

LEGAL SCRUTINY REPORT

To whomsoever It may concern

Sub.: Existence and Investigation of title and Legal Scrutiny Report.

This is to certify that I have investigated into the title of the property more particularly set out in Para (2) below and my findings are as under :-

1. Description of documents scrutinized

- i. 7/12 extracts.
- ii. Mutation extracts.
- iii. Copies of Sale Deeds.
- iv. Copies of Development Agreement/GPA.
- v. Copies of Rectification Deeds.
- vi. Revenue Receipts.
- vii. Copies of Court Proceedings.
- viii. Copies of sanctioned building plans.
- ix. Copy of commencement certificate.

2. Description of Property

All that piece and parcel of non-agricultural land having RS.No.905/1+2/1B (Old RS No.905/2/1+2) admeasuring area 03 Hec. 45 Ares, situated within the limits of village Nashik, Tal. & Dist. Nashik and within the limits of Nashik Municipal Corporation, within the Registration and Sub-Registration District Nashik and bounded as follows that is to say :

On or towards East	:	By	} As per TILR Revenue Map
South	:	By	
West	:	By	
North	:	By	

The above said land together with all bushes, hedges, water courses, trees and each and every thing attached, embedded and existing therein together with the hereditaments and all existing easement and other rights of access appurtenant thereto.

(Hereinafter referred to as 'THE SAID PROPERTY');

3. After tracing the history of revenue records of title for the said property from the year 1940, it transpired to me as under :-

The said land admeasuring 03 Hec. 45 Ares is having its roots in original RS No.905/1 and 905/2.

□ As to RS No.905/1

Record shows that in the year one Punja Ghuge owned the said land upto the year 1941. The said Punja Ghuge within his disposing powers transferred and conveyed an area 17 Acres 34 Gunthas (equivalent to 07 Hec. 01 Are) of RS No.905/1 unto and in favour of Shri. S. S. Sikhand vide registered Sale Deed dated 25/11/1941. The Sale Deed was given effect in the revenue records under certified ME No.3613 dated 04/06/1942. Thus, Shri. S. S. Sikhand accrued title to the land admeasuring 07 Hec. 01 Are of RS No.905/1.

Record further shows that Shri. S. S. Sikhand sold and conveyed the said land 07 Hec. 01 Are of RS No.905/1 unto and in favour of one Shri. Gadadhar Pandurang Mahajan vide registered Sale Deed dated 17/03/1947. Thus, Shri. Gadadhar Pandurang Mahajan accrued title of ownership to the said land and his name was mutated in the revenue records vide certified ME No.4720.

The said Gadadhar Mahajan further, within his disposing powers sold and conveyed the said land admeasuring 07 Hec. 01 Are unto and in favour of one Shri. Parashram Chauthmal Bhatija vide registered Sale Deed dated 01/12/1947 and thereby the name of Parashram Chauthmal Bhatija was mutated as owner in the revenue records vide certified ME No.5071. The said Parashram Chauthmal Bhatija subsequently died and the names of his legal heirs viz. Shantabai Bhatija and Mulchand Bhatija were mutated in the revenue records, as owners of the said land by the same ME No.7484.

Record further shows that the said land RS No.905/1 admeasuring area 07 Hec. 01 Are was occupied as tenant by one Aba Tukaram Sonawane in the year 1952-53 and hence his name was mutated in the other rights column of the 7/12 extract as tenant vide certified ME No.7008 in the year 1956. Further, the said Aba Tukaram Sonawane had purchased the said land RS No.905/1 from its owners Smt. Shantabai Bhatija and Shri. Mulchand Bhatija vide Sale Deed thereby accrued title of ownership to the said land vide certified ME No.7728.

On further scrutiny it transpired that the said Aba Tukaram Sonawane died on 15/04/1962 and hence the names of his legal heirs ie. wives Anandabai, Parvatabai, son Eknath and daughters Sonubai, Tolubai and Janabai were brought on record of the said land RS No.905/1 admeasuring 07 Hec. 01 Are, vide certified ME No.8285.



Further, it appears that the legal heirs of the said Aba Sonawane within their disposing powers sold an area admeasuring 81 Ares out of the total area 07 Hec. 01 Are of RS No.905/1 unto and in favour of one Sadhuram Shobhraj Khemani vide registered Sale Deed dated 22/12/1970 and thus Sadhuram Khemani accrued title of ownership to an area 81 Ares out of the said RS No.905/1 and his name was mutated in the revenue records to that extent vide certified ME No.12241. Out of the said RS No.905/1, the remaining area 15 Acres 13 Gunthas was retained by the Sonawane family which area further was newly numbered as RS No.905/1/1 forming a separate 7/12 extract of the same. And, the area purchased by Sadhuram Khemani was being newly numbered as RS No.905/1/2 forming a separate 7/12 extract of the same. Thus, Sadhuram Shobhraj Khemani accrued title of absolute ownership to the land RS No.905/1/2 admeasuring 81 Ares.

☐ **As to RS No.905/2**

The said RS No.905/2 was earlier belonging to one Karbhari Aba Ghuge who died in the year 1932 and after his death his legal heirs Bhagabai, Ramchandra, Bhika and Vitthal Karbhari Ghuge were brought on record under certified ME No.2029 dated 21/01/1932. The said legal heir Ramchandra and others were seized and possessed of the said land upto the year 1947. In the year 1947 Ramchandra Ghuge and others within their disposing powers conveyed the said property unto and in favour of one Shivdayal Jaiswal vide registered Sale Deed dated 21/06/1947 at Sr.No.660. In sequel to this transaction ME No.4727 was given effect in the records whereunder the name of Shivdayal Jaiswal was mutated as owner. And thus, he accrued title of absolute ownership in the said land.

A further scrutiny disclosed that Shivdayal Jaiswal held the land upto the year 1948. In the year 1948 Shivdayal within his disposing power sold all the said land to one Indubai Salvi under registered Sale Deed dated 22/09/1948. Consequently ME No.5500 was effected in the record which was duly certified and the name of purchaser Indubai Salvi was mutated as owner of the said land. She held the land upto the year 1955.

Indubai later on disposed the said land as and by way of absolute sale to Murlidhar Kashinath Gamne, Trimbai Arjun Gamne and others under Sale Deed dated 15/09/1955. Resultantly, the revenue authorities effected ME No.3734 in the records which was duly certified and the purchasers accrued title of ownership thereunder.

Record further disclose that Murlidhar Kashinath Gamne and others vide Sale Deed dated 11/02/1972 conveyed an area 2 Hec. 40 Ares ie. 6 Acres out of the total land in favour of Sadhuram Khemani. In view of the sale ME No.13067 was effected in the record and Sadhuram Khemani thereby acquired title of absolute ownership to the land purchased by him out of the total survey number. The owners Murlidhar Gamne and others further vide registered Sale Deed dated 29/11/1972 sold the balance area of 3 Hec. 45 Ares to Sadhuram Khemani. ME No.13629 was mutated and Sadhuram Khemani thereunder accrued title to the land purchased by him.

The land purchased by Sadharam admeasuring 2 Hec. 40 Ares was newly numbered as RS No.905/2/1 and the land admeasuring 3 Hec. 45 Ares was newly numbered as RS No.905/2/2 and both these lands were amalgamated and a new survey number after amalgamation emerged bearing RS No.905/2/1+2 which totally admeasured 5 Hec. 89 Ares vide certified ME No.13629 dated 20/02/1973.

Thus, Sadharam Khemani became the owner of RS No.905/1/2 admeasuring 81 Ares and new RS No.905/2/1+2 admeasuring 5 Hec. 89 Ares, making a total of 6 Hec. 56 Ares. This is how the land acquired by Sadharam Khemani percolated down to him from its original roots of RS No.905/1 and RS No.905/2.

A further scrutiny of the record disclose that Sadharam Khemani died on 22/03/1987. After his death his properties devolved upon his legal heirs Murlidhar, Chandulal, Balram- sons and Geeta, Bhavna and Meena - daughters who succeeded the properties vide certified ME No.43264 dated 08/12/2000.

Then owners of the property prepared map for both the properties as per the ULC letter No.ULC Nasik/273/196 in the year 2000 and in view of the said map the area of the survey numbers were shown as below :

RS No.905/2/1+2	5 Hec. 89 Ares	barren land
RS No.905/1/2	0 Hec. 81 Ares	barren land

Murlidhar Khemani vide application dated 27/12/2000 bearing No.555/2000 and application dated 27/12/2000 bearing No.556/2000 requested the TIRL office for survey and fixation of boundaries for both the said lands which was accordingly done and both the lands were separately measured, surveyed and respective boundary marks were fixed and certified maps were duly issued.

It appears that the legal heirs of deceased Sadharam Khemani effected mutual partition of both the said lands amongst themselves and Murlidhar Khemani and others five retained 5/6th share and 1/6th share was allotted thereunder to one of the family member Chandulal Khemani ie. 00 Hec. 31 Ares land from RS No.905/2/1+2 and the entire RS No.905/1/2 admeasuring 81 Ares, totaling 1 Hec. 12 Ares. A further scrutiny of the record disclose that Murlidhar Khemani and others five appointed M/s. Nakshatra Infrastructures Pvt. Ltd., Aurangabad as their Developer for the said property of RS No.905/2/1+2 admeasuring 05 Hec. 58 Ares. The owners executed Development Agreement dated 10/04/2007 alongwith GPA and others as Consenting Party to avoid any technical hurdle and ME No.58689 was certified to that effect. The document was duly registered at the office of Sub-Registrar of Assurances, Nashik at Sr.No.2897/2007 dated 10/04/2007. The said document is also executed by Mrs. Pushpa Murlidhar Khemani and others twelve, family members of Murlidhar Khemani.

In view of the partition the said land is separated and sub-divided in pursuance to measurement and demarcation of sub-division carried out by the T.I.L.R., Nashik and



the said sub-divided portion of 01 Hec. 12 Ares came to be marked as RS No.905/1+2/2 after carrying out measurement on 07/04/2008 in file No. Sub Division/Nasik/M.R.No./800/2008. The revenue authority had also issued separate 7/12 extract for said RS No.905/1+2/2 admeasuring 1 Hec. 12 Ares in the name of Chandulal Khemani. The balance area of 5 Hec. 58 Ares out of RS No.905/2/1+2 was put to the names of remaining five share holders Murlidhar Khemani and others under certified ME No.61836. The entire land was surveyed, measured as per its sub-division share and it was noted as below :

Old RS No.	New RS No.	Area	Occupant/Holder
905/2/1+2	905/1+2/1	05 Hec. 58 Ares	Murlidhar Khemani and others -5.
905/1+2/2	905/1+2/2	01 Hec. 12 Ares	Chandulal Khemani.
905/1/1	905/1+2/3	06 Hec. 08 Ares	Mohan Sonawane and others.

In view of this factual position the revenue record was prepared afresh.

It further appears that the 1/6th share was attached by the Income Tax Department against tax recovery from Chandulal Khemani and entry to that effect was taken in the column of other rights under certified ME No.57284.

Record further shows that after the said Development Agreement the owners Murlidhar Khemani and others at the request of the Developers an Agreement to Sale was executed in favour of one Mr. Santosh Shantilal Muthiyan, Director - Nakshatra Infrastructures Pvt. Ltd. dated 01/12/2007. It was followed by a Confirmation Deed dated 10/11/2008. The Sale Agreement was duly registered at Sr.No.9434/2008 before the Sub-Registrar of Assurances. By virtue of Confirmation Deed the owners acknowledged the receipt of total consideration amount before 30/11/2007 and that the possession of the property was delivered on 10/05/2007. This was the clarification and declaration on the part of the owners Murlidhar Khemani and others.

In pursuance of the Sale Agreement dated 01/12/2007 Murlidhar Khemani and others executed the Final Conveyance Deed dated 10/11/2008 in favour of Santosh Shantilal Muthiyan. To further clarify that Santosh Shantilal Muthiyan had purchased the land in individual capacity and not as Director of Nakshatra Infrastructure, a Rectification Deed was duly executed and registered on 24/12/2008 at Sr.No.10595/2008. Thus, Santosh Shantilal Muthiyan accrued title to the said property as individual absolute owner vide ME No.63362.

There is a Lis-Pendency entry in the column of other rights regarding pending of Spl. Civil Suit No.101/2009 and RCS No.235/2006 by virtue of ME No.64094 and ME No.62899. However, the effect of Spl. Civil Suit No.101/2009 is ineffective so far as this

portion of land is concerned which is very much clear from ME No.64094. Similarly, so far as RCS No.235/2006 is concerned by virtue of ME No.62899 the said entry of Lis-Pendency has been deleted in respect to the present land survey number. Also, the proceeding stands withdrawn by the plaintiff on 03/12/2010. Another proceeding bearing RCS No.183/2006 has been withdrawn by the plaintiff on 23/02/2011.

Santosh Shantilal Muthiyan alongwith Nakshatra Infrastructure Pvt. Ltd. have executed a Development Agreement and GPA dated 09/01/2009 duly registered at the office of Sub-Registrar, Nashik-5 at Sr.No.173/2009 and Sr.No.174/2009 respectively in favour of Bafna Builders and Land Developers, a registered partnership firm represented by its Partner - Mr. Sushilkumar Kasturchand Bafna for an area admeasuring 3 Hec. 20 Ares. The Development Agreement has been given effect in the revenue records under certified ME No.63518 in the column of other rights of the said land. After the said Development Agreement, the Nashik Municipal Corporation sanctioned an approach road to the said property of 18 mtr. width which was then existing of 12 mtr. width which was the part of the said survey number. Due to the widening of the approach road by 6 mtr. the area of development was also enhanced by 2500 sq.mtr. As such Santosh Muthiyan and others to incorporate the enhanced area in the original Development Agreement dated 09/01/2009 further executed a Rectification and Confirmation Deed dated 17/02/2011 duly registered with the office of Sub-Registrar, Nashik at Sr.No. 2856/2011 and a Rectification Deed for GPA dated 17/02/2011 duly registered with the office of Sub-Registrar, Nashik at Sr.No. 2587/2011. Therefore, the area under development is now 03 Hec. 45 Ares. The developers are developing the said area of 03 Hec. 45 Ares under the name and style as 'ANMOL'S NAYANTARA GOLD'.

The layout for the said property has been tentatively approved and sanctioned by the Nashik Municipal Corporation vide its order No.LND/WS/TENT/CD/32 dated 02/12/2009. The land has been ordered to be converted to non-agricultural use under the orders of the Collector, Nashik bearing No.376/2009 dated 13/04/2010. The N.A. cess and betterment/development charges and other outgoings have been paid and cleared upto date.

In view of the said property being converted to non-agricultural use for residential purpose and the building plans and designs thereof being duly approved and sanctioned by the NMC therefore, now the said area of 3.45 Hectares equivalent to 34500 sq.mtr. have acquired an independent revenue status and title bearing RS.No.905/1+2/1B vide certified ME No.71419;

5. It is further noticed by me as under :-

- a. The ULC proceedings in respect to the said property has been finalized in view of the Government Letter bearing No.ULC/10/2000/155/ULC-4/MANTRALAY/MUMBAI dated 05/08/2000 and In view of the proceeding and



record submitted by then owners the Deputy Collector and Competent Authority, ULC vide its letter bearing No.ULC/A-1/VASHI/162/2009 dated 04/08/2009 have declared the said property free from the operation of the provisions of the ULC Act. As such, the provisions of ULC Act are not attracted. Presently it does not attract any of the provisions of the ULC Act which is now abrogated and repealed.

- b. The said property is neither acquired nor required by any Government Authority and no notices thereof have been received.
- c. The said property is not subjected to any court attachment / order against any claims or dues of any third party or Government Agencies.
- d. The tentative layout for the said property has been approved and sanctioned by the Nashik Municipal Corporation vide its Order bearing No.LND/WS/TENT/CD/32 dated 02/12/2009.
- e. The tenure of the said property has been converted to non-agricultural use under the orders of the Collector, Nashik bearing No.376/2009 dated 13/04/2010.
- f. The building plans and designs for the project has been duly approved and sanctioned by the Nashik Municipal Corporation vide its Commencement Letter dated 3/06/2011.

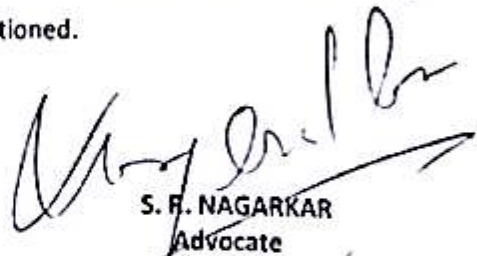
6. In addition to the records above an uptodate search was caused by me from the records of the Sub-Registrar Office, Nashik. The above entries of registration of documents were verified and confirmed. Nothing further revealed involving the said property to any other liability of whatsoever nature.

7. The shorn of my above search and scrutiny is as under :-

- a. The said property is free from any encumbrances.
- b. The title of Shri. Santosh Shantilal Muthiyar to the said property is of legal, valid and of marketable value.
- c. M/s. Bafna Builders and Land Developers are having valid and legal rights of development of the said property and disposal of the constructed premises thereon by virtue of Development Agreement and GPA and Rectification/Confirmation Deeds aforementioned.

Nashik

Dated : 18th June 2011


S. F. NAGARKAR
Advocate