

CERTIFICATE OF TITLE

To,

M/S. JVM SPACES,
1104, 11TH Floor, Dev Corpora,
Opp. Cadbury Junction,
Thane (West) 400601.

Description of Property:

The land bearing Survey No.4, Hissa No.3
adm. area 1310 sq. mtrs. lying, being and
situate at Village Vadavali, Taluka &
District Thane, together with right to utilize
(DR of 943.20 sq. mtrs. of 20 Mtr. D.P
Road).

From:

SANJAY B. BORKAR
M.Com., LL.M
Advocate High Court

Vaibhav Apartment, 401- 4th floor, Near
Collector Office, Thane,
Tembhinaka, Thane - (W) 400 601

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CERTIFICATE OF TITLE

To,
M/s. JVM Spaces,
1104, 11th Floor, Dev Corpora,
Eastern Express Highway,
Opp. Cadbury Junction,
Thane 400 601.

Dear Sir,

1. At the request of Shri Yashwant M. Manvacharya, I had investigated the title of the land bearing Survey No.4, Hissa No.3 adm. area 2770 sq. mtrs. lying, being and situate at Village Vadavali, Taluka & District Thane belongs to Shri Yashwant Moreshwar Manwacharya (hereinafter referred to as "**the said Larger Property**") which is more particularly described in the First Schedule hereunder written.
2. As to investigate the title of the said Larger Property, I had perused the documents concerning to the said Larger Property more particularly described in the "**Annexure-A**" annexed herewith.
3. I had caused searches to be taken at the office of the Sub-Registrar of Assurances at Thane (Office No. 1, 2, 5, 9 & 12) for last 30 years i.e. from the period 01/01/1989 to 27/10/2018.
4. Upon careful perusal of the papers and documents referred in Annexure-A, I had issued Title Certificate on 06/11/2018 in respect of the said Larger Property (hereinafter referred to as "**the said Title Certificate**").
5. As per the Development Plans prepared, sanctioned and in force under the provisions of Maharashtra Regional and Town Planning Act, 1966, (for short "**said Development Plans**") for Thane Municipal Corporation (hereinafter referred to as "**the TMC**") the said Larger Property was subject to D.P. Reservation,



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as an area adm. 1360 sq. mtrs. out of the said Larger Property is under 20 mtrs. D.P. Road, an area adm. 60 sq. mtrs. out of the said Larger Property is under reservation Library & Welfare Centre (Reservation No.2) and an area adm. 40 sq. mtrs. out of the said Larger Property is under reservation of Sub-Plot-B, an aggregating area under D.P. Reservation comes to 1460 sq. mtrs.

6. By an Indenture for Transfer dated 20/03/2018 (hereinafter referred to as "**the said Deed**"), Shri Yashwant M. Manvacharya have handed over a portion admeasuring 1360 sq. mtrs. under 20 mtrs. D.P. Road Reservation, an area adm. 60 sq. mtrs. under reservation Library & Welfare Centre (Reservation No.2) and an area adm. 40 sq. mtrs. out of the said Larger Property under reservation of Sub-Plot-B, to the TMC as per the Development Control Rules upon the terms and conditions contained therein. The said Deed is registered with the office of Sub-Registrar of Assurances, Thane under Sr. No. TNN5-3763-2018 dtd. 20/03/2018.
7. After handing over an area adm. 1460 sq. mtrs. under D.P. Reservation out of the said Larger Property, an area adm. 1310 sq. mtrs. remained with the Builders for development (hereinafter referred to as "**the said Property**") and more particularly described in Second Schedule hereunder written. However, as per D.C. Rule as applicable to the TMC, the Owner i.e. Shri Yashwant M. Manvacharya is entitled to utilize an area adm. 1360 sq. mtrs. under 20 mtrs. D.P. Road Reservation while constructing the Building on the said Property.
8. Pursuant to issuance of the said Title Certificate, you have informed me that,
 - 8.1) By and under Development Agreement dtd. 26/07/2019 (hereinafter referred to as "**the said Agreement**") executed between M/s. JVM Spaces therein referred to as the Developer and Shri Yashwant M.



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Manvacharya therein referred to as the Owner, the Owner therein granted development right of the said Larger Property to and in favour of the Developers therein at or for consideration and upon the terms and conditions stated therein. The said Agreement is duly registered in the office of Sub-Registrar of Assurances, Thane5 under Sr. No. TNN5-12665-2019 on 26/07/2019.

- 8.2) Pursuant to execution of the said Agreement, the Owner therein executed Power of Attorney of even date (hereinafter referred to as **"the said Power of Attorney"**) in favour of the partners of the Developers therein to do various acts, deeds, matters & things for and in respect of the said Larger Property. The said Power of Attorney is duly registered in the office of Sub-Registrar of Assurances, Thane2 under Sr. No. TNN2-11855-2019 on 01/08/2019.
- 8.3) By virtue of said Agreement and said Power of Attorney, you have acquired irrevocable development right of the said Larger Property inter-alia became entitled to develop the said Property by obtaining sanction and approval from Thane Municipal Corporation.
- 8.4) The Thane Municipal Corporation granted Commencement Certificate vide V.P No. S06/0318/18/TMC/TDD/3158/19 dtd. 14/08/2019 in respect of the said Property inter-alia to construct one Building comprising of Ground (Pt.)/Stilt (Pt.) + 1 to 7th Floors upper floors, Parking Tower-7 Level upon the terms and conditions mentioned therein.
9. You have requested me to issue supplementary Title Certificate by notifying the subsequent events takes place pursuant to issuance of the said Title Certificate in respect of the said Property.
10. I have perused all the papers and documents referred in **Annexure-A** and the papers and documents referred in paragraph no. (5) and perusal thereof I have observed as under;



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The devolution of title to the owner i.e. Shri Yashwant M. Manvacharya in respect of the said Property is as under;

- a) Shri Parsharam Pandurang Manavcharya was owner of the said Property died intestate sometime in the year 1971 leaving behind 1) Smt. Prabhavati Mahadev Lad, 2) Smt. Laxmibai Parsharam Manavcharya and 3) Shri Shyamrao Parsharam Manavcharya (since deceased through legal heirs) 3.1) Smt. Vithabi Shyamrao Manavcharya and 3.2) Shri Ashok Shyamro Manavcharya as his legal heirs accordingly their name came to be incorporated in record of rights of the said Property vide **Mutation Entry No. 54.**
- b) Smt. Prabhavati Mahadev Lad, 2) Smt. Laxmibai Parsharam Manavcharya and 3) Smt. Vithabi Shyamrao Manavcharya by recording statement before the revenue authority that Shri Moreshwar Pandurang Manavcharya is in use, occupation and possession of the said Property hence, his name came to be recorded in record of rights of the said Property vide **Mutation Entry No. 55.**
- c) By virtue of Mutation Entry No. 55, name of Shri Moreshwar Pandurang Manavcharya came to be recorded in record of rights of the said Property inter-alia was in use, occupation and possession of the said Property.
- d) Upon statement being recorded by Shri Moreshwar Pandurang Manavcharya that he became old hence, name of his heirs namely 1) Shri Janardan Moreshwar Manavcharya, 2) Shri Yashwant Moreshwar Manwacharya, 3) Shri Digambar Moreshwar Manwacharya, 4) Smt. Meena Ramakant Kadam and 5) Mrs. Surekha Dilip Chaware came to be recorded in record of rights of the said Property vide **Mutation Entry No. 132.**
- e) The sisters of Shri Yashwant Moreshwar Manwacharya namely Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware got married and went to their in-laws place, however, their names were appearing on record of rights of the said Property, the said



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Property was actually in use, occupation possession and cultivation of Shri Yashwant Moreshwar Manwacharya, Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware expressed their desire to get deleted their name from record of rights of the said Property. Accordingly Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware and their mother Sumati recorded statement before Talathi, sajja Owaie in front of panchas and released their rights in the suit property on 02.11.1983.

- f) The concerned Revenue Officer by following due procedure of law as contemplated in Maharashtra Land Revenue Code, 1966 conducted the panchnama and recorded the statement of two local villager and thereafter issued notice to Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware and informed that upon statement in writing being made by them to release their right, their name came to be deleted from the occupants column of record of rights of the said Property and called them to lodge their objection either orally or in writing and further intimated that, if any objection is not received then it would be deemed that they have consented to this mutation.
- g) The concerned Revenue Officer did not receive any objection pursuant to the above referred notice within 15 days hence the Circle Officer by verifying all the papers, documents and statement of Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware and panchas certified the Mutation Entry No. 140 on 03/07/1984.
- h) By virtue of certification of the Mutation Entry No. 140, Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware ceased to have any right in the said Property. It is pertinent to mention here that, despite of certification of the Mutation Entry No. 140 on 03/07/1984, the effect to the Mutation Entry No. 140 remained to be given in the record of rights of said Property hence, name of Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware continued to be appearing in the record of rights of said Property.



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- i) Shri Yshwant M. Manvacharya with a view to give effect of the Mutation Entry No. 140 in record of rights of the said Property made an application to the Tahsildar, Thane accordingly, the Tahsildar, Thane vide its order bearing no. Rev./Sec.1/T-3/RTS/KV/16839/2016 dated 27/10/2016 informed the Talathi Saza- Owle & Circle Officer, Balkum to initiate appropriate action as per Record of Right procedure.
- j) Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware raised objection with regards to giving effect to the Mutation Entry No.140 by the Talathi Saza- Owle & Circle Officer, Balkum in record of rights of the said Property accordingly their objection recorded on "Dispute Register" and the matter transferred to the Tahsildar, Thane for disposal. Pursuant to above referred matter referred to the Tahsildar, Thane, hearing have been conducted by the Tahsildar, Thane from time to time and finally by giving opportunity of being heard to all the parties matter closed for order on 30/03/2017.
- k) The Tahsildar, Thane after considering all the material aspect and argument advanced by the parties to the proceeding vide its order dated 05/05/2017 rejected the objection raised by the Plaintiffs and directed to certify the Mutation Entry No. 1728. It is pertinent to mention here that, the Mutation Entry No. 1728 came to be certified on the basis of Mutation Entry No. 140, which was certified in the year 1984 on the basis of statement in writing recorded by Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware inter-alia releasing their right in the said Property in favour of Shri Yashwant Manvacharya.
- l) The Order dated 05/05/2017 and Mutation Entry No. 1728 certified in pursuance thereof is not challenged by Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware till the date, hence after efflux of appeal period, the Order dated 05/05/2017 and Mutation Entry No. 1728 certified in pursuance thereof has



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attained finality and binding on them and now they cannot claim any right in the said Property.

- m) Name of Shri Ramchandra Parsharam Manavcharya came to be re-entered pursuant to order dtd. 06/12/1985 passed by the Asst. Collector, Thane vide **Mutation Entry No. 169**.
- n) Shri Yashwant Moreshwar Manwacharya & others preferred RTS Appeal before the S.D.O., Thane inter-alia challenging Mutation Entry No. 169 accordingly the S.D.O., Thane vide its order dtd. 17/02/1986 cancelled Mutation Entry No. 169 and directed to conduct fresh enquiry with regards to legal heirs of deceased Parsharam Manavcharya. Pursuant to order dtd. 17/02/1986 passed by the S.D.O., Thane, the Tahsildar, Thane deleted the name of Shri Ramchandra Parsharam Manavcharya vide **Mutation Entry No. 180**.
- o) Pursuant to order dtd. 17/02/1986 of the S.D.O., Thane, fresh enquiry with regards to legal heirs of deceased Parsharam Manavcharya came to be conducted and Mutation Entry No. 320 was proposed to be mutated by recording the name of 1) Smt. Vithabai Parsharam Manavcharya, 2) Shri Ashok Parsharam Manavcharya and 3) Shri Ramchandra Parsharam Manavcharya. However, Shri Yashwant Moreshwar Manwacharya & others preferred appeal against the said proposed Mutation Entry No. 320 before the S.D.O., Thane accordingly, the S.D.O., Thane vide order dtd. 15/09/1995 once again directed to make fresh enquiry with regards to legal heirs of deceased Parsharam Manavcharya.
- p) Shri Yashwant Moreshwar Manwacharya & others being aggrieved by order dtd. 15/09/1995 passed by the S.D.O., Thane filed RTS Appeal No. 52/1995 before the Dy. Collector, Thane accordingly, the Dy. Collector, Thane vide its order dtd. 04/10/2002 directed the Tahsildar, Thane to certify the Mutation Entry No. 320 and also directed to record name of 1) Smt. Vithabai Parsharam Manavcharya, 2) Shri Ashok Parsharam Manavcharya and 3) Shri



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Ramchandra Parsharam Manavcharya in record of rights of the said Property.

- q) Shri Yashwant Moreshwar Manwacharya & others being aggrieved by order dtd. 04/10/2002 passed by the Dy. Collector, Thane filed Revision Application No. 67/2002 before the Divisional Commissioner, Mumbai accordingly, the Divisional Commissioner, Mumbai vide its order dtd. 10/05/2004 allowed the Revision Application and cancelled Mutation Entry No. 320 and further directed to restore original position showing name of Shri Yashwant Moreshwar Manwacharya & others.
- r) Pursuant to order dtd. 10/05/2004 passed by the Divisional Commissioner, Mumbai the revenue authority deleted the name of 1) Smt. Vithabai Parsharam Manavcharya, 2) Shri Ashok Parsharam Manavcharya and 3) Shri Ramchandra Parsharam Manavcharya from record of rights of the said Property and mutated the name of Shri Yashwant Moreshwar Manwacharya & others in record of rights of the said Property.
- s) By virtue of order dtd. 10/05/2004 passed by the Divisional Commissioner, Mumbai name of Shri Yashwant Moreshwar Manwacharya & others came to be recorded in record of rights of the said Property.
- t) By and under Deed of Release dtd. 11/05/2012 Smt. Sumati Moreshwar Manavcharya released her right in the said Property in favour of Shri Yashwant Moreshwar Manwacharya duly registered under Sr. No. TNN2/ 4622-2012 on 16/05/2012.
- u) Smt. Sumati Moreshwar Manwacharya died intestate on 23/01/2013 leaving behind 1) Shri Janardan Moreshwar Manwacharya, 2) Shri Yashwant Moreshwar Manwacharya, 3) Shri Digambar Moreshwar Manwacharya, 4) Smt. Meena Ramakant Kadam and 5) Smt. Surekha Dilip Chaware accordingly, effect to death and incorporation of name of legal heirs of Smt. Sumati



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Moreshwar Manwacharya came to be recorded in record of rights of the said Property vide **Mutation entry No. 1441**.

- v) By and under Deed of Release dtd. 07/05/2013 Shri Janardan Moreshwar Manavcharya released his right in the said Property in favour of Shri Yashwant Moreshwar Manwacharya duly registered under Sr. No. TNN5/ 5021-2013 on 07/05/2013 and effect to this Deed of Release dtd. 07/05/2013 came to be given in record of rights of the said Property vide **Mutation entry No. 1447**.
- w) By and under Deed of Release dtd. 05/01/2015 Shri Digambar Moreshwar Manavcharya released his right in the said Property in favour of Shri Yashwant Moreshwar Manwacharya duly registered under Sr. No. TNN8/110-2015 on 05/01/2015 and effect to this Deed of Release dtd. 05/01/2015 came to be given in record of rights of the said Property vide **Mutation entry No. 1557**.
- x) As stated hereinabove, Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware have released & relinquished their right, title & interest in the said Property by recording their statement before Talathi Sajja Owale on 02.11.1983 and on the basis of the same Mutation Entry No.140 was passed on 01.06.1984, but the effect of said M.E. was not given in respective 7/12 extracts of the said Property, hence Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware executed Power of Attorney dtd. 27.04.2007 to and infavour of Shri Yashwant M. Manwacharya to look after the said Property as absolute owner thereof as Shri Yashwant M. Manwacharya was in possession of the said Property and handling all ligations on behalf of them in view of the fact that Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware had released & relinquished their rights in the said Property in the year 1983 as aforesaid.
- y) In furtherance of the clear intentions on the part of Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware and on the basis of release of their shares from the said Property by virtue of



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Mutation Entry No.140 in favour of Shri Yashwant M. Manwacharya, by and under Deed of Release dtd. 05/01/2015 Smt. Meena Ramakant Kadam and Smt. Surekha Dilip Chaware released their respective rights in the said Property in favour of Shri Yashwant Moreshwar Manwacharya duly registered under Sr. No. TNN8/112-2015 on 05/01/2015.

z) Shri Yashwant Moreshwar Manwacharya filed RTS Appeal No. 160/15/4066 against order dtd. 31/08/2015 passed by the Tahsildar, Thane in case No. 16/2015 before the Sub Divisional Officer, Thane accordingly, the Sub Divisional Officer, Thane vide order dtd. 26/04/2017 cancelled and set a side order dtd. 31/08/2015 passed by the Tahsildar, Thane in case No. 16/2015 and directed to certify the Mutation Entry No. 1557 and effect to order dtd. 26/04/2017 of the Sub Divisional Officer, Thane came to be given in record of rights of the said Property vide **Mutation entry No. 1785.**

aa) Shri Yashwant Moreshwar Manwacharya filed RTS Appeal No. 161/15/4066 against order dtd. 31/08/2015 passed by the Tahsildar, Thane in case No. 18/2015 before the Sub Divisional Officer, Thane accordingly, the Sub Divisional Officer, Thane vide order dtd. 26/04/2017 cancelled and set a side order dtd. 31/08/2015 passed by the Tahsildar, Thane in case No. 18/2015 and directed to certify the Mutation Entry No. 1558 and effect to order dtd. 26/04/2017 of the Sub Divisional Officer, Thane came to be given in record of rights of the said Property vide **Mutation entry No. 1786.**

11. By virtue of Mutation Entry No. 55, the said Property came to be transferred in favour of Shri Moreshwar Pandurang Manwacharya and thereafter upon statement being recorded by Shri Moreshwar Pandurang Manwacharya that he became old hence, name of his family members namely 1) Shri Janardan Moreshwar Manwacharya, 2) Shri Yashwant Moreshwar Manwacharya and 3) Shri Digambar



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- Moreshwar Manwacharya be recorded in record of rights of the said Property accordingly their name came to be recorded in record of rights of the said Property vide **Mutation Entry No. 132**.
12. It appears that, on the basis of Mutation Entry No. 1728 which is certified on the basis of Mutation Entry No. 140, Deed of Release dtd. 11/05/2012 executed between Smt. Sumati Moreshwar Manwacharya and Shri Yashwant Moreshwar Manwacharya, Deed of Release dtd. 07/05/2013 executed between Shri Janardan Moreshwar Manwacharya and Shri Yashwant Moreshwar Manwacharya, Deed of Release dtd. 05/01/2015 executed between Shri Digambar Moreshwar Manwacharya and Shri Yashwant Moreshwar Manwacharya, Deed of Release dtd. 05/01/2015 executed between Smt. Meena Ramakant Kadam and Smt. Surekha Dilip Chaware and Shri Yashwant Moreshwar Manwacharya, name of 1) Shri Janardan Moreshwar Manwacharya, 2) Shri Digambar Moreshwar Manwacharya, 3) Smt. Meena Ramakant Kadam and 4) Smt. Surekha Dilip Chaware came to be deleted from the record of rights of the said Property and only name of Shri Yashwant Moreshwar Manwacharya remained in the record of rights of the said Property.
13. Upon careful perusal of above referred Deed of Release executed by the co-owners in favour of Shri Yashwant Moreshwar Manwacharya are registered documents and have legal value in the eyes of law till the date is cancelled and/or revoked by the competent court. Similarly, Mutation Entry No. 1728 which is certified on the basis of Mutation Entry No. 140 is certified by following due procedure of law and same is remained unchallenged till this date hence, attained finality, In view of whatever stated hereinabove prima-facie on the basis of above referred various documents however, subject to outcome of the above referred litigations and on the basis of Mutation Entry No. 1728, Shri Yashwant Moreshwar Manwacharya appears to be owner of the said Property.



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14. Following litigations in respect of the said Property is pending before the court at the time of issuance of the said Title Certificate;

I) Reg. Civil Suit No. 427/2016:-

- 1) Smt. Meena Ramakant Kadam and Smt. Surekha Dilip Chavre (**the Plaintiffs**) filed the suit u/s. 34 of the Specific Relief Act inter-alia for declaration, injunction, partition and cancellation of the documents against Shri Yashwant M. Manwacharya and others (**the Defendants**).
- 2) No prohibitory or restraining order is running against Shri Yashwant M. Manwacharya in this suit in respect of the said Property which prohibit him or his assignee from developing the said Property.
- 3) The suit is pending for hearing and disposal.

II) Reg. Civil Suit No. 22/2017:-

- 1) Smt. Kamal Ramchandra Manavcharya and 6 others (**the Plaintiffs**) have filed Reg. Civil Suit No. 22/2017 against Shri Ashok Shyamrao Manavcharya & 5 others (**the Defendants**) in the Court of Civil Judge (J.D.), Thane inter-alia for declaration and injunction.
- 2) The Plaintiffs in the present case sought the declaration that they are legal heirs of late Ramchandra Parsharam Manavcharya and late Ramchandra Parsharam Manavcharya was legal heirs of late Parshram Manavcharya.
- 3) The Plaintiffs further sought declaration that late Ramchandra Parsharam Manavcharya had undivided share in the said Property and they are also having undivided share in the said Property. Shri Yashwant Manwacharya has filed Written Statement and resisted the above said suit.



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- 4) No prohibitory or restraining order is running against Shri Yashwant M. Manwacharya in this suit in respect of the said Property which prohibit him or his assignee from developing the said Property
- 5) The above said Suit is pending for hearing of Injunction Application at Exh.5.

III) Execution Proceeding No. Regular Darkhast No. 55/2018:-

- 1) The Civil Judge (J.D.), Thane vide Judgment & Decree dtd. 06/03/2014 decreed the Regular Civil Suit No. 536/2013 of Shri Yashwant Moreshwar Manwacharya & others and cancelled the Agreement for Development Right/Joint Venture dtd. 27/04/2007 and Deed of Assignment of Development Right dtd. 08/10/2008 and further directed the Defendants therein to execute registered Deed of Cancellation in respect of the suit property within 3 months from the date of Decree and on event on failure on their part, the plaintiffs is at liberty to cancelled the Agreement for Development Right/Joint Venture dtd. 27/04/2007, Power of Attorney dtd. 24/07/2007 and Deed of Assignment of Development Right dtd. 08/10/2008 through the court commissioner.
- 2) The Defendants in Regular Civil Suit No. 536/2013 despite of specific direction being given by the Civil Judge (J.D.), Thane vide Judgment & Decree dtd. 06/03/2014, did not comply the direction of the Court accordingly, the Plaintiffs with a view to execute the Decree passed by the Civil Judge (J.D.), Thane on 06/03/2014 filed the present Execution Proceeding before this Hon'ble Court which is pending for hearing and disposal.

IV) RTS Appeal No. 18/19:

- 1) Smt. Meena Ramakant Kadam and Smt. Surekha Dilip Chavre have filed RTS/Admission Appeal No. 18/19 inter-alia challenging the order dtd. 26/04/2017 passed by the Sub-Divisional Officer, Thane before the Addl. Collector, Thane.



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- 2) The Addl. Collector, Thane while admitting the above referred Appeal granted stay to the order dtd. 26/04/2017 passed by the Sub-Divisional Officer, Thane till the filing of say by the Opponent in this matter.
 - 3) The Respondent No.1 i.e. yourself have filed say in the above said matter to the Stay Application filed by the Appellants in the above said matter and also filed an application inter-alia to vacate the stay granted by the Addl. Collector, Thane to the order dtd. 26/04/2017 passed by the Sub-Divisional Officer, Thane in this matter.
 - 4) The Addl. Collector, Thane pursuant to filing of the say filed by Respondent No.1 to application of stay and further filing of an application inter-alia to vacate the stay granted by the Addl. Collector, Thane to the order dtd. 26/04/2017 passed by the Sub-Divisional Officer, Thane in this matter, the Addl. Collector, Thane vide its order dtd. 04/04/2019 vacated the stay granted by the Addl. Collector, Thane vide its order dtd. 02/03/2019 in this matter.
 - 5) In view of order dtd. 04/04/2019 passed by the Addl. Collector, Thane, there is no any restrictive order running against the Respondent No.1 in this matter.
 - 6) The above said Appeal is pending for hearing and final disposal.
15. Following orders under the provisions of Urban Land (Ceiling & Regulation), Act, 1976 in respect of the said Property came to be passed;
- 1) The Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration vide its order dtd. 07/06/1997 passed u/s. 8(4) of ULC Act declared the said Property to the extent of 2095 sq. mtrs. as surplus vacant land in to the hands of the owners.



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- 2) Shri Yashwant Moreshwar Manwacharya applied for exemption u/s. 20 (10) (a) of ULC Act accordingly, the Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration vide its order dtd. 12/01/1999 passed u/s. 20 (10) (a) of ULC Act granted exemption u/s. 20 (10) (a) of ULC Act upon the terms and conditions stated therein.
- 3) Shri Yashwant Moreshwar Manwacharya applied to construct tenements instead of developing the plots which came to be granted by the Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration vide its order dtd. 26/02/2007.
- 4) The Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration vide its order dtd. 16/08/2013 granted extension of time to implement the ULC scheme.
- 5) The effect of ULC scheme sanctioned by the ULC Authority came to be given in record of rights of the said Property vide **Mutation entry No. 915.**
- 6) The Collector & Competent Authority, Thane Urban Agglomeration Area vide its Letter dtd. 26/06/2019 granted extension to the ULC Scheme bearing No. ULC/TA/ATP/Sec. 20 /SR-1743 Dated 26/02/2007 by charging the penalty. The Collector & Competent Authority, Thane Urban Agglomeration Area also granted NOC to use and utilize the additional FSI and TDR on the said Property by charging the penalty.
16. Shri Yashwant Moreshwar Manwacharya caused Shri Sanjay A. Kanade, Advocate of M/s. Kanade & Associates to publish public notice in Marathi in "Maharashtra Samrat" News Paper and public notice in English in "The Afternoon" News Paper on 07/09/2018.
17. Shri Sanjay Kanade, Advocate of M/s. Kanade & Associates vide its letter dtd. 20/10/2018 certified and confirmed that they have not received any objections or claims from anybody within stipulated



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- period mentioned in the above said public notice till the date of issuance of the letter.
18. I had caused searches to be taken at the office of the Sub-Registrar of Assurances at Thane (Office No. 1, 2, 5, 9 & 12) for last 30 years i.e. from the period 01/01/1989 to 27/10/2018, I have caused searches to be taken at the office of the Sub-Registrar of Assurances at Thane from the concern office from the period 01/10/2018 to till 21/08/2019.
 19. Upon perusal of Search Report dtd. 27-10-2018 and 21/08/2019 in respect of the Said Property, I have come across certain transaction and entry however, upon perusal and analysis thereof, in my opinion such transaction and entry shall not be deemed/construed as encumbrance on the Said Property which any way deemed/construed as adverse effect on tile of the said Property.
 20. You vide Letter of Confirmation dtd. 26/08/2019 have represented me that, save and expect the litigations as mentioned herein above and the said Title Certificate no other litigation in respect of said Property is pending in any court. Similarly, no prohibitory or restraining order is passed by any court of law in respect of the said property which anyway restrain you or Shri Yashwant M. Manvacharya from carrying out development on the said Property by obtaining sanction and approval from Thane Municipal Corporation.
 21. In view of the orders passed by the Revenue Authority, Civil Court, ULC Authority and other Competent Authority and subject to outcome of Regular Civil Suit No. 427/2016, Regular Civil Suit No. 22/2017, Regular Darkhast No. 55/2018 and RTS Appeal No. 18/19, Shri Yashwant M. Manvacharya appears to be owner of the said Property and by virtue of the said Agreement, the said Power of Attorney and Commence Certificate dtd. 14/08/2019 you are entitled to develop the said Property as per the terms and conditions laid down in various orders passed by the Competent Authority and Commence Certificate



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dtd. 14/08/2019 issued by the Thane Municipal Corporation while granting the same in respect of the said Property.

22. GENERAL:

- (a) I have inspected the various document(s), revenue papers and orders referred in Annexure-A annexed herewith. I have for the purpose of issuance of this certificate of title, relied upon:-
 - (i) Title documents in respect of the said Property;
 - (ii) Revenue records and orders in respect of the said Property.
- (b) A certificate, determination, opinion or the like will not be binding on an Indian Court or any Arbitrator or Judicial or Regulatory Body which would have to be independently satisfied, despite any provision in the documents to the contrary.
- (c) This certificate has been so given at the request of the client to whom it is addressed.
- (d) This certificate of title is limited to the matters pertaining to Indian law (as on the date of this certificate) alone and I express no opinion on laws of any other jurisdiction.
- (e) For the purpose of this certificate of title, I have relied upon information relating to lineage, succession and title of the said Property, on the basis of revenue records and information provided to me by Yourselves. As the title of the said Property is a revenue based title, I have taken the 7/12 extracts as the root of title and have assumed the authenticity of the 7/12 extracts and the corresponding mutation entries. As it is settled law that, as per Section 157 of the Maharashtra Land Revenue Code, 1966, the entries made in the record of rights and a certified entry in the register of mutations are presumed to be true until contrary is proved or a new entry is lawfully substituted thereafter.



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- 23) In my opinion, (i) subject to the compliance to the terms and conditions of various orders referred hereinabove (ii) subject to correctness of contents of Letter of Confirmation dtd. 26/08/2019, (iii) subject to outcome of the litigations referred hereinabove, subject to whatever stated in the said Title Certificate dtd. 06/11/2018 and (iv) subject to whatever stated hereinabove, the title of the said Property which is more particularly described in the Second Schedule hereunder written, appears to be clear and free from reasonable doubts and by virtue of the said Agreement, the said Power of Attorney, ULC Extension Order dtd. 26/06/2019 and Commence Certificate dtd. 14/08/2019, you are entitled to develop the said Property as per the terms and conditions laid down in Commence Certificate dtd. 14/08/2019 by the Thane Municipal Corporation while granting the same in respect of the said Property.
- 24) This Title Certificate is supplementary to Title Certificate dtd. 06/11/2018 and shall always be deemed and construed as forming and integral part of the same. A copy the said Title Certificate i.e. Title Certificate dtd. 06/11/2018 is annexed herewith and marked as **Annexure-B**.

THE FIRST SCHEDULE ABOVE REFERRED TO :
(THE SAID LARGER PROPERTY)

ALL THAT piece or parcel of land bearing Survey No.4, Hissa No.3 adm. area 2770 sq. mtrs. lying, being and situate at Village Vadavali, Taluka & District Thane, within the local limits of the Thane Municipal Corporation.

THE SECOND SCHEDULE ABOVE REFERRED TO
(THE SAID PROPERTY)

ALL THAT PIECE AND PARCEL of land bearing Survey No.4, Hissa No.3 adm. area 1310 sq. mtrs. lying, being and situate at Village Vadavali, Taluka & District Thane, in the Registration District and Sub-



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District Thane and within the limits of the Thane Municipal Corporation out of the said Larger Property described hereinabove together with right to utilize (DR of 943.20 sq.mtrs. of 20 Mtr. D.P. Road).

Dated this 27th Day of August, 2019.

Yours faithfully,



(Sanjay B. Borkar)
Advocate

"Annexure-A"

Documents concerning to the said Property furnished for my perusal and reference for issuance of Title Certificate.

Sr. No.	Documents	Date
1	7/12 Extracts and mutation entries reflecting therein	-
2	Deed of Release executed between Smt. Sumati Moreshwar Manavcharya and Shri Yashwant Moreshwar Manwacharya	11/05/2012
3	Deed of Release executed between Shri Janardan Moreshwar Manwacharya and Shri Yashwant	07/05/2013



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	Moreshwar Manwacharya	
4	Deed of Release executed between Shri Digambar Moreshwar Manwacharya and Shri Yashwant Moreshwar Manwacharya	05/01/2015
5	Deed of Release executed between Smt. Meena Ramakant Kadam and Smt. Surekha Dilip Chaware and Shri Yashwant Moreshwar Manwacharya.	05/01/2015
6	Statement recorded by Smt. Meena Ramakant Kadam and Mrs. Surekha Dilip Chaware & Sumati M. Manwacharya before Talathi, sajja Owale in front of panchas and released their rights in the said Larger Property on 02.11.1983	02.11.1983
7	Mutation Entry No. 140	03/07/1984
8	Order bearing no. Rev./Sec.1/T-3/RTS/KV/16839/2016.	27/10/2016
9	Order dated 05/05/2017 passed by Nayab Tahsildar, Thane in case no. Village Ghodbunder/Dispute Reg./SR No.08/17.	05/05/2017
10	Order passed by the Tahsildar, Thane in case No. 16/2015	31/08/2015
11	Order passed by the S.D.O., Thane.	26/04/2017
12	Order passed by the Tahsildar, Thane in case No.	31/08/2015



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	18/2015	
13	Order passed by the S.D.O., Thane	26/04/2017
14	Order passed by the Tahsildar, Thane in case No. 08/2017	05/05/2017
15	Papers & Proceedings of Reg. Civil Suit No. 427/2016.	--
16	Papers & Proceedings of Reg. Civil Suit No. 22/2017.	--
17	Papers & Proceedings of Regular Darkhast No. 55/2018.	--
18	Papers & Proceedings of RTS Appeal No. 18/19	--
19	Order passed u/s. 8(4) of ULC Act by the Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration.	07/06/1997
20	Order passed u/s. 20 (10) (a) of ULC Act by the Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration.	12/01/1999
21	Order passed by the Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration granting permission to construct tenements instead of plot.	26/02/2007
22	Order passed by the Addl. Collector, Thane & Competent Authority, Thane Urban Agglomeration by granting extension of time to implement the ULC scheme.	16/08/2013
23	Transfer Deed executed between Shri Yashwant	20/03/2018



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	Manvacharya & TMC inter-alia handed over D.P. Reservation (40 M. wide D.P. road) out of the said Property to TMC.	
24	Public Notice published in Marathi in "Maharashtra Samrat" News Paper.	31/01/2019.
25	Public Notice published in English in "The Free Press Journal" News Paper on	31/01/2019.
26	Search Report for 30 years in respect of the said Property.	27-10-2018 and 21/08/2019
27	Letter vide which the Collector & Competent Authority, Thane Urban Agglomeration Area granted extension to the ULC Scheme bearing No. ULC/TA/ATP/Sec. 20 /SR-1743 Dated 26/02/2007 by charging the penalty.	26/06/2019
28	Commencement Certificate vide V.P No. S06/0318 /18/TMC/TDD/3158/19.	14/08/2019
29	Letter of Confirmation signed & executed by JVM Spaces	26/08/2019

Dated this 27th Day of August, 2019.



(Sanjay B. Borkar)
Advocate

