

Subodh M. Shah

B.Sc.(Hons.),LL.B.

Advocate

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Date : 2-12-2017

TITLE CERTIFICATE

NAME OF THE HOLDER:- M/S. NIKETAN LANDS & ESTATES PVT. LTD.

NAME OF THE PURCHASER - AJINKYA PRIDE CO.OP. HOUSING SOCIETY LTD. A Society duly registered under the M.C.S. Act having its registration No. NSK/NSK/HSG/(TC)/ 5653/2016 Dated 25-5-2016.

PROPERTY:- All that piece and parcel of the property bearing **S. No. 836 situated at Nashik** within Nashik Municipal Corporation and within Registration and Sub Registration District Nashik, bearing Plot No. area and bounded as follows :-

Plot No.	admeasuring
14	261.00 sq. mtrs.
15	267.00 sq. mtrs.
16	276.00 sq. mtrs.
17	285.00 sq. mtrs.
18	432.00 sq. mtrs.

TOTAL ADMEASURING 1521.00 SQ. MTRS. JOINTLY BOUNDED AS FOLLOWS:-

On or towards East	:-	By 9 mtr. Road
On or towards West	:-	By Adjoining S. No. 830
On or towards South	:-	By Colony Road
On or towards North	:-	By Plot No. 13

HISTORY:- After going through the relevant revenue records like, 7/12 extracts and mutation entries and 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] N. A. Order dated 5/8/2015
- [4] Copy of final approval letter dated 21/8/1997.
- [5] Copy of Agreement of sale Dated 2/7/2016
- [6] Copy of G.P.A. dated 2/7/2016.
- [7] Agreement of sale Dated 6/10/2016
- [8] Copy of G.P.A. dated 6/10/2016.

It appears from the 7/12 extract that S.No. 836 was owned by Eknath Bala Bankar since prior to 1974.

M. E. No. 12378 is effected in the record of rights on 19-5-1971 for giving effect to the Indian Coinage Act and Indian Enforcement Act.

Shah



Ekhnath Bala Bankar died on 13/3/1981 and as such names of his legal heirs namely Namdeo, Vishnu, Gopal Ekhnath Bankar while the names of daughters Parvatabai Ekhnath Bankar, Muktabai Ganpat Vidhate, Shantabai Premraj Tidke, Sitabai Tukaram Mali, Yamunabai Baburao Vidhate, Kamalabai Raghuanth Tidke, Mandabai Nivrutti Khode and widow Jaibai Ekhnath Bankar are mutated in the owners column under M. E. No. 18382 on 15/6/1981.

That one of the land owner Jaibai Ekhnath Bankar died on 14/8/1995 and as such names of her legal heirs namely Namdeo, Vishnu, Gopal Ekhnath Bankar, names of daughters Parvatabai Ekhnath Bankar, Muktabai Ganpat Vidhate, Shantabai Premraj Tidke, Sitabai Tukaram Mali, Yamunabai Baburao Vidhate, Kamalabai Raghuanth Tidke and Mandabai Nivrutti Khode are already recorded in the records of rights under M.E.No. 18382 and therefore name of Jaibai Ekhnath Bankar is deleted from the owners column under M. E. No. 61599 on 28/5/2008.

That one of the land owner Parvatabai Ekhnath Bankar died on 4/8/2003 and as such names of her legal heirs namely brothers Namdeo, Vishnu, Gopal Ekhnath Bankar, names of sisters Muktabai Ganpat Vidhate, Shantabai Premraj Tidke, Sitabai Tukaram Mali, Yamunabai Baburao Vidhate, Kamalabai Raghuanth Tidke and Mandabai Nivrutti Khode which are already recorded in the records of rights and name of Parvatabai Ekhnath Bankar is deleted from the owners column under M. E. No. 61600 on 28/5/2008.

It appears that the land owners had agreed to sell the S.No. 836 to Viraj Builders and Land Developers on 10-8-1989 whereby an agreement of sale was executed on 18-8-1989 and thereafter the land owners executed a General Power of Attorney in favour of Shri. Rajendra Rasiklal Shah, Vilas Rasiklal Shah and Chandrashekhar Babulal Shah on 18-8-1989 which is registered at Sr. No. 363/1989.

M/s. Viraj Builders & Land Developers, A Partnership Firm has agreed to sell and M/s. Niketan Lands & Estate Pvt. Ltd. Nashik has agrees to purchaser and as such agreement of sale executed by M/s. Viraj Builders & Land Developers, A Partnership Firm alongwith the consent of Namdeo Ekhnath Bankar and others on 12/3/1991 and in consistence with the said agreement of sale M/s. Viraj Builders & Land Developers, A Partnership Firm alongwith the consent of Namdeo Ekhnath Bankar and others have executed Confirmation Deed which is duly registered at the office of Sub Registrar Nashik at Sr. No. 3482/2008 on 11/4/2008 and as such name of M/s. Niketan Lands & Estates Pvt. Ltd. is mutated in the other rights column under M. E. No. 63101 on 24/11/2008.

In the meanwhile the land owners Namdeo Ekhnath Bankar and others entrusted S. No. 836 to Mukund Dodhuji Khairnar for development of the same as per the terms and conditions of the Development Agreement and General Power of Attorney which is duly registered at the office of Sub Registrar, Nashik at Sr. No. 1781/2009 on 12/3/2009 and as such names of the said developers is mutated in the other rights column under M. E. No. 64008 on 16/3/2009.



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M/s. Niketan Lands & Estates Pvt. Ltd. purchased S. No. 836 from Namdeo Eknath Bankar and others with consent of M/s. Viraj Builders & Land Developers, A Partnership Firm by sale deed which is duly registered at the office of Sub Registrar Nashik at Sr. No. 2831/2010 on 19/3/2010 and as such name of the said purchaser is mutated in the owners column under M. E. No. 67135 pm 29/3/2010. The land being of new tenure, necessary permission from the Collector, Nashik for purchase of the land for Non Agri. Use is obtained under order of Collector Dated 24-2-2010 under No. MASHA/KAKSHA/3/6/SR/ 88/ 09 and the necessary Nazrana was paid and as per the said order the land owner was to hold the land under new tenure only.

That Namdeo Eknath Bankar and others alongwith the developer Mukund Dodhuji Khairnar filed Special Civil Suit No. 565/10 in the Hon'ble Civil Court and accordingly Namdeo Eknath Bankar and others alongwith the developer Mukund Dodhuji Khairnar have executed Lis pendence Notice which is duly registered at the office of Sub Registrar Nashik at Sr. No. 393/2011 on 18/1/2011 and as such remark of said Special Civil Suit No. 565/10 is mutated in the other rights column under M. E. No. 70007 on 21/1/2011.

That the Special Civil suit No. 383/2014 (Old Special civil Suit No. 565/2010) was compromised amongst the parties under Compromise decree dated 4-12-2014 whereby certain plots are allotted Mukund Dodhuji Khairnar while the aforesaid plots have come to the share of the present holder and as such the remark of name of the developer Mukund Dodhuji Khairnar and Special Civil Suit No. 565/2010 are deleted from the other rights column under M. E. No. 95940 on 7/1/2015.

That the property is duly converted into N. A. use and NOC Certificate obtained from Collector, Nashik dated 5/8/15 under No. Maha /Kaksh/3/4/NOC certificate Pra.Kra/44/15 and as such the remark of N. A. use is mutated in the other rights column under M. E. No. 98419 on 12/8/2015.

That the land owners prepared a layout for S. No. 863 which is duly approved by Nashik Municipal Corporation under their letter No. Nagarrachana/ Antim213/2591 Dated 21/8/1997 and the said property is duly converted to N.A use u/s. 44 of the M.L. R. Code under order of Collector, Nashik under order No. Maha/ Kaksha/ 3/4/NOC Certificate.Pra.Kra.44/2015 Dated 5/8/2015 and as per the said approved layout separate 7/12 extracts are prepared for the individual plots under M. E. No. 99155 on 23/10/2015.

M/s. Niketan Lands & Estate Pvt. Ltd. Nashik has agrees to sell and Ajinkya Pride Co.Op. Housing Society Ltd. has agreed to purchase Plot No. 15, 16, 17 & 18 and as such agreement of sale executed by the said land owner in favour of Ajinkya Pride Co.Op. Housing Society Ltd. dated 2/7/2016 which is duly registered at the office of Sub Registrar Nashik at Sr. No. 5833/2016 on 4/7/2016 and the said land owner has executed General Power of Attorney in favour of Ajinkya Pride Co.Op. Housing Society Ltd. dated 2/7/2016 which is duly



Subodh

registered at the office of Sub Registrar Nashik at Sr. No. 5834/2016 on 4/7/2016.

M/s. Niketan Lands & Estate Pvt. Ltd. Nashik has agrees to sell and Ajinkya Pride Co.Op. Housing Society Ltd. has agreed to purchase Plot No. 14 and as such agreement of sale executed by the said land owner in favour of Ajinkya Pride Co.Op. Housing Society Ltd. dated 6/10/2016 which is duly registered at the office of Sub Registrar Nashik at Sr. No. 8078/2016 on 6/10/2016 and the said land owner has executed General Power of Attorney in favour of Ajinkya Pride Co.Op. Housing Society Ltd. dated 6/10/2016 which is duly registered at the office of Sub Registrar Nashik at Sr. No. 8079/2016 on 6/10/2016.

As per the agreement of sale, the proposed purchaser is entitled to prepare building plan, submit the same for approval and construct building on the said property and the said proposed purchaser is also entitled to sell, alienate and dispose off the construction on the said property and receive consideration thereof. Accordingly necessary building plans are sanctioned by Nashik Municipal Corporation on 21-7-2017 under commencement certificate No. LND/BP/A4/117/2801.

The necessary permission to purchase the property from Collector, Nashik under new tenure is yet to be obtained.

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 **Ajinkya Pride Co.Op. Housing Society Ltd.** is entitled to purchase the aforesaid plots from the aforesaid land owners on obtaining permission from Collector, Nashik under new tenure.



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SUBODH M. SHAH
ADVOCATE