

(Annexure 'A' to Branch circular no. 111/47 dated 06.07.17)



ADV. FARHAD G. VARSHANI
ADVOCATE

Bang Layout, Digras,
Mob. No. 9923013750

Legal Adviser

- Bank of India, Br. Digras
- Apex Insurance Company
- Shriram Nagri Pat
Sanstha, Digras

THE TITLE VERIFICATION AND SEARCH REPORT

Date:- 12/03/2018

Having been engaged by **1] Sau Rashmi Sanjay Bang**
2] Sau Sujata Nikhil Mahindre **3] Khurshid Bano Syd Murtuza All**
R/o. Digras, Tq. Digras, Dist. Yavatmal for preparing the title
verification & search report for the property to be mortgaged for
securing the financial Assistance. I **Adv. Farhad G. Varshani, r/o.**
Digras do hereby submit my report as under :-

1. Name [s] and Address [es] of Mortgagor [s] /Title holder [s] :

1] Sau Rashmi Sanjay Bang

2] Sau Sujata Nikhil Mahindre

3] Khurshid Bano Syd Murtuza

All R/o. Digras, Tq. Digras, Dist. Yavatmal



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Digras, Dist. Yavatmal

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2. Title deeds in original seen by me :
- Original & Certified copy of Regd. Sale Deed dtd. 16/05/2016 vide Reg. entry no. 1134/16
 - 7/12 extract
 - Certified copy Mutation entry no. 9573 on dtd. 14/06/2016
 - Certified copy Mutation entry no. 6833 on dtd. 14/10/2011
 - Judgement copy of Sp C S no.12/98 Husnabanu vs Jaydabi +1
 - Order copy of Honble High Court in FA/ 284/2000 dated 29/7/02
 - Original & Certified copy of Regd. Sale Deed dtd. 29/11/2012 vide Reg. entry no. 1540/12
 - Certified copy Mutation entry no. 7237 on dtd. 4/12/2012
 - N.A. Order
3. i] Sau Rashmi Sanjay Bang
ii] Sau Sujata Nikhil Mahindre

DISCRIPTION OF THE IMMOVABLE PROPERTY

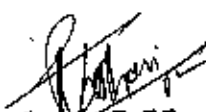
Field Sr.No.	Assesment	Area	Location of Property
20/2	Rs 10=00	0.34 HR out of total area 2.72 HR	Mauza Digras, Tq. Digras, Dist. Yavatmal.

Boundaries of above property is as under [as per sale deed dated 16/05/16]

To East :- Layout Road 12 mtr
To West : Layout of Khurshidbano
To North : Ghantibaba Nagar
To South : Layout of Khurshidbano

3. iii] Khurshid Bano Syd Murtuza




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DISCRIPTION OF THE IMMOVABLE PROPERTY

Field Sr.No.	Assesment	Area	Location of Property
20/2	Rs 10=00	1.19 HR + 3R (PK) out of total area 2.72 HR	Mauza Digras, Tq. Digras, Dist. Yavatmal.

Boundaries of above property is as under [as per say of title holder]

- To East :- Plot no. 1 & 2 and Janabai Nagar
To West : Field of Javed Pahelwan
To North : Layout of Rashmi Bang & Sujata Mahindre
To South : Field of Firoj Pahelwan

4. SEARCH IN SUB-REGISTRAR'S OFFICE

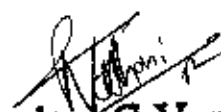
I) Location of property :

The above said field Survey no. 20/2, Class I, area 0.34 HR out of total area 2.72 HR and area 1.19 HR out of total area 2.72 HR, situated at Mauza Digras, Tq.Digras Dist. Yavatmal within local limit of office of sub registrar, Digras

II) Investigation, flow/tracing of Title and Search :

The present report relates back covering the period of 13 years from the date of the report and the title of the same is being traced accordingly. It is, seen from the perusal of record inspection book no. I and index no. II and other relevant record and documents relating to the property at sub-registrar office, Digras.




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1] That, originally field Sr.no. 20/2 (18/2) , totalArea 2H 72R + 0.06 PK situated at Digras was owned and possessed by Ab Wahab.

That after the death of Abdul Wahab on 30/3/94 his legal heirs namely Husnabanu w/o Sk Mustaque, Jaydabi w/o Abdul Wahab & Khurshidbano w/o Syd Murtuza came on record.

That, thereafter one of his legal heir Husnabano filed Sp C S no. 12/98 before Civil Judge Senior Division, Pusad against other legal heirs Jaydabi and Khurshidbano as a Husenabi vs Jaydabi +1 for SUIT FOR PARTITION AND SEPRATE POSSESSION.

That thereafter Honble Civil Judge Pusad passed judgement on dated 25/8/2000 and decreed suit with full cost against the defendants. That as per decree plaintiff Husenabi having 7/16th share in the suit properties.

That, thereafter Zahedabi challenge the above said judgement before Honble High Court Bench At Nagpur as a First Appeal no. 284/2000 smt Zahedabee vs smt Husnabano + 1.

That, thereafter the dispute between the parties is amicably settled. Thereafter Appelant Zahedabi submits before High Court tha the dispute between the parties is settled and ask permission to withdraw the above said appeal. That, respondent Husnabi and Khurshidbano do not take any objection in this regard. That as per the submission of all the parties Honble High Court passed order on 29/7/2002 and dismissed the appeal as withdrawn.

That thereafter as per the order of Collector Yavatmal in Precept decree no. 290/08 on dated 11/3/08 and decree of civil suit no. 12/98 and the order of Tahsildar Digras on dated 23/9/11 mutation was




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took place in revenue record vide mutation entry no. 6833 on dated 10/10/11 of their respective share.

That, as per the mutation out of survey no 20/2 area 1 H 22R out of total area 2 H 72R + 0.6 R (PK) came in to share of Sk Samir Sk Mustaque as a legal heir of Late Husnabano Sk Mustaque. Area 0.34 R out of total area 2H 72R came in to share of Jaydabi ab Wahab and area 1H 19R + 3R (PK) out of total area 2 H 72 R came in to share of Khurshid bano w/o Syd Murtuza Husen.

Thereafter on the basis of Order of Collector, Yavatmal, Decree of civil suit and Order of Tahsildar Digra mutation has taken place in the name of Khurshid bano w/o Syd Murtuza Husen vide mutation entry No. 6833 on dtd.10/10/11 in revenue record and at present title holder **Khurshid Bano w/o Syd Murtuza Husen** is absolute owner and possessor of the said property area 1H 19R + 3R (PK) out of total area 2H72R Out of survey no 20/2 and having clear and marketable title.

2] That, originally field Sr.no. 20/2 (18/2) , total Area 2H 72R + 0.06 PK situated at Digra was owned and possessed by Ab Wahab.

That after the death of Abdul Wahab on 30/3/94 his legal heirs namely Husnabanu w/o Sk Mustaque, Jaydabi w/o Abdul Wahab & Khurshidbano w/o Syd Murtuza came on record.

That, thereafter one of his legal heir Husnabano filed Sp C S no. 12/98 before Civil Judge Senior Division, Pusad against other legal heirs Jaydabi and Khurshidbano as a Husenabi vs Jaydabi +1 for **SUIT FOR PARTITION AND SEPRATE POSSESSION.**




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That thereafter Honble Civil Judge Pusa passed judgement on dated 25/8/2000 and decreed suit with full cost against the defendants. That as per decree plaintiff Husenabi having 7/16th share in the ~~suit~~ properties.

That, thereafter Zahedabi challenge the above said judgement before Honble High Court Bench At Nagpur as a First Appeal no. 284/2000 smt Zahedabee vs smt Husnabano + 1.

That, thereafter the dispute between the parties is amicably settled. Thereafter Appellant Zahedabi submits before High Court that the dispute between the parties is settled and ask permission to withdraw the above said appeal. That, respondent Husnabi and Khurshidbano do not take any objection in this regard. That as per the submission of all the parties Honble High Court passed order on 29/7/2002 and dismissed the appeal as withdrawn.

That thereafter as per the order of Collector Yavatmal in Precept decree no. 290/08 on dated 11/3/08 and decree of civil suit no. 12/98 and the order of Tahsildar Digra on dated 23/9/11 mutation was took place in revenue record vide mutation entry no. 6833 on dated 10/10/11 of their respective share.

That, as per the mutation out of surve no 20/2 area 1 H 22R out of total area 2 H 72R + 0.6 R (PK) came in to share of Sk Samir Sk Mustaque as a legal heir of Late Husnabano Sk Mustaque. Area 0.34 R out of total area 2H 72R came in to share of Jaydabi ab Wahab and area 1H 19R + 3R (PK) out of total area 2 H 72 R came in to share of Khurshid bano w/o Syd Murtuza Husen.

Thereafter on the basis of Order of Collector, Yavatmal, Decree of civil suit and Order of Tahsildar Digra mutation has took place in the name of Jaydabi w/o Ab Wahab vide mutation entry No.



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6833 on dtd. 10/10/11 in revenue record for area 0.34R out of total area 2H 72 R out of surve no. 20/2.

That thereafter Jaydabi sold the area 0.34 R out of surve no.20/2 to Sk Javed Sk Mustaque by way of regd. sale deed dated 29/11/2012 vide regd entry no. 1540/12 in total consideration of the amount of Rs 7,000,00/- per hector.

Thereafter on the basis of sale deed mutation has took place in the name of Sk Javed Sk Mustaque vide mutation entry No. 7237 on dtd. 4/12/2012 in revenue record.

That thereafter Sk Javed Sk Mustaque sold the area 0.34 R out of total area 2H 72R to Sau Rashmi Bang & Sau Sujata Mahindre by way of regd. sale deed dated 16/05/2016 vide regd entry no. 1134/16 in total consideration of the amount of Rs 40,000,00/-.

Thereafter on the basis of sale deed mutation has took place in the name of Sau Rashmi Bang & Sau Sujata Mahindre vide mutation entry No. 9573 on dtd. 14/06/2016 in revenue record and at present title holder **Sau Rashmi Bang & Sau Sujata Mahindre** are absolute owner and possessor of the said property and having clear and marketable title.

That, thereafter all the title holder namely **Sau Rashmi Bang , Sau Sujata Mahindre & Khurshid Bano w/o Syd Murtuza Husen** jointly filed an application for NA purpose for total area 1H 22R + 0.34R = 1H 56R before Additional Collector Yavatmal on dated 7/12/17.

That, thereafter title holders **Sau Rashmi Bang , Sau Sujata Mahindre & Khurshid Bano w/o Syd Murtuza Husen** obtain




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permission for NA purpose by Additional Collector Yavatmal in Rev Case No.39/ NAP34/2017-18 mauza Digras on dated 1/3/2018. That as per NA order plot no 1 to 43 were approved by the order of Additional Collector, Yavatmal and at present **Sau Rashmi Bang , Sau Sujata Mahindre & Khurshid Bano w/o Syd Murtuza Husen** are absolute owner and possessor of the said property and having clear and marketable title of their respective share as per NA order.

While making search at Sub Registrar office, I found that out of this property mortgaged to Nationasid Bank, Pusad Urban Bank, Sahakari Society. That it is therefore necessary to obtain NOC from above mention banks and society. Moreover I also found that as per the revenue record his name recorded in the column of ownership and possession. That there is no impediment for creating the mortgage. That, the property clear and marketable and fit for accepting the same as a security by way of mortgage. The link in the chain of title are properly established all the transactions duly verified from the relevant record of the registrar of documents and revenue department. Moreover I also submit that, this property is transferable and transferor has right to transfer. The fact and event of title have been satisfactorily proved. The property is free from attachment and/or claims of government, central of state or other local authorities or third party claims, liens etc., there is no bar or restriction for creation of mortgage under any local and special enactment. Moreover the property is not subject to any litigation of Civil Court.

At present as per revenue record it is clearly seen that, **Sau Rashmi Bang & Sau Sujata Mahindre**, area 0.34 R out of total area 2H 72R and **Khurshid Bano w/o Syd Murtuza Husen** area 1H 19




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R + 3R out of total area 2H72R, out of surve no 20/2 of mauza Digras are shown the absolute owner and possessor of their respective properties and having clear and marketable title.

On 9/03/18 I have taken search in respect of surve no 20/2, area 1H19R and 0.34R out of surve no 20/2 which was to be purchase by Title Holders vide receipt no. 739 for the period of 2006 to 2018 (13 years) by paying necessary search fee of Rs 650/-. Search receipt is on record. There are no encumbrances on the said property either created from whom they derived title.

The property is mortgagable and will come within the provision of Sec. 2 (t) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and rules there under. In case and if necessary the property can be attached and possession can be taken under the provision of the above act.

iii) Confirm and state that the original title deeds submitted are the originals registered before the Registrar of Assurance :-

I have verified the Original & Certified copy of Regd. Sale Deed dtd. 16/05/2016 vide Reg. entry no. 1134/16, 7/12 extrat Certified copy Mutation entry no. 9573 on dtd. 14/06/2016, Certified copy Mutation entry no. 6833 on dtd. 14/10/2011, Judgement copy of Sp C S no.12/98 Husnabanu vs Jaydabi +1 f) Order copy of Honble High Court in FA/ 284/2000 dated 29/7/02

iv) Whether the property is ancestral and/or under joint ownership. If so, details of the co-parceners/Karta and/or the co-owners. The respective shares should be incorporated specifically :-

The property regarding 0.34R are not ancestral but in joint ownership and there are co-owner.

The property regarding 1H 19R + 3R (PK) are ancestral and not joint ownership and there are no co-owner

Minor's interest




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The properties are not in the name of minors and no minor's interest seems to be involved in the properties

vi) **Documents pending for registration.**

I did not notice any documents pending for registration in respect of properties. The properties are free from all charges & encumbrances.

5. Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in the state where the property is located. If applicable whether the immovable property(ies) fall(s) within the purview of the act, verification and investigation should be made under sections 26, 27, and 28 of the Act to ensure that mortgagor(s) has/have obtained necessary permission from the competent authority under the Act. Documentary evidence showing such permission is obtained has to be attached with the report :-

The Urban Land (Ceiling and regulation) Act 1976 is not applicable to the area where the properties of **Sau Rashmi Bang & Sau Sujata Mahindre, Khurshid Bano w/o Syd Murtuza Husen** are situated. Therefore permission to mortgage the properties is not required.

6. Whether the property is acquired under Land Acquisition Act, 1894/2014 and applicability of other State Legislations :-

The all owner has not acquired the properties under the provision of Land Acquisition Act, 1894 and 2014.

7. Leasehold Immovable Property (Where land/building is leasehold, please verify the terms of lease, whether any permission/NOC from the lessors/competent authority is required for creation of mortgage of such leasehold property and advice the




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precautions to be taken while obtaining such property in mortgage) :-

The properties are not Leasehold immovable Property. Therefore the permission of lesser is not required.

8. Investigation under Income Tax Act 1961, pending litigation related to property if any :-

Permission of Assessing officer under the provision of I.T. Act is not necessary to mortgage the properties

As per information there are no dues of I.T. department or the properties are not attached by I.T. department. There is no need to produce any NOC from IT department for creating mortgage.

9. Investigation in regard to agricultural land :-

That, properties is non agricultural land and as such investigation about agricultural land is not applicable.

10. The details of the certified copies of the revenue records obtained to confirm that no dues are outstanding by the Mortgagor :-

To obtained original and certified copy Regd. Sale Deeds, current certified copy of 7/12 extracts and Mutation entries, etc. to confirm that no dues are outstanding by the mortgagor

11. Any other special enactment which is applicable to the property proposed to be mortgage and affects the title. :-

No any other special enactment is applicable to the properties proposed to be mortgaged.

12. If it is a property owned by the company the additional safeguards like search before the Registrar of Companies to be obtained be stated.:-

The properties are not owned by the Company and hence prior permission from Registrar is not necessary.




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13. Whether the records of sub-registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system. If so, whether any verification or cross checking are made and the comments/ finding in this regard. :-

There is no verification of properties through any online portal or computer system are available.

14. In case of partition / family settlement deeds, whether the partition made is valid in law, whether the original deed is available for deposit, whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his/her/their share. The modality/ procedure to be followed to create a valid and enforceable mortgage. Whether any of the documents in question are executed in counterparts or in more than one set? If so, additional precautions to be taken for avoiding multiple mortgages. :-

As per the order of Honble High Court, Order of Collector Yavatmal and order of Tahsildar Digras

15. Whether the property belongs to any trust or is subject to the rights of any trust? Whether the trust is private or public trust and whether trust deed specifically authorizes the mortgage of the property? Is there any bar under local laws for creation of mortgage? The additional precautions/ permissions to be obtained for creation of valid mortgage as per the respective state/ central laws. :-

That the properties not belongs to any trust, hence not applicable.

16. In case of partnership firm, whether the property belongs to the firm and the partnership deed is properly registered. Whether the partners have authority to create mortgage for and on behalf of the firm.




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That, the properties not belongs to partnership firm, hence not applicable.

17. If the property belongs to a Limited Company, Advocate to check the Borrowing powers, Board resolution, and authorization to create mortgage/ execution of documents, registration of any prior charge with the Company Registrar (ROC), Memorandum of Association and Articles of Association etc. and submit details. :-

That, the properties not belongs to Limited Company, hence not applicable.

18. In case of Societies, Association, check the required authority/ power to borrow and whether the mortgage can be created as per their constitutional documents and applicable laws, and the requisite resolutions, bye-laws etc. The additional precautions/ permissions to be obtained for cretion of valid mortgage as per the respective state/ central laws to be stated. :-

That, the properties not belongs to Societies and Association, hence not applicable.

19. Any bar/ restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.:-

That, there is no any bar or restriction for creation of mortgage under any local or special law. Documents are properly registered. Stamp duty pay as per banking rule.

20. Whether the governing law, the constitutional documents of the mortgagor (other than natural person) permits creation of mortgage and additional precaution, if any to be taken in such cases.:-

That, as per the law and documents, there is no impediment for creating the equitable mortgage.




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CERTIFICATE

I have examined the Certified/Original Title Deeds intended to be deposited relating to the aforesaid property/ies and offered as security by way of Equitable Mortgage and that the documents of title referred to in the opinion are valid evidence of right, title and interest and that if the said Equitable Mortgage is created, it will satisfy the requirements of creation of Equitable Mortgage.

I hereby further certify that, I have searched and verified and information furnished in this report and have compared the Title Deeds given to me with the records/ copy of it in the office of Sub Registrar and has found both tallying with each other. I confirm having made search in the Land/ revenue records. I also confirm having verified and check the records of the relevant government Officers/ Sub Registrar(s) Office(s), revenue Records, Municipal/ Panchayat Office, Land Acquisition Office, registrar of companies Office. I do not find anything adverse which would prevent the Title holders from creating a equitable Mortgage. The statements and other information given in the report are true and correct.

I certify that, there are no prior Mortgage/ Charge/ Encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 2006 to 2018 (except Pusad Urban Bank, Nationasied Bank and Sahkari Society) pertaining to the immovable property/ies covered by above said Title Deeds. The property is free from all encumbrances, charges and claims.

I certify that Mr/Mrs/M/s **Sau Rashmi Bang & Sau Sujata Mahindre, Khurshid Bano w/o Syd Murtuza Husen All r/o. Digras, Tq. Digras, Dist.Yavatmal** have got a valid, clear, absolute




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and marketable title over the properties shown above free of any encumbrance, charge or claims. There are no legal impediments for creation of the mortgage under any applicable law/rules in force. I certify that the mortgage over the said property/ies can be enforced through process of law including under the provisions of SARFAESI Act, for recovery of dues to the Bank.

If Mr/Mrs/M/s **Sau Rashmi Bang & Sau Sujata Mahindre, Khurshid Bano w/o Syd Murtuza Husen r/o Digras, Tq. Digras, Dist.Yavatmal** personally present and deposit the following title deeds (of their respective share) in original with intention to create equitable mortgaged, it will satisfy the requirements of creation of mortgage. The following person/s should be present personally to deposit the original title deeds with your Branch for creation of equitable mortgage:-

- a) Original & Certified copy of Regd. Sale Deed dtd. 16/05/2016 vide Reg. entry no. 1134/16
- b) 7/12 extract
- c) Certified copy Mutation entry no. 9573 on dtd. 14/06/2016
- d) Certified copy Mutation entry no. 6833 on dtd. 14/10/2011
- e) Judgement copy of Sp C S no.12/98 Husnabanu vs Jaydabi +1
- f) Order copy of Honble High Court in FA/ 284/2000 dated 29/7/02
- g) Original & Certified copy of Regd. Sale Deed dtd. 29/11/2012 vide Reg. entry no. 1540/12
- h) Certified copy Mutation entry no. 7237 on dtd. 4/12/2012
- i) N.A. Order

The following documents in original have to be obtained for creation of equitable mortgage by deposit of title deeds.

- a) Original & Certified copy of Regd. Sale Deed dtd. 16/05/2016 vide Reg. entry no. 1134/16
- b) 7/12 extract




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- c) Certified copy Mutation entry no. 9573 on dtd. 14/06/2016
- d) Certified copy Mutation entry no. 6833 on dtd. 14/10/2011
- e) Judgement copy of Sp C S no.12/98 Husnabanu vs Jaydabi +1
- f) Order copy of Honble High Court in FA/ 284/2000 dated 29/7/02
- g) Original & Certified copy of Regd. Sale Deed dtd. 29/11/2012 vide Reg. entry no. 1540/12
- h) Certified copy Mutation entry no. 7237 on dtd. 4/12/2012
- i) N.A. Order
- j) Map
- k) Affidavit of borrower, where the property is not mortgaged to any other bank/ society.
- l) No due certificate of Nationalize bank/Societies.
- m) To obtain NOC from Pusad Urban Bank Br Digras and Sahkari society

The stamp duty payable on Oral Assent/MOD (if applicable)

I have returned the original documents forwarded to me vide your above said letter.

Place Digras

Dated 12/03/18



Yours faithfully

F. G. Varsani
Adv. F. G. Varsani
Digras, Dist. Yavatmal
Advocate
887 9523013750

229/0

इतर पावती

Original/Duplicate

Friday, 09 March 2018 12:48 PM

नोंदणी क्र.: 39म

Regn.: 39M

पावती क्र.: 739 दितांक: 09/03/2018

गावाचे नाव:

दस्तऐवजाचा अनुक्रमांक: दि. 0-2018

दस्तऐवजाचा प्रकार:

सादर करण्याचे नाव: अड. एफ. जी. वर्पानी रा. दिगस

वर्णन अर्ब क्रमांक 235/2018 शोध सन 2006 ते 2018 (13 वर्षे) मीजा दिगस रा. दिगस जि. बसवमाळ तालुका गट क्र. 20/2 पैकी क्षेत्रफळ 1.19 हे. आर व गट क्र. 20/2 पैकी क्षेत्रफळ 0.34 हे. आर

साधन निरीक्षण

रु. 650.00

एकूण:

रु. 650.00

Sub Registrar Digraj

मुद्रा दिगस जिल्हा - १

दिगस जि. बसवमाळ.

1): देयकाचा प्रकार By Cash रक्कम रु 650/-