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Ref : TSR/ 2017

18.05.2017

To :

Shivai-1 Co-operative Housing Society Limited
S. No. 133-A/1/2, Final Plot No. 587/6, Sub Plot Nos. 6 & 9,
Sinhgad Road, Parvati, Pune 411030

Dear Sir,

**Title Investigation Report on Property at
City Survey No. 257(part) - Final Plot No. 587/6
(Old S. No. 133-A/1/2 Sub Plot No. 6 + 9 - i.e. Plot No. 4), Parvati, Pune**

At the request of Shivai-1 Co-operative Housing Society Limited for investigating into the title in respect of the above property, I have

- a. Examined and perused copies of documents and papers produced before me.
- b. Caused Search of Index II registers available in the Offices of Sub Registrar, Haveli and also e-search.

1) Description of the Property :

All that piece and parcel of land admeasuring about 14247 sq. ft. i.e. 1322.57 sq. mtrs. (1328.58 as per 7/12 Extract) being Sub Plot Nos. 6 + 9 (i.e. New Plot No. 4) out of sanctioned layout of S. No. 133-A/1/2 (corresponding City Survey No. 257, Final Plot No. 587/6) situated at Parvati, Pune and situated within the limits of Pune Municipal Corporation and registration Sub District Taluka Haveli District Pune and bounded as follows :

On or towards East	: By Plot No. 5 of the layout
On or towards South	: By Sinhgad Road (Tanaji Malusare Rasta)
On or towards West	: By Plot No. 7 & 8 of the layout
On or towards North	: By PMC Colony Road

Together with easements, appurtenances and hereditaments attached thereto and A and B buildings/ structures standing thereon.

2) Photocopies of documents of title and papers in respect of the above property furnished to me by Shivai-1 Co-operative Housing Society Limited for my perusal are as under :


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1. Related Property Card.
2. Related 7/12 Extract.
3. Relevant Mutation Entries
4. Sale Deed dated 14.10.1975 executed by Prabhakar Kisan Raut & 2 others in favour of Shivai Co-operative Housing Society Ltd. registered with Jt. Sub Registrar, Haveli No. 1 at Sr. No. 2540/1975.
5. Sale Deed dated 14.10.1975 executed by Narayan Kisan Raut & 2 others in favour of Shivai Co-operative Housing Society Ltd. registered with Jt. Sub Registrar, Haveli No. 1 at Sr. No. 2541/1975.
6. Sale Deed dated 14.10.1975 executed by Yamunabai Kisan Raut in favour of Shivai Co-operative Housing Society Ltd. registered with Jt. Sub Registrar, Haveli No. 1 at Sr. No. 2542/1975.
7. Consent Decree passed in RCS No. 1204/1966.
8. NA Order No. NAVSR/III/238/1975 dated 25.07.1975 by Additional Collector, Pune.
9. Commencement Certificates issued by PMC.
10. Completion Certificates issued by PMC.
11. Related Demarcation Plan (Mojani Nakasha) Certified by City Survey Office.
12. Orders dated 10.04.2015 passed by Deputy Registrar, Co-operative Societies, Pune City (1), Pune
13. Certificate of Registration of Shivai-1 Co-operative Housing Society Ltd.

3) I have also caused Search from Index II registers which were made available and were in proper condition in the Offices of Sub Registrar, Haveli and also e-search.

4) From the perusal of the documents and papers above referred to, information given and report of the Search caused in the records available in the Sub Registrar's Office and e-Search, the title to the property mentioned above is traced as under :

It appears that one Maruti Kashiba Raut was the owner various properties including inter alia of the larger property situated at S. No. 133-A (and having corresponding City Survey No. 257) of Parvati Pune. The said properties appear to be HUF properties. After death of said Maruti Kashiba Raut in the year 1941 the captioned property at S. No. 133-A (CTS No. 257) Parvati, was duly recorded in related records in the names of his sons Kisan Maruti Raut and Namdev Maruti Raut.

It appears that in the TP Scheme No. 3 the aforesaid property at S. No. 133-A formed the FP Nos. 585 and FP No. 587 (part). It further appears that a layout of sub-division into sub plots of the said property situated within FP No. 587 (part) was prepared and got sanctioned from PMC. By the Consent Decree passed in the year 1968 in RCS No. 1204/1966 (filed for partition), inter alia Sub Plot No. 7, 8 and 9 of the said layout were received to the share of

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Namdev Maruti Raut, and inter alia Sub Plots Nos. 6 and 11 of the said layout were received to the share of Kisan Maruti Raut.

It appears that Kisan Maruti Raut family consisted of himself, wife Yamunabai, sons Prabhakar, Narayan and Vinayak. The said Vinayak Kisan Raut expired in 1970 and was survived by his legal heirs - wife Shobha, and daughter Vaishali. The said legal heirs of late Vinayak (i.e. wife Shobha Vinayak Raut for self and as Guardian of Vaishali) subsequently executed Release Deed dated 06.02.1975 (registered with Sub Registrar Haveli at Sr. No. 332) and thereby released and relinquished all their share, rights title and interest in the properties (as legal heirs of late Vinayak Kisan Raut) unto and in favour of Prabhakar Kisan Raut, Narayan Kisan Raut and Yamunabai Kisan Raut. It is to be noted that substantial period (more than 42 years is passed thereafter. It appears that Kisan Maruti Raut was also expired, and thus Prabhakar Kisan Raut, Narayan Kisan Raut and Yamunabai Kisan Raut jointly became the owners inter alia of the aforesaid Sub Plots Nos. 6 and 11 out of S. No. 133-A/1/2 Parvati Pune.

Subsequently it appears that in or about May 1975 the said Namdeo Maruti Raut, and the Prabhakar Kisan Raut, Narayan Kisan Raut and Yamunabai Kisan Raut, exchanged their aforesaid Sub Plots No. 9 and 11, and accordingly Mutation Entry No. 3245 is sanctioned by the Circle Officer and names of Prabhakar Kisan Raut, Narayan Kisan Raut and Yamunabai Kisan Raut recorded on 7/12 Extract of Plot No. 9 out of S. No. 133-A/1/2 Parvati Pune, and thus Prabhakar Kisan Raut, Narayan Kisan Raut and Yamunabai Kisan Raut jointly became the owners inter alia of the aforesaid Sub Plots Nos. 6 and 9 out of S. No. 133-A/1/2 Parvati Pune.

By the Order No. NA/SR/III/238/1975 dated 25.07.1975 the Additional Collector, Pune granted permission for NA use in respect of the captioned Plots Nos. 6 and 9 out of S. No. 133-A/1/2 Parvati Pune. It appears that plans of buildings with tenements therein to be constructed on the captioned Sub Plots Nos. 6 and 9 out of S. No. 133-A/1/2 Parvati Pune was also sanctioned by PMC vide Commencement Certificate No. 1632 dated 07.05.1975 as further revised from time to time..

A Society in the name and style of Shivai Co-operative Housing Society Limited (hereinafter for brevity's sake referred to as "Shivai Society") was formed and registered under the Maharashtra Co-operative Societies Act, 1960 having Registration No. PNA/HSG/1150/1975-76 dated 03.10.1975. The said Prabhakar Kisan Raut (& his family), Narayan Kisan Raut (& his family) and Yamunabai Kisan Raut sold their respective 1/3rd shares each in the captioned Sub Plots Nos. 6 & 9 out of S. No. 133-A/1/2, Parvati Pune (together with buildings with tenements therein under construction thereon) to the said Shivai Society by 3 respective Sale Deeds all dated 14.10.1975 and registered with Joint Sub Registrar, Haveli No. 1 respectively at Sr. Nos. 2540, 2541 and 2542 of 1975. It appears that land of captioned Sub Plots Nos. 6 + 9 was given (New) Plot No. 4 out of S. No. 133-A/1/2 of Parvati Pune and name of Shivai

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Society was also recorded on 7/12 Extract relating to S. No. 133-A/1/2 Plot No. 4 of Parvati Pune by the Revenue Authorities. It also appears that the said part of FP No. 587 is subsequently given FP No. 587/6. After completion of construction of 2 buildings (A and B as per plans) on the captioned Sub Plots Nos. 6 + 9 i.e. New Plot No. 4 out of S. No. 133-A/1/2 (FP No. 587/6), Parvati, Pune, PMC also issued Completion Certificates in or about 1976 bearing Nos. 2350 and 1574 in respect thereof. I am informed by the Society officials that subsequently additional FSI being available, with approval of PMC additional constructions thereto were also made and PMC has also issued Completion/Occupancy Certificates in respect thereof, which are on the Society records. The members of the Society are residing in the said buildings for more than past 40 years. Thus the title so way back derived in 1975 by Shivai Society to the property under reference is supported by the documents and duly recorded in Revenue records as aforesaid, is quite evident.

The said Shivai Society likewise way back purchased from Namdev Kisan Raut (& his family) properties situated at Sub Plots Nos. 7 & 8 out of S. No. 133-A/1/2, Parvati Pune. However since as detailed below the Shivai Society now stands sub divided into Shivai-1 and Shivai-2 Societies, and property under reference vests in Shivai-1 Society, and the said properties at Sub Plots Nos. 7 & 8 out of S. No. 133-A/1/2, Parvati Pune vest in Shivai-2 Society and are separate, hence further observations relating to captioned Sub Plots Nos. 7 & 8 out of S. No. 133-A/1/2, Parvati Pune are not detailed in this report since being not relevant to the property under reference.

By observing the procedure and formalities stipulated under the Maharashtra Co-operative Societies Act, 1960 and its Rules, the said Shivai Co-operative Housing Society Ltd. subsequently stands subdivided into two separate Societies i.e. Shivai-1 Co-operative Housing Society Ltd. (Registration No. PNA/PNA(1)/HSG/(TC)/16334/2015-16 dated 10.04.2015) and Shivai-2 Co-operative Housing Society Ltd. (Registration No. PNA/PNA(1)/HSG/(TC)/16335/2015-16 dated 10.04.2015) by the Orders dated 10.04.2015 passed by the Deputy Registrar, Co-operative Societies, Pune City (1), Pune. In view of the said subdivision and the Schedules to the said Order, the members of Shivai Co-operative Housing Society Ltd. as subdivided into the members respectively into Shivai-1 & Shivai-2 Societies and their respective flats are specified into Schedule A to the said Order, all the assets and liabilities of Shivai Co-operative Housing Society Ltd. are subdivided as specified in Schedule B to the said Order, and the property under reference now vests in and is owned by Shivai-1 Co-operative Housing Society Ltd. (Registration No. PNA/PNA(1)/HSG/(TC)/16334/2015-16 dated 10.04.2015) as inter alia specified in the Schedule C to the said Order. Incidentally, consequent to the said Sub Division, the Deputy Registrar, Co-operative Societies, Pune City (1), Pune by the Orders dated 10.04.2015 has cancelled the Registration of erstwhile Shivai Co-operative Housing Society Ltd. having Registration No. PNA/HSG/1150/1975-76 dated 03.10.1975.

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On the basis of the aforesaid registered Sales Deeds dated 14.10.1975 (and aforesaid Orders dated 10.04.2015 passed by the Deputy Registrar, Co-operative Societies, Pune City (1), Pune) the name of Shivai-1 Co-operative Housing Society Limited is duly recorded on 7/12 Extract of S. No. 133-A/1/2, Plot No. 4 Parvati Pune by Mutation Entry No. 6475, and also recorded by entries dated 29.02.2016 on the Property Card of City Survey No. 257, by the concerned Competent Authorities. Demarcation (Mojani) in respect of property under reference is also carried on 02.03.2016 by the City Survey Office and related Demarcation Plan (Mojani Nakasha) is certified by City Survey Official.

Thus Shivai-1 Co-operative Housing Society Limited is legal successor of erstwhile Shivai Society in respect of property under reference in terms of provisions of the Maharashtra Co-operative Societies Act, 1960, with its name duly recorded in related records.

Section 157 of Maharashtra Land Revenue Code, 1966 is reproduced below which relevant in the present context.

"An entry in the records of rights and a certified entry in the registration of mutations shall be presumed to be true until contrary is proved or a new entry is lawfully substituted therefor."

Officials of Shivai-1 Co-operative Housing Society Limited have also informed me that no litigation has ever been filed against or impleading the said Society (and/or erstwhile Shivai Society) in any Courts of law, and in view of legal succession aforesaid Shivai-1 Co-operative Housing Society Limited is in lawful, peaceful and continuous possession of the property under reference; and its members are likewise in lawful, peaceful and continuous possession of their respective flats in the buildings standing on the property under reference, all along since past 40 years as aforesaid.

Officials of the Shivai-1 Co-operative Housing Society Limited have further informed to me that one of the members Mr. Ghanshyam Ghone has created mortgage/charge on his Flat No. B-2 in favour of UCO Bank, Mukundnagar Branch, Pune. Similarly their Society has entered into a Memorandum of Understanding dated 09.11.2016 with M/s Riswadkar Bakshi Associates for carrying out re-development of the property under reference.

Findings of the Search caused :

I have also caused to take the search in respect of the said property for the period of 30 years in the Offices of Sub Registrar, Haveli and also e-search. Necessary Search Fees of Rs. 750/- are duly paid and receipt (GRN No. MH001474286201718E) in respect of the same is enclosed. It is reported to me that condition of record in the said offices is poor and unsatisfactory. However, during the Search in respect of property under reference, taken from entries of Index II registers which were made available and were in proper condition and also e-search, pertaining to the past period of 30 years and with practically possible diligence, no entry making the title of the owners defective was noticed, nor any other subsisting/recorded encumbrance has come to the Notice.

5) Opinion on Title :

On perusal of the above referred documents and papers and observations stated above I am of the opinion that :

Shivai-1 Co-operative Housing Society Limited has clear and marketable rights, title and interests in the property under reference and is entitled to the A and B buildings standing thereon with flats therein occupied by its members, subject however to aforesaid charge/mortgage created by Mr. Ghanashyam Ghone over his Flat No. B-2, and rights of M/s Riswadkar Bakshi Associates as available under the aforesaid MOU dated 09.11.2016. It is reported that the said Ghanashyam Ghone has also informed UCO Bank about proposed re-development of the said property and the said Bank in principle has no objection thereto.

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Pune

Date : 18th May 2017

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