



FORM "B"
[See rule 3 (6)]

AFFIDAVIT CUM DECLARATION

Affidavit cum Declaration of **MRS. MEENA V. RAIKAR** - Proprietress of **M/s. VIKRANT CONSTRUCTION CO.** the Promoter of the project known as "SURVE TOWER".

I, Mrs. Meena V. Raikar the promoter of the project do solemnly declare, undertake and state as under :

1. That company have a legal title to the land on which the development of the project is in progress.
2. That the said land is free from all encumbrances.
3. That the time period within which the project shall be completed by promoter from the date of registration of project is 29/12/2024.

..2/-

Raikar
Mrs. Meena V. Raikar
Through her Legal Guardian
Mr. Vikrant V. Raikar



That seventy percent of the amounts to be realized hereinafter by me/ promoter for the said estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose.

That the amount from the separate account shall be withdrawn in accordance with Rule 5.

6. That the promoter shall get the accounts audited within six months after the end of every financial year by a practicing Chartered Accountant and shall produce a statement of account duly certified and signed by such practicing Chartered Accountant and it shall be verified during the audit that the amount collected for a particular project have been utilized for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.
7. That the promoter shall take all the pending approvals on time from the Competent Authorities.
8. That the promoter shall inform the Authority regarding all the changes that have occurred in the information furnished under sub- section (2) of section 4 of the Act and under rule 3 of these rules, within seven days of the said changes occurring.
9. That the promoter have/has furnished such other documents as have been prescribed by the rules and regulations made under the Act.
10. That the promoter will not discriminate against any allottee at the time of allotment of any apartment on any grounds.
11. This affidavit is being signed by applicant's Legal Guardian Mr. Vikrant V Raikar authorized vide High Court Order dt.03/07/2023 which is enclosed herewith.

VERIFICATION

The content of my above Affidavit cum Declaration are true and correct and nothing material has been concealed by me there from.

Verified by me at Mumbai on this 7th day of December 2023.



Raikar
Mrs. Meena V. Raikar
Through her Legal Guardian
Mr. Vikrant V. Raikar

ATTESTED BY ME
[Signature]
K. V. DAKES B.A., LL.B.,
NOTARY GOVT. OF INDIA
Advocate High Court, Mumbai
Janta Market, Shop No. 35,
Near Chembur Rly. Station, Chembur,
Mumbai-400 071.

By Niranjan Shimpi

No. 5428/2023

Cost @ Rs. 2,50,000/- 17-50

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT (L) NO.2877 OF 2023

Vikas Narayan Raikar and others

... Plaintiffs

Vs.

State of Maharashtra and another

... Defendants

Mr. Niranjan P. Shimpi for Plaintiffs.

Ms. Jyoti Chavan, AGP for Defendant No.1.

Ms. Ruchi Rajput a/w. Mr. Pranil Sonawane for Defendant No.2.

CORAM : MANISH PITALE, J.

DATE : JULY 03, 2023

P.C.:

By this suit, the plaintiffs have sought declaration for appointment of plaintiff No.2 - Vikrant Vikas Raikar as the lawful guardian of Meena Vikas Raikar and manager of her movable and immovable assets etc. along with a direction to defendant Nos.1 and 2 and all its departments to recognize the said plaintiff as legal guardian of the said Meena Vikas Raikar.

2. The plaintiffs have stated in the plaint that Meena Vikas Raikar, aged about 77 years, was a builder / developer by profession and during her lifetime, she had accumulated movable and immovable assets, as listed in the schedule at Exhibit 'C' to the plaint.

3. It is stated that, as on today, the said Meena Vikas Raikar is suffering from various health ailments including severe dementia, as a consequence of which, she is bedridden from the year 2018 with no motor functions, necessitating filing of the present suit for declaration and direction as per prayer clauses (a) and (b).

4. On 27.06.2023, this Court passed an order directing the Dean of J.



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J. Hospital to appoint a neurologist to examine Meena Vikas Raikar (mother of plaintiff No.2) and to submit a report before this Court as regards the health condition of the said Meena Vikas Raikar.

5. Today when the suit is called out for further consideration, the learned AGP has handed over report, in a sealed envelope, from the Dean, J. J. Hospital. The same is taken on record and marked 'X'.

6. The report dated 30.06.2023 states that in terms of the order passed by this Court, Meena Vikas Raikar was examined at her residence. The said report reads as follows:

"As per order of Hon. High Court, the patient Meena Raikar has been examined at her residence. She is an elderly lady, and hypertensive. She has been diagnosed to have Lewy Body Dementia since the past 6 to 7 years. She has progressively deteriorated since then to her present state. At present she is akinetic and rigid. Is bed bound. Cognition has severely declined and she does not communicate meaningfully, neither is she able to obey commands. The disease is a progressive neurodegenerative disorder that is unlikely to improve.

As per neurological assessment, Meena Raikar has severe neurocognitive decline and is not in a position to take care of her daily activities and affairs. She requires assistance to carry out activities of daily living and has severe neurocognitive decline."

7. Considering the contents of the report, this Court is convinced that the health condition of Meena Vikas Raikar is such that plaintiff No.2 - Vikrant Vikas Raikar can be appointed as her lawful guardian and that the present suit deserves to be allowed in terms of prayer clauses (a) and (b).

8. It is also brought to the notice of this Court that the other legal heirs of Meena Vikas Raikar have given their consent for passing such a decree, appointing plaintiff No.2 as the legal guardian of Meena Vikas Raikar. The consent affidavits are annexed at Exhibits 'G' and 'H' to the plaint.



9. In view of the above, the suit is decreed in terms of prayer clause clauses (a) and (b), which read as follows:-

"(a) Declare, recognize and appoint the Plaintiff No.2 - Shri. Vikrant Vikar Raikar as the lawful Guardian of Smt. Meena Vikas Raikar and manager of the movable and immovable assets, properties, affairs of the said Smt. Meena Vikas Raikar as more particularly stated in the Schedule annexed hereto as Exhibit 'C', and thereby grant authority to the Plaintiff No.2 to deal with the same for the benefit / treatment of the said Smt. Meena Vikas Raikar and the upkeep of her affairs and family;

(b) Direct Defendant Nos.1 and 2 and all its departments, institutions and agencies by a mandatory order to recognize the Plaintiff as legal guardian of the said Smt. Meena Vikas Raikar and to act on her behalf as such;"

10. The suit stands disposed of.

(MANISH PITALE, J.)

Minal Parub