Zamir Hasan R. Ahmed Shaikh

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FORMAT-A

(CIRCULAR 28/2021, Dated 08/03/2021)

Date: 09/03/2024

To,

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
Address: Housefin Bhavan, Plot No. C-21,
E- Block, Bandra Kurla Complex,
Bandra (East), Mumbai - 400051

LEGAL TITLE REPORT

SUB: Title Clearance certificate in respect of Project known as **"Desai Celeste"** having address at **Desai Celeste**, bearing **"Survey No. 70/1/A and Survey No. 70/1/B of Village Kalyan, situated at Joshi Pada, Adharwadi Jail Road, Opposite Royal Residency, Kalyan West - 421301",** to be constructed on all those pieces and parcels of land lying, being and situate at **Village Kalyan,** Taluka Kalyan, District Thane bearing:

Survey No.	Hissa No.	Area (In Sq.Meters)	Assessment (Rs. P)	Name of Owners
70	1/A (Old : Part)	3230.00	0.62	Shri Ramdas Ganpat Joshi and Others
70	1/B	270.00	0.04	Shri Kamlakar Dashrath Gaikar
	Total Area	3500 sq. mtrs.	-	-

and within the limits of the Kalyan Dombivli Municipal Corporation and within the Jurisdiction of Registration District Thane, Sub-Registration District Kalyan, herein after both the aforesaid properties are collectively called and referred to as **"SAID PROPERTY".**

I have investigated the title of said property on the request of **M/s. KIRTI ENTERPRISES,** a registered Partnership Firm, for the Project known as **"Desai Celeste"** having address at Desai Celeste, bearing **Survey No. 70/1A and Survey No. 70/1/B, of Village Kalyan, situated at Joshi Pada, Adharwadi Jail Road, Opposite Royal Residency, Kalyan West - 421301,** District Thane and have perused the following documents:

I) Description of Property:

Project known as **"Desai Celeste"** having address at Desai Celeste, Joshi Pada, Adharwadi Jail Road, Opposite Royal Residency, Kalyan (W) to be constructed on all those pieces and parcels of land lying, being and situate at **Village Kalyan,** Taluka Kalyan, District Thane bearing:

Survey No.	Hissa No.	Area (In Sq.Meters)	Assessment (Rs. P)	Name of Owners
70	1/A (Old : Part)	3230.00	0.62	Shri Ramdas Ganpat Joshi and Others
70	1/B	270.00	0.04	Shri Kamlakar Dashrath Gaikar
	Total Area	3500 sq. mtrs.	-	-

and within the limits of the Kalyan Dombivli Municipal Corporation and within the Jurisdiction of Registration District Thane, Sub-Registration District Kalyan, herein after both the aforesaid properties are collectively called and referred to as **"SAID PROPERTY".**

II) Documents of allotment of Plot bearing Survey No. 70/1/A of Village Kalyan :

1) Development Agreement dated 26/05/2008 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 - 4264/2008 made and executed between Mr. Ramdas Ganpat Joshi and Others as the Owners and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau Kirti Kishor Desai, 2) Shri Kaustubh Kishor Desai, 3) Shri Kalpesh Kishor Desai as the Developers.

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2) Development Agreement dated 01/08/2018 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 - 9057/2018 made and executed between Smt. Sarita Gurunath Joshi and Others as the Owners and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau. Kirti Kishor Desai, 2) Shri. Kaustubh Kishor Desai, 3) Shri. Kalpesh Kishor Desai as the Developers.

3) Deed of Confirmation dated 10/01/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 695 / 2023 made and executed between Kum. Payal Bhagwan alias Prakash Joshi as the Owner and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at VastukirtiBunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau. Kirti Kishor Desai, 2) Shri. Kaustubh Kishor Desai, 3) Shri. Kalpesh Kishor Desai as the Developers.

4) Deed of Confirmation dated 26/04/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 10522 / 2023 made and executed between Shri Sharad Ramapati Dubey alias Dwivedi as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau. Kirti Kishor Desai, 2) Shri. Kaustubh Kishor Desai, 3) Shri. Kalpesh Kishor Desai as the Party of the Other Part.

5) Agreement For Alternate Accommodation dated 03/11/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 23309 / 2023 made and executed between Shri Kishor Ramchandra Dhage and Others as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its PartnerShri. Kalpesh Kishor Desai as the Party of the Other Part.

6) Deed of Conveyance dated 22/02/2024 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 3837 / 2024 made and executed between Shri Ambika Prasad Durga Prasad Arakh as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partner Shri. Kalpesh Kishor Desai as the Party of the Other Part.

7) Deed of Conveyance dated 26/02/2024 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 3987 / 2024 made and executed between Smt. Shanti Ramsingh Thakur and Others as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partner Shri. Kalpesh Kishor Desai as the Party of the Other Part.

III) Documents of allotment of Plot bearing Survey No. 70/1/B of Village Kalyan:

1) Deed of Conveyance dated11/12/2013 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN5 – 6443 / 2013 made and executed between Smt. Kusum Ganpat Joshi alias Kusum Devidas Chikhalkar and Others as the Owners and Shri Kamalakar Dashrath Gaikar as the Purchaser.

2) Development Agreement dated 04/05/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 11048 / 2023 made and executed between Mr. Kamalakar Dashrath Gaikar as the Owner and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau Kirti Kishor Desai, 2) Shri Kaustubh Kishor Desai, 3) Shri Kalpesh Kishor Desai as the Developers.

IV) PERMISSIONS AND SANCTIONS:

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1) Order bearing No. Mhasul / K-1 / T-2 / Jaminibabat / Sanad / SR – 223 / 2023 dated 18.09.2023 issued by The Tahasildar Kalyan

2) Building Commencement Certificate granted by Kalyan Dombivali Municipal Corporation bearing No. KDMC / TPD / BP / KD / 2023-24 / 63 dated 26.10.2023.

V) REVENUE RECORD:

1) Extract of 7/12 of land bearing Survey No. 70 Hissa No. 1/A (Old Hissa No. Part) admeasuring 3230 sq. meters belonging to Shri Ramdas Ganpat Joshi and others issued by Talathi of Village Kalyan.

2) Extract of 7/12 of land bearing Survey No. 70 Hissa No. 1/B admeasuring 270 sq. meters belonging to Shri Kamalakar Dashrath Gaikar issued by Talathi of Village Kalyan.

3) Mutation Entries.

VI) SEARCH REPORTS

Search for a period of 30 years from 1992 to 2023 taken at the Office of Sub-Registrar of Assurances at Kalyan-1, Kalyan-2, Kalyan-3, Kalyan-4 and Kalyan-5

VII) Status Report dated 02/02/2024 issued by Adv. Shri Pralhad Parshuram Bhillare in respect to the suits filed by M/s Kirti Enterprises, a registered Partnership Firm and Other Miscellaneous Criminal Application filed by Shri Rajesh Ramdas Joshi.

On perusal of the above mentioned documents and all other relevant documents relating to the title of said property I am of the opinion that the title of M/s. Kirti Enterprises, a registered Partnership Firm, Having its Office at Vastu Kirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan

(W), Pin No. 421301,District Thane to said land bearing Survey No. 70/1/A is subject to the outcome of Suits filed by M/s. Kirti Enterprises, a registered Partnership Firm through its Partner Shri Kalpesh Kishor Desai for self and constituted attorney of Shri Ramdas Ganpat Joshi and Others against M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke and to said land bearing Survey No. 70/1/B is clear and free from encumbrances and charges and M/s. Kirti Enterprises, a registered Partnership Firm, in terms of Development dated 26.05.2008, dated 01.08.2018 and dated 04.05.2023 is well and sufficiently entitled to develop the said property.

Owners of Land :

(I) 1) Shri Ramdas Ganpat Joshi, 2) Sau Bayma Ramdas Joshi, 3) Shri Raja alias Rajesh Ramdas Joshi, 4) Shri Sainath Ramdas Joshi,5) Kum Bharti Ramdas Joshi, 6) Shri Laxman Ganpat Joshi, 7) Sau Saitra Laxman Joshi, 8) Shri Rohidas Laxman Joshi, 9) Shri Chintaman Laxman Joshi, 10) Sau Rohini Kaluram Madhvi before marriage Rohini Laxman Joshi, 11) Shri Lahu Ganpat Joshi for self and natural guardian of Kum. Arti, Kum Harshad, Kum Ankita and Kum Akshay, 12) Sau Nalini Lahu Joshi, 13) Shri Suresh Ganpat Joshi for self and natural Guardian of Kum Ajay and Kum Vaibhav, 14) Sau Anjali Suresh Joshi, 15) Smt. Vaijanti Bhagwan Joshi, 16) Kum. Payal Bhagwan alias Prakash Joshi, 17) Sau Bhagabai Chandrakant Thakare, 18) Sau Mangal Babulal Wayale, 19) Sau Shakuntala Tukaram Patil, 20) Sau Taibai Vishnu Gaikar, 21) Sau Indumati Manik Bhandari before marriage Indumati Ganpat Joshi, 22) Smt. Sarita Gurunath Joshi, 23) Kum. Kunal Gurunath Joshi, 24) Kum. Rushikesh Gurunath Joshi, 25) Kum Roshni Gurunath Joshi and Kum. Nisha Gurunath Joshi.

(II) Shri Kamlakar Dashrath Gaikar.

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Developers of Lands:

M/s Kirti Enterprises, a Registered Partnership Firm,

Project Known as "Desai Celeste" having address at land bearing Survey No. 70/1/A and Survey No. 70/1/B of Village Kalyan situated at Joshi Pada, Adharwadi Jail Road, opposite Royal Residency, Kalyan (W)- 421301.

Qualifying Comments / Remarks if any:

The Title of said property No. 1 is subject to the outcome of Suits filed by M/s Kirti Enterprises, a registered Partnership Firm through its Partner Shri Kalpesh Kishor Desai for self and constituted attorney of Shri Ramdas Ganpat Joshi and Others in the Court of Civil Judge Kalyan against M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke.

Litigation :

1) Regular Civil Suit bearing No. 25/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

2) Regular Civil Suit bearing No. 26/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and Jayram Bala Gaikar since deceased his legal heirs Shri Ravindra Jayram Gaikar and Others as the Defendants.

3) Regular Civil Suit bearing No. 28/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

4) Special Civil Suit bearing No. 46/2024 filed in the Court of Civil Judge (Senior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

5) Other Miscellaneous Criminal Application No. 315/2019 filed in the Court of Judicial Magistrate First Class at Kalyan filed by Shri Rajesh Ganpat Joshi as the Complainant and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Accused.

The Report reflecting the flow of title of the Shri Ramdas Ganpat Joshi and others to land bearing Survey No. 70/1/A of Village Kalyan and of Shri Kamlakar Dashrath Gaikar to land bearing Survey No. 70/1/B of Village Kalyan and of M/s. Kirti Enterprises, a registered Partnership Firm, to the said property is enclosed herewith as Annexure.

ENCL: Annexure

Date : 09/03/2024

ZAMIR HASAN R. AHMED SHAIKH

(ADVOCATE)

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(B.Sc., LL.M.)
ADVOCATE HIGH COURT
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FORMAT-A

(Circular 28/2021 dated 08/03/2021)

"ANNEXURE A"

FLOW OF TITLE OF THE SAID PROPERTY:

OWNERS OF LANDS:

(I) 1) Shri Ramdas Ganpat Joshi, 2) Sau Bayma Ramdas Joshi, 3) Shri Raja alias Rajesh Ramdas Joshi, 4) Shri Sainath Ramdas Joshi, 5) Kum Bharti Ramdas Joshi, 6) Shri Laxman Ganpat Joshi, 7) Sau Saitra Laxman Joshi, 8) Shri Rohidas Laxman Joshi, 9) Shri Chintaman Laxman Joshi, 10) Sau Rohini Kaluram Madhvi before marriage Rohini Laxman Joshi, 11) Shri Lahu Ganpat Joshi for self and natural guardian of Kum. Arti, Kum Harshad, Kum Ankita and Kum Akshay, 12) Sau Nalini Lahu Joshi, 13) Shri Suresh Ganpat Joshi for self and natural Guardian of Kum Ajay and Kum Vaibhav, 14) Sau Anjali Suresh Joshi, 15) Smt. Vaijanti Bhagwan Joshi, 16) Kum Payal Bhagwan alias Prakash Joshi, 17) Sau Bhagabai Chandrakant Thakare, 18) Sau Mangal Babulal Wayale, 19) Sau Shakuntala Tukaram Patil, 20) Sau Taibai Vishnu Gaikar, 21) Sau Indumati Manik Bhandari before marriage Indumati Ganpat Joshi, 22) Smt. Sarita Gurunath Joshi, 23) Kum. Kunal Gurunath Joshi, 24) Kum. Rushikesh Gurunath Joshi, 25) Kum Roshni Gurunath Joshi and Kum. Nisha Gurunath Joshi.

(II) Shri Kamlakar Dashrath Gaikar.

It further appears that Shri Ramdas Ganpat Joshi and Others are the owners of and/or otherwise well and sufficiently entitled to all that piece and parcel of land lying, being and situate at **Village Kalyan,** Taluka Kalyan, District Thane bearing Survey No. 70 Hissa No. 1/A (Old Survey No. 70 Hissa No. Part) admeasuring 3230 sq. meters and within the limits of Kalyan Dombivli

Municipal Corporation and within the Jurisdiction of Registration District Thane, Sub-Registration District Kalyan, herein after called and referred as **"Said Property No. 1".**

It further appears that by and under Development Agreement dated 26/05/2008 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 - 4264/2008 made and executed between Mr. Ramdas Ganpat Joshi and Others as the Owners and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau Kirti Kishor Desai, 2) Shri Kaustubh Kishor Desai, 3) Shri Kalpesh Kishor Desai as the Developers, Shri Ramdas Ganpat Joshi and Others as Owner of Said Property No. 1 have granted the development rights of said property No.1 in favour of M/s. Kirti Enterprises, a Partnership Firm, on terms and conditions and for the consideration mentioned therein.

It further appears that Smt. Sarita Gurunath Joshi and Others are the co-owners of said property No. 1 and they had not joined the execution and registration of said Development Agreement dated 26.05.2018, therefore by and under Development Agreement dated 01/08/2018 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 - 9057/2018 made and executed between Smt. Sarita Gurunath Joshi and Others as the Owners and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau. Kirti Kishor Desai, 2) Shri. Kaustubh Kishor Desai, 3) Shri. Kalpesh Kishor Desai as the Developers, said Smt. Sarita Gurunath Joshi and Others have granted the development rights of their undivided share in said property No.1 in favour of M/s. Kirti Enterprises, a Partnership Firm, and have further confirmed and consented the execution of Development Agreement dated 26.05.2018 in favour of M/s. Kirti Enterprises, a Partnership Firm.

It further appears that one of the Co-owner of said property No. 1 Viz. Shri Bhagwan alias Prakash Ganpat Joshi expired intestate leaving behind him surviving daughter Miss Payal Bhagwan alias Prakash Joshi and widow Smt.

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Vaijanti Bhagwan alias Prakash Joshi as his only legal heirs and legal representative under the law of succession and inheritance by which he was governed and accordingly their name stood mutated in the records of rights as is evidence vide Mutation Entry No. 4478.

It further appears that by and under Deed of Confirmation dated 10/01/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 695 / 2023 made and executed between Kum. Payal Bhagwan alias Prakash Joshi as the Owner and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau. Kirti Kishor Desai, 2) Shri. Kaustubh Kishor Desai, 3) Shri. Kalpesh Kishor Desai as the Developers, said Kum. Payal Bhagwan alias Prakash Joshi has confirmed, consented and ratified the execution and registration of Development Agreement dated 26.05.2008 in respect of said property No. 1 in favour of M/s. Kirti Enterprises, a Partnership Firm.

It further appears that late Suryakali Ramapati Harbans Dwivedi was ground leasee of area of land admeasuring 722.58 sq. meters forming the part of said property No. 1, therefore after the demise of said Suryakali Ramapati Harbans Dwivedi her legal heirs and /or legal representative Viz. Shri Sharad Ramapati Dube alias Dwivedi has by and under Deed of Confirmation dated 26/04/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN-2– 10522 / 2023, has confirmed and ratified the vesting of development rights in respect of the said property No. 1 in favour of M/s. Kirti Enterprises, a Partnership Firm, and has further released, relinquished and surrendered lease hold rights in respect of said land admeasuring 722.58 sq. meters forming the part of said property No. 1 for balance period of lease absolutely and forever in favour of M/s. Kirti Enterprises, a Partnership Firm, and has handed over vacant and peaceful possession of said lease hold in favour of M/s. Kirti Enterprises, a Partnership Firm.

It further appears that one late Vimal Ramchandra Dhage was owner of rooms in chawl type structures standing on said property. 1, therefore after the demise of said Vimal Ramchandra Dhage her legal heirs and /or legal representative Viz. Shri Kishor Ramchandra Dhage and others have by and under Agreement For Alternate Accommodation dated 03/11/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 23309 / 2023 made and executed between Shri Kishor Ramchandra Dhage and Others as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partner Shri. Kalpesh Kishor Desai as the Party of the Other Part, said Shri Kishor Ramchandra Dhage and Others have surrendered all their ownership, rights, title and interest in respect of said rooms absolutely and forever in favour of M/s. Kirti Enterprises, a Partnership Firm, on terms and conditions and for the consideration mentioned therein.

It further appears that by and under Deed of Conveyance dated 22/02/2024 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 3837 / 2024 made and executed between Shri Ambika Prasad Durga Prasad Arakh as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partner Shri. Kalpesh Kishor Desai as the Party of the Other Part, said M/s. Kirti Enterprises, a Partnership Firm, have purchased/acquired Room No. 05 admeasuring 300 sq. ft.(Built-up) in Ganpat Joshi Chawl standing on said property No.1 from Shri Ambika Prasad Durga Prasad Arakh as absolute owner.

It further appears that by and under Deed of Conveyance dated 26/02/2024 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 3987 / 2024 made and executed between Smt. Shanti Ramsingh Thakur and Others as the Party of the one Part and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partner Shri.

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Kalpesh Kishor Desai as the Party of the Other Part, said M/s. Kirti Enterprises, a Partnership Firm, purchased/acquired Room No. 11, admeasuring 130 sq. ft. (Built-up) in Ganpat Joshi Chawl standing on said property No.1 from Smt. Shanti Ramsingh Thakur and Others as absolute owners.

It further appears that Shri Kamalakar Dashrath Gaikar is the owner of and/or otherwise well and sufficiently entitled to all that piece and parcel of land lying, being and situate at **Village Kalyan,** Taluka Kalyan, District Thane bearing Survey No. 70 Hissa No. 1/B admeasuring 270 sq. meters and within the limits of Kalyan Dombivli Municipal Corporation and within the Jurisdiction of Registration District Thane, Sub-Registration District Kalyan, herein after called and referred to as **"Said Property No.2".**

It further appears that by and under Deed of Conveyance dated 11/12/2013 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN5 – 6443 / 2013 made and executed between Smt. Kusum Ganpat Joshi alias Kusum Devidas Chikhalkar and Others as the Owners and Shri Kamalakar Dashrath Gaikar as the Purchaser, said Shri Kamalakar Dashrath Gaikar purchased / acquired the said property No. 2 as absolute owner.

It further appears that by and under Development Agreement dated 04/05/2023 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN2 – 11048 / 2023 made and executed between Mr. Kamalakar Dashrath Gaikar as the Owner and M/s. Kirti Enterprises, a Partnership Firm, Having its Office at Vastukirti Bunglow, Flower Valley, Khadakpada Circle, Kalyan (West) – 421 301 through its Partners 1) Sau Kirti Kishor Desai, 2) Shri Kaustubh Kishor Desai, 3) Shri Kalpesh Kishor Desai as the Developers, said Shri Kamalakar Dashrath Gaikar granted the development rights in respect of said property No. 2 in favour of M/s. Kirti Enterprises, a Partnership Firm, on terms and conditions and for the consideration mentioned therein.

It further appears that The Tahasildar Kalyan by and under his and Order bearing No. Mhasul / K-1 / T-2 / Jaminibabat / Sanad / SR – 223 / 2023 dated 18.09.2023, has granted sanad in respect to the non-agricultural use of said property.

It further appears that said M/s. Kirti Enterprises, a registered Partnership Firm having acquired the development rights of said property No.1 and said property No. 2 amalgamated said property No.1 with said property No. 2 and submitted plans for the development of said amalgamated property for development with Kalyan Dombivali Municipal Corporation for approval and Kalyan Dombivali Municipal Corporation approved the said plans and granted Building Commencement Certificatebearing No. KDMC / TPD/ BP / KD / 2023-24 / 63 dated 26.10.2023 in respect of such amalgamated property.

That said property No. 1 and said property No. 2 now amalgamated are herein after collectively called and referred to as **"Said Property"**

It further appears that as per Permission dated 26.10.2023 two Buildings Viz. Building Wing "A" of Stilt Plus First Floor to Eight Floor (Residential) and Building Wing "B" of Ground Floor Plus First Floor and Second Floor (commercial) are sanctioned on said property.

Search taken at the office of Sub-Registrar of Assurances at Kalyan do reveal adverse entries as under:

a) Declaration dated 17/11/2008 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN1-8593/2008 dated 25/11/2008 executed by Shri Jayram Bala Gaikar to Original Document executed on date 06/04/1989 in respect of area of land admeasuring 264 sq. yards from said property No. 1.

b) Declaration dated 15/12/2008 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN1-9136/2008 dated 17/12/2008 executed by M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke to

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Advocate High Court

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Original Document executed on date 07/04/2007 in respect of area of land admeasuring 600 sq. meters from said property No. 1.

c) Declaration dated 15/12/2008 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN1-9137/2008 dated 17/12/2008 executed by M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke to Original Document executed on date 10/09/2004 in respect of area of land admeasuring 1600 sq. meters from said property No.1.

d) Declaration dated 15/12/2008 registered at the Office of Sub-Registrar of Assurances at Kalyan under Sr. No. KLN1-9138/2008 dated 17/12/2008 executed by M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke to Original Document executed on date 30/03/2007 in respect of area of land admeasuring 269.16 sq. meters from said property No. 1.

apart from aforesaid entries, said search entries does not reveal any entries which shall fall in the categories of registered encumbrances over said properties.

It is further represented to me by said M/s. Kirti Enterprises, a registered Partnership Firm through its Partner Shri Kaplesh Kishor Desai that they file civil suits for cancellation and termination of aforesaid documents executed by M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke in respect to part area of land from said property No. 1 and the same areas under:

1) Regular Civil Suit bearing No. 25/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction

through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

2) Regular Civil Suit bearing No. 26/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and Jayram Bala Gaikar since deceased his legal heirs Shri Ravindra Jayram Gaikar and Others as the Defendants.

3) Regular Civil Suit bearing No. 28/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

4) Special Civil Suit bearing No. 46/2024 filed in the Court of Civil Judge (Senior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

5) Other Miscellaneous Criminal Application No. 315/2019 filed in the Court of Judicial Magistrate First Class at Kalyan filed by Shri Rajesh Ganpat Joshi as the Complainant and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Shirke as the Accused.

On perusal of Status Report dated 02/02/2024 issued by Advocate Shri Pralhad Parshuram Bhillare it appears that all the aforesaid Suits and the Other Miscellaneous Criminal Application No. 315/2019 filed by Shri Rajesh Ramdas Joshi is pending for hearing and no adverse order pre-judicial to the development of said property by M/s Kirti Enterprises, a

Zamir Hasan R. Ahmed Shaikh
B.Sc., LL.M.
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Registered Partnership Firm, is passed in said Suits and Other Miscellaneous application.

On perusal of abovementioned documents and subject to what is stated herein above, I am of the opinion that and I hereby certify that the title of the Owner Viz. Shri Kamalakar Dashrath Gaikar to Said Property No. 2 is clear, marketable and free from reasonable doubts and encumbrances and further the title of the Owners Viz. Shri Ramdas Ganpat Joshi and others to Said Property No. 1 is subject to the outcome of Civil Suits filed by M/s. Kirti Enterprises, a registered Partnership Firm through its Partner Shri Kalpesh Kishor Desai for self and constituted attorney of Shri Ramdas Ganpat Joshi and Others against M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajseshirke and in terms of the above said Development Agreements said M/s Kirti Enterprises, a registered Partnership Firm is well and sufficiently entitled to develop the said property by constructing multi-storied building/s thereon as per sanctioned plans and permission and in accordance with development Rules, Regulations and Bye-laws in force from time to time and by complying with conditions as mentioned in abovesaid permissions, orders and sanctions.

Litigation:

1) Regular Civil Suit bearing No. 25/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

2) Regular Civil Suit bearing No. 26/2024 filed in the Court of Civil Judge (Junior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor

Desai and Others as the Plaintiff and Jayram Bala Gaikar since deceased his legal heirs Shri Ravindra Jayram Gaikar and Others as the Defendants.

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4) Special Civil Suit bearing No. 46/2024 filed in the Court of Civil Judge (Senior Division) at Kalyan by M/s Kirti Enterprises, a Registered Partnership Firm, through its Partner Shri Kalpesh Kishor Desai and Others as the Plaintiff and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Defendants.

5) Other Miscellaneous Criminal Application No. 315/2019 filed in the Court of Judicial Magistrate First Class at Kalyan filed by Shri Rajesh Ganpat Joshi as the Complainant and M/s. Gurudev Construction through its Partners 1) Shri Ganpat Namdev Rathod, 2) Shri Kailas Vishwanath Rajeshirke as the Accused.

The Present title is issued based on the revenue records, deeds and document and search report produced before me and I bear no responsibility of any act, deeds or thing which is not brought to my knowledge or is not placed before me or any fact concealed from me.

Date : 09/03/2024

ZAMIR HASAN R. AHMED SHAIKH

(ADVOCATE)

Zamir Hasan R. Ahmed Shaikh
(B.Sc., LL.M.)
ADVOCATE HIGH COURT
E. No. MAH/1518/2005 Dt. 3/6/05
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