इतर पावती

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नोंदणी क्रं. :39म

Regn.:39M

पावती क्रं.: 9700 दिनांक: 29/12/2016

गावाचे नाव: देवळाई

दस्तऐवजाचा अनुक्रमांक: अगग3-0-2016

दस्तऐवजाचा प्रकार :

सादर करणाऱ्याचे नाव: अँड.आर वाय पुंड

वर्णन अर्ज क्र.1274-2016 मौजे-देवळाई ता.जि. औरंगाबाद येथील ग.नं. 138 मधील क्षेत्र 1 हे 21 आर शोध 1987 ते 2016

SEARCHFEE रु. 750.00

एकूण: रु. 750.00

Joint Sub Registrar Aurangabad III

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

सह दुय्यम निबंधक वर्ग-२
औरंगाबाद क्रं. ३.

R. Y. PUND,
B. Com. LL.B.
Advocate, Aurangabad

B-4, Guruprasad Nagar,
Beed Bye-pass, Balapur,
Aurangabad-431007
M. No.9822431507

TO WHOM SOEVER CONCERNED

Subject: Search report in respect of land bearing Gat No.138 Adm.01 H. 21 R. situated at Deolai Aurangabad Tq. Dist. Aurangabad for the period of 30 years i.e. from 1987 to 2016.

I have taken search in respect of above referred land Gat No.138 Adm.01 H. 21 R. situated at Deolai Aurangabad Tq. Dist. Aurangabad for the period of last 30 years i.e. from 1987 to 2016 by depositing necessary fees vide receipt No.9700 dated 29.12.2016 in the office of Sub-Registrar Class-II Aurangabad No.3. Original Receipt No.9700 dated 29.12.2016 is enclosed herewith.

From perusal of the documents placed before me as well as during search of the above referred land bearing Gat No.138 Adm.01 H. 21 R. situated at Deolai Aurangabad Tq. Dist. Aurangabad took by me it revealed as under:

The land bearing Gat No.138 Adm.01 H. 21 R. situated at Deolai Aurangabad Tq. Dist. Aurangabad was jointly owned and possessed by three brothers namely (i) Sk. Mohiyoddin Sk. Umar (ii) Sk. Sardar Sk. Umar and (iii) Sk. Wajir Sk. Umar. All of them are expired before the year 1983.

Sk. Mohiyoddin Umar died leaving behind him widow Bismillabee w/o Mohiyoddin, son Sk. Chand Mohiyoddin, 02 daughters Tamijabee w/o Jankhan and Shamubee w/o Sk. Bashir. After death of Mohiyoddin Umar concerned revenue authority has sanctioned Mutation Entry No.155 and name of Sk. Chand Mohiyoddin entered in ownership column and names of other legal heirs effected in other rights column in 7/12 extract of land Gat No.138.

Sardar Umar died leaving behind him widow Rubabbee w/o Sardar, 02 sons Sk. Jalal Sk. Sardar, Sk. Yasin Sk. Sardar, 03 daughters Najobee w/o Bapuji, Tajbee w/o Ismail and Rabiya w/o Mohammad. After death of Sardar Umar concerned revenue authority has sanctioned Mutation Entry No.156 and name of Sk. Jalal Sk. Sardar entered in ownership column as Karta of Joint Family while names of other legal heirs effected in other rights column in 7/12 extract of land Gat No.138.

Wajir Umar died leaving behind him widow Hafijabee w/o Wajir, 06 sons Sk. Basha, Sk. Osman, Sk. Najir, Sk. Mohammad, Sk. Jamil Ahemad and Sk. Mohiyoddin, 03 daughters Rashidabee w/o Sk. Kadu, Taherabee w/o Mahemoodkhan and Jahedabee. After death of Wajir Umar concerned revenue authority has sanctioned Mutation Entry No.181 and name of Sk. Basha Sk. Wajir entered in ownership column as Karta of Joint Family while names of other legal heirs effected in other rights column in 7/12 extract of land Gat No.138.

It is not out of place to mention here that, after sanction of Mutation Entries No.155, 156 and 181 names of Sk. Chand Mohiyoddin, Sk. Jalal Sk. Sardar and Basha Wajir appeared in ownership column of 7/12 extract in the capacity of Karta of Joint Family as detail described in above paragraphs. It further revealed that, Sk. Chand Mohiyoddin, Sk. Jalal Sk. Sardar and Basha Wajir have executed registered sale deed bearing day book No.272 dated 09.04.1997 in respect of land Gat No.138 Adm.01 H. 21 R. bounded as towards East: Road and remaining land from Gat No.138, West: land of Nawab Shahnoor, South: remaining land of Gat No.138 and North: land purchased by Dhamne, in favour of Abdul Majid Khan Rahim Khan.

On the basis of registered sale deed dated 09.04.1997 name of purchaser came to be mutated in revenue record as owner thereof vide Mutation Entry No.841 dated 05.05.1997 and since then till today purchaser namely Abdul Majid Khan Rahim Khan is enjoying lawful possession of land Gat No.138 Adm. 01 H. 21 R. as owner thereof.

During search it further revealed that, Sk. Chand Mohiyoddin, Sk. Jalal Sk. Sardar and Basha Wajir have alienated land Gat No.138 Adm.01 H. 21 R. in favour of Abdul Majid Khan Rahim Khan through registered sale deed No.272 dated 09.04.1997 without consent of other respective legal heirs of deceased (i) Mohiyoddin Umar (ii) Sardar Umar and (iii) Wajir Umar. Neither signatures of other legal heirs taken on sale deed dated 09.04.1997 nor there appears relinquishment of their respective rights by the other legal heirs whose names are appearing in other rights column in the 7/12 extract of land Gat No.138 Adm. 01 H. 21 R. situated at Deolai Aurangabad Tq. Dist. Aurangabad.

During search for the period from 1987 to 2016 except above mentioned transaction, no other transaction noticed by me in respect of land Gat No.138 Adm.01 H. 21 R. situated at Deolai Aurangabad Tq. Dist. Aurangabad. In my opinion, unless there is relinquishment/waiver of their rights by other legal heirs of deceased owners, whose names are appearing in other rights column of 7/12 extract of land Gat No.138, it cannot be said that title of Abdul Majid Khan Rahim Khan in respect of land Gat No.138 Adm. 01 H. 21 R. on the basis of registered sale deed No.272 dated 09.04.1997 is clear, marketable, free from any type of encumbrances and dispute.

Hence, this opinion/search report is given by me.

Date: 31/12/2016
Place: Aurangabad

(R. Y. PUND)
Advocate