

22nd February 2012

TITLE CERTIFICATE

Description of Property:- Piece and parcel of land situated at Plot No. 14, adm. 960 sq. yards equivalent to 802.65 sq. mtrs. bearing Survey No. 22, Hissa No. 2 (Part) C.T.S. No. 240 of Mandapeshwar Village, of Madonna Colony, Tal. Borivali, Borivali (West) Mumbai Suburban District Mumbai 400 103 in R /North Ward of BMC.

1. As per instructions of Mr. Michael Rodrigues the Proprietor of M/S. EMAAR Enterprise and the documents and relevant papers submitted before me by the said Mr. Michael Rodrigues, I hereby give my certificate regarding the title of the above referred property presently in possession of Mr. Michael Rodrigues as sole and absolute owner thereof.

2. The brief history of the ownership rights of Mr. Michael Rodrigues is as follows :-

(i) The above property was purchased from Mr. Anthony St. Anne Fernandes by Late Mr. Francis Xavier Rodrigues the father of Michael Rodrigues by Registered Deed of Conveyance dated 16.2.1966.

(ii) I have perused the property card, Index II, 7/12 extract of Revenue Records maintained at the office of the City Survey office as per the Search Report dated 5th May 2011 taken through Search Clerk Mr. Vinod A. Sawant authorised Title Investigator. The copy of the said search Report is annexed hereto as Annexure I.

(iii) I have also perused the original Deed of Conveyance dated 16-2-1966 executed by the original vendor Mr. Anthony St. Anne Fernandes in favour of the Late Francis Xavier Rodrigues which was duly registered

before the Sub-Registrar of Assurances at Mumbai Serial No. BOM/R/590/1 /7 1966 on 16th February 1966. The said plot of land was renumbered as Plot No. 14 adm. 960 sq. yards i.e. 802.65 sq. meters and as per property card admeasures 747.3 sq. mtrs.

- (iv) The said property was mortgaged by Late Mr. Francis Xavier Rodrigues with Bhuralal Hanjarimal & Popatlal Hanjarimal the Mortgagees by Registered Deed of Mortgage dated 16.1.1969, index date 15.5.1969 and as per revenue record document at Sr.No. BOM-R/284/1969. Hereto annexed and marked as Annexure 'II' is the true certified copy of Registered Deed of Mortgage dated 16.1.1969.
- (v) In the year 1970, the said Mortgagees by deed of contributory transfer of mortgage dated 12.1.1970 registered with Sub-Registrar of Assurances at Bombay under S.No. 130 of 1970 under Sec. 69(A) of Transfer of Property Act, 1881 transferred the said mortgaged property for Rs. 45,000/- to Shri Chanabhai Khimji, Smt. Lilabai Chanabhai, Shri Jayantilal Keshavji Tadpatriwala and Shri Purbhai K. Tadpatriwalla, the transferees. In the said deed of transfer Late Mr. Francis Xavier Rodrigues was also a confirming party. Hereto annexed and marked as Annexure 'III' is the true certified copy of deed of contributory transfer of mortgage dated 12.1.1970.
- (vi) The said transferees Chanabhai Khimji and Lilabai Chanabhai thereafter filed Misc. Petition No. 12 of 1981

in Bombay City Civil Court against Francis Xavier Rodrigues, Jayantilal Keshavji Tadpatriwalla and Purbhai Keshavji Tadpatriwalla and in the said proceedings in City Civil Court, the Consent precipe for withdrawing the said matter was filed as the parties had settled their dispute out of court hence Court Receiver was discharged and the mortgage of the property was redeemed. Hence the property was reverted back to Francis Xavier Rodrigues pursuant to the order dated 15-9-1981 passed by City Civil Court, Bombay. Hereto annexed and marked as Annexure 'TV' is the true certified copy of order dated 15-9-1981 of City Civil Court, Bombay in Misc. Petition No. 12 of 1981 in Bombay City Civil Court.

(vii) The wife of Francis Xavier Smt. Escolas Rodrigues had already predeceased intestate on 11-3-2006 before the death of Francis Xavier Rodrigues who also died intestate on 19.11.2006. Hence, Late Francis Xavier Rodrigues was survived by his legal heirs according to law of Succession, whose names are as follows :

- (i) Smt. Rufina Thomas D'Souza - married daughter
- (ii) Mrs. Rosita Francis Fernandes - married daughter and
- (iii) Mr. Michael Rodrigues - the only surviving son aged 59 years - unmarried.

3. The original plot of land in possession of Mr. Michael

structure of ground plus three storeys in
 ADVOCATE HIGH COURT
 Office Court Building
 2nd Floor, 2nd Floor
 2nd Floor, 2nd Floor
 2nd Floor, 2nd Floor

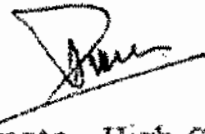
possession of Mr. Michael Rodrigues and with permission of Municipal Corporation, the said structure has been pulled down by a notice No.RN/BP/1/354/19/BF/1 of 2010 dated 10-02-2010, issued by the concerned department of Municipal Corporation of Greater Mumbai. Hence, presently, the said plot of land is lying vacant.

4. The said sisters Smt. Rufina Thomas D'Souza and Mrs. Rosita Francis Fernandes, of Mr. Michael Rodrigues have executed Deed of Release of their right, title and interest in favour of Michael Rodrigues the other heir on 3.11.2010. Thereafter, the said two sisters of Mr. Michael Rodrigues have also executed Supplementary Power of Attorney on 18-11-2010 in favour of Mr. Michael Rodrigues. Therefore, the said Mr. Michael Rodrigues, the only son of Late Francis Xavier Rodrigues is the sole and absolute owner of the above referred property, free of any encumbrances.

5. I, therefore, certify that in view of the aforesaid facts, the name of Mr. Michael Rodrigues be entered in the Property Card and other relevant records as and being the sole and absolute owner and possessor of the said land by the City Survey Office. I further certify that the above land has a marketable title, free of any encumbrances from any quarters and Mr. Michael Rodrigues is entitled to deal with the said property as and being the sole owner thereof in any manner whatsoever, according to law.

6. The said deed of release has been duly registered before the Sub-Registrar of Assurances Borivali under S.No. BDR 16-11445 - 210 dated 3.11.2010.

REA MICHAEL RODRIGUES


Advocate - High Court.

R. R. AROLKAR
B.A., LL.B

ADVOCATE HIGH COURT

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