

Document No. BND/46 of 1942 in Book No. I with the Office of Sub-Registrar of Bandra.

2. Copy of Sale Deed dated 07.01.1942 entered into between Shri. Pandurang Gharu Vaity as "the Vendor" and Shri. Chimanrao Tatyaba Jagdale as "the Purchaser" registered at Document No. BND/48 of 1942 in Book No. I with the Office of Sub-registrar of Bandra.
3. Copy of Agreement for Sale dated 10.09.1981 entered into between Shri. Chimanrao Tatyaba Jagdale as "the Vendor" and Shri. Ramacharaj Vasudev Dube and Shri. Tribhuvnanath Ramacharaj Dube as "the Purchasers" registered on 25.03.1982 at Document No. BOM/S/2739 of 1981 of Book No. I with the office of Sub-Registrar, Bombay.
4. Copy of receipt dated 04.06.1987 from Assessment Book of Municipal Corporation of Greater Bombay, Assessment and Collection Department.
5. Copy of Show Cause Notice dated 07.03.1991 issued to Om Shriram Co-op. Hsg. Soc. Ltd. and Shri. R.V. Dube and others under section 45 of the M.L.R.Code 1966 by office of MHADA and Copy of order of Sub-divisional Officer, Bombay, suburban District dated, 26.08.1991.
6. Copy of Title Certificate dated 18.2.1995 in respect of the subject property by Advocate B.A. Singh was obtained by intended buyers.
7. Thereafter, Public Notice dated 03.04.1995 issued by M/s. Mahesh Jani & Co., Solicitors and Advocates for intended buyers Mr. Shri. Lachhman Balramdas Chotrani & Ors. calling for claims, lien of whatsoever nature created on the aforesaid property. After the expiry period of 14 days since there was no claim received by the

intended buyers, intended buyers decided to enter into an agreement for purchasing the property.

6. Accordingly, unregistered Agreement of Sale dated 09.05.1995 was entered into between 1) Shri. Ramacharaj Vasudev Dube, 2) Shri. Tribhuvnanath Ramacharaj Dube and 3) Shri. Avadhnarayan Ramacharaj Dube as "the Vendors" and 1) Shri. Lachhman Balramdas Chotrani, 2) Shri. Uttam Mulchand Amarnani, 3) Shri. Nand G. Kimtani and 4) Shri. Shrichhand Lachhman Kimtani as "the Purchasers".
7. Copy of unregistered Agreement of Assignment dated 20.08.2000 entered into between 1) Shri. Nandlal Gobindram Kimtani and 2) Shri. Shrichand Lachhmandas Kimtani as "the Assignors" and 1) Shri. Lachhman Balramdas Chotrani and 2) Shri. Uttam Mulchand Amarnani as "the Confirming Parties" and 1) Shri. Gopal Ganesh Chotrani and 2) Kanaiya Ganesh Chotrani as "the Assignees".
8. Certified Copy of Property Card in respect of the subject property was obtained on 23.06.2009 since the agreements were not registered the property card was in favour of vendor and not in favour of purchaser.
9. Considering these aspects, the Purchasers now interested to get their claim established wanted to execute declaration deed confirming purchase of property by impugned unregistered document, they want to carry out the title search of the property so as to ascertain whether the vendors have created any charge or lien on the property since the property was standing in the name of vendor on account of not lodging unregistered documents for change of ownership to the city survey office and hence decided to take steps of title search and issuance of public notice.
10. Accordingly, Public Notice dated 31.05.2011 is issued by the undersigned in Free Press Journal in its edition dated 31.5.2011 and also in Hindi newspaper in Dopahar Ka samna in its edition

dated 31.5.2011 with respect to the property described in subject title.

11. After waiting for a period of 15 days, there is no claim received by the undersigned from any person as on the date of issuing this title certificate. In the meantime, title search was conducted by Shri. Jayant Chipkar, Title Investigator and submitted report dated 06.06.2011.

Antecedents:

Upon perusal of the above documents, it reveals that Shri. Chimanrao Tatyaba Jagdale was the original owner of the said property. He has purchased the property inclusive of the abovementioned subject property from (1) Sheth Ratansey Hirji Bhojraj, (2) Sheth Murarji Kuvarji, (3) Bai Kankubai alias Javherbai widow of Nanji Hirji by her Constituted Attorney, Sheth Murarji Kuvarji as per the Sale Deed dated 07.01.1942 which is registered under Document No. BND/46 of 1942 in Book No. I with the office of Sub-registrar of Bandra and Shri. Pandurang Gharu Vaity as per the Sale Deed which is registered under the Document No. BND/48 of 1942 in Book No. I with the office of Sub-registrar of Bandra.

Thereafter, in the year 1970, Shri. Chimanrao Tatyaba Jagdale sold part of the said property owned by him i.e. plot nos. 43 (part) and 50 (part) of Survey No. 1000 and **C.T.S. No. 1173 (part) (as per the corrections made in the Property Card on 17.07.1981 the C.T.S.No. 1173 (part) has been corrected and entered as 1173/B)** to Om Shree Ram Co-operative Hsg. Soc. as per the Agreement of Sale which is registered under the Document No. BOM/R/3196 of 1970. The said transaction is reflected and described in the Agreement of Sale dated 10.09.1981.

However, as per the Order of the Sub-Divisional Officer, Bombay Suburban District bearing no. DIN/LND/A – 968 dated 04.06.1981 the property owned by Shri. Chimanrao Tatyaba Jagdale was sub-divided in two parts. Details of the sub-divided land are mentioned and described in the Second and Third Schedule mentioned in the Agreement of Sale dated 10.09.1981. As per the said Order the corrections/changes were made in the earlier C.T.S. Nos. The

C.T.S. No. of the property owned by Om Shree Ram Co-op. Hsg. Soc. was changed from 1173 (part) to 1173/B and C.T.S. Nos. of the property owned by the present owners changed 1173 to 1173/A 1 to 10 and 18. Further, the C.T.S. No. 1173/A 18 changed to 1173/A 11.

Subsequently, Shri. Chimanrao Tatyaba Jagdale sold the other part of the property i.e. abovementioned subject property to 1) Shri. Ramacharaj Vasudev Dube, 2) Shri. Tribhuvnanath Ramacharaj Dube and 3) Shri. Avadhnarayan Ramacharaj Dube as per the Agreement of Sale dated 10.09.1981. The name of Shri. Avadhnarayan Ramacharaj Dube was afterwards entered into the property card by making an affidavit in the year 1988.

Thus, the chain of ownership gets established in pursuance of above discussion.

Encumbrances:

However, in the year 1995 as per the unregistered Agreement dated 09.05.1995 the present owners sold the said property to 1) Shri. Lachhman Balramdas Chotrani, 2) Shri. Uttam Mulchand Amarnani, 3) Shri. Nand G. Kimtani and 4) Shri. Shrichhand Lachhman Kimtani. Prior to this agreement the present owners issued a Public Notice dated 03.04.1995 in the news paper thereby asking if anyone is having any claims of whatsoever nature in the subject property. No such claims received by the present owners.

Furthermore, in the events that have happened the Third and Fourth named purchasers viz. 3) Shri. Nand G. Kimtani and 4) Shri. Shrichhand Lachhman Kimtani to the unregistered Agreement dated 09.05.1995 has assigned all their rights, title and interest in respect of the said property in favour of 1) Shri. Gopal Ganesh Chotrani and 2) Kanaiya Ganesh Chotrani as per the unregistered Agreement dated 20.08.2000.

As per the instructions received from the present owners, they are in the process of entering into a Supplementary Agreement with 1) Shri. Lachhman Balramdas Chotrani, 2) Shri. Uttam Mulchand Amarnani, 3) Shri. Gopal

Ganesh Chotrani, 4) Kanaiya Ganesh Chotrani who are the Purchasers for the Unregistered Agreement dated 09.05.1995.

Further, the Search Report dated 06.06.2011 of Shri. Jayant Chipkar who has conducted the search of the documents for last 30 years by paying requisite fee reveals that there are no encumbrances of whatsoever nature on the said property.

Opinion:

In view of the above discussions, in my opinion the title of the said property owned by Shri. Tribhuvannath Ramacharaj Dube and Shri. Avadhnarayan Ramacharaj Dube is clear, marketable and free from encumbrances of whatsoever nature except the claims arising out of unregistered agreements entered with Mr. 1) Shri. Lachhman Balramdas Chotrani, 2) Shri. Uttam Mulchand Amarnani, 3) Shri. Gopal Ganesh Chotrani, 4) Kanaiya Ganesh Chotrani who are the intended purchasers of the said property.



H.G. DHARMADHIKARI
ADVOCATE

Reg. No. 34 / 2006, Member of the Title Investigation Association, Mumbai.
 Resi:-502, Harmony CHS. Ltd., Station Road,
 Near Court Naka, Thane (W)-400 601.
 Tel.No.-25389318, Mb-9322301609.

Date : 06/06/2011

To,

Mr.H.G.Dharmadhikari
 Advocate, High Court
Mumbai :- 80.

Respected Sir,

Re : Search of the land bearing Survey
 No. 1000, Plot no. 43/50 C.T.S. No.
 1173 – A / 1 to 10 & 18 total area admg.
 919.34 sq. yds. i.e. 770.2 sq. mtrs. of
 Ramcharaj Vasudev Dube & another
 situated at Ram Ratan Trivedi Road,
 Mulund (W), Mumbai – 400 080 of
 revenue Village – Mulund, Tal. – Kurla,
 Mumbai Suburban District.

Under your instructions I have taken search in respect of the above referred
 property at the office of Sub- Registrar Assurance Mumbai, Bandra & Kurla (I to
 IV). Search from 1982 to 2011 (30 years).Record of which is given below:-

1982 to 2011 (30 years) at Mumbai S.R.O.

<u>YEAR</u>	<u>RECORD</u>	
1982	<u>MUMBAI</u>	<u>Deed of Conveyance For Rs. 111000/-</u>
	<u>S-2739</u>	1) Chimanrao Tatyaba Jagdale
	<u>1981</u>	<u>'The Vendor'</u>
	<u>10/09/1981</u>	<u>To</u>
	<u>25/03/1982</u>	1) Ramcharaj Vasudev Dube
		2) Tribhuvannath Ramcharaj Dube
		<u>'The Purchasers'</u>

The Schedule

All these land & ground bearing C.T.S.
 No. 1173 – A / 1 to 10 & 18 area admg.
 770.2 sq. mtrs. of Village – Mulund, Tal.
 – Kurla

1983	Nil	1984	Nil
1985	Nil	1986	Nil
1987	Nil	1988	Nil
1989	Nil	1990	Nil
1991	Nil	1992	Nil
1993	Nil	1994	Nil
1995	Nil	1996	Nil
1997	Nil	1998	Nil
1999	Nil	2000	Nil
2001	Nil	2002	Nil
2003	Nil	2004	Nil
2005	Nil	2006	Nil
2007	Nil	2008	Nil
2009	Nil	2010	Nil
2011	Nil		
Up to Date – 01/06/2011			

1982 to 2011 (30 years) at Bandra S.R.O.

YEAR	RECORD	YEAR	RECORD
1982	Nil	1983	Nil
1984	Nil	1985	Nil
1986	Nil	1987	Nil
1988	Nil	1989	Nil
1990	Nil	1991	Nil
1992	Nil	1993	Nil
1994	Nil	1995	Nil
1996	Nil	1997	Nil
1998	Nil	1999	Nil
2000	Nil	2001	Nil
2002	Nil	2003	Nil
2004	Nil	2005	Nil
2006	Nil	2007	Nil
2008	Nil	2009	Nil
2010	Nil	2011	Nil
Up to Date – 31/05/2011			

1995 to 2011 (17 years) at Kurla (I to IV) S.R.O.

YEAR	RECORD	YEAR	RECORD
1995	Nil	1996	Nil
1997	Nil	1998	Nil
1999	Nil	2000	Nil
2001	Nil	2002	Nil
2003	Nil	2004	Nil
2005	Nil	2006	Nil
2007	Nil	2008	Nil
2009	Nil	2010	Nil
2011	Nil		

Up to Date – 05/06/2011 (Record ready up to - 28/02/2011)

Search at the office of Sub – Registrar Assurance Mumbai Index - II register of 1982 to 1993, 1996 to 1999, 2001 to 2003 some pages are torn.

Search at the Office of Sub - Registrar Assurance Bandra Index-II register of 1982 to 2003 some pages are torn.

Search at the Office of Sub - Registrar Assurance Kurla (I to IV) Index-II register of 1995 to 2004 send for computerised data entry & 2002 to 2011 Computerised prints are prepared for search but which is not maintained properly.

Thanking You,

Yours Faithfully,

 (J.A.CHIPKAR)

Mr. H.G.Dharmadhikari Adv.

Re : Search of the land bearing

Survey No. 1000, Plot no. 43/50

C.T.S. No. 1173 - A / 1 to 10 &

18 total area admg. 919.34 sq.

yds. i.e. 770.2 sq. mtrs. of

Ramcharaj Vasudev Dube &

another situated at Ram Ratan

Trivedi Road, Mulund (W).

Mumbai - 400 080 of revenue

Village - Mulund, Tal. - Kurla,

Mumbai Suburban District.

SEARCH NOTES & REPORTS

1982 to 2011 at Mumbai S.R.O.

1982 to 2011 at Bandra S.R.O.

1995 to 2011 at Kurla S.R.O.



JAYANT A. CHIPKAR

THANE (W). 400 601

M - 9322301609

Date : 27/05/2016

To,

Mr. H.G. Dharmadhikari

Advocate, High Court

Mumbai :- 400080.

Respected Sir,

Re: Search of the land bearing Survey No. 1000 Plot No. 43/50 C.T.S. No. 1173- A /1 to 10 & 18 total area admg. 919.34 Sq. Yds. i.e. 770.2 Sq. mtrs. of M/S Shivkrupa Developers 'THE DEVELOPERS', situated at Ram Ratan Trivedi Road, Mulund (W), Mumbai – 400080 of revenue Village – Mulund (W), Taluka – Kurla, Mumbai Suburban District.

Under your instructions, I have taken search in respect of the above referred property at the office of Sub – Registrar Assurance Kurla (I to V). Search from 2011 to 2016 (6 years).

Record of which is given below:-

2011 to 2016 (6 years) at Kurla (I to V) S.R.O.

YEAR	RECORD
2011	Nil

2012

KURLA-I877

2012

20/12/201130/01/2012**Deed of Agreement****Recompense Rs. 2313000/-****Market Value Rs. 13327000/-**

1) Shri. Avadhnarayan Ramachraj

Dubey.

2) Tribhuvnnath Ramachraj Dubey

‘ The Transferors’

2012

KURLA-I878

2012

20/07/201130/01/2012

2013

Nil

2014

KURLA-I10381

2014

14/11/201414/11/2014To

- 1) Lachhman Balramdas Chotrani
- 2) Uttam Mulchand Amarnani
- 3) Kanaiyah Ganesh Chotrani
- 4) Gopal Ganesh Chotrani

'The Transferees'The Schedule

All these land & structure bearing C.T.S. No. 1173 A, 1173 A / 1 to 10 & 18 total area admg. 919.34 Sq. Yds. i.e. 770.2 sq. mtrs. of the village - Mulund, Tal. - Kurla.

Power of Attorney

- 1) Tribhuvannath Ramachraj Dubey
- 2) Avadhnarayan Ramachraj Dubey

To

- 1) Lachhman Balramdas Chotrani
- 2) Uttam Mulchand Amarnani
- 3) Gopal Ganesh Chotrani
- 4) Kanaiyah Ganesh Chotrani

The Schedule

As per mentioned in agreement no. BDR-1/878/2012 of Village - Mulund, Taluka - Kurla.

Development Agreement.Recompense Rs. 0/-Market Value Rs. 13343500/-

- 1) Lachhman Balramdas Chotrani
- 2) Uttam Mulchand Amarnani
- 3) Gopal Ganesh Chotrani
- 4) Kanaiyah Ganesh Chotrani

2015 KURLA-I
5985
 2015
24/06/2015
24/06/2015

2015 KURLA-I
7804
 2015
18/07/2015
20/07/2015

To

1) Lachhman Balramdas Chotrani
 Partner of M/s. Shivkrupa Developers
'The Developers'

The Schedule

All these land & structure bearing C.T.S. No. 1173A, 1173A/1 to 11 (18), land area admg. 770.2 Sq. mtrs. and thereon building known as Shivkrupa, situated at R.R.T. Road, Mulund (W) Mumbai – 400080.

Deed of Affidavit

1) Lachhman Balramdas Chotrani
 P.O.A. holder on behalf of owners.

To

--

The Schedule

About land bearing C.T.S. No. 1173A, 1173A/1 to 11 area admg. 52.80 Sq. mtrs. of Village – Mulund, Taluka – Kurla.

Indemnity Bond

1) Lachhman Balramdas Chotrani
 P.O.A. holder on behalf of
 Tribhuvannath R. Dubey & others.

To

Municipal Corporation of Greater Mumbai.

The Schedule

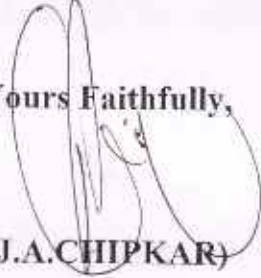
About land bearing C.T.S. No. 1173A, 1173A/1 to 11 of Village – Mulund, Taluka – Kurla.

2016	Nil
Up to Date = 26/05/2016 (Record ready up to = 28/02/2016)	

Note :- The Index II print of power of attorney is not available for the search.

Search at the office of Sub - Registrar Assurance Kurla (I to V) Index-II register of 2011 to 2016 computerised records are not maintained properly at the time of search. In print of some Index II area, details of schedule not mentioned, as on date of search.

Thanking You,

Yours Faithfully,

(J.A.CHIPKAR)

H. G. DHARMADHIKARI

B. Com. (Hons), L.L. B., DBM

Advocate

ADMIN OFF. : Shop No. 45/46, Veena Nagar, Ph. 1,

L.B.S. MARG, MULUND (WEST)

MUMBAI - 400 080.

Tel. : 65344986 / Telefax : 21640761

Mob. : 9323977761

Email : hdharmadhikari@hotmail.com

Email : dharmadhikarihemant@gmail.com

June 18, 2011.

TITLE CERTIFICATE

Sub: All that Piece and Parcel of Land or Ground admeasuring 919.43 sq. yds. Equivalent to 770.2 sq.mtrs. inclusive of portion of 72.895 sq. mtrs. in the widening of Ram Ratan Trivedi Road bearing C.T.S. No. 1173/A of village Mulund (West), Taluka Kurla, District Mumbai Suburban, Registration District and Sub-district of Mumbai City and Mumbai Suburban District with structures bearing C.T.S. No. 1173/A 1 to 10 and 18 (**as per the corrections made in the Property Card on 17.07.1981 C.T.S. No. 1173/18 has been corrected and entered as C.T.S. No. 1173/11**) standing thereon owned by Shri. Tribhuvannath Ramacharaj Dube and Shri. Avadhnarayan Ramacharaj Dube (hereinafter called as the "present owners") situated lying and being at Ram Ratan Trivedi Road, Mulund (West), Mumbai - 400 080 within the limits of "T" ward of Municipal Corporation of Greater Mumbai and bounded as follows:

On or towards East: By property bearing C.T.S. No. 1174;

On or towards West: By property bearing C.T.S. No. 1172;

On or towards North: By Ram Ratan Trivedi Road;

On or towards South: By Property bearing C.T.S. No. 1173 (Part).

I have examined the following documents in respect of the above mentioned property:

1. Copy of Sale deed dated 07.01.1942 entered into between (1) Sheth Ratansey Hirji Bhojraj for self and as Karta and Manager of Hindu undivided family and guardian of his minor sons (2) Sheth Murarji Kuvarji for self and as guardian of his minor son, (3) Bai Kankubai alias Javherbai widow of Nanji Hirji by her Constituted Attorney, Sheth Murarji Kuvarji as "the Vendor" and Shri. Chimanrao Tatyaba Jagdale as "the Purchaser" registered at