

Sarika Taori

Advocate
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**5th floor, Pride House,
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Shivajinagar, Pune 411016**

TITLE OPINION

To,

Date 03/03/2017

JAI-KUL ASSOCIATES

505 Pride House, 108/7 Ganesh Khind Road,
Shivaji Nagar. Pune 411016

Subject: All that piece and parcel of land bearing S. no. 135/1, 138, 139, and 129/2(P), total area admeasuring 119706.9 sq. mtr, situated at village Charholi, Tal Haveli, Dist. Pune, within the jurisdiction of Haveli no. 8, and within the limits of Pimpri Chinchwad Municipal Corporation, Pune.

List of document as follows:

A/ 129/2

- (1) Copies of 7/12 extracts
- (2) Copies of mutation entries
- (3) Copy of Sathe Khat dated 22.06.1987 of S. No. 129/2 by Shri Dadu Sakharam Bhosale and others in favour of Shri Pukhraj Babhutmal Jain.
- (4) Copy of Power of Attorney dated 22.06.1987 of S. No. 129/2 by Shri Dadu Sakharam Bhosale and others in favour of Shri Pukhraj Babhutmal Jain.
- (5) Copy of Tabepavati dated 17.05.1989 of S. No. 129/2 by Shri Dadu Sakharam Bhosale and others in favour of Shri Pukhraj Babhutmal Jain.
- (6) Copy of Sale Deed dated 04.06.2001 of S. No. 129/2 by Shri Dadu Sakharam Bhosale and others in favour of Shri Pukhraj Babhutmal Jain, registered at the Office of Sub Registrar Haveli No. 8, at Sr. No. 3459/2001.
- (7) Copy of Confirmation Deed dated 04.06.2001 of S.No. 129/2 by Shri Dadu Sakharam Bhosale and others in favour of Shri Pukhraj Babhutmal Jain, registered at the Office of Sub Registrar Haveli No. 8, at Sr. No. 3146/2001.
- (8) Copy of Confirmation Deed dated 02.12.2004 of S. No. 129/2 by Smt. Anjanabai Dadu Bhosale and others in favour of Shri Jaydeep Pukhraj Jain, registered at the Office of Sub Registrar Haveli No. 8, at Sr. No. 9006/2004.
- (9) Copy of Release Deed dated 28.04.2003 by Mrs. Raksha J. Shah and another in favour of Shri Jaydeep Jain, registered at the Office of Sub Registrar Haveli No. 15 at Serial No. 1228/2003 (presently not available)
- (10) Copy of Development Agreement dated 24.08.2004 by Shri Jaydeep Pukhraj Jain in favour of Pride Builders Pvt. Ltd. registered at the Office of Sub Registrar Haveli No. 8 at Serial No. 6108/2004.



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- (11) Copy of Power of Attorney dated 26.08.2004 by Shri Jaydeep Pukhraj Jain in favour of Arvind Premchand Jain, registered at the Office of Sub Registrar Haveli No. 8 at Serial No. 6109/2004.
- (12) Copy of Sale Deed dated 12.12.2005 by Shri Jaydeep Pukhraj Jain in favour of Mahaveer Co-operative Housing Society Ltd., registered at the Office of Sub Registrar Haveli No. 19 at Serial No. 7640/2005.
- (13) Death Certificate of Pukhraj Jain.
- (14) Copies of Order under Urban Land (Ceiling and Regulation) Act, 1976 dated 28.01.1999.
- (15) Copy of order of Additional Collector and Competent Authority, Pune Urban Agglomeration dated 31.08.2006 under Urban Land (Ceiling & Regulation) Act, 1976.
- (16) Zone Certificates dated 08.01.2007.
- (17) Search Report dated 18/02/2013 and receipt bearing No. 3822/2013
- (18) Deed of transfer dated 31/03/2013 registered at sr no. 6409/2013 on 29/07/2013 at Haveli no. 12
- (19) Sale deed dated 24/12/2014 registered at Sr. no. 934/2015 on 27/01/2015 at Haveli no. 26
- (20) Title report dated 25/02/2013, and Title report dated 14/04/2014 issued by Adv P. M. Khire.

B) 135/1, 138, 139

- (1) Copies of 7/12 extract for year 1930 to 2017
- (2) All related mutation entries therein
- (3) BA extract
- (4) Zone certificate
- (5) Copy of Release Deed registered at Sr. No. 177/1957 dated 9.2.1957.
- (6) Partition Deed dated 20.3.1958, registered at Sr. No. 309/1958, Partition between Tryambak Pandurang Kulkarni, Kashinath Pandurang Kulkarni and Rukminibai, S.No. 135/1, 138, 139, 146 and 296 has been kept jointly between Tryambak Pandurang Kulkarni & Kashinath Pandurang Kulkarni family arrangement deed by Smt. Rukminibai P. Kulkarni, Tryambak Pandurang Kulkarni, Kashinath Pandurang Kulkarni, Vikas Kashinath Kulkarni, Sandeep Tryambak Kulkarni and Consenting Party Sulbha Bramhe & Pramila Borkar
- (7) Copy of order dated 12/01/1976 passed in Agriculture Ceiling Case no. 26627/1975.
- (8) Copy of order of RTS/II/A/176/93 dt. 28/9/2001, passed by Additional Collector Pune against property bearing S. no. 138 & 296 along with other lands.
- (9) Copy of order passed by Tahsildar in RTS No. BK/82 dated 25.10.1983, and RTS / appeal /102/83 order dated 31.5.1993
- (10) Copy of SCS No. 563/81, and decree dated 28.04.2007 dismissed the said suit. Civil Appeal No.515/2007 filed by Plaintiffs was dismissed by District Judge-12, Pune on 25.02.2009, Second Appeal No.225/2009.



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- (11) Copy of RCS No. 1951/81, order dated 26.04.2007. Civil Appeal No.516/2007 dismissed by the District Judge-12, Pune on 25.02.2009. Second Appeal No.224/2009.
- (12) POA dated 19/06/1972 no. 139/1972 on 22/06/1972 by Sulbha Bramha & Pramda Borkar in favour of Shri Kashinath Pandurang Kulkarni.
- (13) Copy of Power of Attorney executed by Sandeep Tryambak Kulkarni in favour of Tryambak Pandurang Kulkarni on 10/08/2012
- (14) Copy of Power of Attorney executed by Gautam Tryambak Kulkarni in favour of Tryambak Pandurang Kulkarni on 22/07/2013
- (15) Copy of Power of Attorney executed by Mrs. Ranjana Rajiv Gokhale in favour of Tryambak Pandurang Kulkarni on 08/07/2013
- (16) Agreement is registered at the Office of Joint Sub Registrar Haveli-20 at Serial No.6584/2012 on 24.08.2012.
- (17) Power of Attorney is registered at the Office of Joint Sub Registrar Haveli-20 at Serial No.4/6625/2012 on 24.08.2012
- (18) Public notice dated 01/10/2013 published in daily Kesari. By Adv P. M Khire
- (19) Search report dated 05/08/2013 issued by Adv Sujit Waghmare
- (20) Declaration cum affidavit dated 14/11/2013 executed by the owners.
- (21) Search report dated 11/02/2015 issued by Adv Sumeet Satoskar
- (22) Supplementary Agreement dated 24/11/2014 registered sr. no 928/2015 on 27/01/2015 at Haveli no. 26.
- (23) Deed of Conveyance dated 24/12/2014 registered at sr. no. 929/2015 on 27/01/2015 at Haveli no. 26
- (24) Power of attorney dated 24/12/2014 registered at sr. no. 931/2015 on 27/01/2015 at Haveli no. 26.
- (25) Title report dated 14/11/2013
- (26) Title report dated 19/02/2015
- (27) Search report dated 22/02/2016 issued by Adv Atul Phatak further the search report dated 01/03/2017 with online receipt no. MH008883620201617E

C Copy of commencement certificate bearing no BP/Layout/Charholi/12/2013 dated 27/11/2013

D Copy of NA order bearing no. PMH/NA/SR/881/13 dated 02/04/2014

E Property description as follows:

All those pieces and parcels of land and ground situate at Mouje Charholi, within the Registration Sub-Dist. Taluka Haveli, Dist. Pune and within the limits of Pimpri Chinchwad Municipal Corporation, totally admeasuring an area of 20 Hectors 99.45 Are and as per Agreement dated 24.08.2012 Bounded as follows :



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Sr. No.	Survey No.	Area H=Are	On towards the East	or towards the South	On towards the West	or towards the North
1	135/1	02=12	S. No. 129/2	S. No. 135/2	S. No. 137	S. No. 138 & 139
2	138	06=42	S. No. 139	S. No. 135/1	S. No. 137	S. No. 140
3	139	03=13 45	24 mtr Road	S. No. 135/1	S. No. 138	S. No. 140
4	129/2 (P)	00=29.62	S. No. 129/1	S. No. 131/1, 2, 130/3	S. No. 135/6, 139	S. No. 141/1, 141/2/1, 141/2/2

F] S. no. 129/2.

1. It is seen from the mutation entry bearing no. 1737 dated 19/8/38, as per Phalani Bare survey no. 129 was sub-divided into 2 parts consisting of survey no. 129/1 area 12 Acre 29 Guntha in the name of Sakharam Mahadu Chaugule 2) S.No. 129/2 area 17 Acre 10 Guntha in the name of Trust Devasthan Chinchwad.
2. It is seen from the mutation entry bearing no. 2382 dated 13/04/1937 that as per the order of civil judge Bahadur Pune dated 10/11/1936, has appointed Shri Chintaman Dharnidhar Dev (chief trustee), Ramchandra Gajanan Dev(trustee), Shankar Dhonduraj Wagh, Laxman Raghunath Gokhale, Ramchandra Govind Dandvate of Shri Devsthan Chinchwad, and hence forth charge of all estate of devsthan Chinchwad will be taken by these 5 people and they cultivate the land, hence their name recorded, on land bearing S. No. 129/2 alongwith other lands.
3. It is seen from the mutation entry bearing no. 3615 dated 29/7/1949 that name of Sakharam Mahadu Chaugule as protective tenant under tenancy act recorded in S.No. 129 /2 in other right column
4. It is seen from the mutation entry bearing no. 4201 dated 4/3/1955 Sakharam Mahadu Chaugule died 4 years before at his village his legal heirs sons 1. Dadu 2. Prabhu Sakharam Chaugule, as his only legal heirs and representatives, and accordingly their names are recorded on 7/12 Extract at the Owners Column.



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5. It is seen from the mutation entry bearing no. 4337 dated 31/1/1956 that the said mutation entry created out of award no. 1248 passed on dated 4/1/1956 in regard to property S.No. 129/2 and report of the Chinchawad Devsthan Trust that Shri Chintamani Dharnidhar Dev name was deleted and name of Devkund Chintamani Dev taken on record of said property 7/12 extract as trustee of the said trust.
6. It is seen from the mutation entry bearing no. 4812 dated 12/12/57, that Kar Bhari Swasthan Chinchawad its award no. 395 and As per Mamledar Haveli order no. WS/2340/57 dated 1/12/1957, name of the Shridev Swasthan recorded and entered name of other trustees.
7. It is seen from the mutation entry bearing no. 5309 dated 21/4/1961 that as per 5th Honble Court Haveli order no. 100/1960 passed on 7/2/1961, that on the said property Kul not applicable because said property under possession of the Chinchawad Sawsthan and the same was effected by said mutation entry.
8. It is seen from the mutation entry bearing no. 5832 dated 5/1/1966 that the owner of the property Shri Sakharan Chaugule has filed application in the office of Talathi that his surname Chaugule was change and as per Mumbai Gazzet new surname Bhosale was publish on dt- 21/05/1965 said application filed on revenue record and register.
9. It is seen from the mutation entry bearing no. 5965 dated 5/7/1966 that Karbhari Trustee inform to that old trustee name remove and replace them by recording name of 1. Dharnidhar Chintamani Dev, 2. Digambar Govind Dev 3. Vinayek Govind Wagh 4. Gopal Prabhakar 5. Malhar Ramchandr Dhekane.
10. It is seen from the mutation entry bearing no. 8420 dated 08/05/1972 Shri Dadu Sakharan Bhosale Purchased the said land S.No. 129/2 as per 32G/Charholi br/381 dated 17/03/1972 thus his name from other right column for KUL has been deleted and recorded as owner in the ownership column.



11. It is seen from the mutation entry bearing no. 8482 dated 17/10/1973 that Shri Dadu Sakharam Purchased the land from Chinchwad Devsthan Trust through its trustees Shri Dharnidhar Chintaman Dev, Gajanan Haramb Dev, Vasant Keshav Naik, Govind Bhaskar Panse Malhar Ramchandra Dhekane vide sale deed dated 17/07/1971.
- 12 It is seen from the mutation entry bearing no. 11780 dated 8/7/2001 that Sale Deed executed between Pukharaj Bhabutmal Jain Purchaser and Land owner 1) Dadu Sakharam Bhosale (Chougule) Hindu Undivided Family Karata /Manager 2) Vilas 3) Gorakh Dadu Bhosale all through Power of attorney holder Pukharaj Bhabutmal Jain on 16/6/2001 registered at sr. no. 3459/2001 for consideration of Rs. 774611/- and the has been recorded on revenue record
13. By Agreements of Sale (Sathekhat) dated 22/06/1987 the Original owners agreed to sell the said properties to Shri Pukharaj Bhabutmal Jain and also executed General Power of Attorney in his favour. After the agreement of sale, possession was also given by the original owners to Shri Pukharaj Bhabutmal Jain under a letter of Possession dated 17/05/1989. The said agreements of sale were unregistered and were not properly stamped. The same were got properly stamped in the Amenisty Scheme of the State Government and Confirmation Deeds dated 04/06/2001 registered at sr. no. 3146/2001 by Shri Pukharaj Bhabutmal Jain on behalf of the owners and to the said Confirmation Deeds the said Agreements of Sale, Power of attorney and Possession Receipts were annexed. They were registered at the office of Sub-Registrar Haveli No. 8.
14. It is seen from Sale deed dated 04/06/2001 registered at the office of Sub-Registrar Haveli No. 8 at sr. no. 3459/2001 the erstwhile owners sold lands or portions thereof to Shri Pukharaj Bhabutmal Jain and his name was mutated in 7/12 records vide mutation entry bearing no. 11780 dated 08/07/2001.
15. It is seen from the copy of the Death certificate, and by mutation entry and copies of Confirmation deeds by owners with Shri Jaydeep

Pukhraj Jain that Shri Pukhraj Bhabutmal Jain expired on 09/03/2003 leaving behind him his son Jaydeep and two married daughters Mrs. Raksha J Shah and Mrs. Shilpa P Jain as his only legal heirs, his wife Kanta having predeceased him in 1995 and the names of the said legal heirs mutated on 7/12 record vide mutation entry bearing No. 12298 dated 11/02/2006.

16. It is seen from different mutation entries and copy of Release deed dated 28/04/2003 that by Release deed dated 28/04/2003 Mrs. Raksha J Shah and Mrs. Shilpa P Jain released all their respective rights, title and interest in the captioned lands in favour of Shri Jaydeep Pukharaj Jain. The said Release deed is registered at the office of the Sub-Registrar Haveli at Sr. No. 1228/2003.
17. It is seen from Deed of Confirmation dated 02/12/2004 executed by erstwhile owners, and by Confirmation deed the erstwhile Owners admitted and confirmed that Shri Jaydeep Pukhraj Jain had become the sole and absolute owner of the captioned properties. The deed of confirmation is registered at the office of Sub-Registrar Haveli 8 and at sr. no. 9006/2004.
18. Shri Jaydeep Pukharaj Jain, executed Development Agreement dated 24.08.2004 and transferred all his development right in favour of Pride Builders Pvt. Ltd. and in compliance to all these development agreements Shri Jaydeep Pukhraj Jain has also executed an Irrevocable Power of Attorney dated 26.08.2004 in favour of director of Pride Builders Pvt. Ltd. and the details are as follows:
 - a. Development Agreement dated 24.08.2004 by Shri Jaydeep Pukhraj Jain in favour of Pride Builders Pvt. Ltd. registered at the Office of Sub Registrar Haveli No. 8 at Serial No 6108/2004 in respect of land bearing S. No. 129/2 along with other lands.
 - b. Irrevocable Power of Attorney dated 26.08.2004 by Shri Jaydeep Pukhraj Jain in favour of Arvind Premchand Jain, registered at the Office of Sub Registrar Haveli No. 8 at Serial



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No. 8109/2004 in respect of land bearing S. No. 129/2 along with other lands

19. It is seen from mutation entry no. 12300 dated 11/02/2006 that Shri Jaydeep Pukhraj Jain and Pride Builders Pvt Ltd sold various lands along with the captioned property to one Mahaveer Co-operative Housing Society Ltd vide Sale deed dated 12/12/2005 registered at office of Sub registrar Haveli at Sr. no. 7640/2005 on 13/12/2005. The name of Purchaser society is mutated on 7/12 record by the said mutation entry.
20. It is seen from the copies of the Zone Certificate dated 08/01/2007 that some portion of S. No. 129 is affected by 24 mtr & 18 mtr road. as per no. 2/114 Primary school reservation, as per 2/113 Play ground reservation and remaining portion is designated in residential Zone.
21. It is seen from the copies of judgment of Additional Collector and Competent Authority, Pune Urban Agglomeration dated 28/01/1999 and 28/01/2000 that upon application of Pukharaj Bhabutmal Jain and others the authority held that the provision of Urban Land (Ceiling & Regulation) Act 1976 were not applicable to the said property and he thereby issued a No objection certificate. It is seen from the copy of order dated 31/08/2006 passed by Additional Collector and Competent Authority, Pune Urban Agglomeration that Mahaveer Co-Operative Housing Society Ltd had filed a return u/s 6(1) of the Urban Land (Ceiling & Regulation) Act 1976 and it was held that the said society does not hold surplus lands under the said Act.
22. It is seen from the copy of Deed of Transfer dated 31/03/2013 that by this deed Mahaveer Co-operative Hsg Society Ltd and Shri Jaydeep P Jain (for himself and as Karta of HUF) sold and transferred the land bearing S. No. 129/2 along with other lands to Pride Builders LLP (previously known as Pride Builders Pvt Ltd.). The said Deed of Transfer is registered at sr. no. 6409/2013 on 29/07/2013 in the office of Sub Registrar Haveli no. 12.



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23. Further it is seen from the Deed of Conveyance dated 24/12/2014 the said Pride Builders LLP sold the portion admeasuring 2961.90 sq. mtr to Jai-kul Associates. The said Deed of Conveyance is registered at sr. no. 934/2015 on 27/01/2015 in the office of Sub Registrar Haveli no. 26.

G) S. No. 135/1, 138 & 139

- 1 That, lands bearing (a) S. No.135/1 admeasuring 5 Acre 10 Guntha, (b) S.No.138 admeasuring 15 Acre 35 Guntha, (c) S. No.139 admeasuring 12 Acre 19 Guntha, (d) S. No.146 admeasuring 7 Acre 14 Guthe and (e) S. No.296 admeasuring 15 Acre 28 Guntha, situate at Mouje Charholi Budruk, Taluka Haveli, District Pune are owned and possessed by Tryambak Pandurang Kulkarni, Shri Sandeep Tryambak Kulkarni, Shri Kashinath Pandurang Kulkarni, Shri. Vikas Kashinath Kulkarni, Mrs. Madhavi Vikas Kulkarni and Master Mihir Vikas Kulkarni, each having undivided share and interest therein.
2. Aforesaid lands bearing (a) S. No 135/1 admeasuring 5 Acre 10 Guntha, (b) S.No.138 admeasuring 15 Acre 35 Guntha, (c) S. No.139 admeasuring 12 Acre 19 Guntha, (d) S. No.146 admeasuring 7 Acre 14 Guthe and (e) S. No.296 admeasuring 15 Acre 28 Guntha since prior to 1934-35 were originally owned and possessed by Shri. Pandurang Dnyaneshwar Kulkarni and his name was mutated in 7/12 record of S. No.135 by Mutation Entry No.1742 and S.Nos.138, 138, 146 and 296 by Mutation Entry No.737.
3. Shri. Pandurang Dnyaneshwar Kulkarni died on 13.01.1957 leaving behind him his wife Rukhminibai, two sons Triambak and Kashinath and two daughters Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar as his only heirs and their names were mutated in 7/12 records by Mutation Entry No.4819 dated 08.01.1958.
4. On perusal of record it appears that by Release Deed dated 09.02.1957 Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar relinquished their right, title and interest against



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consideration of Rs. 2,000/- in various properties left by their deceased father Shri. Pandurang Dnyaneshwar Kulkarni, in favour of Shri. Tryambak Pandurang Kulkarni, Shri. Kashinath Pandurang Kulkarni and Smt. Rukhminibai Pandurang Kulkarni. The said Release Deed is registered at the Office of Joint Sub-Registrar Haveli No.2 at Serial No.177/1957 and names of Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar were deleted from 7/12 record by Mutation Entry No.4822 dated 08.01.1958.

5. On perusal of record it appears that upon an application for partition and by the order of Mamlatdar, Taluka Haveli dated 21.11.1957 various lands were partitioned between Shri. Tryambak Pandurang Kulkarni, Shri. Kashinath Pandurang Kulkarni and Smt. Rukhminibai Pandurang Kulkarni where under lands bearing S.Nos.135/1, 138, 139, 146 and 296 were given to the joint share of Shri. Tryambak Pandurang Kulkarni and Shri. Kashinath Pandurang Kulkarni and name of Rukhminibai was deleted from 7/12 record of the said lands by Mutation Entry No.4844 dated 16.03.1958. Thereafter, by Partition Deed dated 20.03.1958 Shri. Tryambak Pandurang Kulkarni, Shri. Kashinath Pandurang Kulkarni and Smt. Rukhminibai Pandurang Kulkarni partitioned various lands between them whereby S. Nos.135/1, 138, 139, 146 and 296 were given to the joint share of Shri. Tryambak Pandurang Kulkarni and Shri. Kashinath Pandurang Kulkarni. The said Partition Deed is registered at the Office of Joint Sub-Registrar Haveli No.2 at Serial No.309/1958.
6. On perusal of record it appears that on 08.05.1967 the heirs of Late Shri. Pandurang Dnyaneshwar Kulkarni partitioned various lands amongst them whereunder S. Nos.138 and 296 were given to the share of Sou. Pramila Muralidhar Borkar and S.Nos.135/1, 139 and 146 were given to the share of Sou. Sulabha Ganesh Brahme and their names were mutated in 7/12 record of the respective lands by Mutation Entry No.8429 dated 23.06.1972.



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- On perusal of record it appears that Rukminibai Pandurang Kulkarni and Tryambak Pandurang Kulkarni had filed statement bearing Agriculture Ceiling Case no. 28627/1975 and order thereon was made on 12/01/1976 stating that land held by the declarant is not surplus land.
7. Further from the record it revealed that a document of a Deed of Family Settlement thereby partitioning various lands between Smt. Rukhminibai Pandurang Kulkarni, Shri. Tryambak Pandurang Kulkarni, Shri. Kashinath Pandurang Kulkarni, Shri. Vikas Kashinath Kulkarni and Shri. Sandeep Triambak Kulkarni was prepared wherein Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar were shown as Consentors whereby lands bearing S.Nos 138 and 296 were given to the share of Shri. Vikas Kashinath Kulkarni and S. Nos.135/1, 139 and 146 were given to the share of Shri. Sandeep Tryambak Kulkarni.
8. On perusal of record it appears that upon an application filed by Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar lands bearing S. Nos.138 and 296 were mutated in the name of Shri. Vikas Kashinath Kulkarni and S. Nos.135/1, 139 and 146 were mutated in the name of Shri. Sandeep Tryambak Kulkarni in 7/12 record by Mutation Entry No.8995 dated 06.06.1981 on the basis of their possession of the said lands. However this mutation entry was challenged by Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar thus the said mutation was not confirmed and certified by the authority. Being disagreed with the non certification of mutation entry no. 8995, Shri Kashinath Pandurang Kulkarni and other filed the RTS case before Tahsildar Haveli, Shri V J Deshpande vide RTS case no. Charholi Bk/82, in which by order dated 25/10/1983, the said mutation entry 8995 was confirmed and certified. Being aggrieved by the said order of Tahsildar, Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar filed first RTS appeal bearing no. RTS/Appeal/192/83 before the Assistant collector Pune



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Sub division and the same was dismissed by an order dated 31/05/1993. Further against the order of Assistant collector Pune Sub division, said Sou. Sulabha Ganesh Brahme and Sou. Pramila Muralidhar Borkar, filed Second Appeal before Additional collector Pune bearing no. RTS/III/A/176/93 and the same was dismissed by an order dated 28/09/2001 passed by Additional Collector Pune, and order of Assistant Collector Pune, Sub division, Pune and Trial court is confirmed, and accordingly mutation entry bearing no. 8995 reached to finality and certified accordingly.

9. On perusal of mutation entry bearing on. 11063 dated 14/12/1996 it appears that Vikas Kashinath Kulkarni filed an application that their ancestral land is in possession with respective person in following manner : S. No. 232/3 & 232/4 Vikas Kulkarni, S. No. 138 Madhavi Kulkarni and S. No. 296 Mihir/Aditya Vikas Kulkarni, hence the name to be recorded in such manner and accordingly it has been taken on record.
10. On perusal of mutation entry bearing no. 11930, it appears that as per the Gazette name of Aditya Vikas Kulkarni has been changed to Mihir Vikas Kulkarni, and accordingly it has been taken on revenue record vide this mutation entry.
11. Sou. Pramila Muralidhar Borkar and Sou. Sulabha Ganesh Brahme filed Special Civil Suit No.563/1981 on 19.12.1981 against their mother and brothers seeking declaration that each of the plaintiffs has 1/5th share in the suit lands by way of succession and for partition thereof by metes and bounds and also for a declaration/cancellation of a registered Release Deed dated 09.02.1957 and also for injunction in respect of residential property at 532/1, Narayan Peth, Pune along with all other properties. The defendants applied for interim injunction against the plaintiffs in respect of the suit properties, which was allowed by the 6th Jt. Civil Judge, Senior Division, Pune vide order dated 17.06.1983 Against the order dated 17.06.1983 in SCS no. 563/1981 plaintiffs preferred an appeal to High Court, which was



dismissed on 18.03.1983. The 3rd. Joint Civil Judge, Senior Division by its judgment and order dated 26.04.2007 dismissed the said suit. Further the Civil Appeal No.515/2007 filed by Plaintiffs against the dismissal of said Civil suit was dismissed by District Judge-12, Pune on 25.02.2009. Further Second Appeal No.225/2009 filed by Plaintiffs against the order dated 25.02.2009 is pending before the High Court at Mumbai. There is no any stay order passed by Hon'ble High Court Mumbai till date. Subject to the outcome of the Civil Second Appeal bearing no. 225/2009, pending before the Hon'ble High court Mumbai; and the present opinion is issued subject to the outcome of said second appeal.

12. Shri. Kashinath Pandurang Kulkarni, Shri. Tryambak Pandurang Kulkarni and Smt. Rukhminibai Pandurang Kulkarni filed RCS No.1951/1981 on 04.11.1981 against Smt. Pramila Muralidhar Borkar and her family members, for possession and injunction. The same was partly decreed by the 3rd. Joint Civil Judge, Senior Division, Pune on 26.04.2007. Civil Appeal No.516/2007 preferred by the defendants against the Judgment and order dated 26.04.2007 was dismissed by the District Judge-12, Pune on 25.02.2009. Further Second Appeal No.224/2009 against the order dated 25.02.2009 is pending before the High Court at Mumbai. Subject to the outcome of the Civil Second Appeal bearing no. 224/2009, pending before the Hon'ble High court Mumbai; and the present opinion is issued subject to the outcome of said second appeal.

13. Shri. Rajas Kashinath Kulkarni had filed Civil Suit No.648/1984 against Shri Kashinath Pandurang Kulkarni and 10 others for a declaration of his share in ancestral properties, for accounts, partition by metes and bounds and for various other reliefs. By Judgment dated 26.04.2007 the 3rd. Joint Civil Judge Senior Division, Pune dismissed the said suit on 26.04.2007. The present properties i.e. S. No. 135/1, 138, 139, 146 and 296, however, is not the subject matter of the said Civil Suit no. 648/1984.



14. Smt. Rukhminibai Pandurang Kulkarni died on 17.04.1993. She had executed a Will dated 03.08.1989 whereby she had bequeathed her properties in favour of her grand son Shri. Rajas Kashinath Kulkarni. Shri. Rajas Kashinath Kulkarni obtained probate of the said Will in Special Civil Suit No.1116/2000, which was granted by the 3rd. Joint Civil Judge Senior Division, Pune on 11.02.2004. The present properties i.e. S. No. 135/1, 138, 139, 146 and 296, however, is not the subject matter of the said Will.
15. Shri. Shivaji Rambhau Bhosale alias Chougule and 2 others filed Special Civil Suit No.29/2009 on 02.03.2009 against Shri Kashinath Pandurang Kulkarni and 4 others, for declaration that Plaintiffs alone are the lawful owners and are in possession of lands bearing S. Nos.138, 139, 146 and 296 and the Defendants have no right, title or interest therein, and for injunction against Defendants by restraining them from disturbing alleged possession of Plaintiffs. By Ex. 5 and 30 Plaintiffs and Defendants respectively filed application for temporary injunction against each other. By order dated 04.01.2012 the court rejected application of Plaintiffs and allowed application of Defendants for temporary injunction. The said suit is still pending. Further being aggrieved by the order dated 04.01.2012, Shri Shivaji Rambhau Bhosale alias Chougule and 2 others has filed an Appeal before the District Court Pune bearing no. 96/2013, and same is pending. The said Shri Shivaji Rambhau Bhosale alias Chougule has also filed a RTS appeal before the Sub Divisional Officer Haveli bearing No. 155/2012, and the same is pending.
16. Thus the abovementioned persons became owners of properties allotted to them respectively.
17. By Agreement dated 23.08.2012 Shri. Sandeep Triambak Kulkarni, Shri. Vikas Kashinath Kulkarni, Mrs. Madhavi Vikas Kulkarni and Master Mihir Vikas Kulkarni with the consent of Shri. Tryambak Pandurang Kulkarni and Shri. Kashinath Pandurang Kulkarni entered into an Agreement with Pride Builders Private Limited for developing



the said lands under the name and style of Jai-Kul Associates. The said Agreement is registered at the Office of Joint Sub Registrar Haveli-20 at Serial No.6584/2012 on 24.08.2012. The aforesaid persons also executed on 24.08.2012 an Irrevocable General Power of Attorney in favour of Jai-Kul Associates. The said Power of Attorney is registered at the Office of Joint Sub Registrar Haveli-20 at Serial No.4/6625/2012. Further it has been seen from the copy of Supplementary Agreement dated 24/11/2014 that Shri. Sandeep Triambak Kulkarni, Shri. Vikas Kashinath Kulkarni, Mrs. Madhavi Vikas Kulkarni and Master Mihir Vikas Kulkarni with the consent of Shri. Tryambak Pandurang Kulkarni and Shri. Kashinath Pandurang Kulkarni along with consent and confirmation by all the other family member, entered in to this supplementary agreement and wherein all has confirmed the Agreement dated 23/08/2012 and also confirmed that the Pride Builders LLP as one co-venture and Shri. Sandeep Triambak Kulkarni, Shri. Vikas Kashinath Kulkarni, as another co-venture of the said Jai-kul Associates. The said Supplementary agreement is registered at sr. no. 928/2015 on 27/01/2015 at the office of Sub registrar Haveli no 26.

18. Further it has been seen from the Deed of conveyance/sale deed dated 24/12/2014 that Shri. Sandeep Triambak Kulkarni, Shri. Vikas Kashinath Kulkarni, Mrs. Madhavi Vikas Kulkarni and Master Mihir Vikas Kulkarni with the consent of Shri. Tryambak Pandurang Kulkarni and Shri. Kashinath Pandurang Kulkarni, along with consent of other family members has sold and transfer the lands bearing S. No. 135/1, 138, 139(p), 146 and 296 to Jai-kul Associates. The said Deed of Conveyance/sale deed is registered at sr. no. 929/2015 on 27/01/2015 at the office of Sub registrar Haveli no 26 and since then the said Jai-kul Associates has become the absolute owner of the lands bearing S. No. 135/1, 138, 139(p), 146 and 296. The said Shri. Sandeep Triambak Kulkarni, Shri. Vikas Kashinath Kulkarni, Mrs. Madhavi Vikas Kulkarni and Master Mihir Vikas Kulkarni with the

consent of Shri Tryambak Pandurang Kulkarni and Shri. Kashinath Pandurang Kulkarni, along with other family members has also executed Power of Attorney dated 24/12/2014 in favour of the co-venture of the said Jai-kul Associates i.e. Pride Builders LLP as one co-venture and Shri. Sandeep Triambak Kulkarni, Shri. Vikas Kashinath Kulkarni, as another co-venture. The said Power of Attorney is registered at sr. no. 931/2015 on 27/01/2015 at the office of Sub registrar Haveli no. 26

19. It has been declared by the Owners that Mutation Entry No.8429 dated 23.06.1972, Mutation Entry No.8996 dated 06.06.1998 and a document called Deed of Family settlement were brought in existence for convenience of the family members apparently showing partition of aforesaid properties amongst the heirs of Late Shri. Pandurang Dnyaneshwar Kulkarni including his earlier named daughters. Further the owners has declared that all those documents and transactions contained therein are brought up without any intention to act upon them and created for the convenience of the family and the same did not create any right, title or interest of the persons named therein. That the said documents were never acted upon and in fact after execution and registration of Release Deed dated 09.02.1957 Sou. Pramila Muralidhar Borkar and Sou. Sudha Ganesh Brahme had and have no right, title or interest in the said lands and there was no question of reunion of the HUF amongst the heirs of late Pandurang Kulkarni and to recreate or reestablish the rights of said Sou. Pramila Muralidhar Borkar and Sou. Sulabha Ganesh Brahme legally relinquished by them in favour of their mother and brothers. Those documents and the transactions are not according to law and the said Sou. Pramila Muralidhar Borkar and Sou. Sulabha Ganesh Brahme ceased to have any share or interest in the said lands since 09.02.1957 and thereafter they never had any share in the said lands.

- H On perusal of Commencement certificate bearing BP/Layout/Charholi/12/2013 dated 27/11/2013, it appears that the Jai



Kul associates has obtained the plan sanction and permission to construct upon the said land from Pimpri Chinchwad Municipal Corporation. Also upon perusal of Copy of NA order bearing no. PMH/NA/SR/881/13 dated 02/04/2014, it appears that the Collector of Pune has given the permission for usage of land other than Agriculture purpose

I) Sub registrar Index II search:

- (a) S No. 135/1, 138 & 139 : Adv Sujit Waghmare have caused the search of Index II registers at the office of the sub registrars for the period 30 years i.e. 1984 to 2013 and paid the requisite charges for the receipt bearing no. 20740/2013 dated 5/7/2013 and accordingly issued Search report dated 05/08/2013, Adv Sumet Satoskar have caused the search of Index II registers at the office of the sub registrars for the period 3 years i.e. 2013 to 2015 and paid the requisite charges for the receipt bearing no. 1675/2015 and accordingly issued Search report dated 11/02/2015 and further Adv Atul Phatak have caused the search of Index II registers at the office of the sub registrars for the period 3 years i.e. 2015 to 2016 and paid the requisite charges for the receipt bearing no. MH007476117201516E and accordingly issued Search report dated 22/02/2016 again on 01/03/2017 Adv Atul Phatak have caused the search of Index II registers at the office of the sub registrars for the period 2 years i.e. 2016 to 2017 and paid the requisite charges for the receipt bearing no. MH008883620201617E and accordingly issued Search report in respect of the said land and no document evidenced any subsisting, mortgage, charge or encumbrance was found recorded from the available registers, and no document evidencing any adverse entry in regard to the said land is found by me from the available record.
- (b) S No. 129/2: Adv Rakha Shegar (Palande) have caused the search of Index II registers at the office of the sub registrars for the period 30 years i.e. 1984 to 2013 and paid the requisite charges for the receipt

Sarika Taori

**Advocate
B.S.L LL.B.**

**505, Pride House,
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Shivajinagar, Pune 411016**

bearing no. 3822/2013 dated 06/02/2013, and further Adv Anif Nadaf have caused the search of Index II registers at the office of the sub registrars for the period 2 years i.e. 2013 to 2014 and paid the requisite charges and accordingly issued Search report dated 13/02/2014 in respect of the said land and no document evidenced any subsisting, mortgage, charge or encumbrance was found recorded from the available registers, and no document evidencing any adverse entry in regard to the said land is found by me from the available record.

J] Public Notice: The public notice in regard to land bearing S. no. 135/1, 138 & 139 has been published by learned Adv P. M. Khire on 01/10/2013 in daily Kesari, and the public notice in regard to land bearing S. no. 129/2 has been published by learned Adv P. M. Khire on 24/11/2005 in daily Prabhat and it has been informed by the said advocate that he has not received any objection against the said public notice till date.

K] Opinion:

On the basis of the same and on the basis of the documents and information given for my perusal and subject to the out come of the litigation referred herein above and whatever stated hereinabove, I am of the opinion that the title of owner to the said land is clean, clear and marketable, free from encumbrance, charges and/or claims as detailed and subject to whatever stated herein above and Jai-Kut Associates is the absolute owner of the said subject land and also entitle to develop the said land as mentioned herein above by virtue agreement and respective Power of attorney.

All the documents are return herewith

Yours faithfully

Adv Sarika Taori

Sarika Taori

**Advocate
B.S.L. LL.B.**

**505, Pride House,
S.No.108/7, Pune University
Road
Shivajinagar, Pune 411016**

TITLE CERTIFICATE

Date 03/03/2017

This is to certify that I have investigated the title to the property, which is more particularly described in the Schedule hereunder written and certify, that in my opinion the title of Jai-Kul Associates, to the property described in Schedule hereunder given is clean, clear, marketable and free from encumbrances, charges and/or claims and that Jai-Kul Associates has a valid right to develop the same and enter into Agreements of sale / allotments of the units therein, as detailed and subject to whatever stated in my Title Opinion and subject to the out come of the litigation referred in my title opinion of the even date given to Jai-Kul Associates.

SCHEDULE

All that piece and parcel of land situated within the Registration, Sub-Dist , Taluka Haveli, Dist. Pune and within the limits of Pimpri Chinchwad Municipal Corporation bearing S.No.129/2 (part) having an area admeasuring 2961.90 sq. mtr, S No. 135/1 having an area admeasuring 21200 Sq.mtrs . S. No. 138 having an area admeasuring 64200 Sq.mtrs. and S. No. 139 having an area admeasuring 31345 Sq.mtrs., Mouje Charholi, Pune admeasuring an area of 119706.9 Sq mtrs. which is bounded as follows:—

On or towards the East : By 24 mtr wide DP road.
On or towards the South : By S.No.135/2
On or towards the West : By S. No. 137
On or towards the North : By S. No. 140


Adv Sarika Taori