

Subodh M. Shah

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Date : 17/7/2017

TITLE CERTIFICATE

NAME OF THE LAND OWNERS :- [1] SMT. LAXMIBAI FAKIRRAO KASAR [2] MR. PRAMOD FAKIRRAO KASAR [3] MR. SANTOSH FAKIRRAO KASAR [4] KU. MINAKSHI FAKIRRAO KASAR [5] MRS. SUNANDA DEEPAK MALUNJKAR.

NAME OF THE DEVELOPER:- M/S. SHAH BUILDERS & DEVELOPERS, A PARTNERSHIP FIRM.

PROPERTY:- All that piece and parcel of the northside land admeasuring **North Side land admeasuring H. 00-20 Are out of S. No. 367/4 total admeasuring H. 00-40 Are** situated at **Bhagur**, within Deolali Cantonment Board within Registration and Sub Registration District Nashik..

HISTORY:- After going through the relevant revenue records like, 7/12 extracts and mutation entries and after taking search of Index II register at the office of Sub Registrar Nashik for the last 30 years other relevant orders and papers, my observations are as follows :-

Following documents perused:

- [1] 7/12 extract since last 30 years
- [2] Mutation Entries since last 30 years
- [3] Copy of Development Agreement & G.P.A. dated 9/10/2014.
- [4] Copy of Confirmation Deed and G.P.A. dated 27/1/2016.

It appears from the record of rights that S. No. 367/4 owned by Govind Trimbak Kasar since prior to 1970.

M. E. No. 5925 is effected in the record of rights on 1-1-1970 for giving effect to the Indian Coinage Act and Enforcement Act.

That Govind Trimbak Kasar died on 10/12/1970 and as such names of his legal heirs namely two sons Nivruti and Fakira, wife Rukhminibai are mutated in the owners column and names of married daughters Vithabai Balkrishna Dange and Kamlabai Dashrath Tarle are mutated in the other rights column under M. E. No. 5837 on 17/7/1971.

That Rukhmini Govind Kasar died on 8/10/1984 and her legal heirs namely two sons Nivruti and Fakira and names of married daughters Vithabai Balkrishna Dange and Kamlabai Dashrath Tarle are already on record and therefore the name of Rukhmini Govind Kasar is deleted from the owners column under M.E. No. 7925 on 10/1/1984.

That Vithabai Balkrishna Dange and Kamlabai Dashrath Tarle released their rights in favour of their brother by released deed dated 16/12/1984 and as such names of Vithabai Balkrishna Dange and Kamlabai Dashrath Tarle are deleted from the other rights column under M. E. No. 7926 on 10/1/1984.

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That Nivrutti Govinda Kasar released his rights in favour of his sons Motiram, Keshav and Pandharinath, wife Yamunabai Nivrutti Kasar and daughter Jijabai Nivrutti Kasar and as such their names are mutated in the owners column and name of Nivrutti Govinda Kasar is deleted from the owners column under M. E. No. 9906 on 24/12/1999.

As per the application by Fakirao Govindrao Kasar that the joint owners have partitioned S. No. 367/2 and 367/4 amongst themselves by Partitioned Deed dated 21/2/2005 and whereby the area of North side admeasuring H. 00-21.5 Are out S. No. 367/2 has come to the share of Fakira Govind Kasar and South side area admeasuring H. 00-21.5 Are out S. No. 367/2 has come to the share of Motiram, Keshav, Pandharinath Nivrutti Kasar, Jijabai Nivrutti Kasar, Yamunabai Nivrutti Kasar while the area of North side land admeasuring H. 00-20 Are out S. No. 367/4 came to the share of Fakira Govind Kasar and South side land admeasuring H. 00-20 Are out S.No. 367/4 came to the share of Motiram, Keshav, Pandharinath Nivrutti Kasar, Jijabai Nivrutti Kasar, Yamunabai Nivrutti Kasar and as such area of the respective owners are mutated in the record of rights under M. E. No. 10792 on 21/3/2005.

That the charge of Bhagur Society is mutated in the owners column under M. E. No. 11617 on 22/10/2009 and the said charge is deleted from the other rights column under M. E. No. 13501.

That Jijabai Nivrutti Kasar, Yamunabai Nivrutti Kasar released their rights in favor of Motiram, Keshav, Pandharinath Nivrutti Kasar by Registered Released Deed which is duly registered at the office of Sub Registrar Nashik 1 at Sr. No. 10818/2010 on 14/12/2010 and as such names of Jijabai Nivrutti Kasar, Yamunabai Nivrutti Kasar are deleted from the owners column under M. E. No. 11927 on 4/1/2011.

That Fakirao Govind Kasar with the consent of Mrs. Laxmibai Fakirao Kasar, Pramod Fakirao Kasar & Santosh Fakirao Kasar entrusted aforesaid property as well as H. 00-21.5 Are out of S. No. 367/2 total admeasuring H. 00-43 Are to aforesaid developer M/s. Shah Builders & Developers, A Partnership Firm for development of the same as per the terms and conditions of the Development Agreement and General Power of Attorney dated 9/10/2014 which are duly registered at the office of Sub Registrar Nashik at Sr. No. 8132 and 8133 on 9/10/2014 and as such name of the developer is mutated in the other rights column under M. E. No. 13303 on 16/4/2015 and as such said developers is competent to develop the said property by constructing building thereon and the said developers are empowered to sell, alienate and dispose off the construction therein.

That Fakirao Govind Kasar died on 13/7/2015 and as such names of his legal heirs namely widow Laxmibai sons Pramod and Santosh Fakirao Kasar daughters Minakshi Fakirao Kasar, Sunanda Deepak Malunjkar are mutated in the owners column and the name of Fakirao Kasar is deleted from the owners column under M. E. No. 13413 on 7/9/2015.



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That aforesaid Land Owners executed Confirmation Deed of the development agreement executed by Fakirrao Govindrao Kasar etc. and executed a fresh General Power of Attorney in favour of M/s. Shah Builders & Developers dated 27/1/2016 respectively which is duly registered at the office of Sub Registrar Nashik at Sr. No. 730/2016 and 728/2016 on 28/1/2016 respectively.

The aforesaid property is duly converted to Non Agri. use u/s. 44 of the M.L.R.Code under order of Collector, Nashik under No. Maha/ Kaksha-3/4/Na.H.Da. Pra.54/2015 Dated 17/12/2015 for S. No. 367/4.

That aforesaid developer has prepared a building plan on the aforesaid property and as per the terms and condition of the Development Agreement and Confirmation Deed aforesaid developer has allotted certain constructed areas to the aforesaid land owners and the land owners have decided to partitioned the said constructed area amongst themselves by Partitioned Deed dated 17/2/2017 which is duly registered at the office of Sub Registrar Nashik at Sr. No. 929/2017 on 17/2/2017 and accordingly Flat No. A-8 & B-5 are allotted to the Santosh Fakirrao Kasar and Flat No. A-1, A-2, A-7, B-3, B-4, B-6, C-1, C-2, C-7, C-8 are allotted to Smt. Laxmibai Fakirrao Kasar, Pramod Fakirrao Kasar, Minakshi Fakirrao Kasar and Sunanda Dipak Malunjkar.

The search of Index II registers is conducted in the office of Sub Registrar, Nashik vide receipt No. 6128 on 17/7/2017 under Application No. 893 and no adverse entries is observed during the course of the search.

No charge, encumbrance or defect in title is observed during the course of the search.

OPINION :- In consistence with my above observations, I am of the opinion that the title of the aforesaid property appears to be clear, negotiable and marketable without any charge, encumbrance and defect in title and **M/s. Shah Builders & Developers, A Partnership Firm** is entitled to develop the said properties and construct building thereon and sell the super structure of his share as per development agreement and appropriate the sale proceeds.



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ADVOCATE

