

M/S. RAJIV PATEL & ASSOCIATES

ADVOCATES

25, United Apartments, 1st Floor, 2407, Gen. Thimayya Marg. (East Street), Pune - 411001.

Ref No. :

Date :

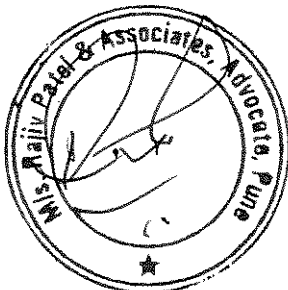
CERTIFICATE OF TITLE

RE: All those pieces and parcels of land or ground admeasuring in the aggregate 26,000 sq.mtrs. comprising of lands/portions admeasuring Hectares 00 = 21 Ares, Hectares 00 = 26 Ares, Hectares 00 = 43 Ares, Hectares 00 = 30 Ares, Hectares 00 = 30 Ares, Hectares 00 = 36 Ares, Hectares 00 = 38 Ares and Hectares 00 = 36 Ares bearing Survey Nos. 167/1A, 167/1B, 167/2, 167/3, 167/4, 168/5, 168/6 and 168/7A respectively all situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Gram Panchayat of Village Hadapsar and falling in the "Residential" Zone under the Regional Plan for Pune Metropolitan Region currently in force.

We have been instructed by M/S.NAVRANG CONSTRUCTIONS & M/S. NAVRANG DEVELOPERS, partnership firms duly registered under the provisions of the Indian Partnership Act, 1932 having their Offices at Survey No.39/3, Siddheshwar Nagar, Vishrantwadi, Pune 411015 and MARVEL SIGMA HOMES PRIVATE LIMITED, a company incorporated under the provisions of the Companies Act, 1956 having its Registered Office at "Artha Vishwa", Lane No.5, Koregaon Park, Pune 411001, to investigate the title of the Owners of the above captioned lands to the same and the beneficial title of the said M/s Navrang Constructions, M/s Navrang Developers and the said Marvel Sigma Homes Private Limited thereto. We have carried out such investigation and our observations in respect thereof based on perusal of the relevant Revenue Record and other relevant documents submitted to us for our scrutiny are as under:-

1) Lands bearing Survey No. 167 Hissa Nos. 1A and 1 B, Hadapsar.

- a) One Shri. Shripati Tukaram Tupe was the owner of all those pieces and parcels of land or ground admeasuring 20 Gunthas and 25 Gunthas bearing Hissa Nos. 1A and 1B respectively of Survey No. 167 (formerly bearing Survey No. 167 Hissa No. 1) situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.
- b) The said Shri. Shripati Tukaram Tupe died intestate on 30.04.1965 leaving behind him, as his only heirs and next-of-kin, his son, Shankar, and his daughter, Sonubai Nivrutti Katke. The name of said Shri. Shankar Shripati Tupe was entered as the Karta and Manager of the Hindu Undivided Family of the late Shripati Tupe on the Revenue Record pertaining to the said lands bearing

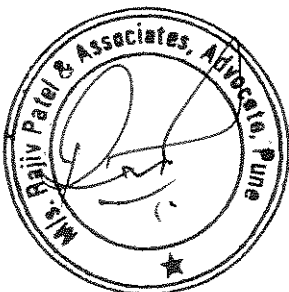


Hissa Nos. 1A & 1B of Survey No. 167, Hadapsar as the holder thereof vide Mutation Entry No.6270 dated 12.02.1966.

- c) Pursuant to the Order dated 29.07.1971 passed by the Collector, District Pune and the Order dated 02.08.1971 made by the Tehsildar, Taluka Haveli and the Order made by the Judicial Magistrate Ist Class in Case No.27 of 1968, a charge of Rs.300/- was entered in the "Other Rights" Column of the VII/XII Extract in respect of the land bearing Survey No.167 Hissa No.1A, Hadapsar vide Mutation Entry No.7389 dated 10.08.1971. We have been informed by the said M/s.Navrang Constructions that, despite diligent inquiries / search, details as to how and in what circumstances such charge was entered in the said Revenue Record pertaining to the said Land have not been traced.
- d) The said Shri.Shankar Shripati Tupe availed of a Loan from the Hadapsar Seva Vikas Society and, as security for repayment of such Loan, created a charge in favour of the said Society on the said land bearing Survey No.167 Hissa No.1B, Hadapsar. Such charge was entered on the "Other Rights" Column of the VII/XII Extract pertaining to the said land vide Mutation Entry No.6441 dated 02.01.1967. On the said Shri.Shankar Shripati Tupe repaying the said Loan / Dues of the said Society, the said Charge of the said Bank on the said land bearing Survey No.167 Hissa No.1B, Hadapsar was deleted from the Revenue Record pertaining thereto vide Mutation Entry No.7738 dated 26.03.1973.
- e) The said Shri.Shankar Shripati Tupe availed of a Loan from the United Commercial Bank and, as Security for repayment of such Loan, created a charge in favour of the said Bank on the said lands bearing Survey No.167 Hissa Nos.1A and 1B, Hadapsar. Such charge was entered on the "Other Rights" Columns of the VII/XII Extracts pertaining to the said land vide Mutation Entry No.9706 dated 04.09.1981. On the said Shri.Shankar Shripati Tupe repaying the said Loan / Dues of the said Bank, the said Charge of the said Bank on the said lands bearing Survey No.167 Hissa Nos.1A and 1B, Hadapsar was deleted from the Revenue Record pertaining thereto vide Mutation Entry No.36986 dated 18.08.2008.
- f) The said Shri.Shankar Shripati Tupe died intestate on 11.08.1997 leaving behind him, as his only heirs and next-of- kin, his widow, Anjanabai, his son, Kishore, heirs of his pre-deceased son, Surdas Shankar Tupe, (who died on 22.11.1988) [i.e.Smt.Ranjana Surdas Tupe, Shri.Vishal Surdas Tupe and Shri.Nilesh Surdas Tupe & Sou.Varsha Hanumant Memane], the heirs of his pre-deceased son, Dattatraya Shankar Tupe (who died on 29.08.1997) [i.e.Smt.Saraswati Dattatraya Tupe & Harshal Dattatraya Tupe] and the married daughter of the said Shankar Shripati Tupe, Smt.Sharda Ramdas Shete. The names of said heirs of the late Shankar Shripati Tupe were entered on the Revenue Record pertaining to the said lands bearing Hissa Nos. 1A & 1B of Survey No. 167, Hadapsar as the holders thereof vide Mutation Entry No.20847 dated 24.10.1997. Due to error, the name of the said Shri.Dattatraya Shankar Tupe

was continued to be shown on the Revenue Record pertaining to lands bearing Hissa Nos.1A and 1B of Survey No.167, Hadapsar as one of the holders thereof. In the circumstances, pursuant to Application made in that behalf, the death of the said Shri.Dattatraya Shankar Tupe was given due effect to vide Mutation Entry No.37990 dated 28.04.2009 and the name of the said Shri.Dattatraya Shankar Tupe was deleted from the Revenue Record pertaining to the said land bearing Hissa Nos.1A and 1B of Survey No.167, Hadapsar vide the said Mutation Entry.

- g) The said Shri.Kishore Shankar Tupe availed of a Loan from the Sadhana Sahakari Bank, Hadapsar Branch and, as security for repayment of such Loan, created a charge in favour of the said Bank on the said land bearing Survey No.167 Hissa No.1B, Hadapsar. Such charge was entered on the "Other Rights" Column of the VII/XII Extract pertaining to the said land vide Mutation Entry No.28023 dated 13.3.2002. On the said Shri. Kishore Shankar Tupe repaying the said Loan / Dues of the said Bank, the said Charge of the said Bank on the said land bearing Survey No.167 Hissa No.1B, Hadapsar was deleted from the Revenue Record pertaining thereto vide Mutation Entry Nos.30596 and 34876 dated 05.03.2004 and 28.02.2007.
- h) Vide an Agreement for Development dated 09.12.2004 (duly registered under Serial No.7642 of 2004 with the Sub-Registrar, Haveli III, Pune) made by and between, inter-alia, the said heirs of the late Shankar Shripati Tupe and the said M/s Navrang Constructions, the said heirs of the late Shankar Tupe granted rights of development of the said lands bearing Survey No. 167 Hissa Nos. 1A & 1B, Hadapsar to/in favor of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained. The said parties to the said Agreement dated 9.12.2004 executed on 16.01.2008 a Deed of Confirmation whereby they confirmed the terms of the said Agreement dated 09.12.2004 and the said Smt.Anjanabai Shankar Tupe and Others confirmed receipt of the entire agreed consideration amount under the terms of the said Agreement and also confirmed the fact that the said M/s.Navrang Constructions hold vacant and peaceful possession of the said lands bearing Hissa Nos.1A and 1B of Survey No.167, Hadapsar. The said Deed of Confirmation dated 16.01.2008 was duly Registered under Serial No.490 of 2008 with the Sub-Registrar, Haveli III, Pune. The said Sonubai Sripati Tupe [daughter of the late Sripati Tukaram Tupe] was not a party to the aforesaid Documents. However, no fact or circumstance has been brought to our notice indicating that the said Sonubai Sripati Tupe or her heirs have made any claim on the said Land bearing Survey No.167 Hissa No.1A, Hadapsar.
- i) In or around the year 1943, the said late Shripati Tukaram Tupe had mortgaged a portion of the said land then bearing Hissa No.1 of Survey No.167, Hadapsar to one Shri.Bapu Shivram Tupe. Effect of such mortgage was given and the name of the said Shri. Bapu Shivram Tupe was entered in the "Other Rights" column of the Revenue Record pertaining to the said land then bearing Survey



No. 167 Hissa No. 1, Hadapsar as a Mortgagee thereof vide Mutation Entry No. 3326 dated 8.06.1943. On the said M/s.Navrang Constructions making payment of the agreed consideration amount to the heirs of the said late Babu Shivram Tupe, the said heirs of the said late Babu Shivram Tupe relinquished all their claims, rights, title, interest or whatsoever in the said portion of the land earlier bearing Survey No.167 Hissa No.1, Hadapsar and which portion was subsequently included in land assigned Hissa No.1B of Survey No.167, Hadapsar in favour of the said heirs of late Shankar Shripati Tupe and released the said Mortgage thereon vide a Deed of Release dated 3.08.2007 duly Registered under Serial No. 7595 of 2007 with the Sub-Registrar, Haveli III, Pune

2) **Survey No. 167 Hissa No. 2**

- a) The name of one Shri. Krishna Rama Shinde was shown as the holder of all that piece and parcel of land or ground admeasuring 1 Acre and 03 Gunthas bearing Survey No. 167 Hissa No. 2 situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.
- b) One Smt. Jaibai Baburao Tupe filed a Suit (bearing Regular Civil Suit No. 1104 of 1982 in the Court of the Civil Judge, Junior Division, Pune) against the said Shri. Krishna Rama Shinde, claiming, inter-alia, for a Declaration from the said Hon'ble Court that she was the actual Owner of the said land bearing Survey No.167 Hissa No.2, Hadapsar as the same has been purchased by her from her predecessor-in-title out of her funds and that though the said Shri.Krishna Rama Shinde [her brother] was shown to be the Purchaser thereof in the Deed of Sale dated 04.08.1941 executed by Shri.Govinda Sakharam Tupe in favour of the said Shri.Krishna Rama Shinde and which Deed was duly Registered under Serial No.628 of 1941, the said Shri.Krishna Rama Shinde was, in fact, the "Benamidar" of Smt.Jaibai Rama Shinde.
- c) Vide his Order dated 13.07.1982, the Civil Judge, Junior Division, Pune decreed the said Suit filed by the said Smt. Jaibai Baburao Tupe. The name of the said Smt. Jaibai Baburao Tupe was entered on the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No. 2, Hadapsar as the holder thereof vide Mutation Entry No. 17461 dated 1.08.1994.
- d) Vide a Deed of Adoption dated 15.09.1982 (duly Registered under Serial No. 5903 of 1982 with the Sub-Registrar, Haveli II, Pune) the said Smt. Jaibai Baburao Tupe adopted a son who was named as "Ajay Baburao Tupe".
- e) The said Smt.Jaibai Baburao Tupe died intestate on 7.10.1989 leaving behind her, as her only heir and next-of-kin, her son, the said Ajay Baburao Tupe. The name of the said Ajay Baburao Tupe was entered on the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No. 2,

Hadapsar as the holder thereof vide Mutation Entry No. 19169 dated 7.10.1996.

- f) The said Shri.Ajay Baburao Tupe availed of a Loan from the Canara Bank, Hadapsar Branch, and, as security for repayment of such Loan, created a charge in favour of the said Bank on the said land bearing Survey No.167 Hissa No.2, Hadapsar. Such charge was entered on the "Other Rights" Column of the VII/XII Extract pertaining to the said land vide Mutation Entry No.24799 dated 29.10.1999. On the said Shri.Ajay Baburao Tupe repaying the said Loan / Dues of the said Bank, the said Charge of the said Bank on the said land bearing Survey No.167 Hissa No.2, Hadapsar was deleted from the Revenue Record pertaining thereto vide Mutation Entry No.36084 dated 4.01.2008.
- g) Vide an Agreement for Development dated 13.08.2009 [duly Registered under Serial No.5879 of 2009 with the Sub-Registrar, Haveli VIII, Pune] the said Shri.Ajay Baburao Tupe and Members of his family granted rights of development of the said land bearing Survey No.167 Hissa No.2, Hadapsar to / in favour of Marvel Realtors and Developers Limited.

3) Survey No. 167 Hissa No. 3

- a) One Shri. Haribhau Pandurang Shelke was owner of all that piece and parcel of land or ground admeasuring 30 Gunthas bearing Survey No. 167 Hissa No. 3 situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.
- b) The said Shri. Haribhau Pandurang Shelke died intestate on 08.10.1994 leaving behind him, as his only heirs and next-of-kin, his widow, Shevantabai, his son, Popat, his daughters, Janabai Baburao Tupe, Sulochana Balasaheb Hargude, Sharada Shivaji Lonkar and Smt. Champabai Dattatray Tupe. The names of said heirs of the late Haribhau Pandurang Shelke were entered on the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No. 3, Hadapsar as the holders thereof vide Mutation Entry No.20520 dated 15.09.1997.
- c) Vide a Deed of Release dated 10.11.1994 (duly registered under Serial No. 6205 of 1994 with the Sub-Registrar, Haveli -III, Pune) the said Janabai Baburao Tupe, Sulochana Balasaheb Hargude, Sharada Shivaji Lonkar and Smt. Champabai Dattatray Tupe (i.e. daughters of the said Late Haribhau Pandurang Shelke) relinquished all their share, claim, right, title and interest in the said land bearing Survey No. 167 Hissa No. 3, Hadapsar in favour of their brother, the said Shri.Popat Haribhau Shelke. The names of the said Janabai Baburao Tupe and Three Others were deleted from the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No. 3, Hadapsar as the co-holders thereof vide Mutation entry No. 24973 dated 21.12.1999.



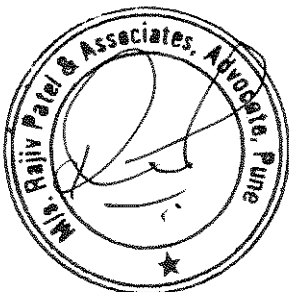
- d) The said Smt. Shevantabai Haribhau Shelke (widow of the said late Haribhau Pandurang Shelke) died intestate on 11.01.1998 leaving behind her, as her only heirs and next-of-kin, her said son and daughters. The name of the said Smt. Shevantabai Haribhau Shelke was deleted from the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No. 3, Hadapsar vide Mutation Entry No. 27010 dated 09.05.2001.
 - e) Vide an Agreement for Development dated 11.03.2005 (duly Registered under Serial No. 1364 of 2005 with the Sub-Registrar, Haveli III, Pune) made by and between the said Smt. Janabai Baburao Tupe of the One Part and the said M/s. Navrang Constructions on Other Part, the said Smt. Janabai Baburao Tupe granted rights of development of her undivided share represented by Hectares 00 = 02 Ares in the said land bearing Survey No. 167 Hissa No.3, Hadapsar and which share was acquired by the said Smt. Janabai Baburao Tupe on the death of the said Smt. Shevantabai Haribhau Shelke to/in favor of the said M/s. Navrang Constructions at or for consideration and on the terms and conditions therein contained.
 - f) Vide a Deed of Release dated 21.04.2005 (duly Registered under Serial No. 2356 of 2005 with the Sub-Registrar, Haveli –III, Pune) the said Sulochana Balasaheb Hargude, Sharada Shivaji Lonkar and Champabai Dattatray Tupe relinquished all their claims, rights, title and interest in the said land bearing Survey No. 167 Hissa No.3, Hadapsar and which share was acquired by the said Sulochana Balasaheb Hargude, Sharada Shivaji Lonkar and Champabai Dattatraya Tupe on the death of the said Smt. Shevantabi Haribhau Shelke in favour of their brother i.e. the said Shri. Popat Haribhau Shelke.
 - g) Vide an Agreement for Development dated 21.04.2005 (duly Registered under Serial No.2359 of 2005, with the Sub-Registrar, Haveli, III, Pune) made by and between the said Shri. Popat Haribhau Shelke & Members of his family of the One Part and the said M/s. Navrang Constructions on Other Part, the said Shri. Popat Haribhau Shelke granted rights of development of the said land bearing Survey No. 167 Hissa No. 3, Hadapsar to/in favour of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.
- 4) **Survey No. 167 Hissa No.4**
- a) One Shri. Narayan Gajaba Tupe was owner of all that piece parcel of land or ground admeasuring 30 Gunthas bearing Survey No. 167 Hissa No. 4 situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.
 - b) The said Shri. Narayan Gajaba Tupe died intestate on 06.03.1955 leaving behind him, as his only heirs and next-of-kin, his widow, Kasabai, his sons, Balu, Yashwant, Jaysingh, Keshav, and Appa. The name of the said Shri. Balu Narayan

Tupe was entered as the Karta and Manager of the Hindu Undivided Family of the late Shri.Narayan Tupe on the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No.4, Hadapsar vide Mutation Entry No.4702 dated 25.06.1955.

- c) Vide a Deed of Partition dated 18.07.2002 (duly Registered under Serial No.3543 of 2002, with the Sub-Registrar, Haveli III, Pune) the said heirs of the said late Narayan Gajaba Tupe partitioned the lands in the Village Hadapsar held by and between themselves, and, on such partition, the said land bearing Survey No. 167 Hissa No.4, Hadapsar came to the share of Shri.Jaysingh Narayan Tupe. Effect to the said partition was given and the name of the said Shri. Jaysingh Narayan Tupe was entered on the Revenue Record pertaining to the said land bearing Survey No. 167 Hissa No. 4, Hadapsar as the holder thereof vide Mutation Entry No. 29074 dated 25.09.2002.
- d) Vide an Agreement for Development dated 16.12.2004 (duly Registered under Serial No.7854 of 2004, with the Sub-Registrar, Haveli III, Pune) made by and between, the said Shri.Jaysingh Narayan Tupe & Members of his family of the One Part and the said M/s Navrang Constructions of the Other Part, the said Shri. Jaysingh Narayan Tupe and Members of his family granted rights of development of the said land bearing Survey No. 167 Hissa No. 4, Hadapsar to/in favour of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.

5) Survey No. 168 Hissa No.5

- a) Shri Kisan Amruta Tupe and Shri Laxman Makaji Tupe were the holders of land admeasuring 36 Gunthas bearing Survey No.168 Hissa No.5, Village Hadapsar, Taluka Haveli, District Pune. Vide a Deed of Mortgage dated 15.10.1928 [duly registered under Serial No.1348 of 1928 with the Sub-Registrar, Haveli III, Pune), the said Shri Kisan Amruta Tupe and Shri Laxman Makaji Tupe created a Mortgage with Possession in respect of the said Land in favour of one Smt.Kashibai Amrutrao Khilare as security for due repayment of a loan advanced by Smt.Kashibai Amrutrao Khilare to them. Under the terms of such mortgage, the said Shri Kisan Amruta Tupe and Shri Laxman Makaji Tupe were obliged to return the loan amount together with interest accrued thereon within a period of two years, failing which, the said Mortgagee was entitled to have the said Land sold through Court and to recover her dues. The name of the said Smt.Kashibai Amrutrao Khilare was entered on the VII/XII Extract in respect of the said land bearing Survey No.168 Hissa No.5, Hadapsar as the holder thereof vide Mutation Entry No.1925 dated 15.11.1928.
- b) The said Smt.Kashibai Amrutrao Khilare died intestate on 03.08.1943 leaving behind her as her only heir and next-of-kin, her son, Jaysinghrao Amrutrao Khilare. The name of the said Shri Jaysinghrao Amrutrao Khilare was entered as the holder of the said land bearing Survey No.168 Hissa No.5, Hadapsar in place



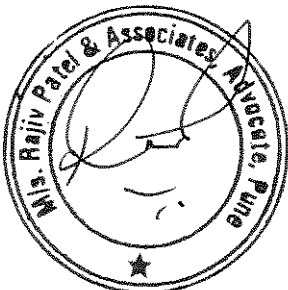
of the late Smt.Kashibai Amrutrao Khilare vide Mutation Entry No.3462 dated 01.04.1945.

- c) The name of one Shri Narayan Gajaba Tupe was entered as a "Protected Agricultural Tenant" of the said land bearing Survey No.168 Hissa No.5, Hadapsar in the "Other Rights" Column of the VII/XII Extract in respect of the said land in or around the year 1932/33. The said Shri Narayan Gajaba Tupe died intestate on 06.03.1955 leaving behind him as his only heirs and next-of-kin his sons, Balu, Yeshwant, Jaysingh, Keshav and Appa and his widow, Kasabai Narayan Tupe. However, only the name of Shri Balu Narayan Tupe was entered on the Revenue Record as "Protected Tenant" of the said land bearing Survey No.168 Hissa No.5 as the Karta and Manager of the Hindu Undivided Family of the late Shri Narayan Gajaba Tupe vide Mutation Entry No.5823 dated 28.01.1963.
- d) The said Shri Balu Narayan Tupe and Shri Yeshwant Narayan Tupe were declared to be eligible to purchase the said land bearing Survey No.168 Hissa No.5, Hadapsar under the provisions of Section 32-G of the Bombay Tenancy and Agricultural Lands Act, 1948 by the Agricultural Lands Tribunal, Taluka Haveli vide its Order dated 10.08.1963 and the purchase price of the said land was determined. In the circumstances, vide Mutation Entry No.6089 dated 16.10.1964, the name of the said Shri Balu Narayan Tupe and his brother, Shri Yeshwant Narayan Tupe, were entered as the holders in possession of the said land bearing Survey No.168 Hissa No.5, Hadapsar while the name of the said Shri Jaysinghrao Amrutrao Khilare was entered in the "Other Rights" Column of the VII/XII Extract in respect of the said land vide Mutation Entry No.6089 dated 16.10.1964. On the said Shri Balu Narayan Tupe and Shri Yeshwant Narayan Tupe making payment of the determined purchase price of the said land, a Certificate under the provisions of Section 32-M of the Bombay Tenancy and Agricultural Lands Act, 1948 declaring them to be the tenant/ purchasers thereof was issued on 07.01.1970 by the Additional Tehsildar and Agricultural Lands Tribunal, Taluka Haveli. Accordingly, vide Mutation Entry No.7096 dated 24.02.1970, the names of the said Shri Balu and Yeshwant Narayan Tupe were entered as the holders of the said land bearing Survey No.168 Hissa No.5, Hadapsar on "Class II" [Navin Shart] basis.
- e) Vide a Deed of Partition dated 18.07.2002 (duly Registered under Serial No.3543 of 2002, with the Sub-Registrar, Haveli III, Pune) the said Shri. Balu Narayan Tupe, Shri. Yashwant Narayan Tupe, Shri. Appasaheb Narayan Tupe and the heirs of their deceased brothers partitioned the lands in the Village Hadapsar by and between themselves and, on such partition, a portion admeasuring Hectares 00 = 11 Ares out of the said land bearing Survey No. 168 Hissa No.5, Hadapsar came to the share of the said Balu Narayan Tupe and the remaining portion admeasuring Hectares 00 = 25 Ares thereof came to the share of the said Shri. Appasaheb Narayan Tupe. Effect of the said partition was given and the names of the said Shri. Balu Narayan Tupe and Shri. Appasaheb Narayan Tupe were

entered on the Revenue Record pertaining to the said land bearing Survey No. 168 Hissa No. 5, Hadapsar as the holders of the said portions admeasuring Hectares 00 = 11 Ares and Hectares 00 = 25 Ares respectively thereof vide Mutation Entry No. 29074 dated 25.09.2002.

- f) Vide an Agreement for Development dated 11.03.2005 (duly Registered under Serial No.1362 of 2005, with the Sub-Registrar, Haveli, III, Pune) made by and between the said Shri. Appasaheb Narayan Tupe & Members of his family of the One Part and the said M/s Navrang Constructions of the Other Part, the said Shri. Appasaheb Narayan Tupe & Members of his family granted rights of development of the said portion admeasuring Hectors 00= 25 Ares out of the said land bearing Survey No. 168 Hissa No.5, Hadapsar to/in favour of the said M/s. Navrang Constructions at or for consideration and on the terms and conditions therein contained.
- g) Vide an Agreement for Development dated 24.08.2005 (duly Registered under Serial No. 5041 of 2005, with the Sub-Registrar, Haveli III, Pune) made by and between the said Shri. Balu alias Balasaheb Narayan Tupe & Members of his family of the One Part and the said M/s Navrang Constructions of the Other Part, the said Shri. Balu Narayan Tupe & Members of his family granted rights of development of the said portion admeasuring Hectors 00=11 Ares out of the said land bearing Survey No. 168 Hissa No.5, Hadapsar to/in favor of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.
- h) The said Shri Balu Narayan Tupe died intestate on 20.08.2007 leaving behind him as his only heirs and next-of-kin the following:
 - a) Shri Subhash Balasaheb Tupe and Shri Raviraj Balasaheb Tupe – Sons
 - b) Shri Santosh Haribhau Tupe – Grandson [son of Shri Haribhau Balasaheb Tupe – predeceased son of the said late Balu alias Balasaheb Narayan Tupe].
 - c) Shri Mangesh Vinayak Tupe – Grandson [son of Shri Vinayak Balasaheb Tupe – predeceased son of the said late Balu alias Balasaheb Narayan Tupe].
 - d) Smt.Sadhana Suresh Gade – Grand-daughter
 - e) Smt. Ranubai Sanjay Modak – Grand-daughter
 - f) Smt. Mandakini Vinayak Tupe – Daughter-in-law
 - g) Smt.Chaguna Haribau Tupe – Daughter-in-law.

The names of the said heirs of the late Balu alias Balasaheb Narayan Tupe were duly entered on the Revenue Record in respect of the said land bearing Survey No.168 Hissa No.5, Hadapsar vide Mutation Entry No.36887 dated 17.07.2008

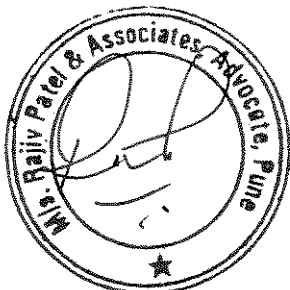


- i) After procuring due permission of the Sub-Divisional Officer, Pune Sub-Division, Pune vide his Order dated 02.01.2009 read with a Corrigendum thereto dated 07.02.2009 under the provisions of Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948, the said heirs of Shri Balu Narayan Tupe and the said Shri Appa Narayan Tupe and members of his family conveyed their said respective holdings admeasuring Hectares 00=11 Area and Hectares 00=25 Ares out of the said land bearing Survey No.168 Hissa No.5, Hadapsar to/in favour of the said M/s Navrang Constructions vide a Deed of Sale dated 01.04.2009 [duly registered under Serial No.2418 of 2009 with the Sub-Registrar, Haveli VIII, Pune]. The name of the said M/s Navrang Constructions was duly entered on the Revenue Record pertaining to the said land bearing Survey No.168 Hissa No.5, Hadapsar as the holder thereof vide Mutation Entry No.37926 dated 01.04.2009.
- j) As stated above, Shri Kisan Amruta Tupe and Shri Laxman Makaji Tupe were the holders of the said land bearing Survey No.168 Hissa No.5, Village Hadapsar at the time when the said mortgage in favour of the said Smt.Kashibai Amrutrao Khilare was created. It appears that the said Shri Laxman Makaji Tupe gifted his share in the said land to Shri Kisan Amruta Tupe vide a Deed of Gift dated 23.11.1929. It appears that the said Shri Kisan Amruta Tupe died on 05.04.1968 leaving behind him as his only heir and next-of-kin, his son, Shri Baban Kisan Tupe. It appears that the said Shri Baban Kisan Tupe died in or around the year 1973 leaving behind him his only heirs and next-of-kin, his sons, Ramesh and Ashok, his widow, Chandrabhaga, and his married daughters, Lalita Prakash Ghule and Sangeeta Dattatraya Bhorade. The said heirs of the late Shri Baban Kisan Tupe filed Regular Civil Suit No.1476 of 2005 in the Court of the Civil Judge, Junior Division, Pune at Pune praying, inter alia, for a Declaration that they were the owners of the said land bearing Survey No.168 Hissa No.5, Hadapsar on the ground that the said Smt.Kashibai Amrutrao Khilare and her son, the said Shri Jaysinghrao Amrutrao Khilare, were only Mortgagees of the said land and that the heirs of the said Shri Kisan Amruta Tupe were the owners thereof. However, the said Suit was dismissed by the Hon'ble Court vide its Order dated 21.02.2008 for want of prosecution. The said heirs of the late Shri Baban Kisan Tupe filed Regular Civil Suit No.1874 of 2006 in the Court of Civil Judge, Junior Division, Pune at Pune against, inter alia, the heirs of the said Shri Jaysinghrao Amrutrao Khilare and the heirs of late Shri Narayan Gajaba Tupe seeking a Decree for redemption of the said Mortgage dated 15.10.1928 earlier created by the said Shri Kisan Amruta Tupe and Shri Laxman Makaji Tupe in favour of the said Smt.Kashibai Amrutrao Khilare and for incidental reliefs. The said Suit bearing Regular Civil Suit No.1874 of 2006 was dismissed by the said Court vide its Order dated 07.04.2007 on the grounds therein mentioned. The said heirs of the late Shri Baban Kisan Tupe thereafter preferred an Appeal bearing Civil Appeal No.309 of 2007 to the Court of the District Judge, Pune against the said Order dated 07.04.2007 passed by the Court of the Civil Judge, Junior Division, Pune at Pune in the said Regular Civil Suit No.1874 of 2006. The said Civil Appeal No.309 of 2007 was dismissed by the Court of the District

Judge, Pune vide its Order dated 30.09.2009. The said heirs of the late Shri Baban Kisan Tupe preferred a Second Appeal [bearing Stamp No.437 of 2010] to the Hon'ble High Court of Judicature, Mumbai at Mumbai against the said Order dated 30.09.2009 passed by the Court of the District Judge in the said Civil Appeal No.309 of 2006. However, vide its Order dated 25.08.2010, the Hon'ble High Court, Mumbai dismissed the said Second Appeal. The said heirs of Babu Kisan Tupe preferred a Special Leave Petition to the Hon'ble Supreme Court of India [bearing No.31508 of 2010] and which Special Leave Petition is pending has been dismissed by the Hon'ble Supreme Court vide its Order dated 03.12.2010.

6) **Survey No. 168 Hissa No.6**

- a) One Ganpati Gajaba Tupe was owner of all that piece parcel of land or ground admeasuring 38 Gunthas bearing Survey No. 168 Hissa No. 6 situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.
- b) The said Shri.Ganpati Gajaba Tupe died on 19.10.1941 and the name of his son, Maruti Ganpati Tupe, as the Karta and Manager of the Hindu Undivided Family of the late Shri.Ganpati Gajaba Tupe was entered on the Revenue Record pertaining to the land bearing Survey No.168 Hissa No.6, Hadapsar as the holder thereof vide Mutation Entry No.3195 dated 9.12.1941. However, though the said Mutation does not refer to the other heirs and next-of-kin of Shri.Ganpati Gajaba Tupe, as per information provided by Members of the family, the said Shri.Ganpati Gajaba Tupe left behind him his sons, Maruti, Chandrakant and Gulab, as his only heirs and next-of-kin.
- c) The said Shri.Maruti Ganpati Tupe died intestate on 04.02.1981 leaving behind him, as his only heirs and next-of-kin, his widow, Tarabai, his sons, Vasant, Balu, Suresh, & Kiran, his daughters, Smt.Baidabai Shivaji Chaudhari, & Smt.Harubai Yashvant Masal, and his brother, Shri. Chandrakant Ganpati Tupe. The names of the said daughters of the said late Maruti Ganpati Tupe were entered in the "Other Rights" column of the Revenue Record and the name of the said Smt.Tarabai Maruti Tupe was entered as the Karta and Manager of the Hindu Undivided Family of the Late Maruti Ganpati Tupe on the Revenue Record pertaining to the said land bearing Survey No. 168 Hissa No. 6, Hadapsar as the holder thereof vide Mutation Entry No.9663 dated 13.07.1981.
- d) As stated above, the said Shri.Ganpati Gajaba Tupe left behind him as his only heirs and next-of-kin his three sons, Maruti, Chandrakant and Gulab. From information received from the Members of the family of the said Shri.Gulab Ganpati Tupe, it appears that the said Shri.Gulab Ganpati Tupe has been missing from the year 1982 and that despite extensive search



made to locate him by his family members, his whereabouts have not been traced. Under the provisions of Section 107 read with Section 108 of the Indian Evidence Act, 1872, in view of the fact that the said Shri.Gulab Ganpati Tupe is missing for more than Seven Years, relying on the declaration made by Smt.Parubai Gulab Tupe and Smt.Sunanda Rajaram Renuse [nee Sunanda Gulab Tupe] widow and daughter respectively of the said Shri.Gulab Ganpati Tupe in Clause 3 of the Deed of Sale dated 14.01.2009 executed, inter-alia, by them in favour of M/s.Navrang Constructions, a presumption of his death is raised. No fact or circumstance has come to our knowledge rebutting such presumption. In the circumstances, we are satisfied that the death of Shri.Gulab Ganpati Tupe can be taken as established. Vide the said Deed of Sale dated 14.01.2009 [duly Registered under Serial No.302 of 2009 with the Sub-Registrar, Haveli VIII, Pune] the said Smt.Parubai Gulab Tupe and Smt.Sunanda Rajaram Renuse nee Kumari Sunanda Gulab Tupe assigned, transferred, assured and conveyed the undivided one-third share in the said land admeasuring Hectares 00 = 38 Ares bearing Survey No.168 Hissa No.6 Hadapsar held by them to the said M/s.Navrang Constructions. The name of the said M/s.Navrang Constructions has not been entered on the Revenue Record pertaining to the said land bearing Survey No.168 Hissa No.6, Hadapsar as the holder of the undivided one-third share therein earlier held by the said Shri.Gulab Ganpati Tupe.

- e) Based on information received from the Members of the Family, it appears that Shri.Chandrakant Ganpati Tupe has died leaving behind him as his only heirs and next-of-kin his sons, Viay and Suhas.
- f) Vide an Agreement for Development dated 23.09.2004 (duly Registered under Serial No.5982 of 2004 with the Sub-Registrar, Haveli III, Pune) made by and between, inter-alia, the said Smt. Tarabai Maruti Tupe, Shri. Vasant Maruti Tupe, Shri. Balu Maruti Tupe, Shri. Suresh Maruti Tupe, Shri. Kiran Maruti Tupe, Shri. Suhas Chandrakant Tupe, Shri. Vijay Chandrakant Tupe and Members of their respective families and the said M/s Navrang Constructions, the said Smt. Tarabai Maruti Tupe and Others purported to grant rights of development of the said land bearing Survey No. 168 Hissa No. 6, Hadapsar to/in favour of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.

7) **Survey No. 168 Hissa No.7A.**

- a) One Shri.Bhiku Rakhamaji Tupe was the owner of all that piece parcel of land or ground admeasuring 37 Gunthas bearing Survey No. 168 Hissa No. 7 situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.

- b) The said Shri.Bhiku Rakhmaji Tupe availed of a Loan from the Poona District Co-operative Land Mortgage Bank, Pune and, as security for due repayment of such Loan, created a Possessory Mortgage on, inter-alia, the said land bearing Survey No.168 Hissa No.7, Hadapsar in favour of the said Bank on or around 12.07.1963. Effect of such Mortgage created in favour of the said Bank was given on the Revenue Record pertaining to the said Land bearing Survey No.168 Hissa No.7 Hadapsar vide Mutation Entry No.6151 dated 20.05.1965 and the name of the said Bank was entered as the Mortgagor in possession thereof vide the said Mutation. On the said Loan and dues of the said Bank being repaid / paid, the Mortgage earlier created on, inter-alia, the said land bearing Survey No.168 Hissa No.7, Hadapsar was released / redeemed and the name of the said Bank was deleted from the Revenue Record pertaining to, inter-alia, the said land bearing Survey No.168 Hissa No.7, Hadapsar vide Mutation Entry No.7855 dated 03.10.1973.
- c) The said Shri. Bhiku Rakhamaji Tupe died intestate on 3.08.1973 leaving behind him, as his only heirs and next-of-kin, his widow, Radhabai, his sons, Madhav, Madhukar, Shivaji, Tanaji, & Ramdas, and his daughter, Smt.Shantabai Dnyanoba Waghule. The said Smt.Radhabai Bhiku Tupe and the said Smt.Shantabai Dnyanoba Waghule made Application to the concerned Revenue Authorities that they had released their undivided shares in, inter-alia, the said land bearing Survey No.168 Hissa No.7, Wagholi. Pursuant to the Application made by the said heirs of the said late Bhiku Rakhmaji Tupe, the said heirs partitioned the lands in the Village Hadapsar. The death of the said Shri.Bhiku Rakhmaji Tupe and the said partition effected by and between his heirs were given effect to on the Revenue Record vide Mutation Entry No.7856 dated 04.10.1973. However, the full text of the said Mutation is not available with the Revenue Authorities. In the circumstances, details of such partition effected amongst the heirs of the late Shri.Bhiku Rakhmaji Tupe are not available from the said available portion of the said Mutation Entry No.7856. However, perusal of the relevant VII/XII Extracts pertaining to the lands bearing Hissa Nos.7A and 7B of Survey No.168, Hadapsar of the relevant time reflect that the land admeasuring Hectares 00 = 36 Ares bearing Survey No.168 Hissa No.7A, Hadapsar came to the share of Shri.Ramdas Bhiku Tupe while the remaining portion admeasuring Hectares 00 = 01 Ares out of the land earlier admeasuring 38 Gunthas bearing Survey No.168 Hissa No.7, Hadapsar came to the share of Shri.Shivaji Bhiku Tupe and which portion was shown to admeasure Hectares 00 = 01 Ares and assigned Hissa No.7B of Survey No.168, Hadapsar vide the said Mutation Entry No.7856.
- d) Pursuant to Application made in that behalf on 01.04.1985 to the Tahsildar, Taluka Haveli under the provisions of Section 85 of the Maharashtra Land Revenue Code, 1966 the said Shri.Ramdas Bhiku Tupe



and Members of his Family partitioned the lands in Village Hadapsar amongst them and, on such partition, the said land bearing Survey No. 168 Hissa No. 7A, Hadapsar came to the share of Smt. Vasanti Ramdas Tupe. The name of the said Smt. Vasanti Ramdas Tupe was entered on the Revenue Record pertaining to the said land bearing Survey No. 168 Hissa No. 7A, Hadapsar as the holder thereof vide Mutation Entry No. 11236 dated 11.05.1985.

- e) Vide an Agreement for Development dated 30.12.2004 (duly Registered under Serial No. 8210 of 2004 with the Sub-Registrar, Haveli III, Pune) made by and between, inter-alia, the said Smt. Vasanti Ramdas Tupe and the said M/s Navrang Constructions, the said Smt. Vasanti Ramdas Tupe granted rights of development of the said land bearing Survey No. 168 Hissa No.7A, Hadapsar to/in favour of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.
- 8) Vide an Agreement dated 28.03.2007 (duly Registered under Serial No. 2625 of 2007 with the Sub-Registrar Haveli VIII, Pune) executed by and between the said the said M/s Navrang Constructions of the First Part, M/s Navrang Developers of the Second Part and the said Marvel Realtors and Developers Limited of the Third Part read with an Agreement Supplemental thereto dated 13.05.2010 [duly Registered under Serial No.4981 of 2010 with the Sub-Registrar, Haveli VIII, Pune] the said parties have agreed to jointly develop the above captioned lands and certain other lands on a "Principal to Principal" basis.
- 9) Vide a Deed of Assignment dated 20.09.2010 [duly Registered under Serial No.9474 of 2010 with the Sub-Registrar, Haveli VIII, Pune] the said Marvel Realtors and Developers Limited assigned and transferred all and whatsoever its beneficial right, title or interest under the above recited Agreement dated 28.03.2007 earlier executed between the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Realtors & Developers Limited to / in favour of the said Marvel Sigma Homes Private Limited.
- 10) The provisions of the Maharashtra Weights & Measures Act, 1958 and the Indian Coinage Act, were made applicable to Village Hadapsar vide Mutation Entry No.6988 dated 22.05.1969 and, accordingly, the areas of the said land bearing Survey Nos. 167/1A, 167/1B, 167/2, 167/3, 167/4, 168/5, 168/6 and 168/7A were shown to be Hectares 00 = 21 Ares, Hectares 00 = 26 Ares, Hectares 00 = 43 Ares, Hectares 00 = 30 Ares, Hectares 00 = 30 Ares, Hectares 00 = 36 Ares, Hectares 00 = 38 Ares and Hectares 00 = 36 Ares respectively.
- 11) The respective Owners of the said lands bearing Survey No.167 Hissa No.1A, Survey No.167 Hissa No.1B, Survey No.167 Hissa No.3 Survey No.167 Hissa No.4, Survey No.168 Hissa No.5, Survey No.168 Hissa No.6 and Survey No.168 Hissa No.7A, Hadapsar had filed their Returns of Statements under the provisions

of Section 6 (1) of the Urban Land (Ceiling & Regulation) Act, 1976 with the Additional Collector & Competent Authority, Pune Urban Agglomeration. Proceedings under the provisions of Section 8 (3) of the said Act were duly held by the Additional Collector & Competent Authority, Pune Urban Agglomeration and which proceedings culminated in an Order dated 15.06.2006 made by the said Additional Collector & Competent Authority, Pune Urban Agglomeration under the provisions of Sub-Section (4) of Section 8 of the said Act in ULC Case No.767-TU whereby it was held that none of the said lands were surplus in the hands of the said respective Owners thereof. As regards Survey No.167 Hissa No.2, Hadapsar, the holders thereof did not file any Statement or Return in respect hereof under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976 and the status of the said land was never determined under the said Act. In the circumstances, the provisions of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 apply to the above captioned Lands.

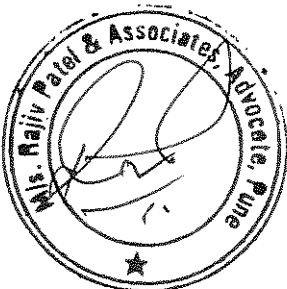
- 12) The said M/s.Navrang Constructions and Others applied for and obtained permission of the Office of the Collector, Pune vide his Order dated 22.10.2010 bearing No. PMH/NA/SR/124/10, for conversion of the user of, interalia, the above captioned lands from "agricultural" to "non-agricultural" under the provisions of Section 44 of the Maharashtra Land Revenue Code, 1966.
- 13) Vide the above recited Order dated 22.10.2010, the Office of the Collector of Pune also sanctioned the building layout/building plans in respect of the construction to be carried out on the above captioned lands and also sanctioned from time to time the Revised Building Plans vide its Orders bearing No. PMH/NA/SR/124/2011 dated 16.04.2011, bearing No. PMH/NA/SR/764/11 dated 24.10.2011, bearing No. PMH/NA/FSI/44/12 dated 12.02.2013 and bearing No. PMH/NA/FSI/116/13 dated 11.04.2014.
- 14) The said M/s.Navrang Constructions and Others commenced construction of a Housing Complex known as "MARVEL BOUNTY" comprising of Buildings containing residential flats/units on the above captioned lands and have entered in to Agreement/s for Sale of certain of such flats/units under construction by the said M/s.Navrang Constructions and Others on the above captioned lands with the prospective purchasers thereof under the provisions of the Maharashtra Ownership Flats Act, 1963.
- 15) The said M/s.Navrang Constructions, M/s Navrang Developers and the said Marvel Sigma Homes Private Limited have created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon in favour of State Bank of India vide a Simple Deed of Mortgage dated 11.01.2012 (duly registered under Serial No.419 of 2012 with the Sub-Registrar, Haveli VIII, Pune) as security of re-payment of the Term Loan granted by the said State Bank of India to the said M/s.Navrang Constructions, M/s Navrang Developers and the said Marvel Sigma Homes Private Limited for implementation of the said Project interalia, on the above mentioned lands together with interest



thereon. Such loan together with interest thereon were duly repaid by the said M/s.Navrang Constructions and Others to the said Housing State Bank of India as evidenced the said State Bank of India has executed a Deed of Release dated 06.01.2014 (duly registered under Serial No.189 of 2014 with the Sub-Registrar, Haveli VIII, Pune) to/in faovur of the said M/s.Navrang Constructions and Others.

- 16) Vide a Deed of Transfer dated 01.06.2012 (duly registered under Serial No.5063 of 2012 with the Sub-Registrar Haveli I, Pune) read with a Deed of Correction thereto dated 20.06.2012 (duly registered under Serial No.5733 of 2012 with the Sub-Registrar Haveli I, Pune), an Amenity Space admeasuring 3900 sq.mtrs. out of the said sanctioned layout was transferred/ handed over to the Office of the Collector, District Pune. Further, vide another Deed of Transfer dated 06.08.2013 (duly registered under Serial No.6551 of 2013 with the Sub-Registrar Haveli I, Pune), another Amenity Space admeasuring 3090 sq.mtrs. and a portion admeasuring 5791.65 sq.mtrs. falling under 12 Meter wide internal road of the said sanctioned layout was transferred/ handed over to the Office of the Collector, District Pune.
- 17) The said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited have created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon in favour of JM Financial Products Limited vide an Indenture of Mortgage dated 13.12.2013 (duly registered under Serial No.10148 of 2013 with the Sub-Registrar, Haveli VIII, Pune) as security of re-payment of the Term Loan granted by the said JM Financial Products Limited to the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited for implementation of the said Project on the above mentioned lands together with interest thereon. On re-payment by the said Marvel Sigma Homes Private Limited of the said loan availed of by it from the said JM Financial Products Limited, the said JM Financial Products Limited executed a Deed of Reconveyance/Release dated 26.11.2014 (duly registered under Serial No.11116 of 2014 with the Sub-Registrar, Haveli VIII, Pune) in favour of the said Marvel Sigma Homes Private Limited.
- 18) Vide a Deed of Sale dated 28.02.2014 (duly registered under Serial No.1948 of 2014 with the Sub-Registrar, Haveli VIII, Pune), Pandurang Bhiku Tupe and members of his family the owners of the land bearing Survey No.237 Hissa No.6A, Hadapsar, Taluka Haveli, District Pune (the rights of development of which land were already held by the said Marvel Sigma Homes Private Limited and the same already formed part of the said Project known as "Marvel Bounty") assigned, transferred, assured and conveyed the same to/in favour of the said Marvel Sigma Homes Private Limited. The name of the said Marvel Sigma Homes Private Limited is yet to be entered on the VII/XII Extract pertaining to the said land bearing Survey No.237 Hissa No.6A, Hadapsar, Pune as the holder thereof.

- 19) The said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited have created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon to/in favour of ICICI Bank Limited vide an Indenture of Mortgage dated 09.09.2014 (duly registered under Serial No.9721 of 2014 with the Sub-Registrar, Haveli VIII, Pune) read with a Deed of Correction thereto dated 17.10.2014 (duly registered under Serial No.9910 of 2014 with the Sub-Registrar, Haveli VIII, Pune) as security for re-payment of the Term Loan granted by the said ICICI Bank Limited to the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited for implementation of the said Project on the above mentioned lands together with interest thereon.
- 20) The said Marvel Sigma Homes Private Limited has created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon to/in favour of ICICI Home Finance Company Limited vide an Indenture of Mortgage dated 29.05.2017 (duly registered under Serial No.6582 of 2017 with the Sub-Registrar, Haveli VIII, Pune) as security for re-payment of the Term Loan granted by the said ICICI Home Finance Company Limited to the said Marvel Sigma Homes Private Limited for implementation of the said Project on the above mentioned lands together with interest thereon.
- 21) As part of investigation of title of the said respective Owners of lands/portions out of the above captioned lands, we had Public Notices in the usual form published in the daily Newspapers, "Indian Express" and "Prabhat", and which Notices appeared on 20.12.2007 and 22.12.2007 respectively. In response to our said Public Notice in "Prabhat", one Shri.Somaji Dashrath Tupe [through his Advocate Shri Karan R.Tupe] made certain claims on Shri.Jaisingh Narayan Tupe and Others [the owners of the land bearing Survey No.167 Hissa No.4, Hadapsar] and on the said land itself vide a Suit [bearing Civil Suit No.524 of 2006 filed in the Court of the Civil Judge, Senior Division, Pune at Pune. However, pursuant to an amicable settlement arrived at between the said Shri.Somaji Dashrath Tupe and the said Shri.Jaisingh Narayan Tupe, the said Shri.Dashrath Tupe unconditionally withdrew the said Suit with the permission of the said Hon'ble Court and the said Shri.Somaji Dashrath Tupe withdrew all claims earlier made by him in respect of / on the said land bearing Survey No.167 Hissa No.4, Hadapsar. In response to our said Public Notice which appeared in the daily "Prabhat" on 22.12.2007, Shri V.V. Mane, Advocate has addressed a letter to us dated 31.12.2007 on behalf of the said heirs of the late Shri Baban Kisan Tupe reiterating the said claim made by them on the said land bearing Survey No.168 Hissa No.5, Hadapsar in the above recited litigation. The said heirs of the late Shri Baban Kisan Tupe have, vide the said letter dated 31.12.2007 addressed by the said Shri V.V. Mane to us, informed us that they have filed Tenancy Appeal No.12 of 2005 before the Sub-Divisional Officer, Haveli, Pune challenging the Order dated 23.12.1963 passed by the Agricultural Lands Tribunal, Taluka Haveli under Section 32-G of the Bombay Tenancy and Agricultural Lands Act, 1948 and that the said Appeal is pending. The said M/s



Navrang Constructions have informed us that inquiries made on their behalf in the Office of the Sub-Divisional Officer, Haveli, Pune indicate that the said Appeal No.12 of 2005 filed by the said heirs of the late Shri Baban Kisan Tupe is, indeed, pending.

- 22) We have had search of the relevant unmutilated and available Index II Record in the Offices of the concerned Sub-Registrars, Taluka Haveli, Pune carried out for the past thirty years. Such search has not disclosed any defect-in-title, any outstanding encumbrance or any fact or circumstance prejudicial to the title of the respective Owners of the above captioned Lands to the same.
- 23) We have informed by the said M/s.Navrang Constructions and Others that all originals Documents of Title in respect of the above captioned Lands have been deposited by them with the said ICICI Bank Limited.
- 24) We have inspected the Revenue Record pertaining to above captioned Lands for the past thirty years and such inspection does not disclose any fact or circumstance prejudicial to the title of the respective Owners of the above captioned Lands to the same.

As a result of such investigation of title carried out by us, we are of the opinion that the title of the respective Owners to the same and the beneficial title of the said M/s Navrang Constructions, M/s Navrang Developers and the said Marvel Sigma Homes Private Limited thereto is free, clear and marketable and that there are no outstanding encumbrances (subject to the said Mortgages held by the said ICICI Bank Limited and the said ICICI Home Finance Company Limited thereon and further subject to the statutory liability of the holders of flats/units in the said in the said Complex known as "MARVEL BOUNTY" under construction on the above captioned contiguous block of land) on or in respect thereof as far as can be diligently ascertained.

Dated this 21st day of July , 2017.



M/S.RAJIV PATEL & ASSOCIATES

A handwritten signature in black ink, appearing to be "Rajiv Patel", written over the printed name.

PROPRIETOR

Bounty

☎ 26359111 & 26356789
Fax No. 020 - 26356789

M/S. RAJIV PATEL & ASSOCIATES

ADVOCATES

25, United Apartments, 1st Floor, 2407, Gen. Thimayya Marg. (East Street), Pune - 411001.

Ref No. :

Date :

CERTIFICATE OF TITLE

Re: All those pieces and parcels of land or ground admeasuring Hectares 00 = 18 Ares, Hectares 00 = 21 Ares, Hectares 00 = 21 Ares, Hectares 00 = 40 Ares, Hectares 00 = 20 Ares, Hectares 00 = 18 Ares, Hectares 00 = 36 Ares and Hectares 00 = 32 Ares bearing Survey No.237 Hissa No.2, Survey No.237 Hissa No.3, Survey No.237 Hissa No.4A, Survey No.237 Hissa No.5, Survey No.237 Hissa No.6A, Survey No.237 Hissa No.6B, Survey No.237 Hissa No.7 and Survey No.238 Hissa No.6 respectively all situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Gram Panchayat of Village Hadapsar and falling in the "Residential" Zone under the Regional Plan for Pune Metropolitan Region currently in force and which lands form a contiguous block admeasuring Hectares 02 = 06 Ares and which contiguous block is bounded as follows, that is to say:-

On or towards the East	: By Nallah.
On or towards the South	: By land bearing Survey No.159, Hadapsar.
On or towards the West	: By "Nallah Pad" land and land bearing Survey No.237 Hissa Nos.1 and 4B, Hadapsar.
On or towards the North	: By land bearing Survey No.238 Hissa No.5, Hadapsar.

We have been instructed by M/S.NAVRANG CONSTRUCTIONS & M/S.NAVRANG DEVELOPERS, partnership firms duly registered under the provisions of the Indian Partnership Act, 1932 having their Offices at Survey No.39/3, Siddheshwar Nagar, Vishrantwadi, Pune 411015 and MARVEL SIGMA HOMES PRIVATE LIMITED, a company incorporated under the provisions of the Companies Act, 1956 having its Registered Office at Third Floor, Above IDBI Bank, Arthavishwa Building, Koregaon Park, Pune - 411001, to investigate the title of the Owners of the above captioned lands to the same and the beneficial title of the said M/s Navrang Constructions, M/s Navrang Developers



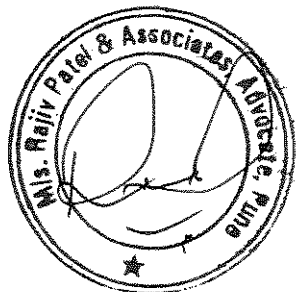
and the said Marvel Sigma Homes Private Limited thereto. We have carried out such investigation and our observations in respect thereof based on perusal of the relevant Revenue Record and other relevant documents submitted to us for our scrutiny are as under:-

1) **Survey No. 237 Hissa No. 2**

- a) Perusal of Mutation Entry No.1841 of the year 1926 discloses that Ramu Krishnaji and Kesu Krishnaji Tupe [presumably the then holders of the land] created a Possessory Mortgage in respect of the land bearing Survey No.237 Hissa No.2, Hadapsar in favour of Shri.Dashrath Gajaba Tupe. The name of the said Shri.Dashrath Gajaba Tupe was entered on the Revenue Record as the holder of the said Land vide the said Mutation Entry. It is not clear as to how the said Shri.Dashrath Gajaba Tupe became the Owner of the said Land.
- b) The name of one Shri.Shankar Walku Kumbhar was entered in the "Other Rights" Column of the VII/XII Extract in respect of the land bearing Survey No.237 Hissa No.2, Hadapsar as an Agricultural Tenant thereof vide Mutation Entry No.3924 dated 25.05.1949. However vide Mutation Entry No.5852, the names of Shri.Dattu Shankar Kumbhar and Shri.Vithal Shakar Kumbhar [sons of Shri.Shankar Walku Kumbhar who died on 15.09.1948] were deleted as Agricultural Tenants of the said land bearing Survey No.237 Hissa No.2, Hadapsar.
- c) Mutation Entry No.5608 dated 16.11.1961 discloses that Shri.Bhiku Rakhmaji Tupe purchased the said land bearing Survey No.237 Hissa No.2, Hadapsar from one Shri.Vithal Rambhau Tupe vide a Deed of Sale dated 18.09.1961. As the name of the said Shri.Vithal Rambhau Tupe was not shown as the holder of the said Land in the Revenue Record pertaining thereto and as the said Shri.Vithal Rambhau Tupe did not have physical possession of the said Land, the name of the said Shri.Bhiku Rakhmaji Tupe was entered in the "Other Rights" Column of the said land bearing Survey No.237 Hissa No.2, Hadapsar vide Mutation Entry No.5608. However, it is not clear as to how the said Shri.Vithal Rambhau Tupe acquired ownership of the said land and, as a consequence, how, the said Shri.Bhiku Rakhmaji Tupe acquired any title thereto. The said Mutation Entry No.5608 does not appear to have been given proper effect to on the VII/XII Extract in respect of the said land bearing Survey No.237 Hissa No.2, Hadapsar.
- d) Pursuant to the Order of the Tehsildar, Taluka Haveli dated 20.05.1968, rights were given to the other holders of portions out of the land bearing Survey No.237 Hissa No.7, Hadapsar and the lands bearing Hissa Nos.3B and 4 of Survey No.237 Hadapsar to draw water from the Well existing in the land bearing Survey No.237 Hissa No.7, Hadapsar and to lay a water

course over the lands bearing Hissa Nos.2, 5, and 5+7 of Survey No.237, Hadapsar. Effect of the said Order was given on the Revenue Record pertaining to, inter-alia, the said land bearing Survey No.237 Hissa No.2, Hadapsar vide Mutation Entry No.8432 dated 9.10.1975.

- e) The said Shri.Gajaba Tupe died on 18.5.1982 leaving behind him as his only heirs and next-of-kin his sons, Rambhau, Somaji & Kisan and the heirs of his pre-deceased son, Hiranman, namely Ashok and Suresh Hiranman Tupe, the heirs of his other pre-deceased son, Bhaguji, namely, Prakash, Pravin and Milind Bhaguji Tupe, Sou.Sadhana Prakash Gund and Kaushalya Bhaguji Tupe. The names of the said heirs of Shri.Dashrath Gajaba Tupe were entered on the Revenue Record pertaining to the said land bearing Survey No.237 Hissa No.2 as the holders thereof vide Mutation Entry No.30342 dated 18.12.2003.
- f) Vide a Deed of Sale dated 7.06.2005 [duly Registered under Serial No.3303 of 2005 with the Sub-Registrar, Haveli II, Pune] the said Shri.Kisan Dashrath Tupe [in his capacity as the Karta of his Hindu Undivided Family] assigned, transferred, assured and conveyed his undivided share admeasuring Hectares 00 = 03.60 Ares out of land bearing Survey No.237 Hissa No.2, Hadapsar to the said M/s.Navrang Constructions. The name of the said M/s.Navrang Constructions was duly entered on the Revenue Record pertaining to the said land bearing Survey No.237 Hissa No.2, Hadapsar vide Mutation Entry No.36941 dated 04.08.2008 as the holder of the said portion admeasuring Hectares 00 = 03.60 Ares thereof. It appears that, by error, the name of the said Shri.Rambhau Dashrath Tupe was also deleted as one of the holders of the said land bearing Survey No.237 Hissa No.2, Hadapsar vide the said Mutation Entry No.36941. This error needs to be rectified.
- g) Vide his Order dated 12.06.2006 made in ULC Case No.766 – TU under the provisions of Section 8 (i) of the Urban Land (Ceiling & Regulation) Act, 1976, the Additional Collector & Competent Authority, Pune Urban Agglomeration, Pune held that the said land bearing Survey No.237 Hissa No.2, Hadapsar was retainable in the hands of the said Shri.Dashrath Gajaba Tupe. In the circumstances, the provisions of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 apply to the said Land.
- h) Vide an Agreement for Development dated 18.10.2004 (duly Registered under Serial No. 6505 of .2004 with the Sub-Registrar, Haveli III, Pune) made by and between the said Shri.Somaji Dashrath Tupe, Shri.Suresh Hiranman Tupe, Shri. Ashok Hiranman Tupe, Shri.. Prakash Bhaguji Tupe, Shri. Pravin Bhaguji Tupe, Shri.Milind Bhaguji Tupe, Smt. Kaushalya Bhaguji Tupe, Smt. Sadhana Prakashgund Patil & Members of their respective families of the One Part and the said M/s Navrang Constructions of the Other Part, the said Shri.Somaji Dashrath Tupe and Others granted



rights of development of their collective undivided share represented by Hectares 00 = 10.80 Ares out of the said land bearing Survey No 237 Hissa No. 2, Hadapsar to/in favour of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.

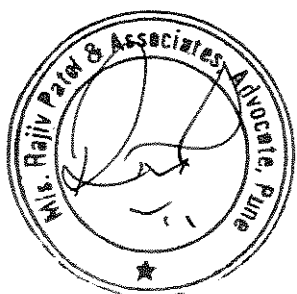
- i) Vide an Agreement for Development dated 26.10.2004 (duly Registered under Serial No.6681 of 2004, with the Sub-Registrar, Haveli III, Pune) made by and between the said Shri. Rambhau Dashrath Tupe & Members of his family of the One Part and the said M/s Navrang Constructions of the Other Part, the said Shri. Rambhau Dashrath Tupe & Members of his family granted rights of development of their collective undivided share represented by Hectares 00 = 03.60 Ares out of the said land bearing Survey No. 237 Hissa No.2, Hadapsar to/in favour of the said M/s Navrang Constructions at or for consideration and on the terms and conditions therein contained.
- j) Shri.Sudhakar Somji Tupe (son of the said Shri. Somji Dashrath Tupe) and Sou. Chaya Sudhakar Tupe have vide a Deed of Confirmation and Indemnity dated 25.10.2004 (duly Registered under Serial No.8212 of 2004 with the Sub-Registrar, Haveli III,Pune) confirmed the execution of the above recited Agreement for Development dated 18.10.2004 in favour of the said M/s Navrang Constructions and further confirmed that all the terms and conditions of the said Agreements are binding on them and on Members of their family.
- k) The said Smt. Vijaya Dnyaneshwar Deokar (daughter of the said late Dashrath Tupe) had during her life time relinquished all her claims, right, title and interest in the said land bearing Survey No. 237 Hissa No.2, Hadapsar in favour of her said brothers. Shri. Rajendra Dnyaneshwar Deokar and Shri. Mavesh Dnyaneshwar Deokar (heirs of the said late Vijaya Dnyaneshwar Deokar) have vide a Deed of Confirmation and Indemnity dated 03.01.2005 (duly Registered under Serial No.14 of 2005 with the Sub-Registrar, Haveli III,Pune) confirmed such release made by their mother i.e. late Vijaya Dnyaneshwar Deokar during her life time and further confirmed the execution of the above recited Agreements for Development dated 18.10.2004 & 26.10.2004 in favour of the said M/s Navrang Constructions.

2) Hissa Nos. 3, 4A, 5, 6A & 6B of Survey No. 237

- (a) One Shri.Shankar Walku Kumbhar was the holder of lands bearing Hissa Nos.3, 4A, 5 and 6 of Survey No.237, Hadapsar.
- (b) The said Shri.Shankar Walku Kumbhar died on 15.09.1948 leaving behind him as his only heirs and next-of-kin his sons, Vithal, Maruti, Dattu and Dynandev. However, the name of the said Shri.Vithal Shankar Kumbhar

was entered on the Revenue Record as the holder thereof in his capacity as the Karta and Manager of the Hindu Undivided Family of the late Shri.Shankar Walku Kumbhar vide Mutation Entry No.3840 dated 27.09.1948.

- (c) Vide a Deed of Sale dated 24.04.1963 [duly Registered under Serial No.854 of 1963 with the Sub-Registrar, Haveli I, Pune], the said Vithal, Maruti, Dattu and Dynandev Shankar Kumbhar assigned, transferred, assured and conveyed, inter-alia, the lands bearing Hissa Nos.3, 4A, 5 and 6 of Survey No.237, Hadapsar to Shri.Pandurang Bhiku Tupe. The name of the said Shri.Pandurang Bhiku Tupe was entered on the Revenue Record pertaining to, the said lands bearing Hissa Nos.3, 4A, 5 and 6 of Survey No.237, Hadapsar vide Mutation Entry No.5969A dated 09.01.1964.
- (d) Pursuant to the Order of the Tehsildar, Taluka Haveli dated 20.05.1968, rights were given to the other holders of portions out of the land bearing Survey No.237 Hissa No.7, Hadapsar and the lands bearing Hissa Nos.3B and 4 of Survey No.237 Hadapsar to draw water from the Well existing in the land bearing Survey No.237 Hissa No.7, Hadapsar and to lay a water course over the lands bearing Hissa Nos.2, 5, and 5+7 of Survey No.237, Hadapsar. Effect of the said Order was given on the Revenue Record pertaining to, inter-alia, the said land bearing Survey No.237 Hissa No.2, Hadapsar vide Mutation Entry No.8432 dated 9.10.1975.
- (e) A charge in favour of the Government was duly entered in the "Other Rights" Column of the VII/XII Extracts in respect of the lands bearing Hissa Nos.3, 4A, 5 and 6 of Survey No.237, Hadapsar on account of "Tagai" vide Mutation Entry No.6411 dated 16.12.1966. On such dues of the Government being repaid, the said charge was released and due effect of such release was given on the Revenue Record pertaining to the said lands bearing Hissa Nos.3, 4A, 5 and 6A of Survey No.237 vide Mutation Entry No.10876 dated 30.10.1984.
- (f) Vide a Deed of Sale dated 21.11.1979 (duly Registered under Serial No. 3362 of 1979 with the Sub-Registrar, Haveli- I, Pune) the said Shri. Pandurang Bhiku Tupe and Another assigned, assured, transferred and conveyed the said lands bearing Hissa Nos. 3, 4A & 5 of Survey No. 237, Hadapsar and a portion admeasuring Hectares 00 = 18 Ares out of the said land bearing Survey No. 237 Hissa No. 6, Hadapsar to Shri.Vikas Genba Darwatkar, Shri.Tukaram Sambhaji Darwatkar, Shri.Vitthal Sambhaji Darwatkar, Shri.Vishnu Sambhaji Darwatkar, and Shri.Dnyanoba Sambhaji Darwatkar absolutely. The said portion admeasuring Hectares 00 = 18 Ares out of the said land bearing Survey No. 237 Hissa No. 6, Hadapsar , so sold by the said Shri. Pandurang Bhiku Tupe and Another was assigned Hissa No.6B of Survey No. 237, Hadapsar and the land admeasuring Hectares 00 = 20 Ares retained by the said Shri.Pandurang Bhiku Tupe was



assigned Hissa No. 6A of Survey No. 237, Hadapsar. The names of the said Shri. Vikas Genba Darvatkar and Four Others were entered on the Revenue Record pertaining to the said lands bearing Hissa Nos. 3, 4A, 5 & 6B of Survey No.237, Hadapsar as the holders thereof vide Mutation Entry No. 10509 dated 30.09.1983.

- (g) The said Shri.Dnyanoba Sambhaji Darvatkar died intestate on 31.01.1982, leaving behind him, as his only heirs and next-of-kin, his widow, Vimal, and his daughters, Smt. Sujata Pandharinath Jagade, Smt.Vandana alias Madhuri Mahadev Dimbale, Smt.Sunita Dnyanoba Darvatkar. The names of said heirs of the said late Dnyanoba Sambhaji Darvatkar were entered on Revenue Records pertaining to the said lands bearing Hissa Nos. 3, 4A, 5 & 6B of Survey No.237, Hadapsar as the holders of the undivided share therein earlier held by the said Dnyanoba Darvatkar vide Mutation Entry No.27163 dated 25.06.2001.
- (h) Vide an Agreement for Development dated 05.02.2004 (duly Registered under Serial No.693 of 2004, with the Sub-Registrar, Haveli III, Pune) made by and between the said Shri.Tukaram Sambhaji Darvatkar, Shri.Vitthal Sambhaji Darvatkar, Shri.Vishnu Sambhaji Darvatkar, Smt.Vimal Dnyanoba Darvatkar, Smt.Sujata Pandharinath Jagade, Smt. Vandana alias Madhuri Mahadev Dimbale, Smt.Sunita Dnyanoba Darvatkar & Members of their respective families of the One Part and the said M/s Navrang Developers of the Other Part, the said Shri.Tukaram Sambhaji Darvatkar and Others granted rights of development, inter-alia, of their collective four-fifth (4/5th) undivided share admeasuring in the aggregate Hectares 00 = 80 Ares out of the said lands bearing Hissa Nos. 3, 4A, 5 & 6B of Survey No. 237, Hadapsar to/in favour of the said M/s Navrang Developers at or for consideration and on the terms and conditions therein contained.
- (i) Vide an Agreement for Development dated 06.04.2004 (duly Registered under Serial No.2655 of 2004, with the Sub-Registrar, Haveli, III, Pune) made by and between, inter-alia, the said Shri. Vikas Genba Darvatkar & Members of his family and the said M/s Navrang Developers, the said Shri. Vikas Genba Darvatkar and Others granted rights of development, inter-alia, of his undivided one-fifth share admeasuring in the aggregate Hectares 00 = 20 Ares out of the said lands bearing Hissa Nos. 3, 4A, 5 & 6B of Survey No. 237, Hadapsar to/in favour of the said M/s Navrang Developers at or for consideration and on the terms and conditions therein contained.
- (j) On account of certain disputes which had arisen between the said Shri.Tukaram Sambhaji Darvatkar [and Members of his family] and the said heirs of the late Shri.Dnyanoba Sambhaji Darvatkar on the one hand and the said M/s.Navrang Developers on the other hand, the said

Shri.Tukaram Sambhaji Darwatkar and Members of his Family and the said heirs of the Shri.Dnyanoba Sambhaji Darwatkar executed on 27.12.2007 an Agreement for Development [duly Registered under Serial No.10163 of 2007 with the Sub-Registrar, Haveli VI, Pune] in favour of Shri.Pravin Bhosale and Shri.Nilesh Magar, partners of M/s.Bhosale Developers, thereby purporting to grant rights of development of their collective two-fifth undivided share in, inter-alia, the said lands bearing Hissa Nos.3, 4A, 5 and 6B of Survey No.237, Hadapsar to / in favour of the said M/s.Bhosale Developers. However, vide an Agreement dated 29.12.2007 [duly Registered under Serial No.10265 of 2007 with the Sub-Registrar, Haveli, Pune], the said M/s.Bhosale Developers assigned and transferred inter-alia, the benefit of the said Agreement dated 27.12.2007 to / in favour of the said M/s.Navrang Developers.

- (k) The said Shri.Tukaram Sambhaji Darwatkar died on 14.08.1978 leaving behind him as his only heirs and next-of-kin, his grandsons [the sons of his predeceased son, Suresh] Raju Suresh Darwatkar, Mahendra Suresh Darwatkar and the wife of his said predeceased son, namely Anusuya Suresh Darwatkar. The names of the said heirs of the late Shri.Tukaram Sambhaji Darwatkar were duly entered on the Revenue Record pertaining to the lands bearing Hissa Nos.3, 4A, 5 and 6B of Survey No.237, Hadapsar vide Mutation Entry No.37909 dated 30th March, 2009.
- (l) The terms of the said Agreement dated 29.12.2007 were duly confirmed by the said M/s.Bhosale Developers, the said heirs of the late Suresh Tukaram Darwatkar and M/s.Navrang Developers vide a Deed of Confirmation dated 03.02.2010 [and which Deed was duly Registered under Serial No.1254 of 2010 with the Sub-Registrar, Haveli VIII, Pune].
- (m) Vide an Agreement for Development dated 11.03.2008 (duly Registered under Serial No. 2616 of 2008 with the Sub-Registrar, Haveli XI, Pune) made by and between, inter-alia, the said Shri. Pandurang Bhiku Tupe & Members of his family and the said Marvel Realtors and Developers Limited, the said Shri. Pandurang Bhiku Tupe & Members of his family granted rights of development of the said land bearing Survey No. 237 Hissa No.6A, Hadapsar to/in favour of the said Marvel Realtors and Developers Limited at or for the consideration and on the terms and conditions therein contained.
- (n) Vide a Deed of Release dated 11.03.2008 (duly Registered under Serial No. 2633 of 2008 with the Sub-Registrar, Haveli-XI, Pune) Sou.Kusum Nandkumar Phuge, Sou.Babytai Vishwanath Shevale and Sou.Kalpana Haribhau Barate (all daughters of the said Pandurang Bhiku Tupe) relinquished all their claims, rights, title and interest in, inter-alia, the said land bearing Survey No. 237 Hissa No. 6A, Hadapsar in favour of their



brothers i.e. Shri. Pandit Pandurang Tupe and Shri. Prakash Panurang Tupe.

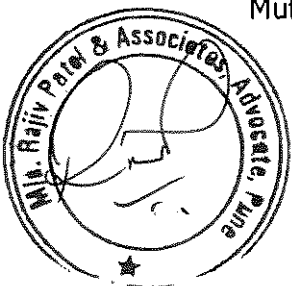
- (o) The status of the said lands bearing Hissa Nos.3, 4A, 5 and 6B of Survey No.237, Hadapsar was determined to be "non-surplus" in the hands of the respective Owners thereof vide the Judgment dated 28.09.2004 of the Additional Collector & Competent Authority, Pune Urban Agglomeration, Pune in ULC Case No.1217-D under the provisions of Section 8 (4) of the erstwhile Urban Land (Ceiling & Regulation) Act, 1976 read with a Corrigendum thereto dated 29.09.2005 made under the provisions of Section 34 of the said Act.

3) Survey No. 237 Hissa No.7

- (a) One Shri.Rakhmaji Tukaram Tupe was the holder of the land bearing Survey No.237 Hissa No.7, Hadapsar.
- (b) The said Shri.Rakhmaji Tukaram Tupe died on 01.11.1950 leaving behind him as his only heirs and next-of-kin his sons, Bhiku, Vishnu, Dattu and Rakhmaji Tupe. The name of the said Shri.Bhiku Rakhmaji Tupe as the Karta and Manager of the Hindu Undivided Family of the late Shri.Rakhmaji Tupe was duly entered on the Revenue Record pertaining to, inter-alia, the said land bearing Survey No.237 Hissa No.7, Hadapsar as the holder thereof vide Mutation Entry No.4203 dated 03.12.1950.
- (c) The name of Shri.Vithal Shankar Kumbhar was entered in the "Other Rights" column of the VII/XII Extract in respect of the said land bearing Survey No.237 Hissa No.7, Hadapsar as an Agricultural Tenant thereof vide Mutation Entry No.4512 dated 12.12.1953. Pursuant to the Order dated 08.4.1959 passed by the Mamlatdar, Taluka Haveli, the name of the said Shri.Vithal Shankar Kumbhar was deleted from the "Other Rights" Column in respect of the VII/XII Extract pertaining to the said land bearing Survey No.237 Hissa No.7, Hadapsar as an Agricultural Tenant thereof vide Mutation Entry No.5861 dated 16.04.1963.
- (d) A partition by metes and bounds took place between the said Shri.Bhiku Rakhmaji Tupe and his brothers, Vishnu and Dattu Tupe and, on such partition, the said land bearing Survey No.237 Hissa No.7, Hadapsar came to the share of the said Shri.Bhiku Rakhmaji Tupe. Such partition was given effect to on the Revenue Record vide Mutation Entry No.4698 dated 23.04.1955.
- (e) The said Shri.Bhiku Rakhmaji Tupe had availed of a Loan from the Maharashtra Rajya Sahakari Bhuvikas Bank Limited and created a charge in favour of the said Bank on, inter-alia, the said land bearing Survey No.237 Hissa No.7, Hadapsar. The said Shri.Bhiku Rakhmaji Tupe repaid all the

dues of the said Bank and the said Bank released the said charge held by it, on, inter-alia, the said land bearing Survey No.237 Hissa No.7, Hadapsar. Such release was given effect to in the Revenue Record pertaining to, inter-alia, the said land bearing Survey No.237 Hissa No.7, Hadapsar vide Mutation Entry No.7855 dated 03.10.1973 despite the fact that the name of the said Bank was never entered on the Revenue Record as the holder of the said charge on the said Land.

- (f) The said Shri.Bhiku Rakhmaji Tupe died on 03.08.1973 leaving behind him as his only heirs and next-of-kin his sons, Madhav, Madhukar, Shivaji, Tanaji and Ramdas, his widow, Radhabai, and his daughter, Shantabai Dynanoba Ghule. The said wife and daughter of the late Shri.Bhiku Rakhmaji Tupe released their claim, right, title or interest in the said land bearing Survey No.237 Hissa No.7, Hadapsar. The said heirs of the late Shri.Bhiku Rakhmaji Tupe [except the said Smt.Radhabai Bhiku Tupe and Sou.Shantabai Dynanoba Ghule] effected a partition by metes and bounds of all lands earlier held by the said Shri.Bhiku Rakhmaji Tupe in his capacity as the Karta and Manager of his Hindu Undivided Family and on, such partition, it appears that the land bearing Survey No.237 Hissa No.7, Hadapsar came to the share of the said Shri.Shivaji Bhiku Tupe. The death of the said Shri.Bhiku Rakhmaji Tupe and of the said partition effected by and between his said heirs was given effect to in the relevant Revenue Record vide Mutation Entry No.7856 dated 04.10.1973. A copy of the said Mutation Entry No.7856 is incomplete. The part which is available records the death of the said Shri.Bhiku Rakhmaji Tupe and his heirs and of the fact that the said Smt.Radhabai Bhiku Tupe and Sou.Shantabai Dynanobe Ghule released their right as aforesaid. It also records the fact that there was a partition by metes and bounds between the heirs of the late Shri.Bhiku Rakhmaji Tupe [except the said Smt.Radhabai Bhiku Tupe and Sou.Shantabai Dynanobe Ghule]. That portion of the said Mutation Entry No.7856 which, presumably, reflects all the details of the said partition is not available. However, perusal of the VII/XII Extract in respect of land bearing Survey No.237 Hissa No.7, Hadapsar for the period 1966 / 1967 to 1975 / 1976 clearly shows the name of the said Shri.Shivaji Bhiku Tupe being entered as the holder of the said land bearing vide Mutation Entry No.7856.
- (g) Pursuant to the Order of the Tehsildar, Taluka Haveli dated 01.08.1979 a remark was entered in the "Other Rights" Column of the VII/XII Extract in respect of the said land bearing Survey No.237 Hissa No.7, Hadapsar that rights over the Well situate in the said land, on the pump-set and pipeline installed thereon and the right to draw water from the said Well was jointly shared by Shri.Madhav Bhiku Tupe, Shri.Madhukar Bhiku Tupe, Shri.Shivaji Bhiku Tupe, Shri.Tanaji Bhiku Tupe and Shri.Ramdas Bhiku Tupe vide Mutation Entry No.9335 dated 05.09.1979.



- (h) Vide a Deed of Exchange dated 17.11.1990 (duly Registered under Serial No. 14415 of 1990 with the Sub-Registrar, Haveli-I, Pune) made by and between the said Shri. Shivaji Bhiku Tupe of the One Part and Shri. Arjun Hari Tupe of the Other Part, the said Shri. Shivaji Tupe exchanged, inter-alia, the said land bearing Survey No. 237 Hissa No.7, Hadapsar with the said Shri. Arjun Hari Tupe in consideration of certain other lands of the said Shri. Arjun Hari Tupe. The said exchange was given effect to and the name of the said Shri. Arjun Hari Tupe was entered on the Revenue Record pertaining to the said land bearing Survey No. 237 Hissa No.7, Hadapsar as the holder thereof vide Mutation Entry No. 14507 dated 15.12.1990.
- (i) The said Shri.Arjun Hari Tupe died intestate on 18.10.2003 leaving behind him, as his only heirs and next-of-kin, his widow, Janabai, his sons, Chandrakant, Maruti, & Machindra and his daughters, Mira Arjun Tupe & Smt. Pushpa Jaywant Ingawle. The names of the said heirs of the said late Arjun Hari Tupe were entered on the Revenue Record pertaining to the said land bearing Survey No. 237 Hissa No. 7, Hadapsar as the holders thereof vide Mutation Entry No. 31018 dated 30.07.2004.
- (j) Vide an Agreement for Development dated 10.07.2007 (duly Registered under Serial No. 5775 of 2007 with the Sub-Registrar, Haveli VIII, Pune) made by and between, the said Smt.Janabai Arjun Tupe, Shri. Chandrakant Arjun Tupe & Members of his family, Shri. Machindra Arjun Tupe, Mira Arjun Tupe & Sou. Pushpa Jaywant Ingawle of the One Part and the said M/s Navrang Construction of the Other Part, the said Smt. Janabai Arjun Tupe and Others granted rights of development of an undivided portion admeasuring Hectares 00 = 24 Ares out of the said land bearing Survey No. 237 Hissa No.7, Hadapsar to/in favour of the said M/s Navrang Construction at or for the consideration and on the terms and conditions therein contained.
- (k) Vide an Agreement for Development dated 22.05.2008 made by and between Smt.Janabai Arjun Tupe, Shri.Maruti Arjun Tupe and Members of his family along with Mira Arjun Tupe and Smt.Pushpa Jaywant Ingawale of the One Part and the said M/s.Navrang Constructions of the Other Part, the said Shri.Maruti Tupe and Others granted the rights of development of their collective holding admeasuring Hectares 00 = 12 Ares out of the said land bearing Survey No.237 Hissa No.7, Hadapsar to / in favour of the said M/s.Navrang Constructions. The terms of the said Agreement dated 22.05.2008 were confirmed vide a Deed of Confirmation dated 24.01.2009 and which was duly Registered under Serial No.694 of 2009 with the Sub-Registrar, Taluka Haveli VI, Pune.
- (l) Vide his Order dated 20.07.2007 made in ULC Case No.823-T, made under the provisions of Section 8 (i) of the erstwhile Urban Land (Ceiling & Regulation) Act, 1976, the Additional Collector & Competent Authority,

Pune Urban Agglomeration, Pune, the said land bearing Survey No.237 Hissa No.7, Hadapsar was declared to be "non-surplus" in the hands of the said Owners thereof. In the circumstances, the provisions of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 apply to the said Land bearing Survey No.237 Hissa No.7, Hadapsar.

4) Survey No. 238 Hissa No.6

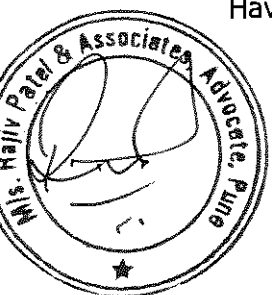
- (a) Maruti Laxman Tupe, Anant Laxman Tupe and Dattu alias Dattatray Laxman Tupe [then minors through their mother, Bhagubai Laxman Tupe] and the said Bhagubai Laxman Tupe were the owners of all that piece parcel of land or ground admeasuring Hectares 00 = 32 Ares bearing Survey No. 238 Hissa No. 6 situate, lying and being at Village Hadapsar within the Registration Sub-District of Taluka Haveli, District Pune.
- (b) The said Shri.Dattu alias Dattatray Laxman Tupe died intestate on 23.05.1973, leaving behind him, as his only heirs and next-of-kin, his widow, Champabai, and his daughter, Sangita Dattatray Tupe (then being minor through her mother and natural guardian, Smt. Champabai Dattatray Tupe). The names of Sangita Dattatray Tupe and Smt. Champabai Dattatray Tupe were entered on the Revenue Record pertaining to the said land bearing Survey No. 238 Hissa No. 6, Hadapsar as the holders of the undivided share therein earlier held by the said Dattu Tupe vide Mutation Entry No.9166 dated 20.01.1979.
- (c) The said Smt.Bhagubai Laxman Tupe and the other holders inter-alia, of the said land bearing Survey No.238 Hissa No.6, Hadapsar effected a partition by metes and bounds of all the lands held by them and on, such partition, the land bearing Survey No.238 Hissa No.6, Hadapsar came to the share of the said Anant Laxman Tupe and such partition was given effect to on the Revenue Record vide Mutation Entry No.9556 dated 15.10.1980.
- (d) The said Shri.Anant Laxman Tupe died intestate on 02.10.1991, leaving behind him, as his only heirs and next-of-kin, his widow, Bhimabai, his son, Dilip, and his daughters, namely, Smt. Kamal Kaluram Kharsade and Smt. Nanda Gorakh Dorge . The names of said heirs of the said late Anant Laxman Tupe were entered on the Revenue Record pertaining to the said land bearing Survey No. 238 Hissa No. 6, Hadapsar as the holders of the undivided share therein earlier held by the said Anant Laxman Tupe vide Mutation Entry No.18190 dated 26.08.1995.
- (e) Vide an Agreement for Development dated 08.04.2004, the said Smt.Bhimabai Anant Tupe, Shri.Dilip Anant Tupe, Smt.Kamal Kaluram Kharsade and Smt.Nanda Gorakh Dorge granted rights of development of



the said land bearing Survey No.238 Hissa No.6, Hadapsar to M/s.Amar Builders, a proprietary concern with Shri.Amar Harishchandra Manjrekar as its Sole Proprietor at or for the consideration and on the terms and conditions therein contained.

- (f) Vide an Agreement for Development dated 20.04.2004 (duly Registered under Serial No.2385 of 2004 with the Sub-Registrar, Haveli III, Pune) made by and between the said M/s. Amar Builders of the One Part and the said M/s Navrang Developers of Other Part, the said M/s. Amar Builders assigned and transferred all its beneficial claims, rights, title and interest in the said land bearing Survey No. 238 Hissa No. 6, Hadapsar under the said Agreement dated 08.04.2004 to the said M/s Navrang Developers at or for consideration and on the terms and conditions therein contained.
 - (g) Vide his Order dated 11.07.2005 made in ULC Case No.708-T, the Additional Collector & Competent Authority, Pune Urban Agglomeration, Pune has, inter-alia, held that the said land admeasuring Hectares 00 = 32 Ares bearing Survey No.238 Hissa No.6, Hadapsar is "non-surplus" in the hands of the said Shri.Dilip Anant Tupe and Others. In the circumstances, the provisions of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 apply to the said Land.
 - (h) The name of Shri.Dashrath Gajaba Tupe was entered in the "Other Rights" Column of the VII/XII Extract in respect of the said land bearing Survey No.238 Hissa No.6, Hadapsar, as an Agricultural Tenant thereof vide Mutation Entry No.4913 dated 18.3.1957. As the said Shri.Dashrath Gajaba Tupe refused to exercise his right to purchase the said land bearing Survey No.238 Hissa No.6, Hadapsar under the provisions of Section 32-G of the Bombay Tenancy & Agricultural Lands Act, 1948, his name was deleted as an Agricultural Tenant in respect of the said land from the "Other Rights" Column of the VII/XII Extract in respect thereof vide Mutation Entry No.6035 dated 30.06.1964 pursuant to the Order dated 14.02.1964 made by the Additional Mamlatdar, Taluka Haveli. In the light of the above, Mutation Entry Nos.6903 and 7993 dated 21.10.1968 and 23.02.1974 respectively are irrelevant.
- 5) Vide an Agreement dated 28.03.2007 (duly Registered under Serial No. 2625 of 2007 with the Sub-Registrar Haveli VIII, Pune) executed by and between the said M/s Navrang Constructions of the First Part, M/s Navrang Developers of the Second Part and the said Marvel Realtors and Developers Limited of the Third Part read with an Agreement Supplemental thereto dated 13.05.2010 [duly Registered under Serial No.4981 of 2010 with the Sub-Registrar, Haveli VIII, Pune] the said parties have agreed to jointly develop inter-alia, the above captioned lands and certain other lands on a "Principal to Principal" basis.

- 6) Vide a Deed of Assignment dated 20.09.2010 [duly Registered under Serial No.9474 of 2010 with the Sub-Registrar, Haveli VIII, Pune] the said Marvel Realtors and Developers Limited assigned and transferred all and whatsoever its beneficial right, title or interest under the above recited Agreement dated 28.03.2007 earlier executed between the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Realtors & Developers Limited to / in favour of the said Marvel Sigma Homes Private Limited.
- 7) The provisions of the Maharashtra Weights & Measures Act, 1958 and the Indian Coinage Act, were made applicable to Village Hadapsar vide Mutation Entry No.6988 dated 22.05.1969 and, accordingly, the areas of the said lands bearing Survey No.237 Hissa No.2, Survey No.237 Hissa No.3, Survey No.237 Hissa No.4A, Survey No.237 Hissa No.5, Survey No.237 Hissa No.6A, Survey No.237 Hissa No.6B, Survey No.237 Hissa No.7 and Survey No.238 Hissa No.6 were shown to admeasure Hectares 00 = 18 Ares, Hectares 00 = 21 Ares, Hectares 00 = 21 Ares, Hectares 00 = 40 Ares, Hectares 00 = 20 Ares, Hectares 00 = 18 Ares, Hectares 00 = 36 Ares and Hectares 00 = 32 Ares respectively.
- 8) The said M/s.Navrang Constructions and Others applied for and obtained permission of the Office of the Collector, Pune vide his Order dated 22.10.2010 bearing No. PMH/NA/SR/124/10, for conversion of the user of, interalia, the above captioned lands from "agricultural" to "non-agricultural" under the provisions of Section 44 of the Maharashtra Land Revenue Code, 1966.
- 9) Vide the above recited Order dated 22.10.2010, the Office of the Collector of Pune also sanctioned the building layout/building plans in respect of the construction to be carried out on the above captioned lands and also sanctioned from time to time the Revised Building Plans vide its Orders bearing No. PMH/NA/SR/124/2011 dated 16.04.2011, bearing No. PMH/NA/SR/764/11 dated 24.10.2011, bearing No. PMH/NA/FSI/44/12 dated 12.02.2013 and bearing No. PMH/NA/FSI/116/13 dated 11.04.2014.
- 10) The said M/s.Navrang Constructions and Others commenced construction of a Housing Complex known as "MARVEL BOUNTY" comprising of Buildings containing residential flats/units on the above captioned lands and have entered in to Agreement/s for Sale of certain of such flats/units under construction by the said M/s.Navrang Constructions and Others on the above captioned lands with the prospective purchasers thereof under the provisions of the Maharashtra Ownership Flats Act, 1963.
- 11) The said M/s.Navrang Constructions, M/s Navrang Developers and the said Marvel Sigma Homes Private Limited have created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon in favour of State Bank of India vide a Simple Deed of Mortgage dated 11.01.2012 (duly registered under Serial No.419 of 2012 with the Sub-Registrar, Haveli VIII, Pune) as security of re-payment of the Term Loan granted by the



said State Bank of India to the said M/s.Navrang Constructions, M/s Navrang Developers and the said Marvel Sigma Homes Private Limited for implementation of the said Project interalia, on the above mentioned lands together with interest thereon. Such loan together with interest thereon were duly repaid by the said M/s.Navrang Constructions and Others to the said Housing State Bank of India as evidenced the said State Bank of India has executed a Deed of Release dated 06.01.2014 (duly registered under Serial No.189 of 2014 with the Sub-Registrar, Haveli VIII, Pune) to/in faovur of the said M/s.Navrang Constructions and Others.

- 12) Vide a Deed of Transfer dated 01.06.2012 (duly registered under Serial No.5063 of 2012 with the Sub-Registrar Haveli I, Pune) read with a Deed of Correction thereto dated 20.06.2012 (duly registered under Serial No.5733 of 2012 with the Sub-Registrar Haveli I, Pune), an Amenity Space admeasuring 3900 sq.mtrs. out of the said sanctioned layout was transferred/ handed over to the Office of the Collector, District Pune. Further, vide another Deed of Transfer dated 06.08.2013 (duly registered under Serial No.6551 of 2013 with the Sub-Registrar Haveli I, Pune), another Amenity Space admeasuring 3090 sq.mtrs. and a portion admeasuring 5791.65 sq.mtrs. falling under 12 Meter wide internal road of the said sanctioned layout was transferred/ handed over to the Office of the Collector, District Pune.
- 13) The said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited have created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon in favour of JM Financial Products Limited vide an Indenture of Mortgage dated 13.12.2013 (duly registered under Serial No.10148 of 2013 with the Sub-Registrar, Haveli VIII, Pune) as security of re-payment of the Term Loan granted by the said JM Financial Products Limited to the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited for implementation of the said Project on the above mentioned lands together with interest thereon. On re-payment by the said Marvel Sigma Homes Private Limited of the said loan availed of by it from the said JM Financial Products Limited, the said JM Financial Products Limited executed a Deed of Reconveyance/Release dated 26.11.2014 (duly registered under Serial No.11116 of 2014 with the Sub-Registrar, Haveli VIII, Pune) in favour of the said Marvel Sigma Homes Private Limited.
- 14) Vide a Deed of Sale dated 28.02.2014 (duly registered under Serial No.1948 of 2014 with the Sub-Registrar, Haveli VIII, Pune), Pandurang Bhiku Tupe and members of his family the owners of the land bearing Survey No.237 Hissa No.6A, Hadapsar, Taluka Haveli, District Pune (the rights of development of which land were already held by the said Marvel Sigma Homes Private Limited and the same already formed part of the said Project known as "Marvel Bounty") assigned, transferred, assured and conveyed the same to/in favour of the said Marvel Sigma Homes Private Limited. The name of the said Marvel Sigma Homes

Private Limited is yet to be entered on the VII/XII Extract pertaining to the said land bearing Survey No.237 Hissa No.6A, Hadapsar, Pune as the holder thereof.

- 15) The said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited have created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon to/in favour of ICICI Bank Limited vide an Indenture of Mortgage dated 09.09.2014 (duly registered under Serial No.9721 of 2014 with the Sub-Registrar, Haveli VIII, Pune) read with a Deed of Correction thereto dated 17.10.2014 (duly registered under Serial No.9910 of 2014 with the Sub-Registrar, Haveli VIII, Pune) as security for re-payment of the Term Loan granted by the said ICICI Bank Limited to the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited for implementation of the said Project on the above mentioned lands together with interest thereon.
- 16) The said Marvel Sigma Homes Private Limited has created a mortgage without possession of the above captioned lands and the building/s to be constructed thereon to/in favour of ICICI Home Finance Company Limited vide an Indenture of Mortgage dated 29.05.2017 (duly registered under Serial No.6582 of 2017 with the Sub-Registrar, Haveli VIII, Pune) as security for re-payment of the Term Loan granted by the said ICICI Home Finance Company Limited to the said Marvel Sigma Homes Private Limited for implementation of the said Project on the above mentioned lands together with interest thereon.
- 17) As part of investigation of title of the said respective Owners of lands/portions out of the above captioned lands, [except the land bearing Survey No.237 Hissa No.6A, Hadapsar] we had Public Notices in the usual form published in the daily Newspapers, "Indian Express" and "Prabhat", and which Notices appeared on 20.12.2007 and 22.12.2007 respectively. As regards the land bearing Survey No.237 Hissa No.6A, Hadapsar, we had Notices in the usual form published in the daily newspapers "Indian Express" and "Prabhat" and which Notices appeared on 13.01.2008 and 19.01.2008. We have received no claim, objection or any other communication from any person or party in response to our aforesaid Public Notice.
- 18) We have had search of the relevant unmutilated and available Index II Record in the Offices of the concerned Sub-Registrars, Taluka Haveli, Pune carried out for the past thirty years. Such search has not disclosed any defect-in-title, any outstanding encumbrance or any fact or circumstance prejudicial to the title of the respective Owners of the above captioned Lands to the same.
- 19) We have informed by the said M/s.Navrang Constructions and Others that all originals Documents of Title in respect of the above captioned Lands have been deposited by them with the said ICICI Bank Limited.



- 20) We have inspected the Revenue Record pertaining to above captioned Lands or the past thirty years and such inspection does not disclose any fact or circumstance prejudicial to the title of the respective Owners of the above captioned Lands to the same.

As a result of such investigation of title carried out by us, we are of the opinion that subject to what is stated in Paragraph 1 above the title of the respective Owners to the same and the beneficial title of the said M/s.Navrang Constructions, M/s.Navrang Developers and the said Marvel Sigma Homes Private Limited thereto is free, clear and marketable and that there are no outstanding encumbrances (subject to the said Mortgages held by the said ICICI Bank Limited and the said ICICI Home Finance Company Limited thereon and further subject to the statutory liability of the holders of flats/units in the said in the said Complex known as "MARVEL BOUNTY" under construction on the above captioned contiguous block of land) on or in respect thereof as far as can be diligently ascertained.

Dated this 21st day of July, 2017.



M/S.RAJIV PATEL & ASSOCIATES

A handwritten signature in black ink, appearing to be "Rajiv Patel", written over the printed name.

PROPRIETOR