

Date: 04/01/2020

SEARCH AND TITLE REPORT

Ref: SEARCH AND TITLE REPORT in respect of an area admeasuring 1H. 80.84 Are from and out of land bearing Gat No. 231 totally admeasuring 2H. 17 Are (including potkharaba admeasuring 37 Ares) situate at mouje Borhadewadi (Borhadewadi), Pune within the limits of Pimpri Chinchwad Municipal Corporation and within the jurisdiction of Sub-registrar Haveli, Taluka - Haveli, District - Pune.

(1) Sub: Tukaram Raghunath Saste in respect of an area admeasuring 00 H 30 Are and **(2) Sakharam Raghunath Saste** in respect of an area admeasuring 00 H 60 Are (accordingly collective area admeasuring 90 Are, however out of it an area admeasuring 9.16 Are is handed over to PCMC for road widening), hence an area admeasuring 80.84 Are **(3) M/s. Spectrum Realty** in respect of land area admeasuring 1 H. 00 Are out of the aforesaid land.

I have already granted the detailed search and title report and Additional Search and Title Report in respect of the captioned land on 18.11.2015 and 01.12.2017 respectively. At the instance of M/s. Spectrum Realty, a registered partnership firm registered under the provisions of the Indian Partnership Act, 1932, represented through its partner Mr. Sachin Rikhablal Bhandari I have paid necessary search fees vide GRN No. MH009332659201920E dated 10.12.2019 and have taken online search in respect of the captioned property by inspecting records in the office of Sub-Registrar Haveli No. I to XXVII from December 2017 to December 2019 from the available records no entry was found adversely affecting the title of the captioned property. Accordingly on the basis of the earlier search and title report and Additional Search and Title Report dated 18.11.2015 and 01.12.2017 respectively and the online search taken in respect of the captioned land, I am issuing the present search and title Report. After perusing the documents produced before me for my inspection and the information given by the M/s. Spectrum Realty, my findings are as under:

- 1. LOCATION :-** The land bearing Gat No. 231 is situate at Borhadewadi, within the limits of Pimpri Chinchwad Municipal

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Corporation and within the jurisdiction of Sub-registrar Haveli,
Taluka - Haveli, District - Pune.

2. **MEASUREMENT:-** The land bearing Gat no. 231 totally admeasures 2H. 17 Are (including potkharaba admeasuring 37 Are) having an assessment of Rs. 6-75 paise. However an area admeasuring 1H. 80.84 Are out of said land is the subject matter of this Search and title report. I advice to get the said land demarcated through concerned authority.
3. **TITLE :-** All that piece and parcel of land situated at village Moshi bearing Gat No. 1349 admeasuring 2H. 17Are (including potkharaba admeasuring 0H. 37 Are) was owned by Raghunath Nama Saste as per the 7/12 extract for the years from 1970/71.

It is seen that the names of Bala Amathalal Gujar, Namdev Genu Shivarkar and Moshi Vividh Karyakari Mandal were mutated in the other rights column on the 7/12 extract of the said land.

The said Raghunath Nama Saste died intestate on 18/12/1987 leaving behind widow - Smt. Tanubai Raghunath Saste, 2 sons - Tukaram Raghunath Saste, Sakharan Raghunath Saste, and a married daughter - Shakubai Baban Tapkir as his only legal heirs. Out of the said legal heirs, the names of Smt. Tanubai Raghunath Saste, Tukaram Raghunath Saste and Sakharan Raghunath Saste are mutated in the owners column on the 7/12 extract of the said land and the name of Shakubai Baban Tapkir is mutated in the other rights column on the 7/12 extract of the said land vide mutation entry no. 1537.

It is evident vide mutation entry no. 1 that Borhadewadi (Borhadewadi) out of Village Moshi is given separate revenue Village as per the notification dt. 09/09/1976 published in Special Gazette, Supplementary Part 1 page no. 2851 and Corrected Notification dt. 28/02/1983. Accordingly Gat No. 1349 is renumbered as Gat No. 231, Borhadewadi (Borhadewadi), Taluka Haveli, District - Pune.

It is evident vide mutation entry No. 280 that Mr. Tukaram Raghunath Saste has taken a loan for Rs. 5,000/- on 18/04/1992 against the said land from Moshi Gram Vikas Sahakari Soc. Ltd. and as per the letter of the said bank an entry of encumbrance is mutated in the other rights column on the 7/12 extract of the said land.

It is evident vide mutation entry No. 4799 that Mr. Rahul Tukaram Saste has taken a loan for Rs. 75,000/- on 12/01/2012 against the said land from Annasaheb Magar Sahakari Bank Maryadit and as per the letter of the said bank an entry of encumbrance is mutated in the other rights column on the 7/12 extract of the said land.

Out of the said legal heirs of late Raghunath Saste, his widow - Tanhubai Raghunath Saste died intestate on 11/02/2000 leaving behind 2 sons - Tukaram, Sakharam and a married daughter - Shakubai Baban Tapkir as her only legal heirs. Since the names of other legal heirs were already mutated on the 7/12 extract of the said land, the name of Tanhubai Raghunath Saste is deleted from the owners column on the 7/12 extract of the said land vide mutation entry no. 5365.

Shri. Tukaram Raghunath Saste along with his family members, Shri. Sakharam Raghunath Saste along with his family members and Sou. Shakubai Baban Tapkir executed a Development Agreement on 05/04/2013 and thereby entrusted developmental rights in respect of an area admeasuring 1H. 20 Are from and out of out of said Gat No. 231 in favour of M/s. Spectrum Realty. The said Development Agreement is registered in the office of Sub-registrar Haveli No. 15 at serial No. 2664 on 06/04/2013.

In furtherance of the said Development Agreement, Shri. Tukaram Raghunath Saste along with his family members, Shri. Sakharam Raghunath Saste along with his family members and Sou. Shakubai Baban Tapkir executed a Power of Attorney on 05/04/2013 in favour of M/s. Spectrum Realty. The said Power of Attorney is registered in the office of Sub-registrar Haveli No. 15 at serial No. 2665 on 06/04/2013.

Out of the said legal heirs of late Raghunath Saste, his daughter Shakubai Baban Tapkir executed a Release Deed on 05/04/2013 and thereby released and relinquished all and whatsoever rights she had in the said land in favour of her brothers Shri. Tukaram Raghunath Saste and Shri. Sakharam Raghunath Saste. The said Release Deed is registered in the office of Sub-registrar Haveli No. 15 at serial No. 2666 on 06/04/2013. Accordingly her name is deleted from the 7/12 extract of the said land vide mutation entry no. 5366.

It is seen vide mutation entry No. 5411 that the loan taken by Tukaram Raghunath Saste from Moshi Gram Vikas Sahakari Soc. Ltd. is duly repaid. Accordingly by receipt of letter from the said bank in respect thereof the encumbrance from the other rights column is deleted.

Thereafter Shri. Tukaram Raghunath Saste along with his family members executed a Tabesathekhat (Agreement for Sale with Possession) on 12/06/2014 in respect of land area admeasuring 00 H. 20 Are out of the said land in favour M/s. Spectrum Realty. Mr. Sakharam Raghunath Saste also joined the said Tabesathekhat as Consenting Party and has thereby confirmed the said document without consideration. The said Tabesathekhat is registered in the office of Sub-registrar Haveli No. 18 at serial No. 4028 on the same day.

In furtherance of the said Tabesathekhat, Shri. Tukaram Raghunath Saste along with his family members executed a Power of Attorney on 12/06/2014 in respect of an area admeasuring 00 H. 20 Are out of the said land in favour M/s. Spectrum Realty. The said Power of Attorney is registered in the office of Sub-registrar Haveli No. 18 at serial No. 4029 on the same day.

As per the terms of said Tabesathekhat dated 12/06/2014 Shri. Tukaram Raghunath Saste along with his family members executed Sale Deed on 17/04/2015 in respect of land area admeasuring 00 H. 20 Are out of the said land for which earlier Tabesathekhat was executed in favour M/s. Spectrum Realty. Mr. Sakharam Raghunath Saste also joined the said Sale Deed as Consenting Party and has thereby confirmed the said document without consideration. The said Sale Deed is registered in the office of Sub-registrar Haveli No. 15 at serial No. 3486 on 18/04/2015. Accordingly, name of M/s. Spectrum Realty is mutated on the 7/12 extract of said land for land area admeasuring 20 Are vide mutation entry no.5881.

Thereafter, Tukaram Raghunath Saste along with his family members and Shri. Sakharam Raghunath Saste along with his family members executed a Sale Deed in respect of an area admeasuring 50 Are (15 Are out of the share of Tukaram and 35 Are out of the share of Sakharam) in favour M/s. Spectrum Realty. The said Sale Deed is registered in the office of Sub-

registrar Haveli No. 15 at serial No. 3487 on 18/04/2015. Accordingly, name of M/s. Spectrum Realty is mutated on the 7/12 extract of said land for an area admeasuring 50 Are vide mutation entry no.5880.

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It is evident from mutation entry No. 6633 that Mr. Tukaram Raghunath Saste along with his family members and the legal heirs of late Sakharam Raghunath Saste through power of Attorney holder M/s. Spectrum Realty represented by its partners have granted the possession in respect of an area admeasuring 915.94 Sq. Mtrs. i.e. 9.16 Are reserved for amenity space from and out of the 90 Are of the captioned in respect of which Development rights are granted to M/s. Spectrum Realty, by executing a Possession Receipt dated 19/05/2018 in favour of Pimpri Chinchwad Municipal Corporation towards road widening. Accordingly the name of PCMC is mutated in the revenue and other records of the captioned land in respect of an area admeasuring 9.16 Are. The said possession receipt is duly registered in the office of Sub Registrar Haveli No. 5 at Sr. no. 3635 on the same day. Eventually the area in respect of which Development rights are acquired by M/s. Spectrum Realty is reduced from 90 Are to 80.84 Are.

I am informed that by executing a Correction Deed dated 24/09/2018 by Tukaram Raghunath Saste along with his family members and the legal heirs of Sakharam Raghunath Saste unto and in favour of M/s. Spectrum Realty in respect to the Development Agreement dated 05/04/2013 the area granted by Mr. Tukaram Raghunath Saste and his family members for Development in respect thereof is reduced/corrected from 60 Are to 30 Are. Accordingly the Development rights in respect of an area admeasuring 90 Are (i.e. 30 Are from the share of Tukaram Saste and 60Are from the share of legal heirs of late Sakharam Saste) from and out d the captioned land was granted in favour of M/s. Spectrum Realty by virtue of the Development agreement dated 04/04/2013 and Correction Deed dated 24/09/2018. The said Correction deed is duly registered in the Office of Sub Registrar Haveli No. 18 at Sr. No. 12165 on 25/09/2018.

In furtherance of the said Correction Deed, Shri. Tukaram Raghunath Saste along with his family members and the legal heirs of Sakharam Raghunath Saste executed a Power of Attorney on 24/09/2018 in respect in respect thererof in favour M/s.

Spectrum Realty. The said Power of Attorney is registered in the office of Sub-registrar Haveli No. 18 at serial No. 12180 on the 25/09/2018.

Thereafter, the said Tukaram Raghunath Saste along with his family members executed a Sale Deed dated 24/09/2018 in respect of an area admeasuring 30 Are in favour M/s. Spectrum Realty. The legal heirs of late Sakharam Raghunath Saste joined the said Sale Deed as Confirming Party. The said Sale Deed is registered in the office of Sub-registrar Haveli No. 18 at serial No. 12167 on 25/09/2018. Accordingly, name of M/s. Spectrum Realty is mutated on the 7/12 extract of said land for an area admeasuring 30 Are vide mutation entry no.6791.

I am informed by M/s. Spectrum realty that by executing a Confirmation Deed/Supplementary Deed dated 25/09/2018 by Tukaram Raghunath Saste along with his family members and the legal heirs of late Sakharam Raghunath Saste unto and in favour of M/s. Spectrum Realty in respect to the Sale Deed dated 17/04/2015 the consideration in respect of the said Sale Deed is reduced from Rs. 5,30,00,000/- to Rs. 4,42,00,000/-. The said Confirmation deed is duly registered in the Office of Sub Registrar Haveli No. 18 at Sr. No. 12181 on 25/09/2018.

I am informed that by executing a Confirmation Deed/Supplementary Deed dated 25/09/2018 by Tukaram Raghunath Saste along with his family members unto and in favour of M/s. Spectrum Realty in respect to the Sale Deed dated 17/04/2015 the consideration in respect of the said Sale Deed is reduced from Rs. 1,95,00,000/- to Rs. 1,55,00,000/-. The said Confirmation deed is duly registered in the Office of Sub Registrar Haveli No. 18 at Sr. No. 12183 on 25/09/2018.

It is seen that as per the order of the Upper Tahsildar PCMC bearing No. HANO/SR/34/2018 dated 13/11/2018 the names of Bala Amathalal Gujar and Namdev Genu Shivarkar appearing on the other rights column of the captioned land be deleted. Accordingly vide mutation entry No. 6857 the names of Bala Amathalal Gujar and Namdev Genu Shivarkar are deleted from the other rights column of the captioned land.

I am informed that Mrs. Sarika Santosh Pinjan the daughter of Tukaram Raghunath Saste executed a Release Deed on 25/09/2018 and thereby released and relinquished all and

whatsoever rights she had in the said land in favour of her father Shri. Tukaram Raghunath Saste and brother Shri. Rahul Tukaram Saste. The said Release Deed is registered in the office of Sub-registrar Haveli No. 18 at serial No. 12184 on the same day.

Thus by virtue of aforesaid Development Agreement and Power of Attorney dt. 05/04/2013 and Correction deed and Power of Attorney dated 24/09/2018 executed in respect thereof and the aforesaid Possession Receipt dated 19.05.2018 executed in favour of the PCMC, M/s. Spectrum realty has acquired developmental rights in respect of land area admeasuring 0H. 90 Are (i.e. 30 Are from the share of Tukaram Saste and 60 Are from the share of legal heirs of late Sakham Saste) however out of it an area admeasuring 9.16 Are is handed over to PCMC for road widening), hence an area admeasuring 80.84 Are and by virtue of Sale Deeds dated 17/04/2015 and 24/09/2018 M/s. Spectrum Realty has acquired ownership in respect of land area admeasuring 100 Are out of Gat No. 231, Borhadewadi, Taluka Haveli, District - Pune.

4. **POSSESSION** :- It appears from the documents that the physical possession of the captioned land area admeasuring 01 H. 80.84 Are is with M/s. Spectrum Realty.
5. **REMARKS** : It is seen that as per the search report of Adv. Dhanraj Chavan dated 05/11/2015 attached to the detailed Search and Title Report dated 18/11/2015 Shri Tukaram Raghunath Saste and Shri Rahul Tukaram Saste have mortgaged an area admeasuring 1 H. i.e. 100 Are in favour of Haveli Co-operative Bank Ltd., Moshi branch on 25/11/2008 and 14/07/2010.

I am informed by M/s. Spectrum Realty that Shakubai Baban Tapkir has filed a suit for partition, temporary injunction and declaration that the Release Deed, Agreement for Sale, Development Agreement and Power of Attorney is null and void bearing Spcl. C. S. No. 1542/2014 before the Civil Judge Sr. division, Pune at Pune, against her brothers and their family members and also M/s. Spectrum Realty. In the said case the Civil Judge Sr. division, Pune has dismissed the application for temporary injunction. Furthermore the Plaintiff had appealed to the High Court Mumbai against the said order, wherein the High Court Mumbai has dismissed the appeal. At present there is no

injunction or adverse order passed in respect of the suit property/captioned land.

I am informed by M/s. Spectrum Realty that Mr. Baban Kisan Saste and Mr Dattatraya Kisan Saste has filed a suit for temporary injunction and declaration that the Sale Deed dated 17/04/2015 is null and void on account of mentioning incorrect boundaries, bearing Spcl. C. S. No. 721/2017 before the Civil Judge Sr. division, Pune at Pune, against Mr Tukaram Raghunath Saste and his family members, legal heirs of Sakharam Raghunath Saste and M/s. Spectrum Realty. At present there is no injunction or adverse order passed in respect of the suit property/captioned land.

6. **ENCUMBRANCES:-** I have come across following encumbrances in respect of the captioned land –

Tukaram and Rahul Tukaram Saste executed mortgage deed in favour of Haveli Sahakari Bank Maryadit. Moshi branch dated 14.07.2010 and 25.11.2008 and created charge on an area measuring 100 Are and out of the land owned by Tukaram Saste. The said Mr. Tukaram Raghunath Saste and Mr. Rahul Tukaram Saste has repaid the loan amount alongwith interest thereon to the said Bank and the said Haveli Co-operative Bank, Moshi has granted letters dated 23.12.2019 stating that the above loan was cleared by the owner Tukaram Saste and Rahul Saste. However I advice the developer/ Owner to get executed the necessary release deed from Haveli Sahakari Bank Maryadit. Moshi branch.

7. **DOCUMENTS :-** I was supplied with the xerox copies of following documents for my reference and perusal:

- 7/12 extract of Gat no. 1349 from 1970 to 1989,
- 7/12 extract of Gat no. 231 from 1989 to 2019,
- Mutation entry nos. 1, 280, 1537, 4799, 5365, 5366, 5411, 5880, 5881, 6633, 6791 and 6857.
- Development Agreement dt. 05/04/2013 executed by Shri. Tukaram Raghunath Saste and others in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 15 at serial no. 2664 on 06/04/2013,
- Power of Attorney dt. 05/04/2013 executed by Shri. Tukaram Raghunath Saste and others in favour of M/s. Spectrum Realty

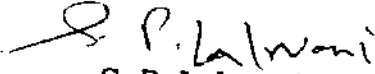
registered in the office of Sub-registrar Haveli no. 15 at serial no. 2665 on 06/04/2013,

- Release Deed dt. 05/04/2013 executed by Sou. Shakubai Baban Tapkir in favour of Shri. Tukaram Raghunath Saste and Mr. Sakharam Raghunath Saste registered in the office of Sub-registrar Haveli no. 15 at serial no. 2666 on 06/04/2013,
- Tabesathekhat dt. 12/06/2014 executed by Shri. Tukaram Raghunath Saste and others in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 18 at serial no. 4028 on 12/06/2014,
- Power of Attorney dt. 12/06/2014 executed by Shri. Tukaram Raghunath Saste and others in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 18 at serial no. 4029 on 12/06/2014.
- Sale Deed dt. 17/04/2015 executed by Shri. Tukaram Raghunath Saste and others in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 15 at serial no. 3486 on 18/04/2015.
- Sale Deed dt. 17/04/2015 executed by Shri. Tukaram Raghunath Saste and others and Shri. Sakharam Raghunath Saste and others in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 15 at serial no. 3487 on 18/04/2015
- Possession Receipt dated 19/05/2018 executed by Tukaram Saste, Legal heirs of Sakharam Saste in favour of Pimpri Chinchwad Municipal Corporation.
- Correction Deed and Power of Attorney dated 24/09/2018 executed by Shri. Tukaram Raghunath Saste and others and the legal heirs of late Sakharam Raghunath Saste in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 18 at serial no. 12165 and 12180 respectively on 25/09/2018.
- Sale Deed dt. 24/09/2018 executed by Shri. Tukaram Raghunath Saste and others in favour of M/s. Spectrum Realty registered in the office of Sub-registrar Haveli no. 18 at serial no. 12167 on 25/09/2018
- Confirmation Deed/Supplementary Deed dated 25/09/2018 executed by Tukaram Raghunath Saste along with his family members and the legal heirs of late Sakharam Raghunath Saste unto and in favour of M/s. Spectrum Realty registered in the Office of Sub Registrar Haveli No. 18 at Sr. No. 12181 on 25/09/2018.
- Confirmation Deed/Supplementary Deed dated 25/09/2018 executed by Tukaram Raghunath Saste along with his family members unto and in favour of M/s. Spectrum Realty registered in

the Office of Sub Registrar Haveli No. 18 at Sr. No. 12183 on 25/09/2018.

- Release Deed dated 25/09/2018 executed by Mrs. Sarika Santosh Pinjan in favour of her father Shri. Tukaram Raghunath Saste and brother Shri. Rahul Tukaram Saste registered in the office of Sub-registrar Haveli No. 18 at serial No. 12184.
- Xerox copy of no dues letters given by Haveli Sahakari bank Ltd. dated 23.12.2019

8. **CONCLUSION** : Subject to the encumbrance as enumerated in para 6 herein above, I am of the opinion that the title of the owner M/s. Spectrum Realty in respect of land area admeasuring 01 H. 00 Are by virtue of Sale Deeds dated 17/04/2015 and 24/09/2018, is marketable as well as M/s. Spectrum Realty has encumbrance free development rights in respect of 00 H. 30 Are owned by Tukaram Raghunath Saste and land area admeasuring 00 H 60 Are owned by Sakharam Raghunath Saste (accordingly collective area admeasuring 90 Are out of it 9.16 Are handed over to PCMC for road widening).


S. P. Lalwani
Advocate

[illegible]

Mobile No. : Not Available

NOTE:- This challan is valid for reason mentioned in Type of payment only. Not valid for other reasons or unregistered document

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सदर चलन "टाइप ऑफ पेमेंट" मध्ये नमूद कारणासाठीच लागू आहे. इतर कारणासाठी किंवा नोंदणी न करावयाच्या दस्त्यांसाठी लागू नाही.

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