

Subodh M. Shah

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

Off. : 1/2, Ground Floor, Abhishikht Appt., Vise Mala, Off. College Road, Nashik - 422005.
Tel. : +91-0253-2312638. Email : adv.smshah@gmail.com

Date : 13-6-2018

TITLE CERTIFICATE

NAME OF THE HOLDER:- [1] MR. AMARKUMAR RAMRICHPAL JAIN [2] MR. VEERKUMAR RAMRICHPAL JAIN [3] MR. ANSHUL VEERKUMAR JAIN [4] MR. JAY AMARKUMAR JAIN.

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

PROPERTY:- All that piece and parcel of the property land area admeasuring **800.00 Sq. Mtrs. out of S. No. 221/A/2 total admeasuring 1700.00 Sq. Mtrs.** situated at Village **Sansari** Taluka & District Nashik, within Deolali Cantonment Board within Registration district of Nashik and Sub Registration Taluka Nashik bounded as follows :-

On or towards East	: by S. NO. 221/1A
On or towards West	: by S. No. 221/B
On or towards South	: by Common Passage and Road
On or towards North	: by S. No. 25/B and 26/1

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] Coy of N. A. Order dated 26/4/2018
- [4] Copy of Indenture of Conveyance dated 11/9/1965.
- [5] Copy of Indenture of Conveyance dated 28/7/1986.
- [6] Copy of Joint Venture Agreement and General Power of Attorney dated 13/4/2018 registered at S. No. 2576 and 2577 on 16/4/2018.

It appears from the record of rights that Ram Richpal Jain was owner of Gat No. 221/A/2 admeasuring 17 are since prior to 1988-89.

M. E. No. 4092 is effected in the record of rights on 16/12/1969 for giving effect to the Indian Coinage Act and Enforcement Act.

That Ram Richpal Jain purchased Gat No. 221 A/2 from Darayyas Bahadur Damaniya by sale deed dated 28/7/1986 which is duly registered at the office of Sub Registrar Nashik at Sr. No. 3672 and as such name of the said purchaser is mutated in the owners column under M. E. No. 6229 on 24/1/1987.

Subodh M. Shah



That Ram Richpal Jain died on 20-9-2005 and therefore names of his legal heirs Amarkumar, Veerkumar and daughter Madhu S.Goyal, Sangeta Rajesh, Meera Dev Agrawal and Santoshrani Ramrichpal Jain are mutated in the owners column under M. E. No. 8281 on 11-12-2005.

Madhu Satish Goyal. Smt. Sangeta Rajesh Sikhiya, Mrs. Meera Devendra Agrawal executed released Deed dated 30/9/2008 which is duly registered at the office of Sub Registrar Nasik at Sr.No. 8499 on 30-9-2008 and as such names of Madhu Satish Goyal. etc. are deleted from the record of rights under M. E. No. 8734 on 03-10-2008.

One Dara Khurshedji Amroliya had filed Regular Civil Suit No. 375/1969 before Civil Judge, Junior Division, Nashik, the said suit was transferred to Civil Judge, Junior Division, Nashik Road and was renumbered as Regular civil Suit No. 12/95, the said suit was dismissed ex-parte and as such the daughter deceased Dara Amroliya viz. Firoza Bomi Anklesaria filed Misc. Civil Application No. 16/2008 for condonation of delay for the application of the restoration. In the said application for restoration an application for amendment of the parties was allowed by the Civil Court and therefore the defendants namely Ramrichpal Jain deceased through his legal heirs had filed Writ Petition No. 3150/2010 and the remark of writ petition is mutated in the other rights column of the record of rights under M. E.No. 9189 on 23-2-2011 but as the said writ petition was dismissed by Hon. High Court, the said remark is deleted from the other rights column under M.E.No. 9418 on 4-4-2012. But as the said Civil Misc. Application 16 / 2008 was dismissed by the Court of Civil Judge, Junior Division on 31-5-2014 and against the said judgment the original applicant have filed an appeal in the District Court bearing No. 126/2014. But looking into the earlier orders it appears that the original applicants Firoza Bomi Anklesaria deceased has no case in the matter.

That Santosh Rani Ramrichpal Jain died on 17/6/2017, she had legal heirs namely Virkumar Jain, Amarkumar Jain, Madhu Satish Goyal, Sangita Rajesh Sikhiya and Meera Devendra Agrawal but the deceased Santoshrani had executed a registered Will which is duly registered at the office of Sub Registrar Nashik-2 at Sr. NO. 192 dated 1/10/2010 and has bequeathed her share to Jai Amarkumar Jain and Anshul Veerkumar Jain and therefore their names are mutated in the owners column under M.E.No. 10378 on 26-7-2017.

M. E. No. 10319 is pertaining to the E Conversion of the 7/12 extracts.

That aforesaid holders and aforesaid developer M/s. Shah Builders and Developers, Partnership firm executed Joint Venture Agreement and General Power of Attorney Dated 13/4/2018 which are duly registered at the office of Sub Registrar, Nashik at Sr. No. 2576 and 2577 on 16/4/2018 and as such the said developer is competent to develop the said property by constructing buildings thereon and dispose off the constructed premises and appropriate the sale proceeds as per the terms and conditions of the said joint venture agreement.

As per the terms and condition of the Joint Venture Agreement the aforesaid holders and developers have prepared a building plan which is

Subodh M. Shah

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

Off. : 1/2, Ground Floor, Abhishikt Appt., Vise Mala, Off. College Road, Nashik - 422005.
Tel. : +91-0253-2312638. Email : adv.smshah@gmail.com

duly sanctioned from Chief Executive Officer Cantonment Board Deolali dated 16/4/2018 under No. 3472/BLD/E-8/1724.

That the land owner converted aforesaid property into Non Agri. use u/s. 42 of the M. L. R. Code under order of Collector, Nashik under No. Masha/Kaksh/3/5/ Ru.K.Aa.S.R./05/2018 Dated 26/4/2018.

It appears from the documents perused that Firoza Bomni Anklesaria had objected for M.E.No. 9418 for deleting the remark of pending Writ Petition of High Court in the other rights column, the said objection was overruled by Nayab Tehasildar by his order dated 3-11-2012 and as such M.E.No. 9418 was certified. The said Firoza Bomni Anklesaria filed appeal bearing No. 455/2012 in the Court of Sub divisional Officer, Nashik challenging the order of Nayab Tehasildar Dated 3-11-2012, the said appeal was also dismissed by Sub divisional Officer, by his order dated 17-6-2015, the said appellant Firoza Bomni Anklesaria deceased through her legal heirs challenged the said order of Sub Divisional Officer before the Additional Collector under RTS Appeal No. 422/2015 which was also dismissed by the Additional Collector by his order dated 9-10-2017 and therefore the said legal heirs of deceased Firoza Anklesaria have filed Revision No. 1001/2017 before the Additional Commissioner Revenue at Nashik which appears to be pending but considering the concurrent order of Revenue Officers, the said appeal does not hold much water.

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

OPINION:-

In consistence with the above observations, I am of the opinion that, the title of the aforesaid holders to the aforesaid property is clear, negotiable and marketable without any charge, encumbrance or defect in title and **M/S. SHAH BUILDERS AND DEVELOPERS, A PARTNERSHIP FIRM** is empowered to develop the said property and sell the super structure thereon. Even though the revision before the Additional Revenue Commissioner and the appeal in the District Court are pending, in my opinion it will not hamper the title of the present holder to the aforesaid property.



Subodh
SUBODH M. SHAH
ADVOCATE