

# RUPAL AGRAWAL

## Advocate High Court

Tel-09821584062; Email : rgalegal@gmail.com  
B/601-602, Gokul Vraj, J.B. Nagar, Andheri (East), Mumbai-400 059.

### CORPORATE LAW PROFESSIONALS

11th October, 2017

#### Title Certificate

**Sub:- ALL THAT piece or parcel of open land or ground lying, being and situate at CTS NO- 166, 166/1to 3 admeasuring 1065.10 square meter or thereabouts [including set back area 86.93 square meter] village: Malad North, Kandival, Taluka: Malad, Registered Dist. Mumbai And Sub- District Bombay City and Bombay Suburban.**

1. On the request of M/s. Heena High-Tech Developers, a partnership firm, duly registered under the provisions of the Indian Partnership Act, 1932, having its principal place of business at Shop No. 1/2, Ground Floor, Vinayak Cooperative Housing Society Limited, 63, Pond Gauthan, Baji Prabhu Deshpande Marg, Vile Parle (West), Mumbai - 400 056, I am issuing this Report on Title in respect of the captioned Property.
2. For the said purpose of issuing this Report on Title of the said M/s. Heena High-Tech Developers in or upon the captioned property, I have perused the photocopies of the following documents:
  - (a) Deed of Conveyance dated 16/6/2014 registered with the office of Sub-Registrar of Assurances at Bombay under Serial No. 4706 /2014.
  - (b) Copy of Property Card
  - (c) Public Notices
  - (d) Order u/s 79-A passed by the Deputy Registrar
  - (e) Registered Development Agreement
3. Upon on perusal of the aforesaid documents, and information given on enquiries, I hereafter set out my understanding as to the title of M/s. Heena High-Tech Developers to the captioned property as under:-



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- i. (1) **Shri Shrikrishna Nanalal Sharma**, (2) **Smt. Geetadevi Shrikrishna Sharma**, (3) **Shri Rajendra Shrikrishna Sharma** and (4) **Shri Prakash Shrikrishna Sharma** were the Owners of and/or seized and possessed of and/or otherwise well and sufficiently entitled to the property being all that piece and parcel of land bearing CTS. No. 166, 166/1 to 3 admeasuring 1065.10 sq. mtr or thereabouts (inclusive of 86.93-sq. mtr. Of set-back area (hereinafter referred to as "**the said First Property**").
- ii. By and under an Articles of an Agreement dated 18<sup>th</sup> January 1978, made between the said (1) **Shri Shrikrishna Nanalal Sharma**, (2) **Smt. Geetadevi Shrikrishna Sharma**, (3) **Shri Rajendra Shrikrishna Sharma** and (4) **Shri Prakash Shrikrishna Sharma**, therein referred to as the "**Lessors /Assignors**" of the One Part and **M/s. Shrinath Investments** a Partnership firm therein referred to as the "**Lessees/Assignee**" of the Other Part, the said Assignors did thereby, grant the development and Lease rights of the said property to the said **M/s. Shrinath Investments** for the consideration and upon the terms and conditions therein contained.
- iii. Pursuant to the said Agreement dated 18<sup>th</sup> January 1978, the Owners had put the said **M/s. Shrinath Investments** in vacant and peaceful possession of the said property, with the authority to commence construction of a building or buildings thereon in accordance with the approval that may be granted under the Urban Land (Ceiling & Regulation) Act, 1976 and as per the building plans approved and sanctioned by the Bombay Municipal Corporation.

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- iv. Pursuant to the said Agreement dated 18<sup>th</sup> January, 1978 M/s. Shrinath Investments constructed a building known as Shriji Apartment Co-operative Housing Society Limited, hereinafter referred to as the "said Building".
- v. The said building (now known as Shriji) has been duly constructed, in accordance with the sanctioned plan and accordingly the Municipal Corporation of Greater Mumbai has granted Occupation Certificated, i.e. permission to occupy the said building.
- vi. The said M/s. Shrinath Investments thereafter sold and transferred all the flats in the said Building to various Tenants and purchasers in accordance with the provisions of the Maharashtra Ownership of Flats Act, 1963 ("MOFA") and the rules framed there under. Thereafter the purchasers of the flats of the said M/s. Shriji Building associated and formed a society by the name of **"Shriji Apartment Co-operative Housing Society Limited"**, under the provisions of Maharashtra Co-operative Societies Act, 1960.
- vii Under a Deed of Conveyance dated 16/6/2014, duly registered with the Sub-Registrar of Assurances at Bombay under Serial No. 4706 /2014, executed between the said (1) **Shri Khrikrishna Nanalal Sharma**, (2) **Smt. Geetadevi Shrikrishna Sharma**, (3) **Shri Rajendra Shrikrishna Sharma** and (4) **Shri Prakash Shrikrishna Sharma**, therein referred to as **the Vendors** of the One Part and **Shriji Apartment Co-operative Housing Society Ltd.**, therein referred to as **the Purchasers** of the Other Part, the said Vendor did thereby grant, sell, convey and assure unto the said Purchasers, the said Property along with 3 tenanted rooms known as "Sharma Niwas" as mentioned in schedule for the consideration and in the manner as set out there under. Thus,

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The Society is the owner of the said property and the said building is occupied by the members of the Society.

4. The Property Card issued by the City Survey Office of the said Property stands in the name of Shriji Apartment Co-operative Housing Society Ltd.
5. It further appears that after following the due process of law, the said Shriji Apartment Co-operative Housing Society has, at its General Body Meeting held on 10<sup>th</sup> May, 2015 resolved, in the presence of the officer from the office of the concerned Deputy Registrar of Co-operative Societies, resolved to appoint, **M/s. Heena High Tech Developers**, for carrying out the effective redevelopment of the captioned property.
6. Accordingly, a certificate dated 11<sup>th</sup> May, 2015 has been issued by the concerned Deputy Registrar of Co-operative Societies.
7. It is further pertinent to note that, before the execution of the Development Agreement, the said Developer has caused and investigated the title in respect of the captioned property and accordingly Public Notices have been issued in the issues of the Free Press Journal, Divya Bhaskar, Navbharat and Navshakti, all published on May 19, 2015 inviting objection and claim, if any, with respect to the captioned property along with the building standing thereon.
8. Till date any objection or claim from any person or persons has not been received in response to public notice given by me.
9. The Society has executed Redevelopment Agreement and Power Of Attorney in favour of the Developers M/s Heena High Tech Developers and the same is registered with the office of Sub-Registrar of Assurances at Mumbai.



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10. In these circumstances, and subject to what is stated hereinabove, and subject to the terms and conditions as recorded in registered Development Agreement and subject to plan being approved by the MCGM authorities and compliance of terms and conditions as imposed by the competent authorities, I am of the view that the said Heena High Tech Developers is entitled to demolish the existing buildings, develop the said property and construct the buildings thereon.

#### **THE SCHEDULE ABOVE REFERRED TO:**

ALL THAT piece or parcel of open land or ground lying, being and situate at CTS NO- 166, 166/1 to 3 admeasuring 1065.10 square meter or thereabouts [including set back area 86.93 square meter] village: Malad North, Kandival, Taluka: Malad, Mumbai Suburban Distric, Mumbai together with a building known as "SHRIJI APARTMENT" standing thereon Having 2 wings A & B and 3 tenanted rooms known as "Sharma Niwas" and bounded as under:-

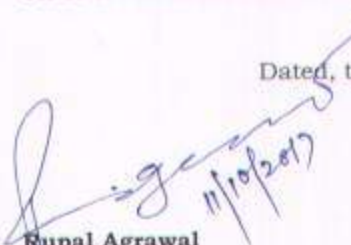
On or towards the East : By Sant Kripa CHS Limited

On or towards the West : By Kailash Heights

On or towards the North : By Vrajnidhi Apartment

On or towards the South : By Hemu Kalani X cross Road No-3

Dated, this 11th day of October, 2017.



**Rupal Agrawal**

**Advocate High Court**