

Gautam V. Bhagwat

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ADVOCATES & SOLICITORS

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Ref. No. : 8/2022

Date : 28/01/2022

FORMAT - A

(Circular No :- 28 /2021)

To,

MahaRERA


LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to Plot admeasuring about 706.60 sq. mtrs. and bearing Final Plot No. 520 of T.P.S.-V of Vile Parle (East), Village Vile Parle, Taluka Andheri, Mumbai Suburban District (hereinafter referred to as "the said Plot") alongwith a building consisting of Ground + 3 Upper Floors standing thereon.

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I have investigated the title of the said Plot on the request of M/s. Sai Ganesh Properties & Holdings LLP and following documents i.e. :-

1. Description of the Property : ALL THAT PIECE OR PARCEL of land admeasuring about 654.16 sq. meters as per Indenture dated 16th September, 1971 and admeasuring 706.60 sq. meters as per Town Planning records and bearing Final Plot No. 520 of T.P.S.-V of Vile Parle (East), Village Vile Parle, Taluka Andheri, Mumbai suburban

- District corresponding to CTS Nos. 1959 (part) and 1965 (part), situated at Vir Makarand Ghanekar Road, Vile Parle (East), Mumbai-400 057 alongwith a building consisting of Ground + 3 Upper Floors standing thereon.
2. Copy of Indenture dated 16th September, 1971 registered with the Office of the Sub-Registrar of Assurances under Serial No. BOM-R/4160 of 1971 on 29th December 1971, whereby the Society purchased and acquired the said Plot.
 3. Copy of Deed of Rectification dated 25th July 2002, registered with the Office of the Sub-Registrar, Andheri - 1 under Serial No. BDR-1/4078 of 2002.
 4. Copy of Town Planning Remarks of F.P.No. 520 Town Planning Scheme Vileparle No. V (Final) alongwith Form I.
 5. Copy of Indenture dated 29th February, 1960 registered with the Office of the Sub-Registrar of Bandra under Serial No. BND-488 of 1960.
 6. Copy of Mortgage Deed dated 23rd May, 1972 in favour of The Maharashtra Co-operative Housing Finance Society Ltd. 

Ref. No. : _____

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7. Copy of Deed of Reconveyance dated 3rd February, 2005 by Maharashtra Co-operative Housing Finance Society Ltd. in favour of the Parlashray Co-operative Housing Society Ltd.
8. Property Card of C.T.S. No. 1959. issued by City Survey Department
9. Property Card of Final Plot No. 520 issued by Town Planning Authority.
10. Search Report for 52 years from 1970 till 2021.
11. Public Notice dated 29th January, 2021 published in Economic Times (English) and Navshakti (Marathi)

On perusal of the above mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of Parlashray Co-operative Housing Society Limited is clear, marketable and without any encumbrances.

1. Owners of the land :- Parlashray Co-operative Housing Society Limited Final Plot No. 520 of TPS V, Vile Parle situated at Vile Parle, Taluka Andheri, Mumbai Suburban District
2. Qualifying Comments / Remarks :- 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. 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. As the area of the said Plot as per Town Planning records is more than the purchased area as per Indenture dated 16th September 1971 and the area of the CTS No. 1959, it would be necessary to get the additional area formally transferred in favour of the Society from the Town Planning Authorities before the rectification of the Property Card. The Developer has represented that the Society is in the process of getting such additional area formally transferred and the property card updated.

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The report reflecting the flow of the title of Parlashray Co-operative Housing Society Limited on the said Property is enclosed herewith as annexure.

Encl.: Annexure.

For M/s. Divekar Bhagwat & Co.



Partner

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FLOW OF THE TITLE OF THE SAID PLOT

1. Property Card of Final Plot No. 520
2. Search report for 52 years from 1970 taken from Sub-Registrar' Office at Bandra and Andheri 1 to 8
3. By an Indenture dated 29th 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 sold and transferred in favour of Vaishya Bhajan Mandal 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.
4. In the Consent Decree dated 3rd August, 1968 passed in the High Court Suit No. 92 of 1963, it was agreed and declared that (i) Mr. Jerome Francis Misquitta, (ii) Mr. Joseph Francis Misquitta, (iii) Mr. Anthony Sebastian Misquitta, (iv) Mrs. Dumubai (widow of Late

Ref. No. : _____

Date : _____

Mr. Sebastian Misquitta), (v) Mrs. Mildred Albert D'souza and (vi) Mrs. Marcelin (widow of Late Mr. Louis Francis Misquitta), the Plaintiffs would be entitled to 68 % share and the Defendant Vaishya Bhajan Mandal shall be entitled to 32 % share in the said Plot of Land bearing Survey No. 140A Hissa No. 35A admeasuring 947 sq. yards. 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.

5. By an Indenture dated 16th September, 1971 registered with the Office of the Sub-Registrar of Bombay under Serial No. BOM-R/4160 of 1971 on 29th 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) alongwith

for

Vaishya Bhajan Mandal conveyed the plot of land 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 in favour of Parlashray Co-operative Housing Society Limited.

6. 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 lying being at Vile Parle (East), Village Vile Parle, Taluka Andheri, Mumbai Suburban District, admeasuring about 706.60 sq. meters.
7. By a Deed of Rectification dated 25th July, 2002 entered into between Vaishya Bhajan Mandal and the Parlashray Co-operative Housing Society Ltd. the Plot Number 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.
8. 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

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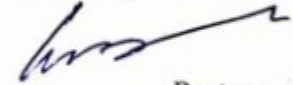
Date : _____

Indenture of Mortgage dated 23rd May, 1972 registered with the Sub Registrar of Assurances under Serial No. PR/315/1972.

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

Date: 28th January 2022

For M/s. Divekar Bhagwat & Co.



Partner