

S. I. DALVI

B.A. (HONS) LL.B.

ADVOCATE HIGH COURT

Mob. : 8976041123

MHADA Colony, New Hind Mill Compound, Bldg. No. 2B, R. No. 101 & 104, 1st Floor,
Rambhao Bhogle Marg, Ghodapdeo, Mumbai - 400 033.

*Ref: In the matter of immovable property
situate at 389-95 Shaikh Memon Street ,
Mumbai-400 002 ,Cassinath Bldg.Co-Operative
Housing Society Limited bearing C.S.No.1048
of Bhuleshwar Division containing by
admeasurement 724.08 Sq Mtrs.or thereabouts.*

*This is to certify that I have caused search to be taken at the
office of the Sub-Registrar of Assurances at Mumbai from 1962 to
2017 in respect of property lying and being at 389-95 Shaikh Memon
Street, Mumbai-400 002, Cassinath Bldg. Co-operative Hosq. Society
Limited bearing C.S.No.1048 of Bhuleshwar Division more
particularly described in the Schedule hereunder written subject to
the records of the said Bhuleshwar Division at S.R. Office at Mumbai
for the year 1962 to 2017 and subject to Index-II Books either partly
or completely in torn conditions and Computer records from the year
2002 to 2017 at SR Office at Mumbai BBE-1 to BBE-5 maintained but
not in proper order and investigated the title of M/S Qaswa
Enterprises, having registered office at 17/19, Khadak Street,
Mumbai-400 009 and presently operating their business through
Office No.1501, 15th floor, La-Vita, 62/64, Nagdevi Street, Mumbai, to
the above property and my findings on their title to the captioned
property is as under:-*

*By Deed of Conveyance dt. 17.4.2005 registered with
Sub-Registrar of Assurances, Mumbai under Sr.No.BBE-1/5744 on
13.6.2005 executed between (1) Dr. Kai Pestonji Nicholson (2)
Ms. Natasha Meherji Cassinath and (3) Nicholas Meherjee Cassinath
therein called the Vendors on the one part and Cassinath Bldg.Co-
Operative Housing Society(Proposed) , therein called the Purchsers ,
on the other part, the said Vendors conveyed, released and
transferred all their undivided share, right, title and interest in the
said property more particularly described in the schedule thereunder
written in favour of the said Purchasers for ever for the consideration
mentioned therein. The said Cassinath Bldg.Co-Operative Housing
Society(Proposed) was registered under the provision of Maharashtra
Co-operative Housing Society Act, 1960 under Registration
No.MUM/W-C/HSG/(TC)/8890/2009-10 on 19th May 2009.*

By virtue of Development Agreement dt.7.4.2011, registered with Sub-Registrar of Assurances, Mumbai under Sr.No.BBE-2/4613-2011 on 10.6.2011, the said Cassinath Bldg.Co-Operative Housing Society Ltd. granted development rights unto and in favour of M/S Qaswa Enterprises, having registered office at Saqlainia Towers,17/19,Khadak Street,Mumbai-400 009 for development of the said property for the consideration and on the terms and conditions recorded therein for development of the said property.

The said Society have authorized Shri Salim Vali Mohd. Bilakhiya, Partner of M/S Qaswa Enterprises to do and perform various acts, deeds, things and matters for the purpose of development of the said property including to represent them before the concerned Registration authorities to lodge all the documents for registration as recorded in Power of Attorney dt.7.4.2011 registered with Sub-Registrar of Assurances under BBE-2/4614/2011 on 10.6.2011.

By letter No. R/NOC/F/2099/394/MBRRB-13 dt. 27.2.2013, Mumbai Building Repairs and Reconstruction Board (MHADA Unit) has granted No objection certificate to M/S Qaswa Enterprises for the Redevelopment of property keeping in view the D.C. Regulation No. 33(7) and Appendix-III to the said Regulation 33(7) sanctioned by the Govt. in Urban Development Department, Mantralaya vide Notification published in Govt. Gazette dt. 25-1-1999 subject to the terms and conditions stipulated in MBRRB's letter dt. 27.2.2013.

By letter No.EB/6980/C/A/dt.31.8.2015, Executive Engineer Bldg. Proposal (City)-III, Municipal Corporation of Greater Mumbai has issued I.O.D to M/S Qaswa Enterprises for the Redevelopment of property keeping in view the D.C. Regulation on the terms and conditions mentioned therein.

M/S Qaswa Enterprises for the Redevelopment of property keeping in view the D.C. Regulation. have given/Affidavits undertakings dt.10.6.2016 registered with Sub-Registrar of Assurances, Mumbai under Sr. No.BBE-1/4915/2016 on 10.6.2016 to Municipal Corporation of Greater Mumbai for abiding by certain conditions for the purpose of construction of Bldg..

While taking search of the above said property, it is found that the entry of charge in respect of Deed No.7073 dt.24.10.1961 relates to Release of Un-express Charge and not of Charge as recorded in P.R.Card. The above said document dt.24.10.1961 is registered with Sub-Registrar of Assurances, Mumbai under Sr.No.BOM/7073 on

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23.9.1971. It seems that the entry of charge in respect of Deed No.7073 dt.24.10.1961 is recorded through oversight on Property Card. However, it is submitted that the photo copy of the document was not readily available for search and throw light on the said Deed.

In the premises, and in my opinion, subject to what is stated above and on the basis of the names of Cassinath Bldg.Co-Operative Housing Society Ltd. being certified and recorded in P.R.Card by the Supdt. Land Records, as Owners and in view of Development Agreement dt.7.4.2011, registered with Sub-Registrar of Assurances, Mumbai under Sr.No.BBE-2/4613-2011 on 10.6.2011, M/S Qaswa Enterprises, have development rights in respect of the above said property and in my opinion their title to the above said property is free, clear and marketable and un-encumbered subject to what is stated herein above and subject to the conditions and covenants mentioned in Development Agreement dt. 7.4.2011 and subject to providing permanent alternate accommodation to the Members as well as to the non-Members of the said Cassinath Bldg.Co-Operative Housing Society Ltd. of old Building in accordance with applicable Development Control Rules for Greater Bombay, 1991.

THE SCHEDULE OF THE PROPERTY

ABOVE REFERRED TO

All that piece and parcel of land or ground together with mesusages, tenements or buildings standing thereon known as "Kashinath Building" situate lying and being at 389-95, Shaikh Memon Street without the Fort of Mumbai in the Registration Sub-District of Mumbai containing by admeasurements 724.08 sq.mtrs. or thereabouts and registered in the Books of Collector of Land Revenue under Old Nos.542 and 572 (part of) New Nos.2645 and 2750 Old Survey No.1096 and New Survey No.1851 and 1852 and bearing Cadastral Survey No.1048 of Bhuleshwar Division and assessed by the Assessor and Collector of Municipal rates and taxes under Ward Nos.113, 114, 115 & 116 and formerly street Nos.389-91-93-95 and now

street Nos.389-91 and bounded as follows that is to say :

On or toward East: By sweeper's passage and party by Rangari Mohalla Masjid or Memon Mohalla Masjid.

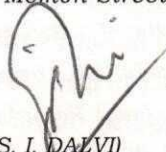
On or toward North: By the property of Samachand Damji and partly by the property of formerly of Narottamdas Varjiwandas but now of Darabshah D. Dubhash.

On or towards South: By the property formerly of Jairam Damji but now of Ramchandra Lalji.

On or toward West: By the Shaikh Memon Street.

Mumbai

Dated: 15/9/2017



(S. I. DALVI)
Advocate