

VINOD MISTRY & CO.
ADVOCATES, SOLICITORS & NOTARY



VINOD B. MISTRY
ADVOCATE, SOLICITOR & NOTARY

SONAL R. AWASTHI
DEEPAK V. SHUKLA
ADVOCATES, HIGH COURT

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A-2004/2015

REPORT ON TITLE

Re: Property at Village Ambivali and Taluka Andheri bearing N.A. Survey No.50-C, CTS No.498, 498/1 to 12 and Survey No.49-A-1/16, CTS No.510, 510/4 to 15.

- 1) Mark Gomes,
- 2) Peter Joseph Gomes,
- 3) John Joseph Gomes,
- 4A) Mrs. Pansy Lucy Gomes and
- 4B) Mrs. Rochelle Maria Gomes.

To
M/s. K.M. Enterprises.

This is to certify that we have caused the searches to be taken in the Office of the Sub-Registrar at Mumbai and Bandra from 1945 onwards.

1. In pursuance of a Deed of Gift dated 22.01.1922, it appears to have been made by Laudinia Gomes, widow of Ignacio Jacinto Gomes therein called "the Donor" of the One Part and (a) Matilda Gomes, (b) Alban Ceolfrid Gomes, (c) Cyril Oswald Gomes and (d) Edward Peter Gomes, therein called "the Donees" of the Other Part, the said Laudinia Gomes, out of the natural love and affection, gifted the various properties to the said (a) Matilda Gomes, (b) Alban Ceolfrid Gomes, (c) Cyril Oswald Gomes and (d) Edward Peter Gomes. The said Deed of Gift is registered with the Sub-Registrar at Mumbai under Serial No.140 of Book No.1.

2. It appears that by a Deed of Partition dated 18.05.1945 made between the said (a) Matilda Gomes, (b) Alban Ceolfrid Gomes, (c) Cyril Oswald Gomes and (d) Edward Peter Gomes the various properties came to be partitioned and divided by metes and bounds. The said Deed of Partition is registered with the Sub-Registrar at Mumbai under Sr. No.3529 of 1945.

3. In pursuance of the said registered Deed of Partition, the said Edward Peter Gomes got the various properties as per Schedule "F" attached to the said Deed of Partition comprised of inter alia the properties described in the Schedule hereunder written.

4. Accordingly, the Revenue Records, such as Village Form No.7/12, came to be transferred in the name of the said Edward Peter Gomes (hereinafter called "the said Deceased").

5. It appears that the said deceased died intestate at Mumbai on 12.06.1978 leaving his widow, namely Kathleen Edward Gomes and four sons, namely (a) Peter Joseph Gomes, (b) John Joseph Gomes, (c) Mark Gomes and (d) Luke Blase Gomes as the only heirs and legal representatives as per the law of succession by which the said deceased was governed at the time of his demise, namely Indian Succession Act.

6. In fact, Form of Sanad for Building Sites being Schedule "H" under Section 133 of the Bombay Land Revenue Code is issued in the name of the said Kathleen Gomes concerning the aforesaid properties by the Enquiry Officer, City Survey, Mumbai Suburban District.

7. The said Kathleen Gomes also seems to have died intestate at Mumbai on 30/5/1999 leaving the said four sons namely (a) Peter Joseph Gomes, (b) John Joseph Gomes, (c) Mark Gomes and (d) Luke Blase Gomes as the only heirs, and legal representatives as per the law of succession by which the said Kathleen Edward Gomes was governed at the time of her demise, namely Indian Succession Act.

8. As such, the said four sons namely, (a) Peter Joseph Gomes, (b) John Joseph Gomes, (c) Mark Gomes, and (d) Luke Blase Gomes acquired the 1/4th undivided equal share, claim, right, title and interest in the said property.

9. It appears that the said Luke Blase Gomes died at Mumbai on 12/1/2007 leaving himself surviving his widow, (a) Mrs. Pansy Lucy Gomes and one daughter, (b) Miss Rochelle Maria Gomes as the only heirs and legal representatives of the said Luke Blase Gomes as per the law of succession by which the said Luke Blase Gomes was governed at the time of his demise, namely Indian Succession Act.

10. In the premises that have happened, the 1/4th share of the Luke Blase Gomes has devolved upon the said (a) Mrs. Pansy Lucy Gomes and her daughter (b) Ms. Rochelle Maria Gomes.

11. In view of the aforesaid (i) MARK GOMES, (ii) PETER JOSEPH GOMES, (iii) JOHN JOSEPH GOMES, (iv)(a) MRS. PANSY LUCY GOMES and (b) MISS ROCHELLE MARIA GOMES have become entitled to 1/4th undivided share, claim, right, title and interest in the Property, which is more particularly described in the Schedule hereunder written.

12. The said property has been declared as a "Slum" under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment Act, 1971 as per the notification published in the Government Gazette dated 13.10.1977 Part 1.

13. Out of the aforesaid property, a portion of the Property bearing CTS No. 498/1 admeasured about 21.60 sq. mtrs., is not covered under the "Slum".

14. Since, the said property were landlocked and not having any access, as is set out hereinafter, an access and right of way dated 07.08.2008 has been taken from the Owners of the adjacent property bearing CTS No. 499, 502 and 513, which is duly registered with the Sub-Registrar at Andheri-1, MSD (Bandra)

under Sr. No. BDR-1-07857-2008 dated 07.08.2008 and as such the said property became accessible.

15. In view of what is stated above and in our view, the Title to the aforesaid property of the aforesaid Owners, which is more particularly described in the Schedule hereunder written, is subject to the various tenants/ occupants, is clear and marketable.

16. The said Mark Gomes has conveyed the said portion of the property bearing CTS No. 498/1 admeasuring 5.40 sq. mtrs. (to the extent of his said share) to M/s. K.M. Enterprises under a Deed of Conveyance dated 15.02.2008 which Deed of Conveyance is duly registered with the Sub-Registrar, Andheri No.4, MSD (Bandra) under Sr. No.BDR-15-01413-2008 dated 16.02.2008.

17. The said Mark Gomes possessing 1/4th undivided share, in respect of the said property, described in the Schedule hereunder written, under a Development Agreement dated 09.02.2008 appointed M/s. K.M. Enterprises as a Developer concerning his 1/4th undivided share, claim, right, title and interest in the property described in the Schedule hereunder written, which Development Agreement is duly registered with the Sub-Registrar at Andheri No.4, MSD (Bandra) under Sr. No. BDR-15-01412-2008 dated 16.02.2008.

18. The said (i) Peter Joseph Gomes, (ii) John Joseph Gomes, (iii)(a) Mrs. Pansy Lucy Gomes and (b) Miss Rochelle Maria Gomes have conveyed their respective undivided share, claim, right, title and interest in the said property, described in the Schedule hereunder written, in favour of M/s. K.M. Enterprises under a Deed of Conveyance dated 07.11.2007, which Deed of Conveyance is duly registered with the Sub-Registrar at Andheri No.2, under Sr. No. BDR-4-09499/ 2007 dated 14.12.2007.

19. The said (i) Peter Joseph Gomes, (ii) John Joseph Gomes, (iii)(a) Mrs. Pansy Lucy Gomes and (b) Miss Rochelle Maria Gomes have conveyed their respective undivided share, claim, right, title and interest in the portion of the Plot bearing CTS No.498/1 admeasuring about 16.20 (which is not declared as a Slum under the said Slum Act, 1971) in favour of M/s. K.M. Enterprises. The said Deed of Conveyance dated 14.12.2007 is duly registered with the Sub-Registrar at Andheri No.2, MSD under Sr. No. BDR-4-09500/ 2007 dated 14.12.2007.

20. Gokul Gram Co-operative Housing Society Ltd., occupying property bearing CTS No.499, 502 and 513, inspite of the aforesaid Deed of Grant of Right of Way dated 07.08.2008 as per paragraph 14 above, filed a Suit bearing Suit No.2908/2014 in the City Civil Court at Dindoshi, Borivali Division against Municipal Corporation of Greater Mumbai, Designated Officer-1, Asstt. Engineer (B&F) K/West Ward and the said M/s. K.M. Enterprises for various reliefs and under which Suit certain pertains of the Compound Wall of the said Gokul Gram CHS Ltd., came to be demolished as per the Order dated 09.12.2014 passed by the Ld. Judge (C.R.No.7) in the said Suit. Finally, Consent Terms came to be filed on 11.05.2015 in the said Suit between the said M/s. K.M. Enterprises and the said Gokul Gram CHS Ltd., whereby the said access and/or right of way has been confirmed and ratified, in the manner set out in the said Consent Terms.

21. M/s. K.M. Enterprises have now undertaken the development of the construction on the said property by constructing two buildings, called Building No.1 and Building No.2. In Building No.1 to rehabilitate the existing Tenants/Occupants, in part, and in Building No.2 in B Wing also to rehabilitate the affected Tenants/Occupants and after rehabilitating them to sell the remaining Free Sell Tenements on what is popularly known as "Ownership Basis" in "A" Wing of Building No.2.

22. The Slum Rehabilitation Authority (called "SRA") after following the requisite formalities such as finalizing Annexure-II and III, issued a Letter of Intent (LOI) bearing No.SRA/ENG/2078/KW/PL/LOI dated 21.03.2014. The Executive Engineer (SRA) issued Intimation of Approval (IOA) under Sub-Regulation 2.3 of Appendix - IV of Development Control Regulation No.33 (10) dated 15.10.1997 for Brihanmumbai under File No.SRA/ENG/3094/KW/PL/ AP dated 30.06.2014 for the composite Building No.1 and for the Composite Building No. 2 (bearing No. SRA/ENG/3095/KW/PL/ AP dated 30.06.2014). The Executive Engineer (SRA) also issued Commencement Certificate for the Composite Building No.1 as well as Composite Building No.2 both dated 01.04.2015.

23. As per the aforesaid sanctions/approvals/LOI/ IOA/ Commencement Certificate the said M/s. K. M. Enterprises seems to have undertaken the development of the said property.

THE SCHEDULE OF THE PROPERTY ABOVE REFERRED TO

ALL those pieces and parcels of land ground hereditaments and premises at Village Ambivali, Taluka Andheri, MSD bearing following particulars:-

Survey No.	Area (Sq.mtrs.)
498	692.1
498/1	21.6
498/2	12.6
498/3	18.1
498/4	19.5
498/5	17.3
498/6	10.0
498/7	15.9
498/8	9.4
498/9	17.4
498/10	10.1
498/11	13.5
498/12	7.2

area admeasuring about 864.7

CTS No.	Area (Sq.mtrs.)
510	483.1
510/4	12.1
	14.1

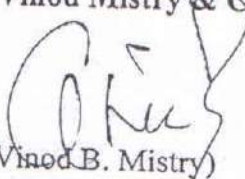
510/6	15.7
510/7	15.2
510/8	12.9
510/9	18.1
510/10	14.8
510/11	13.7
510/12	14.1
510/13	15.7
510/14	12.9
510/15	13.6

area admeasuring about 656 sq. mtrs., and in all admeasuring 1520.7 sq. mtrs. or thereabouts and bounded as follows that is to say:-

- On the North : By the Property bearing CTS No.463(p);
- On the South : By the property bearing CTS No.569;
- On the East : By the property bearing CTS No. 511 and 512
and
- On the West : By the Property bearing CTS No.497 and
508.

Dated this 7th day of August, 2015

For Vinod Mistry & Co.,


(Vinod B. Mistry)
Advocates/Solicitors,
High Court, Bombay.

मालमत्ता पत्रक

Annexure - G

वि. नं./मोजे -- आंबिवली

तालुका/न.भू.मा.का. -- न.भू.अ.अंधेरी

जिल्हा -- मुंबई उपनगर जिल्हा

नगर भुमालन	शिट नंबर	प्लॉट नंबर	क्षेत्र	धारणाधिकार	शासनाला दिलेल्या आकारणीचा किंवा भाड्याचा तपशील आणि त्याच्या फेर तपासणीची नियत वेळ
क्रमांक / पर. प्लॉ. न.			चौ.मी.		

४९८

चौ. मीटर
६९२.९

[क-१]
क

[बसविणे आहे]
बिनशेती धारा. रु. १९ - ३०

सुविधाधिकार

हक्काचा मूळ धारक
वर्ष १९६४ [श्रीमती केथरीन गोम्स]

पट्टेदार

इतर भार

इतर शोरे [बिन शेती वापर विंगार परवाना आहे]

दिनांक	व्यवहार	खंड क्रमांक	नविन धारक (धा) पट्टेदार (प) किंवा भार (भा)	साक्षात्कृत
०७/११/२००८	श्रीमती केथरीन गोम्स दिनांक ३०/५/९९, व श्री. लुकी बी. गोम्स दिनांक १२/१/२००७ रोजी मयत असून अर्ज, प्रतिज्ञापत्र, भूत्यूचा दाखला व जबाबानुसार वारसांची नोंद केली		[श्री. पीटर जोसेफ गोम्स] [श्री. जॉन जोसेफ गोम्स] श्री. मार्क गोम्स [श्रीमती पेंड्री लुसी गोम्स] [श्री. रोशेल मारिया गोम्स]	के. रफाट क्र. २७४ प्रमाणे सही - ७/११/२००८ न.भू.अ.अंधेरी
०७/११/२००८	दुय्यम निबंधक अंधेरी क्र. २ यांचे कडील नोंदणीकृत दस्त र. रु. १००००० अन्वये, श्री. जॉन जोसेफ गोम्स, श्रीमती पेंड्री लुसी गोम्स, श्रीमती रोशेल मारिया गोम्स, श्री. पीटर जोसेफ गोम्स यांनी ३/४ अविभक्त हिस्सा खरेदी दिल्याने त्यांची नावे कमी करून ५१९.९ चौ. मि. क्षेत्र / हिस्सा यावर खरेदी घेणार यांचे नावाची नोंद केली.	१४९९/२००७ १८/१२/२००७	H के. एम. एटरप्रायझेसचे भागीदार श्री. आरिफ ए. के. मलकानी	के. रफाट क्र. २७७ प्रमाणे सही - ७/११/२००८ न.भू.अ.अंधेरी

तपासणी करणारा -

खरी नक्कल -

न.भू.अ.अंधेरी

मुंबई उपनगर जिल्हा

अर्ज नं. गज	१५६५०	३
अर्ज स्वाक्षरी	३०/११/१५	६०
नक्कल रकम	१३/११/१५	२
नक्कल	०९/११/१५	
नक्कल तयार कर	२१/११/१५	
नक्कल तपासणी करणार :		



खरी नक्कल

नगर न्यायन अधिकारी
अंधेरी.