



Manoj Murtidhar Chavan

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Date-15/12/2018

// SHRI SWAMI SAMARTH //

TITLE / SEARCH REPORT

TO WHOM SO EVER IT MAY CONCERN

(I) Description of property :-

ALL THAT piece and parcel of "Non-agricultural/Residential" plot of land, bearing **N.A. Plot No.-1**, total area admeasuring 2661.04 Sq. mtrs., assessed at Rs.0.22 Ps., from & out of sanctioned layout of **Survey No.-328/1/1 (City Survey No.-7679/2/7, Plot No.-1, area 2661.04 Sq.mtrs.)**, situated at **PATHARDI**, within the limits of Municipal Corporation, Regn. & Sub-Regn., Tal. & Dist.Nashik & it is bounded as under :-

<u>On or towards</u>	<u>By</u>
East :	Plot Nos. 2 & 5
West :	Adj. S.No.-328/1 P.
South :	12.00 mtrs. wide Road
North :	Open Space

All the said plot property, together with existing rights of easements, access, ways, common roads, open spaces with right of ownership.

(II) Name of the Owners/Holders of said property :-

MAHESHWAR ENTERPRISES,

Partnership Firm, Through its Partners -

- 1) Mr. Nileshbhai Devashibhai Gajipara**
- 2) Mrs. Dharmishtaben Nileshbhai Gajipara**
- 3) Mr. Vinubhai Devasibhai Gajipara**
- 4) Mr. Ramnikbhai Ramjibhai Suvagiya**

Manoj Chavan

(III) Documents produced before me for inspection : -

- 01) Relevant 7/12 Extracts (last 30 years)
- 02) Relevant Mutation Entries
- 03) Copy of N. A. Permission, dtd. 19/09/2013
- 04) Copy of final layout permission, dtd. 24/04/2017
- 05) Copy of Regd. Allotment Deed, dtd. 3/10/2018
- 06) Copy of Plot Freehold Permission, dtd. 15/10/2018
- 07) Copy of Regd. Transfer Deed, dtd. 29/11/2018
- 08) Copy of Search Receipt, dtd. 14/12/2018
- 09) Other Related Papers

(IV) Observations & findings : -

As per the request of Maheshwar Enterprises through its Partner Mr. Nileshbhai Devashibhai Gajipara, I have verified into the title of abovesaid plot property. For that purpose, I have perused the abovesaid necessary available revenue records & other related papers/permissions etc. and my observations & findings are as under : -

(01) M.E.No.5399, dtd. 23/04/1992 shows that, abovesaid S.No.-328/1 owned & possessed by Mr. Dnyaneshwar Nivrutti Saraf & others. An area 11704.00 Sq.mtrs. from & out of S.No.-328/1 was declared as "Excess Land" by virtue of Permission U/s.8(4) of U.L.C. Act, 1976 & as per the said permission, the remark as "Excess Land" was entered into other right's column of R/R. of abovesaid area only.

(02) M.E.No.7570, dtd. 12/07/1999 shows that, landowners, Mr. Dnyaneshwar Nivrutti Saraf & 5 others were sold out an area 12000 Sq. mtrs.(Plot No.-20to50, area 7385 Sq.mtrs., open space area 1200 sq.mtrs. & road area 3415 sq.mtrs. in tentative layout dtd.29/07/1984) from & out of S.No.- 328/1 to Shreepad Shreevallabh Co-op. Housing Society Ltd., Nashik through its Chairman Mr. Murlidhar Ganpatrao Aacharya by way of Regd. Sale-Deed on 13/02/1986. The said document was duly registered at the Office of Sub-Registrar, Nashik vide its Regn. No.-865/1986 on same date. The remark as "Excess Land" was shown in other right's column of R/R. for an area 11704 Sq. mtrs., for


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that purpose, Addl. Collector & Competent Authority, U.L.C., Nashik issued Permission U/s. 8 (4) vide its Order No.-U.L.C.V.-1855/ 94, dtd. 31/01/1981. The Purchaser is registered Society on 19/03/1985. By virtue of said Sale-Deed, the name of said society is entered into the record of abovesaid area of land.

Record further shows that, previously the said layout is tentatively approved & sanctioned by City Planner & Development Officer, Nashik Municipal Corporation, Nashik vide its Letter No.- IND/WS/Tent. Layout/39, dtd. 29/07/1984. By virtue of said layout, the said land S. No.- 328/1 is led into various plots i.e. Plot Nos.- 1 to 50.

(03) M.E.No.11686, dtd.17/04/2007 shows that, Smt. Janabai Namdeo Damale Urf Sonawane has filed suit against Dnyandeo Nivrutti, Tukaram Nivrutti Saraf & Punjabai Urf Muktabai Vishnu Rasal before Civil Judge, Senior Division, Nashik vide Special Civil Suit No.-190/2006. In the said case, Court has given Order for Temporary Injunction & as per the said Court Order, the remark as "Injunction for Transfer" is entered into other right's column of R/R. of S.No.328/1.

(04) M.E.No.13883, dtd.12/08/2008 shows that, landowners, Mr. Dattatraya Pundlik Saraf & 3 others were sold out an area 10852.00 Sq. mtrs. from & out of S.No.- 328/1 to Mr. Kiran Sitaram Chavan (H.U.F.) by way of Regd. Sale-Deed on 7/08/2008. The said document was duly registered at the Office of Sub-Registrar, Nashik vide its Regn. No.-6941/2008 on same date. The said land is Agricultural Land & the Purchaser is Agriculturist. By virtue of said Sale-Deed, the name of purchaser is entered into the record of abovesaid area of land.

(05) M.E.No.14158, dtd.19/11/2008 shows that, Mr. Kiran Sitaram Chavan (H.U.F.) was sold out an area 5000 Sq.mtrs. out of 10852.00 Sq. mtrs. from & out of S.No.- 328/1 to Mr. Hemchandra Bhaskar Vaidya, Mr. Pritish Jayprakash Chhajjed & Mr. Himmatsinh Jayprakash Chhajjed by way of Regd. Sale-Deed on 10/10/2008. The said document was duly registered at the Office of Joint Sub-Registrar, Class-II, Nashik-1 vide its

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Regn. No.-9710/2008 on same date. The said land is Agricultural Land in Residential Zone & the Purchasers are Agriculturist. By virtue of said Sale-Deed, the names of purchasers are entered into the record of abovesaid area of land.

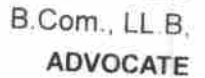
(06) M.E.No.14595, dtd.27/06/2009 shows that, Mr. Kiran Sitaram Chavan (HUF) is owned & possessed by an area 5852 Sq.mtrs. from & out of S.No.328/1 & other right's column of its 7/12 extract, an area 11704 Sq.mtrs. shown as Excess Land. Also Urban Land Ceiling Act, 1976 is abolished on 29/11/2007 but the provisions of U/s.10 (3), 10(5), 20 & 21 are remain the same. As the said sections, there is no any procedure completed in respect of abovesaid Excess Land in S.No.328/1 & Addl. Collector & Competent Authority, U.L.C., Nashik issued Letter No.-ULC/A-2-2/Kavi/99/2008, Nashik, dtd. 14/08/2008. By virtue of said permission, the remark of Excess Land is deleted from other right's column of R/R. of said area 5852 Sq.mtrs. only.

(07) M.E.No.15354, dtd.15/01/2010 shows that, Mr. Kiran Sitaram Chavan (H.U.F.) was sold out an area 5852 Sq.mtrs. from & out of S.No.-328/1 to Dilip Panjawani Developers Pvt. Ltd. Through its Director Mr. Dilip Amrutlal Panjawani by way of Regd. Sale-Deed on 30/12/2009. For that purpose, the purchaser taken permission U/s.63(1) of Bombay Tenancy Act, 1948 & U/s.36(1)(B) of Bombay Tenancy Rules & the said permission is issued by Sub-Divisional Officer, Sub-Division, Nashik vide its Letter No.- Tenancy/63/SR/7/09, dtd. 30/09/2009 by imposing following terms & conditions are as under :

- 1) Purchaser has used the said land for Non-Agricultural Purpose only.
- 2) Purchaser has started to use the said land within 1 year from the date of possession.
- 3) Purchaser has taken Extension Permission, if Term No.2 is not fulfilled within period.
- 4) Purchaser has used the said land for the objects of firm only.
- 5) If the purchaser is violated the terms & conditions of said permission, then the said permission is liable for cancellation & the purchaser is liable for procedure U/s. 84-C of Tenancy Act.

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- 6) Purchaser has taken prior permission of Non-Agricultural Permission U/s. 44 of M.L.R. Code, 1966.
- 7) The said sale transaction is completed within 6 months from the date of this permission.
- 8) The said permission issued on the basis of terms & conditions of other Acts.

Hence, the said effect was given into the records accordingly.

(08) M.E.No.15874, dtd.20/04/2010 shows that, land owner, Tukaram Nivrutti Saraf died on 27/02/2010, leaving behind his following legal heirs i.e.1) Jijabai Tukaram Saraf-widow, 2) Gorakh Tukaram Saraf-son, 3)Shakuntala Tukaram Saraf alias Shakuntala Popat Bhakare, 4) Vimal Suryabhan Hadole, 5) Radha Bhagwan Rasal, 6) Nirmala Dinkar Karjul, 7) Alka Chandrakant Chavan, 8) Chhaya Devidas Davange & 9) Sarla Sandeep Mane- all daughters & hence, the names of legal heirs are entered into the record of said S.No.-328/1.

(09) M.E.No.15964, dtd.5/05/2010 shows that, Jijabai Tukaram Saraf & 12 others, Sr.No.1,3to9 through their G.P.A. Holder Mr. Gorakh Tukaram Saraf & Sr.No.-13 through her G.P.A. Holder Mr.Rajendra Dnyandeo Saraf were sold out an area 10700 Sq.mtrs. from & out of S.No.-328/1P. to Mr.Shivaji Laxmanrao Sahane by way of Regd. Sale-Deed on 26/3/2010. Janabai Namdeo Sonawane & 4 others had signed as Consenting Party in the said document.The said document was duly registered at the Office of Joint Sub-Registrar,Class-II,Nashik-2 vide its Regn. No.-3145/2010 on same date.Special Civil Suit No.-190/2006 is going on before Civil Judge, Senior Division, Nashik in respect of said property & temporary injunction order is issued by Court. Said effect of temporary injunction is given into other right's column of said property. But in the said suit, applicant & defendant are made settlement outside the Court & the application of said settlement is given into the Court. Then Court has given Exh.No.1 in the said matter. By virtue of said documents, the name of purchaser is entered into the record of abovesaid area of land.

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(10) M.E.No.16411, dtd.1/08/2010 shows that, an area 5000 Sq.mtrs. from & out of S.No.-328/1 is owned & possessed by Mr. Prithish Jayprakash Chhajer & 2 others. They have prepared building plan & after its submission, the same is approved & sanctioned by Executive Engineer, Town Planning Dept., Nashik Municipal Corporation vide its Letter No.- Cidco/47, dtd. 29/04/2010. The Collector of Nashik issued Non-Agricultural Permission for Residential Purpose vide its Order No.- Mah/Kaksha-3/4/N.A.P.No./209/2010, dtd. 29/07/2010. By virtue of said permissions, the 7/12 extracts of said property is distributed as S.No.-328/1/1 & 328/1/2.

(11) M.E.No.16498, dtd.13/08/2010 shows that, land owners, Jijabai Tukaram Saraf & 9 others have sold out an area 10700 Sq.mtrs. from & out of S.No.328/1 to Mr.Shivaji Laxmanrao Sahane by way of Regd. Sale-Deed on 26/03/2010. By virtue of said Sale-Deed, the name of Mr.Shivaji Laxmanrao Sahane is entered into owner's column of R/R. by M.E.No.-15964. But area of land 10700 Sq.mtrs. is wrongly mentioned in lieu of 10888 Sq.mtrs. for the purpose remaining area 188.00 Sq.mtrs., land owners have made & executed registered Correction Deed in favour of Mr. Shivaji Laxmanrao Sahane on 13/08/2010 (Doc.No.-8838/2010, NSK-2). By virtue of said Correction Deed, total area 10888 Sq.mtrs. is entered in the name of Purchaser.

(12) M.E.No.16951, dtd.4/11/2010 shows that, Mr.Shivaji Laxmanrao Sahane have prepared a layout plan of an area 5700 Sq.mtrs. from & out of S.No.-328/1/1P.& after its submission, the same was finally approved by Asst.Director of Town Planning Dept., Nashik Municipal Corporation vide its Letter No.-Javak No./Town Planning Dept./Final/CD/B-5/43, dtd.4/11/2010. Also the Collector of Nashik issued Non-Agri. Permission vide its Order No.Mah/Kaksha-3/4/N.A.P.No./234/2010, dtd.19/10/2010. By virtue of those permissions, the said land was led into various plots i.e. Plot Nos.- 1 to 22 & the said plots of land were shown in the name of abovesaid landowner.

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(13) M.E.No.17086, dtd.2/12/2010 shows that, an area 5852 Sq.mtrs. from & out of S.No.-328/1P. is owned & possessed by Dilip Panjawani Developers Pvt. Ltd. They have prepared building plan & after its submission, the same is approved & sanctioned by Executive Engineer, Town Planning Dept., Nashik Municipal Corporation vide its Letter No.- CD/General/175. The Collector of Nashik issued Non-Agricultural Permission for Residential Purpose vide its Order No.- Mah/Kaksha-3/4/N.A.P.No./308/2009, Nashik, dtd.19/04/2010. By virtue of said permissions, the 7/12 extracts of said property is distributed as S.No.- 328/1/1 & 328/1/3.

(14) M.E.No.17592, dtd.15/02/2011 shows that, an area 5152 Sq.mtrs. from & out of S.No.-328/1/1 is owned & possessed by Mr.Shivaji Laxmanrao Sahane. He has prepared building plan & after its submission, the same is approved & sanctioned by Executive Engineer, Town Planning Dept., Nashik Municipal Corporation vide its Letter No.- Javak No./Na.ra.vi./Vashi/Nashik/Cidco/497/2010, dtd. 27/12/2010. The Collector of Nashik issued Non-Agricultural Permission for Residential Purpose vide its Order No.-Mah/Kaksha-3/4/N.A.P.No./489/2010, Nashik, dtd.10/02/2011. By virtue of said permissions, the 7/12 extracts of said property is distributed as S.No.-328/1/1 & 328/1/4.

(15) M.E.No.24742, dtd.15/04/2017 shows that, the remark as "Injunction for Transfer" is entered into other right's column of R/R. of S.No.328/1/1 in respect of Special Civil Suit No.-190/2006 & the said injunction order is given only for the share of Mr. Dnyandeo & Tukaram Nivrutti Saraf. The applicants in the said suit given application that, said S.No.328/1/1 is removed from the said suit & they have no any complaint for the same. Thereafter, Court has given Order on Exh. 61. By virtue of said Order, Exh.65 is dismissed by Court & the said S.No.-328/1/1 is removed from the said suit. The said remark of Temporary Injunction in Special Civil Suit No.190/2006 is entered only the share of Mr. Dnyandeo & Mr. Tukaram Nivrutti Saraf. Hence, the said effect was given into the records accordingly.

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(16) Record further shows that, Shreepad Shreevallabh Co-op. Housing Society Ltd., Nashik through its chairman have distributed Plot Nos.-20 to 50 in tentative layout to society members by Resolution in Annual General Meeting on 15/08/2001. Thereafter, the members of society have decided to make revised layout plan of an area 12000 Sq.mtrs. & for that purpose, they have passed Resolution No.-4 in body meeting dtd. 10/04/2016. Thereafter, as per belowmentioned M.E.No.-24883, the said society have approved revised layout plan of total area 12000 sq.mtrs. & as per revised layout plan, the said land led into 15 plots i.e. Plot Nos. 1 to 15 & the said society have distributed the said plots into society members & for that purpose, the society have passed Resolution No.5 in Annual General Meeting on 29/07/2017. As per the said Resolution, abovesaid Plot No.-1 is allotted in the name of Mr. Jayesh Ramesh Mirani & 9 other members.

(17) M.E.No.24883,dtd.18/06/2017 shows that, Shreepad Shreevallabh Co-op.Housing Society Ltd., Nashik through its Chairman Mr.Murlidhar Ganpatrao Aacharya (Society Regn.No.-NSK/(NSK)/HSG/(TO)/367/1985, dtd. 19/03/1985) have prepared a layout plan of an area 12000 Sq. mtrs. from & out of S.No.-328/1/1P.& after its submission, the same was finally approved by Asst.Director of Town Planning Dept.,Nashik Municipal Corporation vide its Letter No.-Javak No./Town Planning Dept./Final/B-5/02/17,dtd.24/04/2017. Also the Collector of Nashik issued Non-Agri. Permission vide its Order No.-Mah/Kaksha-3/7/N.A.P. No./465/2012,dtd.19/09/2013. By virtue of those permissions, the said land was led into various plots i.e. Plot Nos.-1 to 18 including abovesaid Plot No.-1, area 2661.04 Sq.mtrs. & the said plots of land were shown in the name of abovesaid society.

(18) M. E. No.25076 shows that, the said mutation entry is related with Online Record i.e. E-Mutation Entry Project. As per Govt. Gazette No.-Ra.Bhu.A./Pra.No.-180/La.-1, dtd.7/05/2016 & Order of Tahsildar, Nashik, dtd. 3/11/2017, the online 7/12 extracts of plot properties in S.No.328/1/1, 15/1, 16/1/A/1, 2 & 16/1/B/1/A,B were corrected.

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(19) M. E. No.25096 shows that, the said mutation entry is related with Online Record i.e. E-Mutation Entry Project. As per Govt. Gazette No.-Ra.Bhu.A./Pra.No.-180/La.-1, dtd.7/05/2016 & Order of Tahsildar, Nashik, dtd. 9/11/2017, the online 7/12 extracts of plot properties in S. No.-328/1/1 were corrected.

(20) M.E.No. 26247, dtd.29/10/2018 shows that, said Shreepad Shree vallabh Co-op.Housing Society Ltd., Nashik through its Chairman Mr. Shamsundar Laxman Jagtap have made & executed Regd. Allotment Deed in respect of N.A. Plot No.-1, total area 2661.04 Sq. mtrs. from & out of S.No.-328/1/1, situated at Pathardi in favour of Mr. Jayesh Ramesh Mirani & 9 others on 3/10/2018. The said Allotment Deed is duly registered at the Office of Joint Sub-Registrar, Class-II, Nashik-3 at Sr.No.-6908/2018 on same date. By virtue of abovesaid Regd.Allotment Deed, the name of Mr.Jayesh Ramesh Mirani & 9 others are entered into R/R. of abovesaid plot property as members of society.

(21) Record further shows that, said Shreepad Shreevallabh Co-op Housing Society Ltd., Nashik through its Chairman Mr. Shamsundar Laxman Jagtap have passed Resolution Nos.5 & 6 in Annual General Meeting on 29/07/2017 for the purpose of Plot No.1 is making freehold from society & as per application, dtd. 11/10/2018, Deputy Registrar, Co-operative Society, Nashik Taluka, Nashik issued Letter No.-Javak No./Vi.-1/Shreepadvallabh/Freehold/Year18, dtd. 15/10/2018. By virtue of said letter, the said Plot No.1 is made freehold from society.

(22) Record further shows that, said Shreepad Shreevallabh Co-op Housing Society Ltd., Nashik through its members Mr. Jayesh Ramesh Mirani & 9 others have sold out N.A. Plot No.-1, total area 2661.04 Sq. mtrs. from & out of S.No.-328/1/1, situated at Pathardi to Maheshwar enterprises through its Partner Mr. Nileshbhai Devashibhai Gajipara by way of Regd. Transfer Deed (Sale-Deed) on 29/11/2018. Shreepad Shreevallabh Co-op. Housing Society Ltd., Nashik through its Chairman Mr. Shamsundar Laxman Jagtap signed as Consenting Party in the said document. The said document is duly registered at the Office of Joint

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Sub-Registrar, Class-II, Nashik-3 at Sr.No.-8059/2018 on same date. By virtue of abovesaid Regd. Sale-Deed, the purchaser has acquired right, title & interest over the same. But as on today the name of purchaser is not entered into owner's column of R/R. of said plot of land.

(23) Apart from the above observations, I had taken Search in the available Index-II Registers kept at the Office of Joint Sub-Registrar, Class - II, Nashik-1 to 6 since the year 1989 to 2018 i.e. 30 years (vide Receipt No.-13843, dtd. 14/12/2018) & at the time of search, some record were found in torn condition & after perusal of available record, I have found two Regd. Sale-Deeds- 1) Doc.No.-6908/2018, dtd. 3/10/2018 & 2) Doc.No.-8059/2018, dtd. 29/11/2018. Also I have not come across any adverse entry affecting the title of present Plot No.-1, from & out of S.No.-328/1/1 of Pathardi, Tal. & Dist. Nashik.

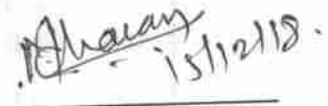
(24) After perusing all the available Revenue records and other related papers/permissions etc. together with Search taken at the Office of Joint Sub-Registrar, Class-II, Nashik-1 to 6 for last 30 years, I am of the opinion that, **Maheshwar Enterprises, Through its Partners Mr. Nileshbhai Devashibhai Gajipara & 3 others** are having clear & marketable title over abovesaid N.A. Plot No.-1, total area admeasuring 2661.04 Sq. mtrs., assessed at Rs.0.22 Ps., from & out of sanctioned layout of Survey No.-328/1/1 (City Survey No.-7679/2/7, Plot No.-1, area 2661.04 Sq.mtrs.), situated at **PATHARDI**, Tal. & Dist. Nashik & which is free from all encumbrances/charges of whatsoever nature subject to above observations & findings.

This Title/Search Report is issued only upon the strength of available documents/papers/permissions etc. produced before me by Mr. Nileshbhai Devashibhai Gajipara partners of Maheshwar Enterprises.

Hence this Title / Search Report.

Place : Nashik.

Date : 15/12/2018.


MANOJ M. CHAVAN
(ADVOCATE)

मनोज मुरलीधर चव्हाण
अडवोकेट

३०९/९, मारुती चेंबर्स, जिल्हा न्यायालय,
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