

R. M. SHARMA

B.A. (HONS). L.L.B.
ADVOCATE , HIGH COURT , BOMBAY

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SOLICITOR'S BUNGLOW , 19 / 5 , RANI SATI MARG , MALAD (EAST) , BOMBAY - 400 097

"TITLE CERTIFICATE" DATED 31/3/96
TO WHOMSOEVER IT MAY CONCERN

I HAVE EXAMINED THE TITLE OF (1)SMT.BHAGYAWATI MURLIDHAR SHARMA (2)MR.LAXMIKANT MURLIDHAR SHARMA (3)MR.KAMALKANT MURLIDHAR SHARMA (4)MR.RAJNIKANT MURLIDHAR SHARMA AND (5)MR.SHRIKANT MURLIDHAR SHARMA,IN RESPECT OF THE IMMOVEABLE PROPERTY MORE PARTICULARLY DESCRIBED IN THE FIRST SCHEDULE HEREUNDER WRITTEN,ON THE BASIS OF THE DOCUMENTS AND FACTORS MENTIONED IN THE SECOND SCHEDULE HEREUNDER WRITTEN AND IN MY OPINION THEIR TITLE TO THE SAID PROPERTY WAS CLEAR AND MARKETABLE SUBJECT TO THE RIGHTS OF THE MONTHLY TENANTS OCCUPYING THE STRUCTURE ON THE SAID PROPERTY AND SUBJECT TO THE SET BACK,IF ANY,AFFECTING THE SAID PROPERTY AND SUBJECT TO PAYMENT OF PROPERTY TAXES,IF ANY DUE,IN RESPECT THEREOF.

THE FIRST SCHEDULE ABOVE REFERRED TO:

ALL THAT PIECE OR PARCEL OF LAND OR GROUND (ADMEASURING 50 SQ.YARDS OR THEREABOUTS EQUIVALENT TO 42.3 SQ.METERS OR THEREABOUTS OR WHATEVER IT MAY BE ON ACTUAL MEASUREMENT) TOGETHER WITH THE STRUCTURE STANDING THEREON (ASSESSED TO B.M.C.PROPERTY TAXES VIDE NO.P/N-6988[2] IN THE NAME OF SMT.T.R.PANDIT) ALONGWITH THE MAJOR PORTION OF THE "WELL" THEREON,BEING PART OF OLD SURVEY NO.127 AND BEARING CORRESPONDING NEW SURVEY NO.329 [PART],C.T.S. NO.436A-1 (PART) AND C.T.S.NO.436A-1 [13] OF THE REVENUE VILLAGE:MALAD [EAST] (FORMERLY VILLAGE: MALAD),SITUATE LYING AND BEING AT PANDIT SOLICITOR ROAD, OFF:RANISATI MARG [ALIAS] QUARRY ROAD,MALAD [EAST],BOMBAY-400 097 (FORMERLY BOMBAY-400 064):WITHIN TALUKA:BORIVALI,DISTRICT:BOMBAY SUBURBAN AND IN THE REGISTRATION DISTRICT AND SUB-DISTRICT OF CITY OF BOMBAY AND BOMBAY SUBURBAN.

THE SECOND SCHEDULE ABOVE REFERRED TO:

1. THE COUNTERFOILS OF THE RENT RECEIPTS ISSUED BY SMT.B.M.SHARMA AND OTHERS TO THE PAST TENANTS AND PRESENT TENANTS [MR.LALTAPRASAD YADAV AND KANTAPRASAD YADAV] OF THE SAID STRUCTURE (DESCRIBED THEREIN AS KUVE WALI KOTHARI i.e.TENEMENT AT THE "WELL").
2. THE MUNICIPAL ASSESSMENT BILLS VIDE NO.P/N-6988[2] IN THE NAME OF SMT.T.R.PANDIT,WHO IS THE WIFE OF LATE RAMESHCHANDRA M.PANDIT [ALIAS] SHARMA,BEING THE YOUNGEST SON OF LATE MADHAVPRASAD N.PANDIT [ALIAS] SHARMA,WHO WAS FATHERWILN IN LAW OF SMT.B.M.SHARMA AND GRAND FATHER OF MR.L.M.SHARMA AND 3 OTHERS NAMED ABOVE. THIS ASSESSMENT APPEARS TO BE CARRYING THE NAME OF SMT.T.R.PANDIT,BECAUSE SHE WAS ONCE UPON THE TIME MEMBER OF THE JOINT HINDU FAMILY OF LATE PANDIT MADHAVPRASAD N.PANDIT BUT UPON FAMILY PARTITION BETWEEN SMT.BHAGWATIDEVI M.SHARMA AND HER SONS AND OTHER MEMBERS OF FAMILY

1.e.SMT.TARADEVI R.PANDIT AND OTHERS,THE PROPERTY KNOWN AS SOLICITOR'S COMPOUND (OF WHICH THE SAID PROPERTY WAS A PART) CAME TO THE SHARE OF SMT.B.M.SHARMA AND HER SONS AND THE SAID PARTITION WAS DULY ACTED UPON BY THE PARTIES AND THE SAID SMT.B.M.SHARMA AND HER SONS ACTUALLY CAME IN USE, OCCUPATION, POSSESSION AND ENJOYMENT OF THE SAID ENTIRE SOLICITOR'S COMPOUND (INCLUDING THE SAID PROPERTY) BY AND THROUGH THE TENANTS,WHO USED TO PAY THE RENT TO THEM AND THE RENT RECEIPT CARRIED THE HEADING "SMT.BHAGYAWATI M.SHARMA AVAM ANYA KI JAYDAD" AND BELOW THEREON CARRYING THE NAMES OF ALL THE FIVE OWNERS/LANDLORDS ABOVENAMED i.e.(1)SMT.BHAGYAWATI MURLIDHAR SHARMA (2)MR.LAXMIKANT MURLIDHAR SHARMA (3)MR.KAMALKANT MURLIDHAR SHARMA (4)MR.RAJNIKANT MURLIDHAR SHARMA AND (5)MR.SHRIKANT MURLIDHAR SHARMA.THE SAID SMT.B.M.SHARMA AND HER SAID SONS ALSO HAD CONSTRUCTED A BUILDING ON A PORTION OF THE SAID SOLICITORS COMPOUND PROPERTY, BY VIRTUE OF THE SAID FAMILY PARTITION BEING DULY ACTED UPON BY THE PARTIES.IT APPEARS THAT THE MUTATION IN RESPECT OF THE NAMES OF THE SAID OWNERS IN B.M.C.RECORDS REMAINED TO BE CARRIED OUT,BUT THAT DOES NOT AFFECT THE LEGALITY OF THEIR TITLE TO THE SAID PROPERTY.

3. THE CITY SURVEY PROPERTY CARDS IN RESPECT OF THE SAID PROPERTY ALONGWITH THE MAP THERETO WERE PERUSED AND IT APPEARS THAT THE SAID PROPERTY WAS ERRONEOUSLY SHOWN IN THE NAME OF SMT.RADHABAI BENIPRASAD SHARMA AND PRADEEPKUMAR BENIPRASAD SHARMA,WHILE THE TITLE DEED i.e.THE DEED OF CONVEYANCE IN FAVOUR OF THE SAID SMT.RADHABAI B.SHARMA EXCLUDES THE PORTION OF THE SAID PROPERTY AS INDICATED BY THE MAP ANNEXED THEREWITH AND REGISTERED WITH THE SUB-REGISTRAR OF ASSURANCES AT BOMBAY.HOWEVER THE SAID SMT.RADHABAI B.SHARMA AND MR.PRADEEPKUMAR B.SHARMA, DID NOT CLAIM THE SAID PROPERTY, NOTWITHSTANDING THEIR NAMES APPEARING IN THE CITY SURVEY PROPERTY CARDS,AS SPECIFICALLY RECITED IN THE DEED OF CONVEYANCE MADE AND EXECUTED BY SAID SMT.RADHABAI B.SHARMA ETC.IN FAVOUR OF M/S VORA DEVELOPERS IN RESPECT OF THEIR NEIGHBOURING PROPERTY "BENI SADAN", BEING PART OF OLD SURVEY NO.127 AND BEARING CORRESPONDING NEW SURVEY NO.329 [PART],C.T.S.NO.436A-1/1 (PART) AND C.T.S.NO.436A-1 [1 TO 12] OF THE REVENUE VILLAGE: MALAD [EAST] (FORMERLY VILLAGE:MALAD),SITUATE LYING AND BEING AT PANDIT SOLICITOR ROAD,OFF:RANISATI MARG[ALIAS] QUARRY ROAD, MALAD [EAST], BOMBAY-400 097.

4. IT APPEARS THAT THE RECORD OF RIGHTS IN RESPECT OF THE PROPERTY OF EITHER RADHABAI B.SHARMA AND THE SAID PROPERTY ARE NOT PROPERLY MAINTAINED,IN AS MUCH AS THE RECORD OF RIGHTS IN RESPECT OF RADHABAI B.SHARMA'S NEIGHBOURING PROPERTY(SOLD TO M/S VORA DEVELOPERS)IS SHOWN TO BE ONLY ADMEASURING 3/4 GUNTHA EQUIVALENT TO 90.75 SQ.YARDS WHILE THE SAID PROPERTY IS MUCH MORE.

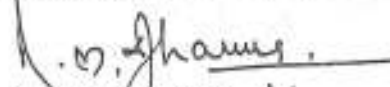
5. THE PUBLIC NOTICE DATED 1ST JUNE 1994 PUBLISHED IN FREE PRESS JOURNAL AND NAVSHAKTI ISSUES ON OR ABOUT 3RD JUNE 1994,READWITH THE LETTER ISSUED BY MS.R.D'CUNA (SOLICITOR & ADVOCATE)TO THE EFFECT THAT SAVE AND EXCEPT

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EXCEPT ONE ALLEGED CLAIM LODGED BY ONE ASHOK SOLANKI, AS AN ADVOCATE, BY HIS HAND WRITTEN LETTER DATED 4.6.94 NO OTHER ADVERSE CLAIM WAS RECEIVED. THE SAID ALLEGED CLAIM, SO LODGED BY THE SAID LETTER DATED 4.6.94 ALLEGES GIFT IN FAVOUR OF "SRI ASHOK CHARITABLE TRUST" DOES NOT INSPIRE CONFIDENCE AS IN FACT SO FAR THE SAID PROPERTY IS CONCERNED NO GIFT WAS EVER MADE BY THE SAID SMT. B.M. SHARMA AND HER SONS AND AS NO DOCUMENT IS PRODUCED. THE SAID LETTER OF MR. ASHOK SOLANKI, IS HAND WRITTEN & NOT ON ANY LETTER HEAD OF MR. ASHOK SOLANKI AND THOUGH IT ALLEGES ENCLOSED, BUT I AM INFORMED BY MS. R.D. CUNHA (SOLICITOR & ADVOCATE) THAT NO DOCUMENTS AT ALL ACCOMPANIED THE SAID LETTER. EVEN THE SEARCH NOTES ALSO DO NOT INDICATE THE REGISTRATION OF ANY SUCH ALLEGED DOCUMENT OF GIFT ALLEGED BY THE SAID CLAIM. THE SAID CLAIM APPEARS TO BE BOGUS BECAUSE THE SAID RADHABAI B. SHARMA ETC. POSSESSED AND ENJOYED THEIR NEIGHBOURING PROPERTY TILL THE SAID SALE. THE SAID SMT. B.M. SHARMA AND HER SONS POSSESSED AND ENJOYED THE SAID PROPERTY TILL THE SAID SALE BY THEM TO M/S VORA DEVELOPERS, BY DEED OF CONVEYANCE DATED 8TH JULY 1994 AND THE TENANTS ALWAYS PAID THE RENT TO SMT. B.M. SHARMA & HER SONS.

6. PERUSED THE SEARCH NOTES DATED 28-6-1994 OF THE SEARCH CLERK MR. H.P. BANGER (BEING THE SEARCH CLERK OF MS. R.D. CUNHA, SOLICITOR AND ADVOCATE FOR M/S VORA DEVELOPERS), WHEREIN NO DOCUMENTS ARE FOUND TO BE REGISTERED EITHER AT BANDRA OR BOMBAY, DURING THE SEARCH PERIOD 1957 TO 1994.

7. PERUSED THE DEED OF PARTITION DATED 22.1.1965 (REGISTERED WITH THE SUB-REGISTRAR OF ASSURANCES AT BOMBAY VIDE NO. 276 OF 1965) BETWEEN SMT. BHAGYAWATI M. SHARMA AND HER SONS AND OTHERS, THOUGH THE MEASUREMENTS THEREIN SHOWN AND THE MAP THEREWITH DO NOT APPEAR TO BE CORRECT & DESERVE TO BE RECTIFIED FOR THE MISTAKE.


(R.M. SHARMA)

ADVOCATE, HIGH COURT, BOMBAY.