SHRIKANT B. OKA
B. Sc. LL. B.
Advocate High Court, Mumbai

'NANDADEEP'
DR. MOOSE ROAD,
TALAOPALI,
THANE - 400 602.
☎ : 2533 1991

Date: 29th July, 2017

TITLE CERTUFICATE

ALL THAT pieces and parcels of land, bearing Survey No.42, Hissa No.1, admeasuring 0-16-2 (H-R-P), equivalent to 1620 sq. meters, lying, being and situate at village Borivade, Taluka and District Thane, within the limits of Thane Municipal Corporation and Registration and Sub-District Thane, hereinafter referred as the '**SAID PROPERTY**'.

a) It appears that the said property was originally held and possessed by one Smt Kurwarbai Dwarakadas and her name was recorded in the 7/12 extract in Kabjedar column.

b) It appears that one MR MOHAMED SHAIKH MOHAMED VAREKAR was cultivating the said property as KUL from the tillers day, therefore, after filing the proceedings under section 70-B of B.T. & A.L. Act, he has obtained the 32 M certificate from the Tahasildar and Revenue Authorities vide certificate No.208 dated 1996 and his name was recorded in the records of rights vide M.E. No.334.

c) It appears that after the demise of the said Mr Mohamed Shaikh Mohamed Varekar, the names of Abbas Mohamed Shaikh Mohamed Varekar, Mr Mohamed Yusuf Shaikh Varekar, Khatija Shamsuddin Fakkiha, Sugara Abdul Latif Varekar and Smt Johara Akbar Bhure have been mutated in the records of rights.

d) It appears that Abbas Mohamed Shaikh Mohamed Varekar, Mr Mohamed Yusuf Shaikh Varekar, Khatija Shamsuddin Fakkiha and son of Khatija i.e. Abdul Rashid have expired and SHRI IQBAL

ABBAS VAREKAR and 24 others are the only surviving legal heirs and representatives of the said deceased (hereinafter referred to as 'SAID ORIGINAL OWNERS') and their names were included in the record of rights vide different Mutation Entries bearing Nos. 313, 373, 335 and 374.

e) It appears that vide Registered Release Deeds dated 16th June 2003 and 6th May 2002, the said Smt. Sugara Abdul Latif Varekar and Smt. Johara Akbar Bhure have released their undivided shares, right, title and interest in the said property. The Mutation Entry No. 375 was given effect accordingly and the said original owners have become the absolute owners and holders of the said property.

f) It appears that by and under registered Agreement for Development dated 6/2/2006, registered in the office of Sub-Registrar of Assurances, Thane under Sr.No.TNN-5/747/2006, the said original owners have assigned and/or granted the development rights of the said property; to, unto and in favour of one M/S DARSHAN ENTERPRISES, a partnership firm, hereinafter referred to as 'SAID FIRM', for the consideration and upon the terms and conditions, more particularly mentioned in the said agreement. Pursuant to the aforesaid registered agreement, the said original owners have also executed the irrevocable power of attorney of even date to and in favour of the said firm.

g) It appears that vide clauses No.12 and 16, the said firm in confirmation with the said original owners by and under registered development agreement dated 24/5/2007, registered in the office of S.R.O., Thane under Sr.No.TNN-2/3954/2007 assigned the development rights to and in favour of one M/S SHIVAM

DEVELOPERS, a partnership firm, constituted under the Indian Partnership Act, 1932, through its partners, 1) MR PREMJI VELJI PATEL, adult, Occ. Business, residing at Flat No.8460, Building No.216, Kannamwar Nagar No.1, Vikhroli (East), MUMBAI - 400 083, and 2) MR HANUMANT DATTATRAY JAGTAP, adult, Occ. Business, residing at 201, Radha Niwas, Ghantalidevi Road, THANE (W) - 400 602, having its registered office at shops No.7 and 8, Patidar Complex, Kannamwar Nagar No.2, Vikhroli (East), MUMBAI - 400 083, (hereinafter referred to as 'SAID DEVELOPERS') for the consideration and upon the terms and conditions, more particularly mentioned in the said agreement.

h) It appears that the said firm and the said original owners have also executed an Irrevocable Power of Attorney on 25/7/2007 and thereby conferred the rights and authorities in favour of the partners of the said Developers.

i) It appears that thereafter, as per the rights and authorities, the said original owners have filed statement under section 6 (i) of the Urban Land and Ceiling Act before the Competent Authority and obtained exemption under section 8(4) vide order No.ULC/TA/ Tab-1/BORIWADE/SR-40 dated 30/6/2006.

j) It appears that thereafter, the said original owners have obtained the permission under section 43 of BT & AL Act from S.D.O., Thane vide No.TD/76/KVV/VP/SR-113/2006 dated 23/6/2006.

k) It appears that thereafter the said Developers have obtained the sanction to the plans and specifications in respect of the development of the said property vide V.P.No.S06/.0049/2009 / TMC/TDD/0412/09 dated 25/11/2009.

l) It appears that thereafter the Collector of Thane has issued N.A. Permission vide order No.Revenue/Divn-1/NAP/SR-11/2010 dated 30/3/2010 in respect of the said property.

m) It appears that in furtherance of the said sanctioned plans, the said Corporation has also issued commencement certificate vide V.P.No.S06/0049/2009/TMC/TDD/0245/10 dated 28/4/2010 to the said Developers.

n) It appears that thereafter a deed of conveyance dated 9/6/2010 in respect of the said property came to be executed by and between the said original owners as the Vendors (First Party), M/s Darshan Enterprises as the Confirming Party (Second Party) and the said Developers as Purchasers (Third Party), which is registered in the office of S.R.O., Thane, under Sr.No.TNN-5/06348/2010 on 10/6/2010.

o) It appears that pursuant to the said deed of conveyance, the Sub-Registrar of Assurances, Thane has issued Index II in respect of the said property to and in favour of the said Developers.

As mentioned hereinabove, the said Developers, i.e. M/S SHIVAM DEVELOPERS, a partnership firm, constituted under the Indian Partnership Act, 1932, through its partners, 1) MR PREMJI VELJI PATEL, adult, Occ. Business, residing at Flat No.8460, Building No.216, Kannamwar Nagar No.1, Vikhroli (East), MUMBAI - 400 083, and 2) MR HANUMANT DATTATRAY JAGTAP, adult, Occ. Business, residing at 201, Radha Niwas, Ghantalidevi Road, THANE (W) - 400 602, having its registered office at shops No.7 and 8, Patidar Complex, Kannamwar Nagar No.2, Vikhroli (East), MUMBAI - 400 083, have purchased and acquired the said property from its original owners, i.e. SHRI IQBAL ABBAS VAREKAR and 24 others with the confirmation of M/s Darshan Enterprises vide

Deed of Conveyance dated 9/6/2010, which agreement is registered in the office of S.R.O., Thane, under Sr.No.TNN-5/06348/2010 on 10/6/2010. The Mutation Entry No. 497 reflects accordingly.

On perusal of the above referred documents with comments made thereupon, in my opinion, subject to the abovereferred deed of conveyance, the title of the said original owners, i.e. SHRI IQBAL ABBAS VAREKAR and 24 others of the said property was clear, marketable and free from encumbrances and the said M/S SHIVAM Developers are presently the absolute and lawful owners and are further entitled to develop the said property.



S.B. OKA
(Advocate)

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