**Advocate High Court.**

M: 9323037814

Address: A-1/805,

**Dandekar Dattchaya Co-op. Hsg. Ltd**

**Opposite Uday Nagar**

**Panchpakhadi, Thane (West) 400602.**

By Hand/RPAD/Courier

Ref no.

Date: 18/02/2023

## SUPPLEMENTARY TITLE CERTIFICATE

Re: Investigation of Title of : (A) 1.Smt. Yenabai Halya Bhoir, 2. Shri Jagdish Halya Bhoir, 3.Shri Krushna Halya Bhoir, 4.Shri Raghunath Halya Bhoir, 5.Smt. Manubai Nagesh Shinge, 6.Smt. Sakhubai Arun Bhoir, 7.Shri Dravesh Narayan Bhoir, 8.Shri Deepesh Narayan Bhoir and 9.Smt. Kamini Bhimrao Mhatre (hereinafter collectively referred to as "the said First Owners") in respect of all those pieces and parcels of gaothan land bearing Old S.No. 218 New Survey No. 49, Hissa No.1, admeasuring 1620 sq.mtrs., situate, lying and being at village Bhayenderpada, Taluka and District Thane (hereinafter referred to as 'the said First Property') more particularly described Firstly in the First Schedule hereunder written and Old S.No. 217 New Survey No.109 Hissa No. IID admeasuring 2790 sq. mtrs. situate lying and being at village Bhayandarpada, Taluka and District Thane (hereinafter referred to as the "the said Second Property") more particularly described Secondly in the First Schedule hereunder written; (B) 1. Smt. Sumati Govind Tangdi, 2. Smt. Shantabai Motiram Bhoir, 3.Shri Ramchandra Motiram Bhoir, 4. Shri Manohar Motiram Bhoir, S. Mrs. Deepa Ajay Mhatre, 6. Shri Hitesh Ramesh Bhoir &7. Miss Mohini Ramesh Bhoir (hereinafter collectively referred to as "the said Second Owners") in respect of land property bearing Old S.No.217 New Survey No.109 Hissa No.19A admeasuring 1219.50 sq.mtrs. out of 2439 sq. mtrs. (Hereinafter referred to as "the said Third property") and more particularly described in the Second Schedule hereunder written; (C) (1) Shri Rajdaksh Mahendra Sharma and (2) Shri Kapil Mahendra Sharma (hereinafter collectively referred to as "the said "third Owners") in respect of land property bearing Old S.No.217 New Survey No.109 Hissa No.19B admeasuring 2560 sq. mtrs. (Hereinafter referred to as "the said Fourth property") and more particularly described in the Third Schedule hereunder written; (D) 1. Shri Pandurang Sakharam Bhoir, 2. Shri Ananta Sakharam Bhoir, 3. Shri Namdeo Sakharam Bhoir since deceased his legal heirs (3.1) Smt. Prabhavati Namdeo Bhoir, (3.2) Shri Jitendra Namdeo Bhoir, (3.3) Shri Pranay Namdeo Bhoir, (3.4) Mrs. Prachi Shailesh Bhoir and (3.5) Ashwini Amar Bhoir, 4. Shri Janardan Sakharam Bhoir, S. Smt. Draupadi Ramesh Bhoir, 6.Shri Deepak Ratnakar Thakur, 7. Shri Pradeep Ratnakar Thakur, 8.Smt. Sangeeta Ashok Patil, 9.Smt. Manisha Dnyaneshwar Daki (hereinafter collectively referred to as "the said Fourth Owners") in respect of land property bearing Old S.No. 217 New Survey No.109 Hissa No. 16C admeasuring 2300 sq. mtrs. (Hereinafter referred to as "the said Fifth Property") and more particularly described in the Fourth Schedule hereunder written and (E) Balaji Enterprises a Partnership Firm registered under the provisions of Indian Partnership Act, 1932, having its office at 12<sup>th</sup> Floor, Dev Corpora, Eastern Express Highway, Cadbury Junction, Near Raymond Khazana

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Showroom, Thane (W) 400 601 ('Promoters') in respect of land bearing Old Survey No. 217 New Survey No. 109 Hissa No. 22 admeasuring 2800 sq. mtrs. situate lying and being at village Bhayandarpada, Taluka and District Thane (hereinafter referred to as "the said Sixth Property") and more particularly described in the Fifth Schedule hereunder written. The said First to Sixth property shall hereinafter be referred to as 'the said Property').

1. This has reference to the Title Certificate dated 26/04/2022 issued by me (hereinafter referred to as "the said Title Certificate") in respect of title of the said property. A copy whereof is annexed hereto as Annexure "A".
2. This is to place on record that after issuing the said Title Certificate in respect of the said First to Sixth Properties, Promoters have furnished following information and documents and upon perusal thereof, the following events appears to have taken place in respect of the said Property:-
  - a. Mr. Manoj Lalwani alongwith Mr. Kirorirmal Kundnani and Mr. Gopal Lalwani were the partners of Promoters. By a Deed of Admission-cum-Retirement dated 25/04/2022 (hereinafter referred to as "the said Deed") made and executed between Shri Gopal Lalwani therein referred to as the Continuing Partner of the first part, Shri Purvesh Pratap Samaik therein referred to as the Admitting Partner of the second part, Shri Pratap Baburao Samaik therein referred to as the Admitting Partner of the third part Mr. Manoj Lalwani and Shri Kirorimal Kundnani therein referred to as the Retiring Partners of the fourth and fifth part respectively, the Retiring Partners retired from the partnership and the Continuing Partner along with the Admitting Partners decided to carry on the said partnership business thenceforth for the consideration and upon the terms and conditions therein mentioned.
  - b. Indenture for Transfer dated 17/05/2022 registered with the Office of Sub-Registrar of Assurances at Thane under Sr.No.8487/2022 made and executed between Shri Purvesh Pratap Samaik partner of Promoters therein referred to as the Transferor of the one part and Thane Municipal Corporation therein referred to as the Transferee of the other part, the Transferor therein transferred to the Transferee therein a portion admeasuring 206.80 sq.mtrs. and 4124.43 sq.mtrs. reserved for 12 mtrs. and 60 mtrs. D. P. Road respectively upon the terms and conditions therein contained.
  - c. Indenture for Transfer dated 17/05/2022 registered with the Office of Sub-Registrar of Assurances at Thane under Sr.No.8488/2022 made and executed between Shri Purvesh Pratap Samaik partner of Promoters therein referred to as the Transferor of the one part and Thane Municipal Corporation therein referred to as the Transferee of the other part, the Transferor therein transferred to the Transferee therein a portion admeasuring 68.47 sq.mtrs. reserved for Sanyukta Crematorium upon the terms and conditions therein contained.



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- d. Substituted Power of Attorney dated 19/07/2022 registered with the Office of Sub-Registrar of Assurances at Thane under Sr.No.10196/2022, came to be executed whereby Shri Haresh Daulatani, Shri Kirorimal D. Kundnani and Shri Manoj Lalwani, pursuant to the Retirement Deed dated 25/04/2022 substituted the powers conferred upon them by the owners mentioned therein in favour of Shri Pratap Baburao Samaik and Shri Purvesh Pratap Samaik being admitting partners of Balaji Enterprises i.e. yourselves upon the terms and conditions therein contained.
- e. The Promoters have registered the said Buildings No."A" & "B" to be known as "Vihang Marina" under the provisions of the Real Estate (Regulation and Development) Act 2016 (hereinafter referred to as "the said Act/RERA") with Real Estate Regulatory Authority at Mumbai under No. P51700034747 dated 28/04/2022.
- f. Subsequent to registering the said Project with the RERA authorities as well as pursuant to the execution of a few Agreements for Sale, the Promoters' present partners (newly reconstituted under Deed of Admission-cum-Retirement dated 25/04/2022) have come to know about restoration of the name of the said Manglya upon the revenue records pertaining to the said Fourth Property. Thereupon the present partners of the Promoters have, initiated enquiry regarding the same with the pre-successors i.e. original partners of the Promoters and upon enquiry, it was revealed by the original partners that though they were aware of the matters being Regular Civil Suit No.1564/2012 (hereinafter referred to as 'the said RCS') pending in the court of the Civil Judge (S.D.) At Thane; filed by M/s. Shraddha Developers (hereinafter referred to as 'the said Shraddha') and M/s. Ravi Development (hereinafter referred to as 'the said Ravi') against the said Sakhubai, the said heirs of Ganpat, the said Third Owners and Municipal Corporation of City of Thane and (then comprising of original partners only); seeking declaration that the said First Deed is void & praying for cancellation of the said First Deed (i.e. the Sale Deed dated 08/09/1999 executed by the said Sakhubai, the said heirs of Ganpat in favour of the said Third Owners) and claiming that vide Agreement for Sale cum Assignment of Development Rights dated 12/05/1988 (registration No. 3544/1988) & Irrevocable Powers of Attorneys registered on 16/05/1988 under Sr. Nos.203/88 & 204/88 [purported to be executed] between the said Manglya (ii) Smt. Jamnabai Bhoir (iii) the said Ganpat & (iv) the said Baburao in favour of the said Shraddha and various Agreements for Sale cum Development, all purported to be executed in the year 2011 by the partners of the said Shraddha in favour of the said Ravi (hereinafter collectively referred to as 'the purported documents'); the said Ravi is entitled to the said Fourth Property; the Original partners of the Promoters had inadvertently and not intentionally, failed to inform the present partners of the Promoters about the same and hence, while registering with the RERA the said RCS remained to be mentioned and uploaded. However, the Original partners of the Promoters have further informed the present partners of the Promoters that they had immediately filed a written statement in the said



RCS, challenging the contention of the said Shraddha and the said Ravi (hereinafter collectively referred to as 'the said Plaintiffs'). Further, the Original partners of the Promoters have claimed that the claims of the said Plaintiffs being based on the purported documents which are false, forged and illegal, the said RCS should be dismissed and furthermore the Promoters, in the said written statement, have denied the allegation of the said Plaintiffs that they are in possession of the Fourth Property and have stated that the Promoters are in possession of the said Fourth property and have in fact initiated process towards development of the said Fourth Property along with their other properties. Moreover, Mr. Chandrakant Babuao Bhoir (being one of the Defendants therein) have claimed that the said RCS is not maintainable as being barred by limitation under S.9A r/w O.7, R.11 of CPC and the said Plaintiffs have filed evidence affidavit in respect of the same issue. The said RCS, therefore is pending and the question of limitation is yet to be decided by the Hon'ble Court in the same. The said RCS is hopelessly time barred.

- g. The said Shraddha had also filed RTS Appeal No. 145/2012 with Revenue Authorities (hereinafter referred to as 'the said First RTS Appeal'), in the court of SDO, Thane for cancellation of ME No.303, whereby the names of the Third Owners were recorded on 7/12 extracts of the Fourth Property. The said First Appeal was allowed by the SDO, Thane vide his order dated 31/05/2013 (hereinafter referred to as 'the said First Order') & therein directed the said ME No.303 to be cancelled. Being aggrieved by the aforementioned said First Order, the Respondents thereto i.e. the Third Owners filed RTS (Appeal) No.192/2013 (hereinafter referred to as 'the said Second RTS Appeal') in the court of Deputy Collector (Appeals), Thane. The said Second RTS Appeal (i.e. appeal of the Third Owners) was allowed by the Deputy Collector (Appeals) vide his order dated 15/02/2014 (hereinafter referred to as 'the said Second Order'). Being aggrieved by the said Second Order, the said Shraddha and the said Ravi filed revision application bearing no. Appeal/Desk/RTS/Riv.117/2014 (hereinafter referred to as 'the said First Revision Application') in the Court of Additional Commissioner, Konkan Division, Mumbai (hereinafter referred to as 'the Additional Commissioner') against the said Second Order. The said Additional Commissioner by his order dated 07/07/2016 (hereinafter referred to as 'the said Third Order') rejected the revision Application filed by the said Shraddha and the said Ravi thereby upholding the Order passed by the Deputy Collector (Appeals), Thane dated 15/02/2014 i.e. the said Second Order. Again, being aggrieved by the said Third Order, the said Shraddha & the said Ravi filed RTS 2717/19/Matter No.16/J-4 (hereinafter referred to as 'the said Second Revision Application') in the court of the Hon'ble Revenue Minister. The Hon'ble Revenue Minister by his order dated 27/01/2021 (hereinafter referred to as 'the said Fourth Order') admitted the said Second Revision Application thereby cancelling the said Third Order & the said Second Order and confirming the said First Order. Pursuant to the said Fourth Order, the intimation for giving effect to the said Fourth Order was obtained on



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29/07/2022 and in pursuance thereof ME 303 was cancelled and the names of the Third Owners were removed from the revenue records thereby restoring the name of Manglya Undir Bhoir upon the revenue records pertaining to the said Fourth Property came to be certified on 07/11/2022 vide M.E. No.1441.

- h. Thereafter being aggrieved by the said Fourth Order as well as its effect vide M.E. No.1441, the Third Owners filed Review Application as per the provisions of section 258 of Maharashtra Land Revenue Code, 1966 in the court of the Hon'ble Revenue Minister, Maharashtra state whereupon on 12/12/2022 the Hon'ble Revenue Minister has granted order of 'Stay' to the implementation of the said Fourth order till the final disposition of the said Review Application. The Promoters have prominently pointed out that in all the revenue matters viz. the said First RTS Appeal, the said Second RTS Appeal, the said First Revision Application, the said Second Revision Application as well as in the said Review Application, the Promoters have not been impleaded as a party and hence the present partners of the Promoters have been unaware of the events as recited hereinabove.
- i. Considering the circumstances as aforesaid, in my opinion, as of now, neither the Hon'ble Court nor the Revenue authorities have passed any adverse orders against the Promoters and /or regarding development of the said Fourth Property. Moreover, it appears that although the said First Deed was executed in favour of the said Third Owners, the same was compounded due to deficiency in payment of stamp duty but, upon payment of appropriate stamp duty, the registration procedure came to be completed in 2004 and accordingly, the effect thereof was carried out in the revenue extract of the said Fourth Property by incorporating the names of the said Third Owners in 2005. However, the said Shraddha and the said Ravi having filed the said RCS suit in 2012, which is hopelessly time barred under the provisions of O.7, R.11 of CPC and being without substance should likely be dismissed.
3. Under the circumstances I hereby certify that subject to outcome of Regular Civil Suit no: 1564/2012 pending with 3<sup>rd</sup> CJSD Thane, (a) conditions mentioned in the said Title Certificate, and (b) what has been stated hereinabove, the title of 1) the said First Owners in respect of the said First Property and the said Second Property more particularly described Firstly and Secondly in the First Schedule hereunder written, 2) the said Second Owners in respect of the said Third Property more particularly described in the Second Schedule hereunder written, 3) the said Third Owners in respect of the said Fourth Property more particularly described in the Third Schedule hereunder written, 4) the

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said Fourth Owners in respect of the said Fifth Property more particularly described in the Fourth Schedule hereunder written, 5) the Promoters in respect of the said Sixth Property more particularly described in the Fifth Schedule hereunder written, is clear, marketable and free from all the encumbrances.

**THE FIRST SCHEDULE HEREINABOVE REFERRED TO:**

Firstly:

ALL THAT piece or parcel of land bearing New Survey No. 49, Hissa No. 1, admeasuring 1620 sq.mtrs., or thereabout situate, lying & being at village Bhayanderpada, Taluka & Dist. Thane, Registration District & Sub-District Thane and within the limits of the Thane Municipal Corporation.

Secondly:

ALL THAT piece or parcel of land bearing Old S.No. 217 New Survey No. 109 Hissa No.11D admeasuring 2790 sq. mtrs. or thereabout situate, lying & being at village Bhayanderpada, Taluka & Dist. Thane, Registration District & Sub-District Thane and within the limits of the Thane Municipal Corporation.

**THE SECOND SCHEDULE HEREINABOVE REFERRED TO:**

ALL THAT piece or parcel of land bearing Old S.No.217 New Survey No.109 Hissa No. 19A admeasuring 1219.50 sq.mtrs. out of 2439 sq. mtrs., or thereabout situate, lying & being at village Bhayanderpada, Taluka & Dist. Thane, Registration District & Sub-District Thane and within the limits of the Thane Municipal Corporation.

**THE THIRD SCHEDULE HEREINABOVE REFERRED TO:**

ALL THAT piece or parcel of land bearing Old S.No. 217 New Survey No.109 Hissa No. 19B admeasuring 2560 sq. mtrs. or thereabout situate, lying & being at village Bhayanderpada, Taluka & Dist. Thane, Registration District & Sub-District Thane and within the limits of the Thane Municipal Corporation.

**THE FOURTH SCHEDULE HEREINABOVE REFERRED TO:**

ALL THAT piece or parcel of land bearing Old S.No. 217 New Survey No. 109 Hissa No. 16C admeasuring 2300 sq. mtrs. or thereabout situate, lying & being



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at village Bhayanderpada, Taluka & Dist. Thane, Registration District & Sub-District Thane and within the limits of the Thane Municipal Corporation.

**THE FIFTH SCHEDULE HEREINABOVE REFERRED TO:**

ALL THAT piece or parcel of land bearing Old Survey No. 217 New Survey No. 109 Hissa No. 22 admeasuring 2800 sq.mtrs. or thereabout situate, lying & being at village Bhayanderpada, Taluka & Dist. Thane, Registration District & Sub-District Thane and within the limits of the Thane Municipal Corporation.

Yours Faithfully,

(A.D.RATHOD)  
(ADVOCATE HIGH COURT)

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