

# SAMIR K. VAIDYA

B. Com., LL. B.

ADVOCATE (HIGH COURT)

Off. : 6799 7512  
Mob. : 98205 65632

Akanksha, 2nd Floor, Sane Guruji Nagar, Vasantrao R. Sakpal Chowk, Mulund (East), Mumbai - 400 081.  
Email ID : adv\_skvaidya@yahoo.co.in

Ref. No.:

Date : 03/12/14

## REPORT ON TITLE OF PROPERTY

Sub: (1) ALL THAT pieces or parcels of land admeasuring about 464.04 sq. Mtrs. area, together with structures standing thereon known as **Yashoda Smruti Chawl**, bearing Survey No.134(pt), CTS No.22 (pt), of Village Kanjur, Taluka Kurla, District Mumbai Sub-urban, situated at Sai Hill, Tembepada Road, Bhandup (West), Mumbai - 400 078, within the limits of the Mumbai Municipal Corporation and assessed by the Municipality under "S" Ward. (hereinafter referred to as "The Said First Property")

(2) ALL THAT pieces or parcels of land admeasuring about 560 sq. Mtrs. area, together with structures standing thereon known as **Rajaram Yadav and Patiram Yadav chawls**, bearing Survey No.134(pt), CTS No.22 (pt), of Village Kanjur, Taluka Kurla, District Mumbai Sub-urban, situated at Sai Hill, Tembepada Road, Bhandup (West), Mumbai - 400 078, within the limits of the Mumbai Municipal Corporation and assessed by the Municipality under "S" Ward. (hereinafter referred to as "The Said Second Property").

1. J. AMARKAUR. (hereinafter referred to as "the said Original Owner") was absolutely seized and possessed of or otherwise well and sufficiently entitled to the said First property, viz. ALL THAT pieces or parcels of land admeasuring about 464.04 sq. Mtrs. area, together with structures standing thereon known as Yashoda Smruti Chawl, bearing Survey No.134(pt), CTS No.22 (pt), of Village Kanjur, Taluka Kurla, District Mumbai Sub-urban, situated at Sai Hill,



Tembepada Road, Bhandup (West), Mumbai - 400 078, within the limits of the Mumbai Municipal Corporation and assessed by the Municipality under "S" Ward .

2. By a Deed of Conveyance dated 25<sup>th</sup> March 1971, registered in the office of the Sub-Registrar of assurances at Mumbai, under Serial No.BOM/R/1286/1971, for the consideration and on the terms and conditions contained therein, the said J. AMARKAUR sold, transferred and conveyed the said **First Property** to (1) SMT. JAMUNABAI PUNDLIK DHAMDHERE & (2) SMT. PUSHPAVATI NAMDEO DHAMDHERE.
3. By Deed of Conveyance dated 26<sup>th</sup> April 1990, read with Deed of Confirmation dated 3<sup>rd</sup> March 2011, registered in the office of the Sub-Registrar of assurances at Kurla, under Serial No.BDR-14/2655/2011, for the consideration and on the terms and conditions contained therein, the said (1) SMT. JAMUNABAI PUNDLIK DHAMDHERE & (2) SMT. PUSHPAVATI NAMDEO DHAMDHERE sold, transferred and conveyed the said **First Property** to Ganesh Co-operative Housing Society (proposed), represented through its Promoters.
4. The Slum Dwellers have given their consent for the re-development of the said **First Property** by the Developer in conformity with the Development control Regulation 33(10), 33(14) of Municipal Corporation of Greater Mumbai in accordance with slum Re-habilitation Scheme.



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5. By the Development Agreement dated 26/11/2014, made between the said GANESH CO-OPERATIVE HOUSING SOCIETY (proposed) represented through its occupants of the One part and the said Developers M/S. SHREE SWAMI SAMARTH BUILDERS AND DEVELOPERS, represented through its Partner MR. VAIBHAV A. KOKATE, of the other part, and registered in the office of the Sub-Registrar of assurances at Kurla under sr. no. KRI.-2/11379 of 2014, for the consideration and on the terms and conditions stated therein, the said occupants of the GANESH CO-OPERATIVE HOUSING SOCIETY (proposed) confirm grant of development cum sale rights to the said Developers in respect of the said **First Property**.

6. SMT. AMARKAUR JAMNADAS GUPTA was absolutely seized and possessed of and/or otherwise well and sufficiently entitled to ALL THAT pieces or parcels of land admeasuring about 6513 sq. Mtrs. area, together with structures standing thereon known as Rajaram Yadav, Patiram Yadav chawls, bearing Survey No.134, CTS No.22, of Village Kanjur, Taluka Kurla, District Mumbai Sub-urban, situated at Sai Hill, Tembepada Road, Bhandup (West), Mumbai - 400 078, (hereinafter for the sake of brevity referred to as "the Said **Bigger Land**").

7. The said SMT. AMARKAUR JAMNADAS GUPTA died intestate at Mumbai, on 26<sup>th</sup> December 1980, leaving behind her (1) BANWARILAL JAMNADAS GUPTA, (2) HARBANSLAL JAMNADAS GUPTA, (3) PYARELAL JAMNADAS GUPTA, being her sons, as her only heirs and legal representative according to the provisions of the Hindu Succession Act, 1956 by which she was governed at the time of her death.




8. The said BANWARILAL JAMNADAS GUPTA died intestate at Mumbai, on 12<sup>th</sup> June 1988, leaving behind him, SMT. NIRMALA BANWARILAL GUPTA (widow), MRS. KANCHAN AJAY AGARWAL (married daughter), MR. RAJIV BANWARILAL GUPTA (son), as his only heirs and legal representative according to the provisions of the Hindu Succession Act, 1956 by which he was governed at the time of his death.

9. The said HARBANSLAL JAMNADAS GUPTA died intestate at Mumbai, on 30<sup>th</sup> August 2000, leaving behind him, SMT. RADHA HARBANSLAL GUPTA (widow), MRS. ANITA KAMAL GUPTA (married daughter), MRS. SUNANDA HEM AGARWAL (married daughter), MRS. SUMAN VIVEK GUPTA (married daughter), MR. KRISHAN HARBANSLAL GUPTA (son), as his only heirs and legal representative according to the provisions of the Hindu Succession Act, 1956 by which he was governed at the time of his death.

10. The said PYARELAL JAMNADAS GUPTA died intestate at Mumbai, on 16<sup>th</sup> May 1987, leaving behind him, SMT. SHASHI PYARELAL GUPTA (widow), MRS. URSULA RAVI AGARWAL (married daughter), MRS. PRIYA SUMESH KHANNA (married daughter), MR. PUNIT PYARELAL GUPTA (son), MR. MUNISH PYARELAL GUPTA, as his only heirs and legal representative according to the provisions of the Hindu Succession Act, 1956 by which he was governed at the time of his death.

11. By a Deed of Release dated 6<sup>th</sup> October 2011, on the terms and conditions contained therein, the said (1) (a) SMT. NIRMALA BANWARILAL GUPTA, (1)





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(b) MRS. KANCHAN AJAY AGARWAL, (2) (a) SMT. RADHA HARBANSLAL GUPTA, (2) (b) MRS. ANITA KAMAL GUPTA, (2) (c) MRS. SUNANDA HEM AGARWAL, (2) (d) MRS. SUMAN VIVEK GUPTA, (3) (a) SMT. SHASHI PYARELAL GUPTA, (3) (b) MRS. URSULA RAVI AGARWAL, (3) (c) MRS. PRIYA SUMESH KHANNA, the Releasors therein relinquished, released, waived, transferred, assigned and assured their all right, title and interest in the said **Bigger Land** in favour of the said (1) MR. RAJIV BANWARILAL GUPTA, (2) MR. KRISHAN HARBANSLAL GUPTA, (3) MR. PUNIT PYARELAL GUPTA, (4) MR. MUNISH PYARELAL GUPTA, the Releasees therein.

12. Under the circumstances, the said (1) MR. RAJIV BANWARILAL GUPTA, (2) MR. KRISHAN HARBANSLAL GUPTA, (3) MR. PUNIT PYARELAL GUPTA, (4) MR. MUNISH PYARELAL GUPTA were became owners of the said **Bigger Land**.

13. By Deed of Conveyance dated 4<sup>th</sup> December 2011, registered in the office of the Sub-Registrar of assurances at **Kurla**, under Serial No. BDR-13/513/2012, for the consideration and on the terms and conditions contained therein, the said (1) MR. RAJIV BANWARILAL GUPTA, (2) MR. KRISHAN HARBANSLAL GUPTA, (3) MR. PUNIT PYARELAL GUPTA, (4) MR. MUNISH PYARELAL GUPTA sold, transferred and conveyed to M/S. SHREE SWAMI SAMARTH BUILDER AND DEVELOPERS, the above mentioned **Second Property**, being **part portion of the said bigger land** viz. ALL THAT pieces or parcels of land admeasuring about 560 sq. Mtrs. area, together with structures standing thereon known as Rajaram Yadav, Patiram Yadav chawls, bearing Survey No.134(pt),




CTS No.22 (pt), of Village Kanjur, Taluka Kurla, District Mumbai Sub-urban, situated at Sai Hill, Tembepada Road, Bhandup (West), Mumbai - 400 078.

14. The said Developer with concurrence of all members of the Society proposed to redevelop the Said Property under the provisions of Regulation 33 (10) 33(14) of D.C. Rules and therefore submitted proposal to the said SRA in that behalf. In pursuance thereof the said SRA issued Letter of Intent vide No. SRA/Eng/2185/S/PL/LOI dated 19<sup>th</sup> March 2012 and further amended LOI dated 4<sup>th</sup> January 2014 (hereinafter referred to as the "Said Letter of Intent").

15. The public notice is published by me in two local news papers, Nav Shakti and Free Press Journal, both dated 11/09/2014 and objections against development of the said property by the said M/S. SHREE SWAMI SAMARTH BUILDERS AND DEVELOPERS were invited within period of 14 days from the date of notice. In reply thereto I received objection from Rajiv Gupta vide his letter dated 15<sup>th</sup> September 2014. Subsequently vide email dated 18<sup>th</sup> September 2014, the said objection was withdrawn by Punit Gupta for Rajiv Gupta and others. No other objections were received by me within the said notice period.

16. Searches are caused to be taken in the offices of the Sub-Registrar of Assurances having jurisdiction over the said property for last 30 years and no encumbrances of adverse nature against the said property were noted. The search note further reflect that some pages of index II are torn and the record is not properly maintained.



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17. Therefore on perusal of the above referred documents read with comments made thereupon, title of the said property is clear, marketable and free from encumbrances and with approval with appropriate authorities, the said M/S. SHREE SWAMI SAMARTH BUILDERS AND DEVELOPERS are entitled to develop the said Property by constructing building/s as per Development Control Regulations of the Municipal Corporation of Greater Mumbai, in conformity with the plan as may be sanctioned by MCGM.

Mumbai Dated 03<sup>rd</sup> December 2014

  
(SAMIR K. VAIDYA)

Advocate