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Date : 07.11.2015

TITLE OPINION

To,

1. Shri Shripad Anant Bhawaikar
484/89, Mitramandal Colony,
Parvati, Pune 411009
2. Shri Mahendra Govind Bhor
M/4-282, 'Amogh' Society, Laxminagar,
Parvati, Pune 411009

Sub. : Title Opinion in respect of property bearing Plot No.36,
S.No.78/4+5, Bhusari Colony, Mouje Kothrud, Pune

Sir,

I have investigated the title to the captioned property and I have
to state in my opinion as under :-

1. LIST OF DOCUMENTS GIVEN FOR MY PERUSAL:
 - a] 7/12 extracts for the period 1943-44 to 1972-73 in respect of
S.No.78/4, for the period 1943-44 to 1972-73 in respect of
S.No.78/5, for the period 1973-74 to 1984-85 and 1989-90 to
2014-15 in respect of Plot No.36 S.No.78/4+5
 - b] Copies of Mutation Entries
 - c] Copy of Agreement dated 07.10.1966
 - d] Copy of Sale Deed dated 14.06.1967
 - e] Copy of Death Certificate of Malini H. Desai
 - f] Copy of Will dated 13.08.1988 of Smt Malini H. Desai
 - g] Copy of Benami Release Deed dated 18.10.1996
 - h] Copy of Affidavit dated 09.02.1996 of Mrs. Sulbha Gune
 - i] Copy of N.A. Order bearing No.PRH/NA/SR/339/III/96 dated
01.11.1996



- j] Copy of Completion Certificate dated 24.10.1997 of Bureau of Designers – Architects
- k] Copy of No Due Certificate dated 08.05.2015 of P.M.C.
- l] Copy of N.A. Tax Receipt dated 06.01.2015
- m] Copy of Affidavit of Shri Prabhakar Desai dated 05.10.2015
- n] Public Notice issued in Daily Prabhat on 08.09.2015
- o] Copy of Certificate of Advocate P.M.Khirs dated 06.10.2015
- p] Search Report dated 06.10.2015
- q] Copy of Power of Attorney dated 02.11.2015
- r] Copy of Affidavit of Mrs. Sulbha Gune dated 03.11.2015
- s] Copy of Deed of Release dated 06.11.2015

2. DESCRIPTION OF PROPERTY:

All that piece and parcel of land and ground situated within the Registration Sub Dist. Taluka Haveli Dist. Pune and within the limits of the Pune Municipal Corporation bearing Plot No.36 out of the sanctioned layout of S.No.78/4+5, Bhusari Colony, Mouje Kothrud, Pune admeasuring an area of 513 Sq.mtrs. and bounded as follows:

On or towards the East : By Internal Road
On or towards the South : By Internal Road
On or towards the West : By Plot No.35
On or towards the North : By Plot No.37

3. S.No.78/4 :

- (i) It is seen from the 7/12 extracts and Mutation Entry No.1668 dated 07.07.1962 that Smt. Mathubai Bajirao Mokate was holding 8 anna share in the said land bearing S.No.78/4, while Shri Babu Rambhau Mokate was holding the remaining 8 anna share therein. Shri Babu R. Mokate had filed application that as Mathubai had remarried her name be deleted from the revenue records. On the basis thereof the name of Mathubai Mokate was deleted from the revenue records.
- (ii) It is seen from the 7/12 extracts and Mutation Entry No.2061 dated 12.08.1958, that the said land belonged to Shri Babu Rambhau Mokate and that one Deoba Laxman Mokate had tenancy rights in the said land.



- (iii) It is seen from the Mutation Entry No.2634 dated 06.11.1965 that on the basis of the order of the Mamletdar in Tenancy Case No.ALT/Kothrud/9/58 dated 08.02.1961, the land bearing S.No.78/4 was allotted to Deoba Laxman Mokate u/s 32-G of the Bombay Tenancy and Agricultural Lands Act on New Tenure Terms. By the said Order the name of Babu Rambhau Mokate was deleted and the name of Deoba Laxman Mokate was mutated in the 7/12 extract as holder of S.No.78/4 by the aforesaid Mutation Entry.

4. S.No.78/5 :

- (i) It is seen from the Mutation Entry No.364 dated 15.04.1929 that the land bearing S.No.78/5, admeasuring 5 acres 25 gunthas since prior to 1929, belonged to Rama Genu Mokate. It is further seen from the said entry that Rama G. Mokate had expired on 22.04.1929 leaving behind him sons – Bajirao and Babu as his only heirs. As Babu was a minor the name of his mother Gaubai was mutated in the revenue records as legal guardian of Shri Babu.
- (ii) It is seen from the Mutation Entry No.2062 dated 12.08.1958 that the name of Deoba Laxman Mokate was mutated in the other rights column of the 7/12 extract of S.No.78/5 as a tenant of Maruti Laxman Mokate.
- (iii) It is seen from the Mutation Entry No.2283 dated 05.10.1962 Shri Deoba Laxman Mokate purchased the said land u/s 32-G of the Bombay Tenancy and Agricultural Lands Act 1958 as per the decision given in Case No.ALT/Kothrud/9/58 dated 01.02.1961. On the basis thereof the name of Maruti Laxman Mokate was mutated in the other rights column of the 7/12 and the name of Deoba Laxman Mokate was mutated as holder of the said land, subject to payment of the installments of the purchase price to Shri Maruti Laxman Mokate. The said land was granted to Deoba Mokate on New Tenure Terms and entry to that effect was made in the other rights column of the 7/12 extract of S.No.78/5. On payment of the balance purchase price to Shri



Maruti Laxman Mokate his name was deleted from the other rights column vide Mutation Entry No.3360 dated 07.12.1970.

5. Thus Shri Deoba Laxman Mokate became the owner of the lands bearing S.No.78/4 and 78/5. He held the said lands on New Tenure Terms and subject to the provisions of Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1958.

6. It is seen from the copy of the Sale Deed dated 14.06.1967 that the land owner of S.No.78/4, 78/5, 78/10 and 78/21 alongwith the owners of the adjoining lands had by an Agreement dated 11.11.1965 agreed to sell their respective lands to Mrs. Anuradha Bhusari or her nominees. Mrs. Anuradha Bhusari thereafter prepared a layout of the said lands comprising of plots, roads, open spaces etc. The said layout alongwith the permission for non agricultural use thereof was granted by the Collector, Pune vide No.LND/SR/4/H/35/1965 dated 11.01.1966. The Assistant Director Town Planning had also sanctioned the said layout vide No.P-142-E-F-1238 dated 24.12.1965.

7. (i) By an Agreement dated 07.10.1960, Mrs. Anuradha Madhav Bhusari agreed to sell Plot No.36 admeasuring 5520 Sq.ft. to Shri Hari Keshav Desai and Mrs. Malini Hari Desai.

(ii) In furtherance to the said agreement, Shri Deoba Laxman Mokate alongwith his sons - Shri Balu and Bhau and alongwith his brother - Maruti Laxman Mokate and nephew - Dyanoba Maruti Mokate sold and conveyed Plot No.36 admeasuring 5520 Sq.ft. to Shri Hari Keshav Desai and Mrs. Malini Hari Desai vide Sale Deed dated 14.06.1967. The said Sale Deed is registered at the Office of the Sub-Registrar Haveli No.II at Serial No.1467/1967. In the said Sale Deed Mrs. Anuradha Madhav Bhusari had joined as a Consenting Party. By the said sale deed the name of Shri Hari and Mrs. Malini Desai was mutated in the 7/12 extract as holder of Plot No.36 vide Mutation Entry No.4088 dated 07.04.1973.

(iii) Remark of provisions of Section 43 of Tenancy Act being applicable was appearing on 7/12 extract till N.A. order and the same was removed after N.A. order while separating the 7/12 record as per



plots. It is therefore clear that permission u/s 43 was obtained and hence N.A. order was given and remark was duly removed.

8. It is seen from the Mutation Entry No.4313 dated 25.03.1974 that on the basis of the application made by Mrs. Anuradha Madhav Bhusari the plots out of S.No.78, were got demarcated and their areas were rectified on the basis of the Order of the Tahasildar bearing No.SR/KAWII/4765 dated not legible. On the basis thereof the area of Plot No.36 was rectified as 513 Sq.mtrs. in the 7/12 extract.

9. It is seen from the Mutation Entry No.4896 dated 29.09.1977 that Shri Hari/Haridas Keshav Desai expired on 27.12.1970 leaving behind him widow – Smt. Malinibai, sons – Shri Madhukar and Prabhakar and one daughter – Mrs. Sulbha Gune as his only heirs. However in the said Mutation Entry, the name of the said daughter is not mentioned. On the demise of Shri Hari his name was deleted from the 7/12 extract. It is seen from the Affidavit dated 05.10.2015 of Shri Prabhakar Desai, that the said plot had been purchased by Mrs. Malini Hari Desai out of herself acquired funds and the name of his father had been included in the sale deed by way of abundant caution. The said fact is also mentioned in the Will of late Malini Desai and the Release Deed dated 18.10.1996, executed by Shri Madhukar in favour of his brother Prabhakar.

10. It is seen from the Death Certificate, that Smt. Malini Hari Desai expired on 20.10.1994, leaving behind her sons – Prabhakar and Madhukar and daughter – Mrs. Sulbha Gune as her only heirs. Smt. Malini Desai had in her lifetime executed her Will on 13.08.1988, by which she bequeathed the captioned plot to her younger son Shri Prabhakar absolutely. Mrs. Sulbha Pandurang Gune vide her Affidavits dated 09.02.1996 and 03.11.2015 confirmed that she had orally relinquished all her rights, title and interest in the said plot obtained by her after the demise of her mother and that she had renounced her rights voluntarily by her own free will. The names of both Madhukar and Prabhakar were mutated in the 7/12 extract as



holders of the said plot vide Mutation Entry No.12166. The copy of the said Mutation Entry is however not given for my perusal.

11. By a Release Deed dated 18.10.1996 which is registered at the Office of the Sub-Registrar Haveli No.IV at Serial No.7449/1996 Shri Madhukar Hari Desai through his constituted attorney - Shri Prabhakar Hari Desai released and relinquished all his rights, title and interest in the captioned property in favour of his brother - Shri Prabhakar Hari Desai. The copy of the Power of Attorney dated 27.7.1996 by Shri Madhukar Desai in favour of Shri Prabhakar Desai is annexed to the said Release Deed. On the basis thereof the name of Shri Madhukar Desai was deleted from the 7/12 extract of the captioned plot vide Mutation Entry No.12596 dated 11.01.1997. Since then Shri Prabhakar Hari Desai has been in the vacant and peaceful possession of the captioned property.

12. By a Release Deed dated 06.11.2015 which is registered at the Office of the Sub-Registrar Haveli No.XXII at Serial No.12437/15 Mrs. Sulbha P. Gune through her constituted Attorney Shri Prabhakar Desai confirmed that she had orally released and relinquished all her rights in favour of her brother Shri Prabhakar Desai i.e. the Releasee therein. The Power of Attorney dated 02.11.2015 executed by Mrs. Sulbha P. Gune has been registered at the Office of the Sub-Registrar Mumbai II/IV at Serial No.9996/2015.

13. It is seen from the copy of the N.A. Order that the plans to be constructed on the captioned plot were got sanctioned from the Town Planning Office vide No.SSP/S.No.78 (part)/Plot No.36/Kothrud dated 03.08.1996. The permission for the non agricultural use in respect thereof was obtained vide Order bearing No.PRH/NA/SR/339/III/96 dated 01.11.1996. The construction of the bungalow as per the sanctioned plans was completed and Completion Certificate of Bureau of Designers i.e. the Architect was obtained on 24.10.1997

14. It is seen from the Affidavit dated 05.10.2015 of Shri Prabhakar Hari Desai that he is the sole, absolute and individual owner of the captioned property and except for himself no other person including his family members have any right therein, that there is no charge or



encumbrance on the said property neither is the same mortgaged to any bank or financial institution nor is there any dispute or litigation pending in respect thereof in any courts of law and that his holding of urban land is within the limits prescribed by the Urban Land (Ceiling and Regulation) Act 1976 and this opinion is given relying on the same.

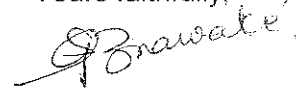
15. I am informed that plans of the proposed building to be constructed on the captioned property are to be submitted to the Pune Municipal Corporation for approval and this Opinion is given for the purpose of getting the plans sanctioned from the Pune Municipal Corporation. I am known the receipt of the NA Taxes dated 06.01.2015 paid for the years 2012-2014. The P.M.C. vide its Certificate dated 08.05.2015 has certified that there was no dues pending in respect of the captioned plot.

16. Public Notice in respect of the captioned property was issued in Daily Prabhat on 08.09.2015 by Shri P. M. Khire (Advocate). It is seen from the letter / Certificate dated 06.10.2015 of Shri P.M.Khire, Advocate that no objections have been received to the same.

17. I caused the search of Index No. II registers at the office of the Sub-Registrars for the last 30 years in respect of the captioned property and no document evidencing any subsisting mortgage, charge or encumbrance was found recorded from the available registers. On the basis of the same and on the basis of the documents given for my perusal and subject to whatever stated hereinabove, I am of the opinion that the title of Shri Prabhakar Hari Desai to the captioned property are clean, clear and marketable without any encumbrance whatever.

All the documents are returned herewith.

Yours faithfully,



[GEETA BORAWAKE]

ADVOCATE