

PIYUSH M. SHAH
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ADVOCATE & SOLICITOR
ENGLAND & WALES

HEAD OFF:
CORRESPONDENCE AT:
406, HAMAM HOUSE, HAMAM STREET,
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BRANCH OFF:
9, MARWADI BLDG., RAHUL SOCIETY.
MARVE ROAD, MALAD (WEST),
MUMBAI - 400 064.

Ref. No. :

17.07.2013

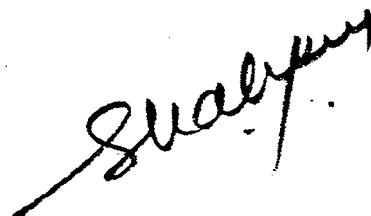
TO WHOMSOEVER IT MAY CONCERN

REPORT ON TITLE

Sub.: ALL THAT PIECE OR PARCEL OF LAND OR GROUND SITUATE, LYING AND BEING AT PLOT NO. 3, CTS NO. 765, AT VILLAGE MALAD (NORTH), TALUKA BORIVALI, M.S.D.; SURVEY NO. 486 (PART), HISSA NO. 3 (PART), OF LIBERTY GARDEN HOUSING COLONY PRIVATE SCHEME NO. II, AT MAMLET DAR ROAD, AT MALAD IN BORIVALI TALUKA OF THE MUMBAI SUBURBAN DISTRICT AND THE REGISTRATION SUB DISTRICT OF BANDRA, CONTAINING BY ADMEASUREMENT 750.60 SQ. MTRS., (Originally 701.30 Sq. mtrs.); ON OR THEREABOUTS, TOGETHER WITH BUILDING NAMELY "NIRMAN" OF MALAD FRIEND'S CO-OPERATIVE HOUSING SOCIETY LTD, CONSISTING OF GROUND PLUS THREE UPPER FLOORS IN 'A' WING AND GROUND PLUS FOUR UPPER FLOORS IN 'B' WING.

At the instance of my client: M/s. JPV REALTORS PVT. LTD., having its registered office at 1, Bharat Villa, Bhogilal Fadia Road, Kandivali (W). Mumbai 400 067, I have investigated the title of the abovementioned property. The brief facts relating thereto are as under:

- 1) Originally, one SHRI TRIMBAK YESHWANT NENE and others, were absolutely seized and possessed of or otherwise well and sufficiently entitled to all that piece and parcel of land situate at Kasi, Malad Taluka,



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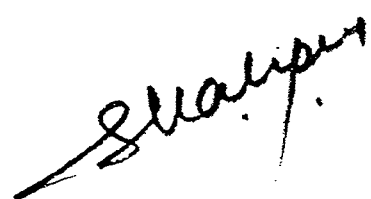
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South Salsette, Port Tukdi Bandra Bombay Suburban District now in Thane District and Sub-District containing by admeasurements 27,700 square yards.

- 2) Pursuant to an Indenture dated 24.07.1948, executed between the said Shri Trimbak Yeshwant Nene and others therein referred to as the Vendors and one Mr. BADRUDDIN ESMAIL MALADWALA, therein referred to as the Purchaser, the said Mr. Baddruddin Esmail acquired the right, title and interest in respect of the property being Kasi, Malad Taluka, South Salsette, Port Tukdi Banra Bombay Suburban District now in Thane District and Sub-District containing by admeasurements 27,700 square yards.
- 3) Pursuant to Articles of Agreement dated 16.06.1965, executed between the said Mr. Badruddin Esmail Maladwala, therein referred to as the Vendor of the One Part and one Mr. G.B. ASARPOTA, therein referred to as the Purchaser of the Other Part, the said Mr. G B Asarpota, acquired the right, title and interest in respect of the property being all that piece or parcel of land or ground being Plot No.3, CTS No. 765, at Village Malad (North), Taluka Borivali, M.S.D., Survey No.486(Part), Hissa No.3(Part), of Liberty Garcen Housing Colony Private Scheme No.II, situate, lying and being at Mamlatdar Road at Malad in Borivali Taluka of the Bombay Suburban District and Registration Sub-District of Bandra, admeasuring 1025 sq. yards and bounded as follows, that is to say, on or towards the East by Plot No.2, on or towards the North by Municipal Lands, on or towards the West by Plot No.4, and on or towards the South by the said Scheme Road.;
- 4) Pursuant to Articles of Agreement dated 19.07.1965, executed between the said Mr. G B Asarpota, therein referred to as the Vendor of the One Part and one SHRI VISHNU KATARIA, the Chief Promoter of Malad Friends Co-operative Housing Society Ltd. (Proposed), therein referred to



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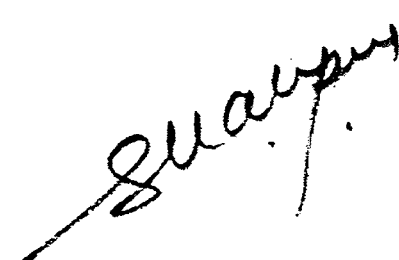
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as the Purchaser of the Other Part, the said Shri Vishnu Kataria, acquired the right, title and interest in respect of all that piece or parcel of land or ground being Plot No.3, CTS No. 765, at Village Malad (North), Taluka Borivali, M.S.D., Survey No.486(Part), Hissa No.3(Part), of Liberty Garden Housing Colony Private Scheme No.II, situate, lying and being at Mamlatdar Road at Malad in Borivali Taluka of the Bombay Suburban District and Registration Sub-District of Bandra, admeasuring 1025 sq. yards and bounded as follows, that is to say, on or towards the East by Plot No.2, on or towards the North by Municipal Lands, on or towards the West by Plot No.4, and on or towards the South by the said Scheme Road;

- 5) Pursuant to an Indenture dated 31.12.1965, executed between the said Badruddin Esmail Maladwala therein referred to as the Vendor of the First Part, and the said G.B. ASARPOTA thereafter referred to as the First Confirming Part of the Second Part, and the said SHRI VISHNU KATARIA, therein referred to as the Second Confirming Party of the Third Part and one MALAD FRIENDS CO-OPERATIVE HOUSING SOCIETY LTD., (hereinafter referred to as "the said Society" for the sake of brevity) therein referred to as the Purchasers of the Fourth Part, the said Friends Co-operative Housing Society Limited, acquired the right, title and interest in respect of property being all that piece or parcel of vacant land or ground and premises bearing part of Survey No. 486, Hissa No.3 (Part) being Plot No. 3 of Liberty Garden Housing Colony Private Scheme No.II,, situate, lying and being at Mamlatdar Road, Malad (West), in the Borivali Taluka of Bombay Suburban District and in the registration District of Bandra, admeasuring 1025 sq. yards and bounded as follows, that is to say, on or towards the East by Plot No.2, on or towards the North by Municipal Lands, on or towards the West by Plot No.4, and on or towards the South by the said Scheme Road.;



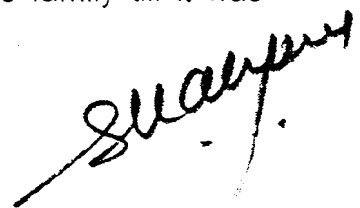
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- 6) Pursuant to an Indenture of Mortgage dated 21.06.1971, executed between the said Malad Friends Co-operative Housing Society Ltd., therein referred to as the Mortgagors of the One Part, and THE MAHARASHTRA CO-OPERATIVE HOUSING FINANCE SOCIETY LTD., therein referred to as the Mortgagees of the Other Part, the said Malad Friends Co-operative Housing Society mortgaged the property being all that piece or parcel of land or ground situate, lying and being at Plot No.3 of Liberty Garden Housing Colony Private Scheme No.II at Mamlatdar Road, Malad (West), Taluka Borivali, in Greater Bombay in the Registration Sub-District of Bombay District Bombay Suburban containing by admeasurements 857 square meters (1025 square yards) or thereabouts bearing Survey No. 486(Part) and Hissa No.3(Part) and bounded as follows, that is to say on or towards the West by Plot No.4 of the said Scheme, on or towards the East by Plot No.4 of the said Scheme, on or towards the North by Municipal Land, and on or towards the South by Private Scheme Road, and which the said premises are assessed by the Assessor and Collector of Municipal Rates and Taxes under P Ward No. 4244(3) Street: Liberty Garden. The said Indenture of Mortgage dated 21.06.1971, is duly registered with the Office of the Sub-Registrar of Assurances at Mumbai under Serial No. 2759 of 1971 on 21.06.1971 of Book No.1.
- 7) Pursuant to a Declaration dated 03.07.1971, executed by one SHRI BALKRISHNA TRIMBAK NENE, son of the original owner Shri Trimbak Yeshwant Nene, the said Shri Balkrishna Trimbak Nene confirmed that the said Trimbak Yeshwant Nene was in possession of the property at Malad as well as the title deeds relating to the said property, and that in the year 1948, the said property was sold to Badruddin ESMAIL. It is further declared in the said Declaration that one Dattatraya Trimbak Nene, the eldest brother of the said Shri Balkrishna Trimbak Nene, had separated from the family in 1938 and thereafter the said Nene Family continued to hold the said property alongwith members of the Nene family till it was



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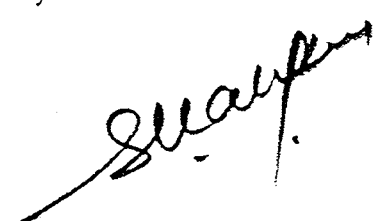
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- sold to Badruddin Esmail, and that all title deeds were handed over to the said Badruddin Esmail,, except the Conveyance from the said Dattatrya Trimbak Nene in favour of Trimbak Yeshwant Nene and others, which was retained as it related to other properties as well and a covenant for its production was given in the Conveyance. It was further declared in the said Declaration that at the time when the Conveyance in favour of the said Baddrudin Esmail, was completed, the said Trimbak Yeshwant Nene, had handed over the said Baddrudin Esmail, all the title deeds in respect of the said property.
- 8) The members of the said Malad Friends Co-operative Housing Society Ltd., constructed a building on the said property known as "Nirman", in the year 1974, and the same is assessed to property tax by M. C. G. M. under Account No. PN-12-0517-00-3-0000.
- 9) Pursuant to an Indenture of Release / Re conveyance Deed dated 19.11.2008, executed between the said The Maharashtra State Co-operative Housing Finance Corporation Ltd. (formerly known as The Maharashtra State Co-operative Housing Finance Society Ltd.), therein referred to as the Mortgagees of the One Part and the said Malad Friends Co-operative Housing Society Ltd., therein referred to as the Mortgagors of the Other Part, the said Malad Friends Co-operative Housing Society Ltd., got the property discharged and released from The Maharashtra State Co-operative Housing Finance Corporation Ltd., being all that piece or parcel of land or ground situate, lying and being at Plot.No.3, CTS No. 765 at Village Malad (North), Taluka Borivali, M.S.D. of Liberty Garden Housing Colony Private Scheme No.II at Mamlatdar Road, Malad (West), Taluka Borivali, in Greater Bombay in the Registration Sub-District of Bombay District Bombay Suburban containing by admeasurement 857 square meters (1025 square yards) or thereabouts bearing Survey No. 486(Part) and Hissa No.3(Part) together with structure standing thereon known as "Nirman" and bounded as follows, that is to say on or towards



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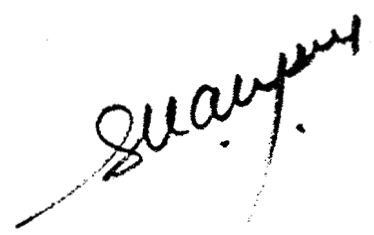
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the West by Plot No.4 of the said Scheme, on or towards the East by Plot No.2 of the said Scheme, on or towards the North by Municipal Land, and on or towards the South by Private Scheme Road. The said Indenture of Release / Re conveyance Deed dated 19.11.2008, is duly registered with the Sub-Registrar of Assurances at Mumbai under Serial No. BDR -2-08492 - 2008.

- 10) As such, the said Society is sufficiently seized and well and sufficiently entitled to and are in use, occupation and possession in respect of the aforesaid property.
- 11) The name of the said Society appears in the Records of Rights with the Collector as well as with the Mumbai Municipal Corporation of Greater Mumbai.
- 12) The said Society's building is known as "Nirman" standing on the said property, consists of Two Wings namely A and B having Ground Plus Three upper Floors in A Wing and Ground Plus Four upper Floors in B Wing with a total of 23 flats with Total Carpet Area of 8640 Sq. ft. which is occupied by 23 members for residential purpose, as declared by the Society.
- 13) I as the Advocate & Solicitor for M/s. JPV Realtors Pvt. Ltd., have caused to issue a Public Notice dated 1st July 2013 Published on 2nd July 2013 for investigating the title of the aforesaid property and inviting objections, if any, from the public at large for investigating the title of the said property, in Free Press Journal - English edition and Navshakti - Marathi edition, and I have not received any Objections of any nature whatsoever within the stipulated period of 14 days from the date of publication of the said Notice.



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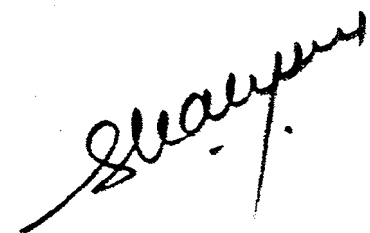
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- 14) Pursuant to the Agreement for Redevelopment dated 13.12.2010, executed between the said Malad Friends Co-operative Housing Society Ltd., and my client herein, my client has acquired the redevelopment rights from the said Society in respect of the aforesaid property for valuable consideration and under the terms and conditions most specifically set out in the said Agreement for Redevelopment. The said Agreement for Redevelopment is duly registered with the Office of the Sub-Registrar of Assurances at Borivali, under Serial No. BDR-11-00746-2011 on 24/01/2011.
- 15) During the course of submitting plans and proposals for Re-Development of the said Property to the Municipal Corporation Of Greater Mumbai, City Survey Office and the concerned relevant Authorities, a Notice dated 25/02/2013, was issued by the "Collector Office", Mumbai Suburban District, Administrative Building, 10th Floor, Government Colony, Bandar (East), Mumbai 400 051, to the Society herein and City Survey Office, Malad, stating that a Land Survey and measurement was carried out by the City Survey Office, in respect of the said Property and a Report of the said Land Survey and measurement was presented to the "Collector Office, M.S.D. at above address on 17/02/2012. The said Report stated and suggested therein a correction in Land Area of the said Property from 722.10 sq. mtrs as per existing Property Card to 750.60 sq. mtrs. as stated in the said Report in respect of CTS No. 765 of Village Malad (North) Taluka Borivali, Mumbai Suburban District.
- 16) Pursuant to the said Notice dated 25/02/2013, it is now confirmed fact, on the Records of the Collector Office", M.S.D., who has directed the concerned City Survey Office to correct the Final Area of Plot (i.e. the said Property) on the Property Card to 750.60 sq. mtrs. as against 722.10 sq. mtrs. stated earlier in the said Property Card.



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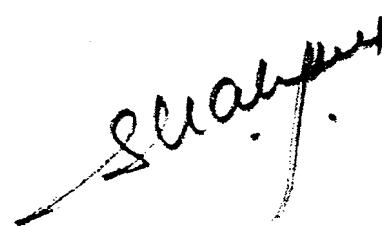
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- 17) The City survey Office of Village Malad (North) have complied with the direction of the "Collector Office"; M.S.D., and corrected the Final Plot Area as 750.60 sq. mtrs. under the said CTS No. 765 of Village Malad (North) as per the Rectification Entry No. 326 dated 06.04.2013 as appearing in the said Property Card issued by the said City Survey Office.
- 18) By virtue of the above facts, the Schedule of the Property stands corrected and revised as per Revised Schedule of the Property to reflect and state true and correct Final Area of above Plot as 750.60 sq. mtrs., instead of Area of 857 sq. mtrs/722.10 sq. mtrs mentioned in the said Agreement for Re-Development dated 13/12/2010 and other description related to set back Area also to be deleted and gets corrected accordingly. The said facts are duly recorded in the Deed of Rectification of Agreement for Redevelopment dated 28.06.2013 executed between the said Malad Friends Co-operative Housing Society Ltd. and my client, in respect of property being all that piece or parcel of Land or Ground situate, lying and being at Plot No. 3, CTS No. 765 at Village Malad (North), Taluka Borivali, M.S.D.; Survey No. 486 (part) Hissa No. 3 (part) of Liberty Garden Housing Colony Private Scheme No. II, at Mamletdar Road, at Malad in Borivali Taluka of the Mumbai Suburban District and the Registration Sub District of Bandra, containing by admeasurement 750.60 sq. mtrs. on or thereabouts, together with building namely "NIRMAN" of Malad Friend's Co-Operative Housing Society Ltd, consisting of Ground Plus three upper floors in 'A' Wing and Ground Plus Four Upper Floors in 'B' Wing (hereinafter referred to as "the said property" for the sake of brevity). The said Deed of Rectification of Agreement for Redevelopment is duly registered with the Office of the Sub-Registrar of Assurances at Borivali, under Serial No. BRL9-3721-2013 on 28.6.2013.



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- 19) My client has caused search to be taken concerning the said property in the office of the Sub-Registrar at Mumbai, for the year from 1984 to 2013, and they did not notice any encumbrances registered from the Search Report.

On the basis of the above referred documents, I am of the opinion that the title of the said property is clear and marketable.

SCHEDULE OF PROPERTY

ALL THAT piece or parcel of Land or Ground situate, lying and being at Plot No. 3, CTS No. 765 at Village Malad (North), Taluka Borivali, M.S.D.; Survey No. 486 (part) Hissa No. 3 (part) of Liberty Garden Housing Colony Private Scheme No. II, at Mamletdar Road, at Malad in Borivali Taluka of the Mumbai Suburban District and the Registration Sub District of Bandra, containing by admeasurement 750.60 sq. mtrs., (Originally 701.30 sq. mtrs.); on or thereabouts, together with building namely "NIRMAN" of Malad Friend's Co-Operative Housing Society Ltd, consisting of Ground Plus three upper floors in 'A' Wing and Ground Plus Four Upper Floors in 'B' Wing and bounded as follows, that is to say :

On or towards the East: By Plot No. 2 of the said Scheme.

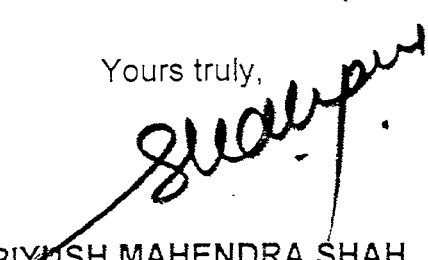
On or towards the West: By Plot No. 4 of the said Scheme.

On or towards the North: By Municipal Land.

On or towards the South: By Private Scheme Road.

Dated this 17TH day of JULY 2013.

Yours truly,


PIYUSH MAHENDRA SHAH
ADVOCATE & SOLICITOR
England & Wales