

DRAFT FOR APPROVAL 18052018

TO WHOMSOEVER IT MAY CONCERN

TITLE CERTIFICATE

.....May, 2018

Re:- ALL THAT piece or parcel of Quit and Ground rent land or ground together with the messuage tenement or dwelling house standing thereon situate lying and being at Cawasji Patel Tank Road without the Fort of Bombay containing by admeasurement 164.74 sq.yards or thereabouts registered in the Books of the Collector of Land revenue under Old Nos. 2211,2207 New Nos. 9294,9289 Old Survey No. 440, 441 and New Survey Nos. 5180, 2/5181 and **Cadastral Survey No. 3118** of Bhuleshwar Division and assessed by the Assessor and Collector or Municipal rates and Taxes under C ward No. 6496 and St6reet Nos. 88-90 New Street No.64

Under instructions from our client, Citymaker Builders Private Limited, we have examined the title and have perused copies of the papers and documents mentioned herein with regard to all that piece or parcel of Quit and Ground rent land or ground together with the messuage tenement or dwelling house standing thereon situate lying and being at Cawasji Patel Tank Road without the Fort of Bombay containing by admeasurement 164.74 sq.yards or thereabouts registered in the Books of the Collector of Land revenue under Old Nos. 2211,2207 New Nos. 9294,9289 Old Survey No. 440, 441 and New Survey Nos. 5180, 2/5181 and Cadastral Survey No. 3118 of Bhuleshwar Division and assessed by the Assessor and Collector or Municipal rates and Taxes under C ward No. 6496 and St6reet Nos. 88-90 New Street No.64 and more particularly described in the schedule hereunder, for the brevity, the same is hereinafter called "the said land".

1. By an Indenture of Mortgage dated 2nd May 1950 one Zulekhabai Widow of Ahmed Haji Maini, Sole Executrix of the Last Will and Testament of late Ahmed Haji Maini had in conformity with the order of the Hon'ble High Court dated 13th April 1950 and in consideration of the sum of Rs. 15,000/- conveyed and assured unto one Adamali Kadarbhai all that piece and parcel of land or ground togetherwith messuages tenements, building, structure standing thereon situate at Cavaaji Patel Tank Road, more particularly described in the Schedule thereunder written.
2. The said Indenture of Mortgage inter-alia probated that it would be lawful for the mortgage at any time thereafter without further consent on part of the Mortgage to School said mortgaged land thereby granted by expressed so to be or any part or part thereof either by the Public Auction or private contract.
3. In exercise of the said Power of Sale contained in the Indenture of Mortgage dated 2nd May 1950 by the said Mortgagee an Agreement for sale dated 18th April 1955 the Mortgagee agreed to sell to the Confirming Party one Kunverji Naranji Mistry and agreed to purchase from the Mortgagor the said land at and for consideration metioned therein. By a Deed of Conveyence dated 21st July 1955, duly registered under Sr. No. BOM/4780 of 1955, the said Adamali Kaderbhai sold, assigned, conveyed and assured unto the Purchasers the said Kunverji Naranji Mistry, the said property more particularly described in the Schedule thereunder written which is the same as Schedule hereunder written.
4. The said Kunverji Naranji Mistry died at Sarbhon Bordoli, Gujrat on 4th April 1988 and the said Ambaben wife of Kunverji Naranji Mistry died at Sarbhon Bardoli Gujrat on 28th April 1988.
5. The Gujrat Government has issued heirship certificate of Late Kunverji Naranji Mistry and Late Ambaben Kunverji Mistry on 4th July 1997 certifying the names of Dineshchandra Kunverji Mistry (son) Dahiben Thakarbai

Jariwala, Chandanben Naginbhai Vathubhai and Sushilaben (Daughters) as heirs and legal representatives of Late Kunverji Naranji Mistry and Ambaben Kunverji Mistry.

6. By a Deed of Release dated 17th January 2009 the said Sushilaben Kunverji Mistry, the said Chandanben Naginbhai Mistry and the said Dahiben Thakorbbhai Jariwala released and relinquished their undivided 1/4th share each in the said property in favour of their brother Dineshchandra Kunverji Mistry. The said Deed of Release is duly registered with the Sub-Registrar of Assurances under Sr. No BBE/1/349 of 2009.
7. Mr. Dineshchandra Kunverji the Vendor therein was seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel of land together with a building standing thereon situate, lying and being at Cawasji Patel Tank Road, in the Registration District and Sub-District of Mumbai containing by admeasurements 160 sq.yds. or therabouts equivalent to 133.78 sq. mts. or thereabouts bearing Cadastral Survey No. 3118 of Bhuleshawar Division and Collector old No. and new No. 9289, 9294 and assessed under Municipal Ward 'C' No. C-6496/64, Tank Road and more particularly described in the Schedule hereunder written;
8. The said Property was constructed prior to the year 1940 and is occupied by various tenants. Particulars as to their names, the premises occupied and rent payable by each of them is given in Annexure-1 thereto;
9. The said Property is in a dilapidated condition and the said Property needs heavy repairs and /or reconstruction at a very high cost;
10. The gross annual rental income from the said Property is Rs. 659 16/- (Rupees Sixty Five Thousand Nine Hundred Sixteen only). As against, there are outgoings like property tax, repair cess, land revenue like Property tax, repair cess, land revenue aggregating to Rs. 56,072-00 (Rupees Fifty-six thousand seventy-two only) per year, thus leaving a sum of Rs. 9,844-00

(Rupees Nine thousand eight hundred forty-four only) per year as the net rental income from the property;

11. The tenants of the said Property are protected tenants under the provisions of Maharashtra Rent Control Act, 1999 and the Vendors cannot enhance the rent more than what has been provided in the law with the result the Vendors are left with a meager income from the property and with such meager income it is not possible for the Vendors to carry out the heavy repairs to the property or reconstruct the property and thus the condition of the property deteriorates day by day;
12. Citymaker Builders Pvt Ltd has offered to purchase the said property at/ or for the Lumpsum consideration mentioned therein from Mr. Dineshchandra Kunverji Mistry, the Vendor therein on or before the execution of the Deed of Conveyance dated 28/06/2010 and accordingly, Citymaker Builders Pvt Ltd become the owner of the pieces and parcels of land by virtue of a deed of Conveyance dated 28/06/2010 registered with the Sub-Registrar of Assurance at Mumbai under Sr. No. BBE3-6840 of 2010 on 7th day of July, 2010 more particularly described in the Schedule hereunder written" and herein after referred to as "the said Property".
13. We have been informed by M/S. Citymaker Builders Private Limited., vide their letter dated the ... day of May, 2018, that they have not mortgaged or created third party rights to bank or any other Institution.

We have perused, Deed of Sale dated 21-7-1955 and made between Adamally Kaderbhai of the one part and Kunverji Naranji Mistry and Ambabehen w/o. Kuverji Mistry of the other part and registered at Bombay SRO under Sr. No. 4780/1955 on 10-4-1957, Deed of Undertaking

dated 1978 and made in favor of Bombay Municipal Corporation and registered at Bombay SRO under Sr. No. 419/1978 on 27-6-1978, Deed of Release dated 17-1-2009 and made between Dahiben d/o. Kunverjibhai w/o. Thakorbhai Madhubhai Jariwala and ors. of the one part and Dineshchandra Kuverji Mistry of the other part and registered at Bombay SRO under Sr. No. BBE-1/349/2009 on 17-1-2009, [**client to furnish the copies of the these deeds for perusal**], Deed of Transfer dated 28-6-2010 and made between Dineshchandra Kuverji Mistry of the one part and M/s. Citymaker Builder Pvt. Ltd. of the other part and registered at Bombay SRO under Sr. No. BBE-3/6840/2010 on 7-7-2010 and property card atc.

OUR OPINION ON TITLE

Based on the documents mentioned hereinabove and information made available as mentioned hereinabove, the search Report dated 10th May, 2017, carried out by Mr. N. D. Rane, the title of the owner i.e. Citymaker Builders Private Limited, to the said property being all that piece piece or parcel of Quit and Ground rent land or ground together with the messuage tenement or dwelling house standing thereon situate lying and being at Cawasji Patel Tank Road without the Fort of Bombay containing by admeasurement 164.74 sq.yards or thereabouts registered in the Books of the Collector of Land revenue under Old Nos. 2211,2207 New Nos. 9294,9289 Old Survey No. 440, 441 and New Survey

Nos. 5180, 2/5181 and Cadastral Survey No. 3118 of Bhuleshwar Division and assessed by the Assessor and Collector or Municipal rates and Taxes under C ward No. 6496 and Street Nos. 88-90 New Street No.64 and more particularly described in the Schedule hereunder written is clear and marketable and free of encumbrances save and except Mortgage if any
(client to furnish information)

THE SCHEDULE ABOVE REFERRED TO

ALL THAT piece or parcel of Quit and Ground rent land or ground together with the messuage tenement or dwelling house standing thereon situate lying and being at Cawasji Patel Tank Road without the Fort of Bombay containing by admeasurement 164.74 sq.yards or thereabouts registered in the Books of the Collector of Land revenue under Old Nos. 2211,2207 New Nos. 9294,9289 Old Survey No. 440, 441 and New Survey Nos. 5180, 2/5181 and **Cadastral Survey No. 3118** of Bhuleshwar Division and assessed by the Assessor and Collector or Municipal rates and Taxes under C ward No. 6496 and Street Nos. 88-90 New Street No.64 and which premises are bounded as follows:-

That is to say, on or towards the North by Sweepers Passage,

On or towards the South by the said Cawasji Patel Tank Road,

On or towards the East by the property of Bai Hiroobai Trust

On or towards the West by the property of Ramji Motichand

MGS Legal

(Mohan G. Salian)

