



V. M. MAHADIK

B.COM., LL.B.
(ADVOCATE HIGH COURT)

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Residence. : Amaltas, Tower A-4, Flat No. 21, Pirojshanagar, Vikhroli-E, Mumbai-400 079.

Date : 08/02/2019

To,
Shri Ajit Sakaram Chavan
Proprietor of
M/s. Vighnaharta Developer
200/2953, Group No. 8/B,
Near Yashwant Hospital,
Tagore Nagar, Vikhroli (East)
Mumbai - 400 083

Sub: Title Clearance Certificate of piece or parcel of leasehold land bearing Survey No.113 (Part), City Survey No. 352 (Part) admeasuring 852.85 square meters (Lease Area 631.68 square meters plus tit bit lands admeasuring 221.17 sq. mtrs) at Tagore Nagar, Vikhroli (East), Mumbai-400 083 together with Building No.10 standing thereon comprising of 32 tenements on Ground plus three upper floors belonging to a registered society by the name Tagore Nagar Kaivalyadham CHS Ltd., Village Vikhroli, Taluka and Registration District of Mumbai Suburban.

Sir,

At your request, we have investigated the title in respect of the above property.

- 1) We have pursued the Indenture of Lease dated 30th January 2017 executed by and between Maharashtra Housing and Area Development Authority, (MHADA) the Lessor, therein referred to as 'The Authority' of the one part and Tagore Nagar Kaivalyadham CHS

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Ltd., the Lessee, therein referred to as 'the Society' of the other part, made available to us, by you;

- 2) We have also pursued the Deed of Sale dated 30th January 2017 between Maharashtra Housing and Area Development Authority, therein referred to as 'The Authority' of the one part and Tagore Nagar Kaivalyadham CHS Ltd., therein referred to as 'the Society' of the other part, made available to us, by you;
- 3) We have also pursued the letter No. /EE/HKD/MB/DEM/2630/2017 dated 21.04.2017 issued by MHADA to the Secretary/Chairman, of Tagore Nagar Kaivalyadham CHS Ltd., Building No. 10, Tagore Nagar, Vikhroli (E), Mumbai – 400 083, regarding demarcation of plot bearing CTS no. 352 (pt), S. no. 113 (pt) of village Hariyali at Tagore Nagar, Vikhroli (E), Mumbai, made available to us, by you;
- 4) The said Authority (MHADA) by the said Indenture of Lease dated 30th January 2017 registered with the Sub-Registrar, Kurla under No. 4/984/2017 (hereinafter referred to as **"the said Lease"**), granted lease in respect of the said land bearing Survey No.113 (Part) City Survey No. 352 (Part) admeasuring 631.68 square meters, at Tagore Nagar, Vikhroli (East), Mumbai, in favour of the said Society, for a term of 30 years, renewable twice on the terms & condition determined by the Authority from time to time, commencing from the 1st April 1994 for the lease rent of Rs. 480/- (Rupees Four Hundred Eighty only) per annum on the terms and conditions, more particularly set out in the said Lease;
- 5) The said building being building No. 10, situated at Tagore Nagar, Vikhroli (East), Mumbai, consisting of ground + 3 floors with 32 tenements, constructed on the said land (hereinafter referred to as the **"Existing Building"**) was conveyed, sold and transferred to the Society, by a Deed of Sale dated 30th January 2017 executed





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between the said Authority and the Society, duly registered with the Sub-Registrar, Kurla, under No. 4/985/2017, for the consideration and on the terms and conditions set out therein;

6) Whereas vide the letter of demarcation dated 21st April 2017, referred to in paragraph 3 hereinabove, MHADA has demarcated the plot boundary at site measurement of building no. 10 known as Tagore Nagar Kaivalyadham CHS Ltd., on plot bearing CTS no. 352(pt), S. no. 113 (pt) of village Hariyali at Tagore Nagar, Vikhroli (E), Mumbai and submitted the plan showing as follows:

- a) The plot area as per conveyance deed with MHADA is 631.68 Sq. mt.
- b) The plot area as per approved layout / site measurement is 852.85 Sq. mt.
- c) There is difference at 221.17 Sq. mt. between as per site measurement and conveyance deed executed with MHADA.

7) The difference area of 221.17 Sq. mt. is treated as Tit-bit area, and hence the total area of building no. 10, known as Tagore Nagar Kaivalyadham CHS Ltd., of plot bearing CTS no. 352(pt) of village Hariyali at Tagore Nagar, Vikhroli (E), Mumbai, is 852.85 square meters (Lease Area 631.68 square meter plus tit bit lands admeasuring 221.17 square meters);

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8) The members of the society are occupying the Existing Building viz. Building No.10, consisting of ground + 3 floors standing on the said Land consisting of 32 Residential tenements bearing Room Nos.297 to 328 each having a carpet area 217.65 sq.ft. i.e. 20.22 sq. meters and the aggregate carpet consumed in the construction of the Existing Building is 674.04 sq. meters i.e. 6964.80 sq.ft. and the total Building plinth area is 10426.56 sq. ft. i.e. 968.64 sq. meters. The said Land together with the said Existing Building is collectively referred to as the "said Property";

9) In the premises aforesaid the Society known as Tagore Nagar Kaivalyadham CHS Ltd. is the absolute owner of the Existing Building viz. Building No.10 along with the leasehold rights under the said Indenture of Lease dated 30th January 2017 in respect of the said Land bearing Survey No.113 (Part) admeasuring 631.68 square meters, now bearing City Survey No. 352 (Part) being part of the said Board's land, and Tit Bit area of 221.17 Sq. mt as per lay out plan at Tagore Nagar, Vikhroli (East), Mumbai in the Revenue and Registration District of Mumbai Suburban District.

After going through all the above mentioned documents subject to what is mentioned above, we are of the opinion that the title to the said property of the Society namely Tagore Nagar Kaivalyadham CHS Ltd., having address at building no. 10, Tagore Nagar, Vikhroli East, Mumbai – 400 083, situated at land bearing CTS no. 352(pt) S.no. 113(pt) of village Hariyali admeasuring 852.85 square meters (Lease Area 631.68 square meters plus tit bit lands admeasuring 221.17 square meters) is clear and marketable, free from reasonable doubt.



V. M. MAHADIK

(Advocate, High Court)