



B L JAIN AND ASSOCIATES

Advocates, High Court

LEGAL TITLE REPORT

Ref No. 129/B/2023

24th January 2023

To
Maharera
BKC, E-Block, 7th Floor,
Housefin Bhavan, near RBI,
Bandra Kurla Complex,
Bandra East,
Mumbai, - 400051

SUB : Title Certificate with respect to:

ALL THAT piece or parcel of Street No 71 standing on land bearing CS No. 1816, admeasuring 410.54 sq. mtrs. Or thereabouts, situated at Dadiseth Agiary Lane, Cavel Cross Lane no.2 together with the building known as SUNDERJI CHATURBHUI BUILDING on tenancy basis and consisting of Ground plus 4 upper floors with motor shed of building known as Sunderji Chaturbhui Building. ("Property No.1")
&

ALL THAT piece or parcel of Street No 63, 63A (the said building) standing on land bearing CS No. 1825, admeasuring 665.56 sq. mtrs. Or thereabouts, situated at Dadiseth Agiary Lane, Cavel Cross Lane no.2 TOGETHER WITH the building known as SUNDERJI CHATURBHUI BUILDING on tenancy basis and consisting of Ground plus 4 upper floors with motor shed of building known as Sunderji Chaturbhui Building ("Property No.2"),

(both properties hereinafter referred as " the said Property ")

We have investigated the title of **Posiedon Hotels LLP**, a Limited Liability Partnership firm registered under the Limited Liability Partnership Act, 2008, having registered address at Motiwala Mansion, A wing, 40 Forjett Street Gowalia Tank Mumbai Maharashtra 400026. (hereinafter referred to as the "Our Client")

: Advocates and Cyber Crime Investigator :
5/32, Malharraowadi, Dadi Seth Agari Lane, 1st Flr. Kalbadevi Road, Mumbai - 2
Tel : 022 22411755, Mobile : 9821130399, email : badvocate@gmail.com

: Description of the Property:

ALL THAT piece or parcel of Street No 71 standing on land bearing CS No. 1816, admeasuring 410.54 sq. mtrs. Or thereabouts, situated at Dadiseth Agiary Lane, Cavel Cross Lane no.2 together with the building known as SUNDERJI CHATURBHUI BUILDING on tenancy basis and consisting of Ground plus 4 upper floors with motor shed of building known as Sunderji Chaturbhuj Building. ("Property No.1")

&

Street No 63, 63A (the said building) standing on land bearing CS No. 1825, admeasuring 665.56 sq. mtrs. Or thereabouts, situated at Dadiseth Agiary Lane, Cavel Cross Lane no.2 TOGETHER WITH the building known as SUNDERJI CHATURBHUI BUILDING on tenancy basis and consisting of Ground plus 4 upper floors with motor shed of building known as Sunderji Chaturbhuj Building ("Property No.2"),

(both properties hereinafter referred as " the said Property ")

: Documents of Allotment:

That One Shri Sunderji Chaturbhuj was original owner of the above-mentioned properties i.e. Plot of land admeasuring 410.54 sq. mtrs. or thereabouts together with a structure of Ground plus four storeys building together with motor shed of the building known as Sunderji Chaturbhuj Building, Street no. 71, (the said building) standing on land bearing C.S.No. 1816 of Bhuleshwar Division, situate at Dadiseth Agiary Lane, Cavel Cross Lane no. 2, Kalbadevi, Mumbai 400 002 ("Property No.1") and Plot of land admeasuring 665.56 sq. mtrs. or thereabouts together with a structure of Ground plus four storeys together with shops/motor shed of the building known as Sunderji Chaturbhuj Building,

AND

Street no. 63, 63/A, (the said building) standing on land bearing Cadastral Survey Ho. 1825 of Bhuleshwar Division, situate at Dadiseth Agiary Lane, Kalbadevi, Mumbai 400 002 ("Property No.2") and during his lifetime he had made a private family trust known as "Sunderji Chaturbhuj Trust" by executing an indenture dated 22nd day of 1925 and the said Sunderji Chaturbhuj had settled the said properties in the said Sunderji Chaturbhuj Trust.

In the said Indenture he had appointed two Trustees namely Shri. Kalyanji Sunderji and Gordhandas Sunderji as per shown in the record of property card of the said properties.

According to the family trust namely, Sunderji Chaturbhuj Trust, the said settlor Shri. Sunderji Chaturbhuj had granted all those properties to his only son Shri Chhotalal Sunderji as beneficiary.

The said Settlor, Shri. Sunderji Chaturbhuj expired on and around 1935 as per Indemnity bond made by Shri Harsh Kirit Shandilya, and the said trustee had failed to transfer the said properties to the beneficiary Shri Chhotalal Sunderji son of late Shri. Sunderji Chaturbhuj.

That, One Trustee, Mr. Kalyanji Sunderji also died on 1st day of 1970 and after his death, the great grandson of the Settlor, Shri Xirit Jagjivandas Shandilya has also been appointed a new trustee alongwith Shri. Gordhandas Sunderji. And this was shown in the record of the Assessment Tax Bill which was issued by the Assessment and Collection Department of Municipal Corporation of Greater Bombay by having no. Tr(c)49/1969-70 dated 13th day of May, 1970.

That Shri Gordhandas Sunderji expired on and in 1982 and leaving behind Shri Kirit Jagjivandas Shandilya as the only trustee of the said family trust known as Sunderji Chaturbhuj Trust

That, the said beneficiary Chhotalal Sunderji by letter dated 5th day of March 1982 addressed to his families, gave up all his rights and expressed his wish that the said properties be handed over to Harsh Shandilya in respect of the said Family Trust namely Sunderji Chaturbhuj as a beneficiary of the said Trust as per the declaration made and executed by Shri. Jagjivandas Shandilya son of Shri. Chhotalal Sunderji and Shri. Kirit Shandilya son of Jagjivandas Shandilya on 28th day of March, 1982.

That upon the said Harsh becoming major, he shall be nominated as the trustee of the said Trust and the income arising out of the said properties be used for the family of the said Harsh and his descendants.

It clearly shows that the said Harsh Kirit Shandilya , the great grandson of the said Sunderji the sole trustee and beneficiary of the said Sunderji Chaturbhuj trust.

For ease of reference the lineal male descendants of the said Sunderji are set out herein below:-

Shri Sunderji Chaturbhuj
(Original Owner of the Properties and Settlor of Trust))

Chhotalal Sunderji Chaturbhuj
(only son of Sunderji Chaturbhuj and beneficiary of Trust)

Jagjivandas Chhotalal Shandilya
(Son of Chhotalal Sunderji)

Kirit Jagjivandas Shandilya
(the son of Jagjivandas and one of the trustee)

Harsh Kirit Shandilya
(the son of Kirit and only beneficiary of the Sunderji Chaturbhuj Trust)



By an Indenture of Sale dated 23rd December, 2009, the said Harsh Kirit Shandilya, in his capacity as the sole trustee and the sole beneficiary of the said Trust sold, transferred and assigned both properties bearing CS no. 1816 and 1825 to M/S. Posiedon Hotels Private Limited for the valuable consideration and more terms and condition between them are mentioned in the said Indenture dated 23rd day of December, 2009.

And the said Harsh Kirit Shandilya along with the family members of the Sunderji Chaturbhuj Trust and M/s. Posiedon Hotel Private Limited made and executed a Deed of Confirmation for the above mentioned Indenture of Sale dated 23rd December 2009 (as the said Indenture of sale was not registered on 23rd December 2009) dated 5th day of August, 2011 and lodged and registered in the office of the Sub-Registrar, Mumbai-2 under serial No. BBE- 2/7032 (for property bearing CS No. 1825) and BBE- 2/7033 of 2011 (For Cs No. 1816) duly registered on 29th day of September, 2011 in respect of the both properties of the said Sunderji Chaturbhuj Trust.

In the premises aforesaid and subject to what is stated hereinabove, the said Posiedon Hotel Private Limited is the owner of the said properties since, 2009 as per the appropriate laws and as per Deed of Confirmation .

The said Posiedon Hotel Private Limited was converted into Posiedon Hotel LLP as per Registration Certificate issued by Ministry of Corporate Affairs , Posiedon Hotel LLP identification number is AAZ- 1059 , dated 21.10.2021 .

: PROPERTY REGISTRATION CARD ISSUED BY CITY SURVEY OFFICE :

As per Property Card of the said both property bearing CS No 1816, CS No 1825, Bhuleshwar Division admeasuring 1076.10 sq mts of Mumbai stands in the name of " SUNDERJI CHATURBHUI Trust "

: SEARCH REPORT FOR 30 YEARS :

The notes of search for the period of 30 years i.e from 1992 up to 2022 and in the entire Notes of Search there are No entries found affecting the title.

On perusal of the above mentioned documents and all other relevant documents relating to title of the said Property we are of the opinion that the title of M/S. Posiedon Hotels LLP in respect said Property, is clear, marketable and without any encumbrances.

: OWNER OF THE LAND :

M/s Posiedon Hotels LLP is sole and absolute owner in respect of ALL THAT piece or parcel of land bearing Street No 71, 63 & 63A, CS No. 1816, CS No. 1825, admeasuring 1076.10 sq. mtrs. Or thereabouts, situated at Bhuleshwar Division at Dadiseth Agiary Lane, Kalbadevi, Mumbai 400 002.

: FLOW OF THE TITLE :

Although the details of the property described herein above not mentioned on Property Card in the records of Office of Mumbai City Survey and Land Records, as per our Title Report dated 05.01.2023 the said Property is clear, marketable and free from any encumbrances whatsoever. The copy of the said report is annexed herewith marked as Annexure "A".

As the said Property is not mentioned in Land Records of Mumbai City Survey, no Mutation Entry is available.

We have taken search of the said Property for the last 30 years i.e. from 1992 up to 2022 There are no pending litigations as on date on the said Property

: OBSERVATION:

On the basis of the documents, information and records made available, it appears that there are no encumbrances existing on the said property.

: CONCLUSION:

In view of the above I observe as under,

Pursuance to the papers made available to me, I conclude that,

- i) M/s Posiedon Hotels LLP (formally known Posiedon Hotel Private Limited as is having clear and marketable for in respect of the said Property , and there is no litigation pending which affect the title of the said both properties .

Dated This 24th day of January 2023.

Yours Truly,



M/S. B L JAIN AND ASSOCAITES
Advocate , High Court