

Sikandar A. Sayyad

B.A, LL.B, ADVOCATE

318, Maruti Chamber,

Dist. Court, Nashik - 422 002.

Date: - 21/07/2017

TITLE REPORT & CERTIFICATE

TO WHOM SO EVER IT MAY CONCERN

DESCRIPTION OF PROPERTY

All those pieces and parcels of the land lying and situated at Village Mouje Pathardi, Taluka & Dist. Nashik within limits of Nashik Municipal Corporation and bearing Survey No.7/1 to 7/5 & 8/1 to 8/5 admeasuring total AREA 13 Hectares 79 Ares of thereabout.

Owner:- Mr. Anwar Hussain J. Thim, R/o. Mumbai.

The present land owner Mr. Anwar Hussain J. Thim approached me for the investigation and inspection of the title of above mentioned property and furnished the relevant revenue records of the last more than 50 years. After perusing all these documents I submit my report as under:-

1. It appears from the 7/12 extract of S.No.7 (admeasuring area 6H.68 R) and S. No. 8 (admeasuring area 7H. 11Are) for the years 1952-53 that the said properties owned by (1) Burhansaheb Ibrahimsaheb Kokni, (2) Harrison John & Dorehthi Wilson Dhond and (3) Gangubai W/o. Yadav Bhalerao. But beside the Gangubai no other owner in actual possession of the said property and except the area of Gangubai the remaining area of the said property was cultivated by the tenant namely Kisan Lahu Donde who was protected tenant therein.
2. After death of Kisan Lahu Donde on 30/09/1956 the name of his only son Sakharam Kisan Donde was inserted in record of right by M.E. No.1674 as the protected tenant for the said property.
3. By submitting the application to the revenue office on 01/02/1958 it was intimated by the Burhansaheb Ibrahimsaheb Kokni that his name be deleted from the record of right of the said property and the name of his son Fakir Mohammed Burhansaheb Kokni be recorded in it. Accordingly the M.E. No.2092 was certified on 25/07/1958 and name of Fakir Mohammed Burhansaheb Kokni was mutated in record of right.
4. From M.E. No.2251 it appears that the Co-owner Harrison John is expired on 02/04/1961 and his share of the said property inherited by his daughter Dorehthy Wilson Dhond.

Act, which has to be paid by the tenant in 12 installments. Therefore the name of the tenant mutated in occupants column instead of the other rights column and the name of owners moved to the other rights column of the said property. The necessary remark of restricted ownership U/s.43 of the said Act also taken in the other rights column of the said property by certifying M.E. No.2758.

6. One of the owners of the said property i.e. Smt. Gangubai Yadav Bhalerao died on 30/06/1981, who has made the will on 07/06/1979 and according to the bequests thereof the name of her heirs i.e. Shantabai Sitaram Bhalerao (Daughter in Law), Natha Sitaram Bhalerao and Jagan Sitaram Bhalerao (Grandsons) were mutated in record of rights by certifying M.E. No. 3319, dtd.25/06/1982.
7. It was brought to the notice of concern revenue officer by the Shantabai Sitaram Bhalerao & others that previously by certifying the M.E. No.2758 & 5276 the protected tenant has purchased the share of Harrison John & other as well as Fakir Mohammed Burhansaheb Kokni under the provision of The Bombay Tenancy & Agricultural Lands Act 1948, but the remark of restricted ownership U/s.43 of the said Act has been recorded for the total area of the said property hence it need to be rectified because the tenant has not purchased the share of Shantabai Sitaram Bhalerao & others under the said Act. Therefore by certifying M.E. No. 5601 the old Mutation Entries 1674, 2758 and 5276 were rectified accordingly.
8. While holding the lands as the tenant and H.U.F. for the Sakharam Kisan Donde, the land was cultivated by the protected tenant along with his real brothers and the married sisters which was also mentioned while issuing certificate U/s. 32M at the time of purchasing the land from Fakir Mohammed Burhansaheb Kokni therefore alongwith the name of Sakharam Kisan Donde the following names are also mutated by the order of Collector which is passed on 30/09/1991 bearing No. RTS/Washi/1106/91 the effect of which has been taken by certifying the M.E. No. 5276.
 - Hari Kisan Donde.
 - Malhari Kisan Donde.
 - Godabai Lahu Donde.
9. Subsequently the tenant has applied to the Tahsildar for the partition amongst his brother and other legal heirs who were cultivating the land therefore by Order No. Tenancy / RTS / Washi/317/92, dtd.10/04/1992 the said property was partitioned as under:-

Sr. No.	S. No.	Area	Name
1.	7/1	1.22	Sakharam Kisan Donde
2.	8/1	1.31	
3.	7/2	1.23	Hari Kisan Donde
4.	8/2	1.88	
5.	7/3	1.77	Malhari Kisan Donde
6.	8/3	1.32	
7.	7/4	1.24	Godabai Lahu Donde

10. That Hari Kisan Donde died on 01/05/1992 and the names of his legal heirs i.e. two widow Smt. Sundrabai Haribhau Donde, Smt. Shantabai Haribhau Donde and sons Ramchandra, Deepchand and four married daughters (1) Smt. Kalyani Hiranman Ramraje, (2) Sou. Sushila Ashok Bhalerao, (3) Sou. Ratan Baburao Kale, (4) Sou. Sarla Chandrakant Gade and the legal heirs of predeceased son Bhikchand Haribhau Donde i.e. widow Shakuntala Bhikchand, sons Prakash, Gautam and daughter Sunita, Suvarna, were mutated in record of right by certifying M.E. No. 5461 for S. No. 7/2 & 8/2.
11. It appears from the M.E. No. 5641 that the protected tenant of the S. No. 7/5 & 8/5 have surrendered their right in favour of the owner namely Shantabai Sitaram Bhalerao and others. The Tahsildar, Nashik has passed the order to that effect in tenancy case No. 22/1992, dtd.21/12/1992.
12. From the M.E. No. 5842 it made clear that the D.I.L.R. has measured the area of S. No. 7 & 8 and accordingly Hiss Form No.12 applied to the occupants thereof. Considering the order of D.I.L.R. the said S. No. 7 & 8 are divided in following manner and the name of their respective owner are appearing in front of it.

Sr. No.	Occupant Name	Survey No.	Hissa No.	Total Area H - R
1.	Sakharam Kisan Donde	7	1	1.22
2.	Malhari Kisan Donde	7	2	1.23
3.	1) Natha Sitaram Bhalerao 2) Shantabai Sitaram Bhalerao 3) Jagan Sitaram Bhalerao	7	3	1.77
4.	Godabai Lahu Donde	7	4	1.24
5.	Sundrabai Hari Donde, Shantabai Hari Donde, Ramchandra Hari Donde, Deepchand Hari Donde, Kalyani Hiranman Ramraje, Sou. Sushila Ashok Bhalerao, Sou. Ratan Baburao Kale, Sou. Sarla Chandrakant Gade, Shakuntala Bhikchand Donde, Prakash Bhikchand Donde, Gautam Bhikchand Donde, & Sunita Bhikchand Donde, Suvarna Bhikchand Donde,	7	5	1.22
6.	Sakharam Kisan Donde	8	1	1.31
7.	1) Natha Sitaram Bhalerao, 2) Shantabai Sitaram Bhalerao, 3) Jagan Sitaram Bhalerao,	8	2	1.88
8.	Malhari Kisan Donde	8	3	1.31
9.	Godabai Lahu Donde	8	4	1.30
10.	Sundrabai Hari Donde, Shantabai Hari Donde, Ramchandra Hari Donde, Deepchand Hari Donde, Kalyani Hiranman Ramraje, Sou. Sushila Ashok Bhalerao, Sou. Ratan Baburao Kale.	8	5	1.31

By applying the Hissa Form No. 12 the above mentioned owners become absolute owner of their respective Survey Numbers.

13. That Sakharam Kisan Donde died on 16/10/1994 and the names of his legal heirs i.e. widow Smt. Geetabai Sakharam Donde, Son Gopichand Sakharam Donde and four married daughters i.e. Sumanbai Deoram Pawar, Vimal Somnath Pawar, Leelabai Sampat Bhalerao & Vatslabai Sampat Bhalerao were mutated in record of right by certifying M.E. No. 6077. But the married daughters have surrendered their rights permanently in favour of their only brother namely Gopichand Sakharam Donde hence their names were deleted from the other rights column of S. No. 7/1 & 8/1. The M.E. No. 6166 is certified accordingly.
14. It is evident from M.E. No. 6203 that Mr. Anwar Hussain J. Thim has purchased the land S. No. 7/3 area admeasuring H. 1.77 R. and S.No. 8/2 area admeasuring H. 1.88 R from its owners i.e. Shantabai Sitaram Bhalerao and others under registered sale deed on 23/05/1995 and the name of purchaser is mutated in the record of right of S. No. 7/3 & 8/2.
15. It is further evident from M.E. No. 8000 that Mr. Anwar Hussain J. Thim has purchased land S. No. 7/5 area admeasuring H 1.22 R. and S. No. 8/5 area admeasuring H. 1.31 R. on 30/11/1995 from Smt. Sundrabai Haribhau Donde and others. The name of purchaser is mutated accordingly in record of right.
16. From M.E. No.8001 it is clear that the present owner i.e. Mr. Anwar Hussain J. Thim has purchased land bearing S. No. 7/4 & S. No. 8/4 from their respective owners i.e. Smt. Godabai Lahu Donde and others under registered sale deed dtd. 26/06/1995. Therefore the name of purchaser is mutated in the 7/12 extract of the said properties.
17. The owners of Survey 7/12 & 8/3 i.e. Malhari Kisan Deonde, and others have sold their lands to Mr. Anwar Hussain J. Thim on 28/06/1995 by executing the sale deed in his favour. The concerned revenue officer has mutated the name of the purchaser in record of rights by certifying M.E. No.8002.
18. Similarly the owner of S. No. 7/1 and S. No. 8/1 i.e. Gopichand Sakharam Donde has alienated the said lands to Mr. Anwar Hussain J. Thim by way of sale on 26/06/1995 which leads the revenue officer to mutate the name of purchaser in record of right and the same has been effected through M.E. No. 8003.
19. That before purchasing the said properties the present owner had published the notice in local news paper namely Gavkari, Nashik on 08/07/1994 through Advocate, to verify its title but the owner and the said advocate had not receive any objection from any person for transacting the said property from its previous owner.
20. It appears from M.E. No. 7969 that the purchaser has decided to use the

21. That the encumbrance of Income Tax department was observed by me for few years in S. No. 7/3 & 8/2 but the same has been removed on 26/05/2009 by certifying M.E. No.14572 and the same is now free from these encumbrance.
22. From the contents of M.E. No.24847 it appears that, vide circular issued by Govt. of Maharashtra dtd.07/05/2016 and the order in pursuance thereof passed Tahsildar, Nashik dtd.06/06/2017 the computerized 7/12 extract of village Pathardi amended by using the edit module. This mutation entry is not affecting the title of owner to the said properties.
23. I have also gone through the search report given by Adv. Sunita Bhasin upto year 2007 and search report of Adv. Ms. V.B. Ahire for the year 2008 to 2011 and the search report given by Adv. V.L. Ghorpade for the year 2012 to 2017 and according to such reports no transactions affecting the title of present owner has been found in the offices of Sub-Registrar, Nashik except the documents registered as notices of lis-pendence in respect of the Civil Suit No.31/2011, 324/2012 & 144/2014 filed in Civil Court of Nashik. However there is no temporary or final order of injunction OR any other order against the present owner passed in any suit against the present owner.

TITLE CERTIFICATE

Considering the abovementioned facts and scrutinizing the documents, I came to the conclusion that Mr. Anwar Hussain J. Thim is possessing free, clear and marketable title to the said properties i.e. Survey No. 7/1, 7/2, 7/3, 7/4 & 7/5 and 8/1, 8/2, 8/3, 8/4 & 8/5 the total area of which is 13 Hectares 79 Ares including P.K and the WHICH are lying and situated at village Mouje Pathardi, Tal. & Dist. Nashik, subject to final disposal of the Civil Suits bearing R.C.S. No.31/2011, 324/2012 (New No.744/2012), 144/2014 and Sp. Civil Suit No.229/2012 in his favour i.e. the present owner (Mr. Anwar Hussain J. Thim) and he has every right to develop or alienate the said property in any manner of the transfer and therefore I have issued this certificate.

THIS TITLE REPORT & CERTIFICATE.

Place: Nashik
Date: 21/07/2017


(SIKANDAR A. SAYYED)
ADVOCATE

Sikandar Adam Sayyad
Advocate
 Regd. No. MAH/1735
 318, Maruti Chambers,
 Dist. Court, Nashik.