

KIRAN WAGAJ

Advocate

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Ref:

Date: 20/07/2017

TITLE OPINION

**CLIENT: APEX MULTICONS PVT.LTD.
A COMPANY REGISTERED
UNDER THE PROVISIONS OF
THE COMPANIES ACT, 1956
OFFICE AT: FLAT NO. 13, 4TH FLOOR
ASAMANT APARTMENT, CTS NO. 1/4,
FINAL PLOT NO. 1/1, SUB PLOT NO. 4,
S. NO. 2A, ERANDVANA
PUNE 411 004
THROUGH ITS DIRECTOR
MR. ANANT DILIP PANDIT**

INSTRUCTIONS:

I have instructed by my above named client to verify the title of the immovable property mentioned herein below to Apex Multicons Pvt. Ltd. and also to verify whether the property is free from encumbrances or charges for development. For the purpose of giving the opinion I have gone through the record of rights, information and documents mentioned hereunder and Adv. Dattatray Deshmukh also caused the search of the record maintained by the sub registrar offices. After going through all the above I am giving my Opinion.

I. PROPERTY:

A.All that piece and parcel of the land bearing S. No. 43A totally admeasuring about 00 H 63 including potkharaba 00 H 32 R having its assessment of Rs. 0.17 *paise* situated at village Ambadvet, Tal. Mulshi, Dist. Pune and within the limits of Zillah Parishad Pune and Taluka Panchayat Samiti Mulshi and also within the jurisdiction of Sub-Registrar Mulshi, Dist. Pune.

On or Towards East : By property S. No. 42, 65 & 66

On or Towards West : By property S. No. 43B

On or Towards south : By Maharwada & Road

On or Towards North : By property S. No. 63

(Hereinafter referred to as "SAID ENTIRE PROPERTY")



B. All that piece and parcel of the land admeasuring about 00 H 31.5 R out of S. No. 43A totally admeasuring about 00 H 63 including potkharaba 00 H 32 R having its assessment of Rs. 0.17 *paise* situated at village Ambadvet, Tal. Mulshi, Dist. Pune and within the limits of Zillah Parishad Pune and Taluka Panchayat Samiti Mulshi and also within the jurisdiction of Sub-Registrar Mulshi, Dist. Pune.

On or Towards East : By property S. No. 42, 65 & 66
On or Towards West : By property S. No. 43B
On or Towards south : By remaining part of S. No. 43A
On or Towards North : By property S. No. 63

(Hereinafter referred to as "**SAID PROPERTY**")

II. DOCUMENTS REFERRED :

1. 7/12 Extract of S.No. 43 since 1930 to 1961
2. 7/12 Extract of S.No. 43A since 1962 to 2017
3. Mutation Entry No. 1012
4. Mutation Entry No. 1917
5. Mutation Entry No. 2389
6. Mutation Entry No. 2780
7. Mutation Entry No. 7288
8. Mutation Entry No. 7934
9. Mutation Entry No. 7935
10. Joint Development Agreement **MLS-708-2015**
11. Power of Attorney **MLS-709-2015**

III. OWNERSHIP OF THE SAID PROPERTY:

On perusal of 7/12 extract it appears that the land bearing S. No. 43 totally admeasuring about 3 Acre 4 Gunthas including potkharaba 1 Acre 22 Gunthas having its assessment of Rs. 0.66 *paise* situated at village Ambadvet, Tal. Mulshi, Dist. Pune and within the limits of Zillah Parishad Pune and Taluka Panchayat Samiti Mulshi and also within the jurisdiction of Sub-Registrar Mulshi, Dist. Pune was originally owned and possessed by one Mr. Aabu Tukaram Deshmukh. (Hereinafter referred to as "**SAID ORIGINAL OWNER**").

On perusal of 7/12 extract and Mutation Entry 1012 it appears that the said original owner Mr. Abu died intestate on 24/06/1946 leaving behind Son Mr. Vitthal Aaburao Deshmukh and wife Smt. Sitabai Aaburao Dhamale-Deshmukh as his only legal heirs. It further appears that name of Mr. Vitthal Aaburao Deshmukh through his natural guardian Smt. Sitabai has



been mutated to the revenue record vide Mutation Entry No. 1012. (Hereinafter referred to as **"SAID LEGAL HEIRS OF MR. ABU"**).

On perusal of Mutation Entry No. 1917 it appears that on 01/01/1961 i) Mr. Vitthal Aaburao Dhamale, and his other cousin i.e. ii) Mr. Shamrao Damodar Dhamale, iii) Mr. Rajaram Tukaram Dhamale, iv) Mr. Vinayak Tukaram Dhamale, v) Mr. Tatyaba Tukaram Dhamale had filed application before revenue authority that they have partitioned their ancestral properties including the said entire property before 15 years back and their names also already mutated to the revenue record and they are enjoying possession of their respective shares. (Hereinafter referred to as **"SAID PARTITION AND ME 1917"**).

It further appears that, after the said partition Gat No. 43 parted into Gat No. 43A and Gat No. 43B. It further appears that, after the said partition Gat No. 43A came in the share of Mr. Vitthal Aaburao Deshmukh and accordingly name of Mr. Vitthal Aaburao Deshmukh has been mutated to the revenue record of said property vide Mutation Entry No. 1917.

On perusal of 7/12 extract, Mutation Entry No. 2389 it appears that, by order of Special District Inspector of Land Record (decimal) Ahmadnagar, effect of Bombay Weights and Measures (Enforcement) Act 1958 was given to revenue record and area of the old Gat No.43A was changed to decimal system 00 Hecter 63 R having its assessment Rs 0.29 Paise.

On perusal of Mutation Entry No. 2780 it appears that said Mr. Vitthal Aaburao Dhamale filed application before revenue authority to mutate his son's name to the revenue record of the said entire property and accordingly name of i) Mr. Prakash Vitthal Dhamale and ii) Mr. Sanjay Vitthal Dhamale through their natural guardian mother Mrs. Kamalabai Vitthal Dhamale has been mutated to the revenue record of the said entire property for share of 8 Anna each vide ME 2780. (Hereinafter referred to as **"SAID ME 2780"**).

On perusal of current 7/12 extract it appears that name of i) Mr. Prakash Vitthal Dhamale and ii) Mr. Sanjay Vitthal Dhamale has been recorded in owners column as owner and possessor of the said entire property. (Hereinafter referred to as **"SAID OWNERS"**).



IV. DEVELOPMENT RIGHTS :

On perusal of Joint Development Agreement dated 19/02/2015 it appears that, the said property was not yielding any income and for other good and sufficient legal reasons Mr. Prakash Vitthal Dhamale decided to develop the said property with view to effect construction on the said property and to sell the units as may be constructed therein to prospective Purchasers.

It appears that, Mr. Prakash Vitthal Dhamale and his family entrusted Development rights of the said property in favor of Apex Multicons Pvt. Ltd. through its Director Mr. Anant Dilip Pandit vide Joint Development Agreement & Power of Attorney dated 19/02/2015 which is duly registered in the office of Sub registrar Mulshi-I at Sr. No. 708/2015 & 709/2015 on 23/02/2015. (Hereinafter referred to as **"SAID JOINT DEVELOPMENT AGREEMENT"**).

It further appears that, other co-owner of the said entire property i.e. Mr. Sanjay Vitthal Dhamale & their sisters i) Mrs. Shobha Uttam Shitole, ii) Mrs. Vandana Ashok Paygude, iii) Mrs. Swati Tukaram Karanjavane have consented to the said Joint development Agreement.

It further appears that, due to above said Joint Development Agreement and documents so executed by the parties, Apex Multicons Pvt. Ltd became well and sufficiently entitled to the develop the said property and sell the tenements to the prospective Purchaser and receive the sale proceeds. (Hereinafter referred to as **"SAID DEVELOPER/PROMOTER"**).

**V. ENCUMBRANCES:
SEARCH:**

Adv. Dattatray Deshmukh have applied to Sub-Registrar Mulshi for permission to carryout search in the office of Sub-Registrar Mulshi and accordingly paid the requisite fees and the office of sub-registrar Mulashi has issued receipt bearing No. MH004781666201516E on 07/11/2015 and MH003451925201718E dated 13/07/2017.

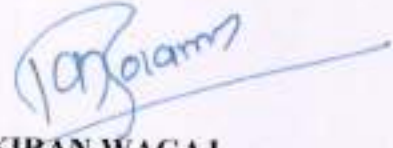
Thereafter he submitted his report with respect to the above said Properties and certified that subject to whatever stated in his report no transaction is found to have been registered with respect to the said Properties against the interest of Apex Multicons Pvt. Ltd.

VI. OPINION :

In view of the above facts and circumstances, I hereby give my opinion as under;

- a) Owner above named i.e. **Mr. Prakash Vitthal Dhamale** is true and lawful owner of the said Property as mentioned above.
- b) The owner named above has a clean, clear and marketable title to the said Property
- c) The rights, title and interest of the Owner of the said Property is free from encumbrances of any nature whatsoever, and all benefits attached thereto.
- d) My client **Apex Multicons Pvt. Ltd.** having all the rights to develop the said properties and take all the necessary steps to develop the said property.

PUNE
DATE: 20/07/2017


KIRAN WAGAJ
ADVOCATE

