

Gautam V. Bhagwat

Gargi V. Bhagwat

d/c  
**Divekar Bhagwat & Co**  
ADVOCATES & SOLICITORS

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Ref. No. :

42/2021

Date : 04-03-2021

**TO WHOMSOEVER IT MAY CONCERN**

**THIS IS TO CERTIFY THAT** we, have verified the title of the Parlashray Co-operative Housing Society Limited (hereinafter referred to as "**the Society**") to the Property more particularly described in the Schedule hereunder written (hereinafter referred to as "**the said Property**"), by perusing and reviewing the copies of the various title deeds and other documents, provided to us by the said Society, pertaining to the said Property.

The documents provided to us, by the Society pertaining to the said Property, are as under :-

- (i) Copy of Indenture dated 16<sup>th</sup> September, 1971 registered with the Office of the Sub-Registrar of Assurances under Serial No. BOM-R/4160 of 1971 on 29<sup>th</sup> December 1971, whereby the Society purchased and acquired the said Property.
- (ii) Copy of Deed of Rectification dated 25<sup>th</sup> July 2002, registered with the Office of the Sub-Registrar, Andheri - 1 under Serial No. BDR-1/4078 of 2002.

- (iii) Copy of Town Planning Remarks of F.P.No. 520 Town Planning Scheme Vileparle No. V (Final) alongwith Form I.
- (iv) Copy of Indenture dated 29<sup>th</sup> February, 1960 registered with the Office of the Sub-Registrar of Bandra under Serial No. BND-488 of 1960.
- (v) Copy of Mortgage Deed dated 23<sup>rd</sup> May, 1972 in favour of The Maharashtra Co-operative Housing Finance Society Ltd.
- (vi) Copy of Deed of Reconveyance dated 3<sup>rd</sup> February, 2005 by Maharashtra Co-operative Housing Finance Society Ltd.in favour of the Parlashray Co-operative Housing Society Ltd.
- (vii) Property Card of C.T.S. No. 1959.
- (viii) Property Card of Final Plot No. 520.

We have also caused a Search to be carried out of the said Property in the Office of the Sub Registrar at Mumbai, Bandra and Andheri for verifying the title of the present Owners of the said Property.



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- A. Upon verifying the said documents it is found that by an Indenture dated 29<sup>th</sup> February, 1960, registered with the Office of the Sub-Registrar, Bandra under Serial No. BND/488 of 1960 (i) Mrs. Mary Widow of Pascoal Minguel Misquitta, (ii) Antone Gregory Misquitta, (iii) Leslie Thomas Misquitta and (iv) Rock Francis Misquitta (being the First Vendors therein) sold and transferred in favour of Vaishya Bhajan Mandal, a Charitable Society registered under the Indian Society's Registration Act, 1860, as also under the Bombay Public Trusts Act, 1950 (being the Purchaser therein) the plot of land or ground bearing Old Survey No. 140A, Hissa No. 35 A admeasuring 947 sq.yards and the adjoining Plot bearing Old Survey No. 140A, Hissa No. 35 B admeasuring 774 sq.yards.
- B. A Suit was filed in the High Court being High Court Suit No. 92 of 1963 by (i) Mr. Jerome Francis Misquitta, (ii) Mr. Joseph Francis Misquitta, (iii) Mr. Anthony Sebastian Misquitta, (iv) Mrs. Dumubai (widow of Late Mr. Sebastian Misquitta), (v) Mrs. Mildred Albert D'souza and (vi) Mrs. Marcelin (widow of Late Mr. Louis Francis Misquitta) against the Vaishya Bhajan Mandal and others in respect of the said Plot of Land bearing Survey No. 140A Hissa No.

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35A admeasuring 947 sq. yards and in the Consent Decree dated 3<sup>rd</sup> August, 1968 passed in the said Suit, it was agreed and declared that the Plaintiffs would be entitled to 68 % share and the Defendant Vaishya Bhajan Mandal shall be entitled to 32 % share in the suit property. The Consent Decree further ordered that as the Plot No. 521 allotted under the Town Planning Scheme was only admeasuring 785 sq. yards, out of the compensation that may be awarded for the remaining area of the land bearing Survey No. 140A Hissa No. 35A by the Town Planning Authorities under the Town Planning Scheme, 75 % would be payable to the Plaintiffs and the remaining 25 % would be payable to the Defendant Nos. 3 to 7 in the Suit.

- C. By an Indenture dated 16<sup>th</sup> September, 1971 registered with the Office of the Sub-Registrar of Bombay under Serial No. BOM-R/4160 of 1971 on 29<sup>th</sup> December 1971, (i) Mr. Jerome Francis Misquitta, (ii) Mr. Joseph Francis Misquitta, (iii) Mr. Anthony Sebastian Misquitta, (iv) Mrs. Dumubai (widow of Late Mr. Sebastian Misquitta), (v) Mrs. Mildred Albert D'souza and (vi) Mrs. Marcelin (widow of Late Mr. Louis Francis Misquitta) (being the



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First Vendors therein) alongwith Vaishya Bhajan Mandal, a Charitable Society registered under the Indian Society's Registration Act, 1860, as also under the Bombay Public Trusts Act, 1950 (being the Second Vendor therein) conveyed, granted, released and discharged the plot of land or ground bearing Old Survey No. 140A, Hissa No. 35 A, and bearing Original Plot No. 521 of T.P.S - V of Vileparle, situate lying being at Vile Parle (East), Village Vile Parle, Taluka Andheri, Mumbai Suburban District, then admeasuring about 654.16 sq. meters alongwith all the edifices, buildings, yards, compounds, sewers, fences, trees, drains, ways, paths, passages, common, gullies, wells, waters, watercourses, lights, liberties, rights, privileges, easements and appurtenances whatsoever to the abovementioned land for a monetary consideration as more specifically mentioned therein, in favour of the Society i.e. Parlashray Co-operative Housing Society Limited (being the Purchaser therein).

- D. Upon the Revision in the Town Planning Scheme, the Original Plot No. 521 allotted and transferred in favour of the Society has been renumbered as Final Plot No. 520 of T.P.S. - V of Vileparle, situate

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lying being at Vile Parle (East), Village Vile Parle, Taluka Andheri, Mumbai Suburban District, admeasuring about 706.60 sq. meters.


- E. By a Deed of Rectification dated 25<sup>th</sup> July, 2002 entered into between Vaishya Bhajan Mandal and the Parlashray Co-operative Housing Society Ltd. the Plot No. of the Property transferred in favour of the Society under the Indenture dated 29.12.1971 was rectified to Final Plot No. 520 instead of Final Plot No. 521.
- F. The Parlashray Co-operative Housing Society Ltd. had constructed a building consisting of Ground + 3 Upper Floors upon the said Property by raising a Loan of Rs. 2,49,000/- from the Maharashtra State Co-operative Housing Finance Society Ltd. by an under an Indenture of Mortgage dated 23<sup>rd</sup> May, 1972 registered with the Sub Registrar of Assurances under Serial No. PR/315/1972.
- G. Upon the repayment of the said Loan taken by the Society, the Maharashtra State Co-operative Housing Finance Corporation Ltd. by an under a Deed of Reconveyance dated 03.02.2005 registered



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at Serial No. ANDHERI - 2/1003/2005, reconveyed and released the said Property in favour of the said Society.

- H. In the circumstances, from the documents provided to us, it appears that the said Parlashray Co-operative Housing Society Ltd. is entitled to the ownership rights in respect of the said Property.
- I. The Property Card in respect of the Final Plot No. 520 of TPS V Vileparle is created by the City Survey Department Office on 30.11.2015 and the names of (i) Vaishya Bhajan Mandal, (ii) Parlashray Co-operative Housing Society Limited, (iii) Mr. Anthony Gregory Misquitta, (iv) Mr. Louis Thomas Misquitta, (v) Mr. Rock Fransis Misquitta, and (vi) Ms. Mary Pascal Misquitta are entered as Owners of the Property on the basis of the B Form of the Town Planning Department. It is therefore clear that alongwith the Society, the names of the previous owners of the property have also been added on the property card as their names were reflected in the Town Planning records. 

- J. The Society has represented that the Society has already applied to the City Survey Office for deletion of the names of the previous owners from the Property Card on the basis of the Indenture dated 16<sup>th</sup> September, 1971 registered with the Office of the Sub-Registrar of Bombay under Serial No. BOM-R/4160 of 1971 on 29<sup>th</sup> December 1971 and to update the Property Card to reflect the name of the Society as the sole Owner of the said Property.
- K. The Society will be required to take necessary steps to update the records of the City Survey Department and to update the Property Card by deleting the other names appearing alongwith the Society on the Property Card.
- L. We had also issued a Public Notice dated 29<sup>th</sup> January, 1960 which was published in Economic Times (English) and Navshakti (Marathi) calling upon any persons having any claims in respect of the said property, but we have not received any claims pursuant to the said Public Notice.



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M. Subject to what is mentioned above, the Society is therefore absolutely seized and possessed of the Plot of Land bearing Final Plot No. 520 of T.P.S. - V of Vileparle, situate lying being at Vir Makarand Ghanekar Road, Vile Parle (East), Mumbai - 400 057, Village Vile Parle, Taluka Andheri, Mumbai Suburban District, admeasuring about 706.60 sq. meters alongwith a building constructed thereon, hereinafter collectively referred to as "**the said Property**".

N. WE HEREBY CERTIFY THAT in view of the various documents as mentioned hereinabove, but subject to the rectification of the records of the City Survey Office and deletion of the names of the other previous owners of the said Property, the title of the Parlashray Co-operative Housing Society Limited in respect of the said Property appears to be clear and marketable.

**SCHEDULE REFERRED TO HEREINABOVE**

ALL THAT PIECE OR PARCEL of land bearing Final Plot No. 520 of T.P.S.-V of Vile Parle (East), Village Vile Parle, Taluka Andheri, Mumbai

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Suburban District, admeasuring about 706.60 sq. mtrs. situated at Vir Makarand Ghanekar Road, Vile Parle (East), Mumbai-400 057 alongwith the structure standing thereon and bounded as follows that is to say-

On or towards the West by :Vir Makrand Ghanekar Road

On or towards the South by : Open Plot (Garden)

On or towards the North by : Moti Villa Society

On or towards the East by : Service Road

Dated this 4<sup>th</sup> day of March, 2021.

For M/s. Divekar Bhagwat & Co.



Partner