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इतर पावती

Original/Duplicate

नोंदणी क्र.: 39म

Regn.: 39M

पावती क्र.: 1095 दिनांक: 01/02/2016

मात्राचे नाव: अमरावती

दस्तावेजाचा अनुक्रमांक: अरन1-0-2016

दस्तावेजाचा प्रकार:

सादर करणाऱ्याचे नाव: अॅड अजय एस इंगळे रा अमरावती
वर्णन शोध अर्ज क्र 642, मौजा अमरावती गावठाण नमुल शिट नं 68/बी, नमुन प्लॉट नं 20, सन 1987ते2016 एकुण
30वर्षे

शोध व निरीक्षण

रु. 750.00

एकूण:

रु. 750.00

Sub Registrar Amravati

1): देयकाचा प्रकार: By Cash रक्कम: रु 750/-

सह. दुय्यम निबंधक वर्ग-२
अमरावती शहर-२



Ref. No. :

Date :

Date : 02/02/2016

To,
The Branch Manager,
Bank of Maharashtra
Khaparde Bagicha, Branch, Amravati,
Tq. & Dist. Amravati.

LEGAL OPINION.**1) Subject :-**

Title report on property owned by Shri. Rohitraj Bhagchand Bajaj, Shri. Ramesh Pahlajmal Khatri, Shri. Shyam Tekchand Pinjani & Shri. Prakash Amrutlal Aditya, all R/o., Amravati, Tq. & Dist. Amravati.

2) Name of the Branch :

Bank of Maharashtra,
Branch - Khaparde Bagicha, Amravati,
Tq. & Dist. Amravati

3) Name of the Borrower :

Shri. Rohitraj Bhagchand Bajaj, Shri. Ramesh Pahlajmal Khatri, Shri. Shyam Tekchand Pinjani & Shri. Prakash Amrutlal Aditya, all R/o., Amravati, Tq. & Dist. Amravati

4) Description of Documents scrutinized:-

Sr. No.	Date of execution of document	details of registration of document /conveyance	Place sub registrar office	Property falls under sub registrar	Remarks
1	12/10/1979	Un-regd. will deed	--	Sub-registrar office Amravati city-1	Photo copy
2	21/05/1997	Un-regd. will deed	--	Sub-registrar office Amravati city-1	Photo copy
3	20/02/2012	P.O.A.	Sub-registrar office Amravati city-1	-do-	Photo copy
4	26/04/2012	P.O.A.	-do-	-do-	Photo copy
5	29/08/2012	P.O.A.	-do-	-do-	Photo copy
6	12/02/2013	Sale deed	-do-	-do-	original
7	16/09/2015	Building plan	---	---	Original
8	27/07/2015	P.R. Card	---	---	Original



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5) Description of property/ properties/ Nature of title-**SCHEDULE OF THE PROPERTY**

" Nazul Plot No. 20, total admeasuring 12132 sq.ft. (1127.51sq.mtr.), from Nazul Sheet No. 68/B, situated at locality popularly known as Prabhat Chowk, Amravati, of Mouje - Gaothan Amravati, Pragane -Badnera, Tq. & Dist. Amravati. Which is bounded as under :

Towards East : Prabha Square to Chitra Square Road ✓

Towards West : House of Shri. Parmar and Sahu ✓

Towards North : Mochi Galli ✓

Towards South : Jawahar Road ✓

Situated within the limits of Municipal Corporation, Amravati.

(Here-in-after referred as the Said property).

6) Trace of Title/ History of Passing of Title. Details of Antecedent Title Deeds.

(Tracing the party's title for 30 years previous Regd. Title deed and intervening documents if any (e.g. transacting on power of attorney) to present document must be verified).

Upon verification of the Index-II register and Revenue Records for the period relevant to this search report. I find that the Nazul Plot No. 20, total admeasuring 1127.51 sq.mtr. (12132 sq.ft.) with old constructed building thereon from Nazul Sheet No. 68/B, of mouje- Gaothan Amravati, Pragane- Badnera, Tq. & Dist. Amravati was originally owned by Shri. Raghunathdas Jagannathprasad Udasi, Smt. Jaidevi Raghunathdas Udasi and Shri. Rohit Raghunathdas Udasi, each having 1/3 share of ownership.

I find that, during the life time of Shri. Raghunathdas Jagannathprasad Udasi he has prepared a will of his property including the property under reference on 12/10/1976, by this will he has bequeathed his 1/3 share to his wife Smt. Jaidevi Raghunathdas Udasi.

Thereafter I find that the Shri. Raghunathdas Jagannathprasad Udasi has died on 23/11/1977, therefore after his death as per the said will dated 12/10/1976 the Smt. Jaidevi Raghunathdas Udasi became the owner of 2 /3 share i.e. her 1/3 share and 1/3 share of Shri. Raghunathdas Udasi thus the said property became the joint ownership of Smt. Jaidevi Raghunathdas Udasi and Shri. Rohit Raghunathdas Udasi.

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I find that, during the life time of Smt. Jaidevi Raghunathdas Udasi she has prepared a will of her property including the property under reference on 21/05/1997, by this will she has bequeathed his 2/3 share to her Son Shri. Rohit Raghunathdas Udasi & her three daughters Sau. Hema Swaraj Sharma, Sau. Uma Ravindra Sathe & Sau. Sushma Avinash Rajguru.

Thereafter I find that the Smt. Jaidevi Raghunathdas Udasi has died on 17/07/2000, therefore after her death as per the said will dated 21/05/1997 Shri. Rohit Raghunathdas Udasi & her three daughters Sau. Hema Swaraj Sharma, Sau. Uma Ravindra Sathe & Sau. Sushma Avinash Rajguru, became the joint owner of 2/3 share of Smt. Jaidevi Raghunathdas Udasi.

Thereafter I find that, Sau. Sushma Avinash Rajguru who resides abroad, has executed Power of Attorney for dealing with her property and to do all things and deed and sale the said property on 20/02/2012 infavour of her Sister Sau. Hema Swaraj Sharma which is attested by Ambassy of India, Doha Qatar.

Thereafter I find that, Shri. Rohit Raghunathdas Udasi has executed General Power attorney for dealing with her property and to do all things and deed and sale the said property infavour of his sister by name Sau. Hema Swaraj Sharma, as per registered power of attorney dated 26/04/2012 registered at serial No. 2225.

Thereafter I find that, Sau. Uma Ravindra Sathe has executed General Power attorney for dealing with her property and to do all things and deed and sale the said property infavour of his sister by name Sau. Hema Swaraj Sharma, as per registered power of attorney dated 29/08/2012 registered at serial No. 4461.

Thereafter I find that, the preoperty under reference i.e. the Nazul plot No. 20, admeasuring 1127.51sq. mtr. (12132 sq. ft.) with old constructed building thereon, came to be purchased by Shri. Rohitraj Bhagchand Bajaj, Shri. Ramesh Pahlalmal Khatri, Shri. Shyam Tekchand Pinjani & Shri. Prakash Amrutlal Adtiya from Sau. Hema Swaraj Sharma & Shri. Rohit Raghunathdas Udasi, Sau. Uma Ravindra Sathe, Sau. Sushma Avinash Rajguru through their power of attorney holder Shri. Sau. Hema Swaraj Sharma as per registered sale deed dated 12/02/2013 registered at serial No. 779 Since then Shri. Rohitraj Bhagchand Bajaj, Shri. Ramesh Pahlalmal Khatri, Shri. Shyam Tekchand Pinjani & Shri. Prakash Amrutlal Adtiya became the owner of the said plot and they are in actual peaceful possession of the same as a recorded owner thereof and their names has been mutated in revenue record of right i.e. on P.R. Card, as per mutation entry No. 11946, dated 19/06/2014.

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Now I find that, Shri. Rohitraj Bhagchand Bajaj, Shri. Ramesh Pahlmal Khatri, Shri. Shyam Tekchand Pinjani & Shri. Prakash Amrutlal Adtiya have decided to construct Commercial Mall by demolishing the old constructed building, accordingly they have prepared and submitted building plan before Town planning authority of Municipal Corporation, Amravati, the said building plan approved and sanctioned by Town planning authority of Municipal Corporation, Amravati, as per vide order No.835, dated 16/09/2015.

I find that, the said property have been occupied by the 23 tenants, as per list of tenants mentioned in sale deed dated 12/02/2013.

I find that, the aforesaid purchaser have purchased the said property with the conditions along with the tenancy rights of the tenants and along with the rights in decrees /orders passed against the tenants. The purchaser have purchased the said property with a right to recover passed unpaid and future payable rent, taxes, damages means profit etc. and to take possession of the premises from the tenants.

Thereafter I find that, the purchaser of the said property have take possession and 22 tenants have hand over the possession of the property under reference and tenants have relinquished their rights in favour of the purchasers, as per different Un- Registered relinquishment deed which has been Notarized with Notary of Adv. S.V. Deorankar, Amravati.

I find that, the remaining 1 tenants i.e. Shri. Ramchandra Chhogalal Pande till today has not hand over the possession of their respective tenements property, therefore intending borrower shall mortgage the property which is actual is in possession of them.

As per the property card placed before me, I find that the property under reference has been categorized as "B tenure Property" which presupposes that the ownership of the said property can be transferred upon obtaining give permission for the competent authority.

I would like to add here that, for mortgage the said property for the security of loan to be obtained by intending borrower in that case the permission of the competent authority i.e. sub-divisional officer Amravati is necessary therefore bank shall obtained copy of permission issued by S.D.O. Amravati to mortgage the said property from intending borrower before disbursement of loan.

I am satisfied and confirm that the property is heritable and transferable and the transferor has right to transfer the same with the permission from competent revenue authority by depositing the specified amount of un-earned income of the market value of the said property on the given day for the transfer of ownership of such type of property.

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Ajay S. Ingle

Advocate



Chamber / Residence :

"Dadaji Nivas" Yashoda Nagar No. 2

Bye-pass Road, Amravati.

Ph. 0721-2540621, Mob. 9423424435

Ref. No. :

Date :

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Detailed information about property to be mortgaged:

Sr.No.	Details	Remark of counsel
1	Whether the documents of title given raise any doubts or suspicion.	No.
2	Have the title deeds has been compared with those at registrar's office and particulars tally.	Yes, I found the particulars of documents are fully tallied each other.
3	Whether any of the property intended to be given by way of mortgage is subject to any minor's or any other claims? If yes, state whether requisite permission from the concerned court has been obtained and produced ?	Nil, I found no minors interest involved in the property and therefore, no permission is required to be obtained for creation of mortgage in favour of the bank.
4	Whether the property Proposed to be mortgaged is subject to the provisions contained under any special enactment/ local laws. State implications of such enactment on the charge proposed to be created?	The property is comes under B-tenure and the permission of S.D.O. is necessary to mortgage the said property.
5	Whether property to be mortgaged is coming under any restrictions on transfer and whether required permission / consent as per terms of grant / allotment etc. obtained.	Permission of SDO is required for creation of Mortgage and transfer of the property, the said permission is yet to be obtained
6	Whether provisions of urban ceiling Act are applicable? If applicable whether permission obtained.	Not applicable.
7	Whether the user land has been converted under land revenue law? Whether N.A. Permission / Change of user permission is obtained.?	Not applicable
8	Whether required documents are available for creating valid mortgage?	Yes
9	What is the tenure of land? (In case of Lease Property) and whether necessary consent permission of lessor obtained	The property is comes under B-tenure and the permission of S.D.O. is necessary to mortgage the said property.
10	Whether the land is Adiwasi (Tribal) Land?	No
11	Whether the land / property is joint family property? If yes are other joint owners ready to mortgage their share or give consent for mortgage by borrower.	No, therefore, there is no necessity of obtaining from other family members or otherwise proposed Guarantor
12	Whether any prohibitory order from Income Tax/ Wealth Tax or other authorities?	No

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13	Is land/ Property subject to any reservations/acquisitions/requisitions?	No
14	Whether plans for construction are constructions are sanctioned?	Yes
15	Whether Commencement certificate issued?	Yes
16	Whether Completion certificate obtained?	construction is not completed
17	Whether there are any restriction from Corporation such as "Education Zone", "Green Zone" Etc?	Not applicable.
18	Is the land taken on lease from State Industrial Development Corporation? If yes whether tripartite agreement executed?	Not applicable
19	Whether there are any prior encumbrances. If yes details thereof.	encumbrances of the Yavatmal Urban Co.Op. Bank Ltd. Yavatmal, Branch at Amravati
20]	Evidence of possession Findings on documents and revenue records, details of property tax, land revenue, society maintenance charges or any other statutory dues paid up to date or payable.)	All charges paid up-to-date
21]	In case of companies/societies/ association /trust Whether?	Not applicable.
a)	Memorandum/ byelaws of the company / society/ association authorize to offer its property (ies) as security.	Not applicable.
b)	Requisite resolutions have been duly passed by the Company / Society / Association permitting mortgage of the properties in favour of the Bank.	Not applicable.
c)	Such resolution sets out of names of the persons who are authorized to create charge over the properties.	Not applicable.
d)	Resolution U/s 293 (i) (a) and 293 (i) (d) of Companies Act passed.	Not applicable.
e)	Details of the properties together with the documents are mentioned under such resolutions.	Not applicable.
f)	In case of Public Limited Companies, certificate of commencement of business has been obtained and affixation of common seal is necessary in terms of articles of association.	Not applicable.

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B)	In case of public charitable trust whether permission of charity commissioner for borrowing and mortgaging trust property is obtained and conditions stipulated if any.	Not applicable.
22)	IN case of devolution of property by a will/ succession	Not applicable.
A)	Whether probate of will/ succession certificate / letters of Administration obtained? Details thereof.	Not applicable.
B)	If probate/ succession certificate/ Letters of Administration not obtained, then how the mortgagor proposes to prove the title?	Not applicable.
C)	The safeguards suggested to ensure title to the property offered as security.	All the documents mentioned above needs to be taken in the custody and possession of the bank for creating mortgage as and by way of security for the enhancement proposed loan limit facility.
23)	Whether title deed perused are conformity in the with search taken	Yes
24)	Whether the chain of title is complete without any missing links	Yes, I found the chain of title is complete till acquired the ownership.
25)	Whether any other documents to be obtained / compliances to be made so as to create valid mortgage.	All the documents in original form as well as certified copies to be obtained before execution of mortgage deed and permission of the S.D.O. must obtained for mortgage.

Special Note:-

1) Now as per latest Government Notification, the notice of intimation of Equitable Mortgage is necessary to be given to sub-registrar within 30 days is compulsory.

2) After mortgage of the property bank should note their mortgage charge in the respective revenue record and obtain certified copy of such noting and keep on the record of the bank, without fail.

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CERTIFICATE OF TITLE AND NO ENCUMBRANCE.

I have examined the Title documents relating to the property situated in the locality known as Prabhat Chowk, Amravati, Tq. & dist. Amravati and offered as security by way of Equitable Mortgage. I have also taken search with the Sub-Registrar, of Assurances and Record of Rights for subsequent period for last 30 year till today (Original fee receipts enclosed). I certify that, Shri. Rohitraj Bhagchand Bajaj, Shri. Ramesh Pahlajmal Khatri, Shri. Shyam Tekchand Pinjani & Shri. Prakash Amrutlal Adtiya, has an absolute, clear and marketable title over the property described above. I further certify that the documents of the title referred to under the opinion are perfect evidence of right, title and interest of the proposed Borrower/ mortgagor and that if the said Equitable Mortgage by deposit of title deed created in the manner required by law, it will satisfy the requirements of creation of Equitable Mortgage in favour of the bank, only after all documents of title deed, are taken in the custody and possession of the bank after receiving this opinion or during the processing of loan.

Yours Faithfully

Adv. A. S. Ingle

Seal & Signature of the Advocate

AJAY S. INGLE
ADVOCATE

Date : 02/02/2016

Place : Amravati