

FORMAT -A

(Circular No.:- 28/2021)

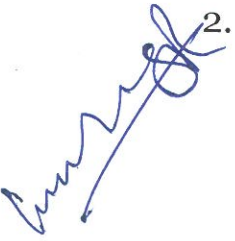
FLOW OF THE TITLE OF THE SAID LAND

Reference: -

ALL THOSE pieces and parcels of land situated at Thane City, (Panchpakhadi, Thane) presently identified as and bearing Tikka No. 15, City Survey No. 91B/1, admeasuring 489.51Sq. meters (referred to as 'said property/said land')

The said property is having Sanyog Building (under Redevelopment) to its North, Madhumilind Building to its South, Kanakaditya Society at its East and 6 meter wide TMC Road to its West.

1. On perusal of the Property Card of the said property and the property card of the City Survey No. 91B, it transpires that the said Property was in the name of Late Smt. Sunita Sudam Pawar. That the original CTS No. 91B admeasuring 519.5 Sq. meters has been divided into 91B/1 and 91B/2 whereby the CTS No. 91B/2 has been conveyed to the Thane Municipal Corporation for road purpose and that the Owners as well as the promoters are now entitled to cause development over the CTS No. 91B/1.

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2. It is further stipulated on the Property Card that the name of Mr. Sandip Sudam@Sudam@Sudamrao Pawar can be seen on

the Property Card which came to be mutated vide Mutation Entry Number 2173 dated 10/09/2017. The same came to be mutated by way of Registered Will dated 08/07/1992 bearing Registration Number 4907 of 1992 (Registered at Sub-Registrar of Assurances Thane-1) and by the Order of Probate of the said will. The order of Probate came to be granted by the Civil Judge (S.D.) Thane which led to issue of the mutation entry in favour of Mr. Sandip Sudam@Sudamrao Pawar.

3. I have perused the Search Report of the said Property which a Search Report dated 30/09/2022 by search clerk being Mr. Sachin Patil.. Upon perusal of the same, it appears that since 1953 there has been only one transaction pertaining to the said property and that the same is in the year 1959. The said transaction is pertaining to Sales Deed of the said property that took place between Dr. Prabhakar Shankar Bhagwat, Shashikant Shankar Bhagwat (Being the Sellers) and Mrs. Sunita Sudam Pawar (Being the Purchaser). Upon perusal of Property Card, it is evident that the said Mrs. Sunita Sudam Pawar was the original owner of the said property. Hence, since 1959 upto the death of Mrs. Sunita Sudam Pawar the suit property has remained in the name of Mrs. Sunita Sudam Pawar.

4. I have perused the Certified Copy of the Sale Deed dated 8th May 1959. Upon perusal of the Sale Deed, it becomes evident that the same is entered between Dr. Prabhakar Shankar Bhagwat, Shashikant Shankar Bhagwat (Being the Sellers),

and Mrs. Sunita Sudam Pawar (Being the Purchaser) and that the said Mrs. Sunita Sudam Pawar agreed to purchase the property for Rs. 5,925/-. The property described in the Sale Deed is land at Mauje Panchpakahdi, Taluka Thane, Survey Number 366. Hissa NO. 1 part, Tikka No. 15, 16 and City Survey No. 29.

5. I have perused the Registered Will dated 08/07/1992 bearing Registration Number 4907 of 1992 (Registered at Sub-Registrar of Assurances Thane-1) as jointly executed by Sudam@Sudamrao Balwantrao Pawar & Smt. Sunita Sudam@Sudamrao Pawar. Upon perusal of the said Will, it becomes evident that the said individuals had three children being Mr. Sandip Sudam@Sudamrao Pawar, Smt. Sanjita Prabhakar Parab and Smt. Shobha Chandrakant Sawant. It is also evident that the said property is described in the Will and that the same was bequeathed in the sole name of the said Mr. Sandip Sudam@Sudamrao Pawar post the death of his parents Sudam@Sudamrao Balwantrao Pawar & Smt. Sunita Sudam@Sudamrao Pawar. There is discrepancy in the Survey Numbers as referred to in the said will.

6. I have perused the Death Certificates of the said Sudam@Sudamrao Balwantrao Pawar & Smt. Sunita Sudam@Sudamrao Pawar. The said Sudam@Sudamrao Balwantrao Pawar expired as on 15/10/2004 at Criticare



Hospital, Thane. The same is recorded in the issued Death Certificate bearing Number C. 115571 as issued by the Thane Municipal Corporation. The said Smt. Sunita Sudam@Sudamrao Pawar expired as on 29/09/2011 at her home at Thane. The same is recorded in the issued Death Certificate bearing Number 0026727 as issued by the Thane Municipal Corporation.

7. I have perused the order dated 03/03/2017 as passed in Special Civil Suit No. 439 of 2014. It is evident from the said order that the suit came to be filed for Grant of Probate and that the same was filed before the Civil Judge (S.D.) Thane. The suit property is described in the said order as Survey No. 15, Plot No. 91B, Sheet No. 15, 519.5Sq. Meters. The said order also gives reference to the Suit Property described in Will as Survey No. 366, Hissa No. 01 Part, City Survey No. 29, Plot No. 91. I say that vide the said order dated 03/03/2017, Probate came to be granted pertaining to the Registered Will dated 08/07/1992 bearing Registration Number 4907 of 1992 (Registered at Sub-Registrar of Assurances Thane-1) as jointly executed by Sudam@Sudamrao Balwantrao Pawar & Smt. Sunita Sudam@Sudamrao Pawar. It is also evident that during the aforesaid proceedings of Probate, the grant of probate came to be opposed by Smt. Sanjita Prabhakar Parab and Smt. Shobha Chandrakant Sawant.

8. I have also perused the Complaint in Regular Suit No. 887 of 2014 as preferred by Smt. Sanjita Prabhakar Parab and Smt.



Shobha Chandrakant Sawant against Mr. Sandip Sudam@Sudamrao Pawar. The suit was a suit seeking injunction relief pertaining to the property described as Property Bearing Survey No. 66, Hissa No.1 Part, City Survey No. 29, Plot No. 91, City Survey/Sheet No. 15/91, Plot No. 91 having building by name Sunita Sadan. Smt. Sanjita Prabhakar Parab and Smt. Shobha Chandrakant Sawant had also averred that the aforesaid Registered Will was made out of force. The suit came to be dismissed under Order 9 Rule 3 CPC vide order dated 19/12/2018.

9. I have perused the tax receipt dated 10/04/2022 of the said property which also stand in the name of Mrs. Sunita Sudam Pawar. The said property has a structure which is in the name of Sunita Sadan and that the same is described in the property description as given on the tax receipt.

10. I have perused the water bill dated 18th July 2022 and that the same is in the name of Smt. Sunita Sudam Pawar and Sandip Sudam Pawar. The same is also issued for the Address of Sunita Sadan.

11. I have also been handed over a Notarized Agreement for Surrender of Tenancy which is executed by Mr. Arvin Chandrashekhar Hajirnis, Subhash Chandrashekhar Hajirnis, Mrs. Asha Srinivas Nagle, Mr. Sudhakar Chandrashekhar



Hajirnis in the favour of Mrs. Sunita Sudam@Sudamrao Pawar. The said is pertaining to the surrender of tenancy rights which belonged to Late Chandrashekhar Sadashiv Hajirnis and that the same was pertaining to Room No. 5, admeasuring 350 Sq. Ft. Built up area, on the First Floor of Sunita Sadan which is standing over the said property.

12.I had also issued paper notices calling for objections if any against causing the Development of the said property. The said notices came to be published in the English Newspaper being News Hub dated 28th September 2022. The said notices were also published in Marathi Newspaper being Thane Vaibhav as on 30th September 2022. The said notices called objections against the Proposed Development of the said Property within a period of 15 days from the publication of the said notices. I say that till date no objections pertaining to the same are received.

13.I have been handed over Deed of Surrender of Tenancy Rights and that the same bears registration number TNN2-3835-2023. The same is pertaining to surrender of tenancy rights of tenant being Mr. Prasad Kamlakar Potnis who was occupying Room No. 6 (as referred to in Tax assessment letter dated 13/09/2022) which was admeasuring 220 square feet carpet area. I have been handed over the Memorandum of Understanding dated 5th June 2023 as executed between the Owner, Promoter and Shri. Achyut Govind Pandit. The said Memorandum Of Understanding records an understanding

pertaining to the tenancy rights with respect to room Nos. 2 and 3 which were occupied by Shri. Achyut Govind Pandit (as referred to in Tax assessment letter dated 13/09/2022) in the old building.

14. That apart from the aforesaid tenants, there are two other individuals who are claiming tenancy rights pertaining to Room No. 1 (as referred to in Tax assessment letter dated 13/09/2022) admeasuring about 220 square feet carpet. That the tenancy rights pertaining to the said room are being claimed by one Moushumi Dighe and Seva Poothan. The said individuals are claiming rights of one Hemachandra Deshpande. That a suit being Special Civil Suit No. 429 of 2021 came to be preferred by them before the Civil Judge (SD) Thane against the Owner for claiming tenancy rights to a tenement (Room) existing in the old structure on the said property. That said suit is pertaining to a single tenement and that the same does not in any way encumber the development of the suit property and that the outcome of the suit shall be binding on the Owner as well as the Promoter. I have perused the Plaint in the Special Civil Suit NO. 429 of 2021 which came to be placed in my hand on/around 28th December 2023. That the suit is pending before the Civil Judge (S.D.) Thane.

15. I further say upon instructions that except the above tenants, there are no other people who have staked claim to the



tenancy rights pertaining to any of the rooms that existed in the old building over the said property.

Thus, upon perusal of all the documents referred to hereinabove, it is my opinion that save and except for the rights of the tenants/ occupants/ legal heirs of the tenants in the tenements/flats in the said old building (also identified by the name Sunita Sadan) on the said property and also save and except to the outcome of the Special Civil Suit. 429 of 2021 as preferred by claimants of the tenancy rights pertaining to the alleged tenancy rights in Room No.1 (as referred to in Tax assessment letter dated 13/09/2022) of the old structure on the said property, the rights of Mr. Sandip Sudam@Sudamrao Pawar pertaining to the said property is free from all encumbrances and that the title of the said property which stands in the name of Mr. Sandip Sudam@Sudamrao Pawar is clear and marketable.



Adv. D.R. Warang

1st March 2024

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