

N. R. Mahajan

B. Com., LL.B.

ADVOCATE HIGH COURT

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Ref.: _____

R. P. A. D./U. P. C./HAND

Date : 13 JUN 2018

CERTIFICATE OF TITLE

Re. :- The immovable property situated at Village Davale, Talathi Saja Shil, Taluka & District Thane and within the limits of Thane Municipal Corporation, having following description :-

Sr. No.	Survey No.	Type of Land	Area (H - R - P)	Assessment (Rs. - P.)
1.	136/1	Kharaba Potkharaba	0 - 81 - 20 0 - 05 - 10	13 - 51
2.	137/4	Kharaba Potkharaba	0 - 11 - 20 0 - 00 - 20	02 - 00

i.e. totally admeasuring 9770 sq. mtrs. (hereinafter referred to as the "SAID PROPERTY").

1. MR. GOVARDHAN NARAYAN MHATRE,

2. MR. VISHNU NARAYAN MHATRE

.... **Owners**

To

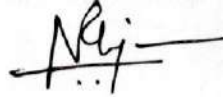
M/S. SAI SHRUSHTI ENTERPRISES

.... **Developer**

TO WHOMSOEVER IT MAY CONCERN

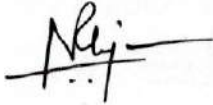
THIS IS TO CONFIRM THAT I have investigated the title of the Owners to the Said Property and on the basis of Search taken with the office of the Sub-Registrar of Assurances, Thane; Public Advertisement dated 14th February 2018 in daily newspaper "Thane Vaibhav"; perusal of Revenue Records and documents submitted and clarifications given, I have observed as under :-

1. Previously, one Mr. Bala Ambo Mhatre was the owner, seized and possessed of and/or otherwise well and sufficiently entitled to the immovable property bearing Survey No.136, Hissa No.1, admeasuring 9660 sq. mtrs. and Survey No.137, Hissa No.4 admeasuring 1140 sq. mtrs. of Village Davale, Taluka and District Thane and



within the limits of Thane Municipal Corporation (hereinafter collectively referred to as the "**SAID LARGER PROPERTY**").

2. After the sad demise of said Mr. Bala Ambo Mhatre, as per Hindu Succession Act, his Grand-son Mr. Narayan Kachru Mhatre became the owner of the Said Larger Property alongwith other properties and said ownership is recorded as per Mutation Entry No.290.
3. Said Mr. Narayan Kachru Mhatre had obtained loan of Rs.11,400/- from Padale (Davale) Seva Sahakari Society Ltd., by mortgaging Said Larger Property alongwith his other properties, which is recorded as per Mutation Entry No.864. On the basis of letter dated 21st January 1986 issued by said Padale (Davale) Seva Sahakari Society Ltd., said claim of Rs.11,400/- on Said Larger Property alongwith other properties was removed under Mutation Entry No.999.
4. Again, said Mr. Narayan Kachru Mhatre had obtained loan of Rs.15,000/- from Davale Co-operative Society Ltd., by mortgaging Said Larger Property alongwith his other properties, which is recorded as per Mutation Entry No.1123. On the basis of Certificate issued by said Davale Co-operative Society Ltd., said claim of Rs.15,000/- on Said Larger Property alongwith other properties was removed under Mutation Entry No.1188.
5. After the sad demise of said Mr. Narayan Kachru Mhatre on 10th May 1995, leaving behind his widow Smt. Draupadi, 3 sons namely Mr. Govardhan, Mr. Vishnu, Mr. Suresh (died) and 3 daughters namely Mrs. Anjana Dagdu Alimkar, Miss Ranjan, Miss Vasanti as his only legal heirs, under Hindu Succession Act in which he was governed before his death and they became the owners of the Said Larger Property alongwith other properties as per Mutation Entry No.1187.
6. By and under Deed of Release dated 15th December 2008 which was duly registered in the Office of Sub-Registrar of Assurances, Thane at Serial No.TNN-1/6736/2008, said Miss Ranjan, Miss Vasanti have been relinquished/released their undivided right, without any consideration, in the Said Larger Property alongwith other properties in favour of their mother Smt. Draupadi and brothers namely said



Mr. Govardhan and Mr. Vishnu. Under the same Deed of Release dated 15th December 2008, out of the Said Larger Property withholding the right of ownership over land admeasuring 930 sq. mtrs. bearing Survey No.136, Hissa No.1, said Mrs. Anjana Dagdu Alimkar had also relinquished/released her undivided right, without any consideration, in the remaining part of the Said Larger Property alongwith other properties, in favour of their mother Smt. Draupadi and brothers namely said Mr. Govardhan and Mr. Vishnu. The effect of said Deed of Release dated 15th December 2008 was recorded under Mutation Entry No.1465.


7. Meanwhile said Mr. Govardhan Narayan Mhatre had personally obtained loan of Rs.80,000/- from Davale Seva Co-operative Society Ltd., by mortgaging Said Larger Property alongwith his other properties, which is recorded as per Mutation Entry No.1464. On the basis of Certificate dated 5th March 2018 issued by said Davale Seva Sahakari Society Ltd., said claim of Rs.80,000/- on Said Property alongwith other properties was removed under Mutation Entry No.2350.

8. On 18th November 2016, wife of late Mr. Narayan Kachru Mhatre i.e. Smt. Draupadi Narayan Mhatre was died leaving behind 2 sons namely Mr. Gowardhan, Mr. Vishnu and 3 daughters namely Mrs. Anjana Dagdu Alimkar, Miss Ranjan, Miss Vasanti. But taking in to consideration Deed of Release dated 15th December 2008, names Mr. Gowardhan and Mr. Vishnu are recorded as owners of the Said Property alongwith other properties, under Mutation Entry No.2251.

9. By and under Gift Deed dated 16th August 2017 which was duly registered in the Office of Sub-Registrar of Assurances, Thane at Serial No.TNN-12/2379/2017, said Mr. Govardhan and Mr. Vishnu have been jointly gifted land admeasuring 100 sq. mtrs. being Survey No.136, Hissa No.1 to their sister Mrs. Anjana Dagdu Alimkar, out of love and affection and without consideration.

10. And thus, Owners herein became the absolute owner of land bearing Survey No.136, Hissa No.1 admeasuring 8630 sq. mtrs. and Survey No.137, Hissa No.4 admeasuring 1140 sq. mtrs. i.e. Said Property.

11. By and under registered Development Agreement dated 4th April 2018 which



was duly registered with the office of the Sub-Registrar of Assurances at Thane at Serial No.TNN-12/4751/2018 read with Power of Attorney dated 4th April 2018 which was also duly registered with the office of the Sub-Registrar of Assurances at Thane at Serial No.TNN-12/4752/2018, Owners had granted the Development Rights in respect of Said Property to and in favour of one M/s. Sai Shrushti Enterprises or its nominees or assignees, for the consideration and subject to the terms and conditions contained therein and, in part performance thereof, has placed said M/s. Sai Shrushti Enterprises in exclusive physical possession thereof.

12. **IN VIEW OF THE ABOVE, IN MY OPINION -**

- a) The title of the Owners to the Said Property, is clear, marketable and free from encumbrances and reasonable doubts.
- b) By and under abovesaid registered Development Agreement and Power of Attorney, the Developer i.e. M/s. Sai Shrushti Enterprises is entitled to carry out the development of the Said Property as per plans to be sanctioned or its further amendments as may be permitted by Thane Municipal Corporation and to sell the flats and premises therein to the prospective buyers on what is commonly known as "co-ownership" basis.

Thane, dated on this 13th day of June 2018.


(N. R. MAHAJAN)
Advocate