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Ref. No. 502/2015 Date: 02/11/2015

=: TITLE REPORT – CUM – CERTIFICATE:=

TO WHOMSOEVER IT MAY CONCERN

REF:- **ALL THAT PIECE AND PARCEL OF** land and ground situate, lying and being Plot No. 358-A of Town Planning Scheme VII having CTS No. E - 370 situated at 14th Road, Khar West. Mumbai -400052, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban District and admeasuring about 600 square yards equivalent to 548.40 square meters or thereabouts, along with the structure of G + 4 standing thereon on the Road Side and G + 1 on the rear side standing thereon, presently occupied by 3 tenants (and overall having 7 tenants) now with the structure/s duly assessed by the Assessor and Collector of the Assessment and Collection Department of the Mumbai Municipal Corporation.

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1. **THIS IS TO CERTIFY** that We have investigated the title of **Mr. Mahendra Valjibhai Rathod,** hereinafter for the sake of convenience referred to as **"the Owner"** in respect of the above subject property being **ALL THAT PIECE AND PARCEL OF** land and ground situate, lying and being Plot No. 358-A of Town Planning Scheme VII having CTS No. E - 370 at 14th Road, Khar West. Mumbai -400052, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban District and admeasuring about 600 square yards and

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equivalent to 548.40 square meters or thereabouts, along with the structure G + 4 structures on the Road Side and G + 1 on the rear side standing thereon, presently occupied by 3 tenants (overall having 7 tenants as detailed hereunder) now with the structure/s duly assessed by the Assessor and Collector of the Assessment and Collection of the Mumbai Municipal Corporation and the same is more particularly described in the Schedule hereunder written and hereinafter for the sake of convenience referred to as **"the said property"**.

2. It is seen from the Revenue Records that Originally one **MRS. INDIRABAI** W/o Kasinath Phadke, [hereinafter for the convenience sake, collectively called as **"the said INDIRABAI"**] at all the relevant and material time was the erstwhile/Original Owner of the said property and as such was seized and possessed of and/or otherwise well and sufficiently entitled to the said property as the Original Owner thereof. The Revenue Records in respect of the said property namely the 7/12 Extract were than standing in the name of the said Indirabai.

3. Upon perusal of the Extract of the Property Registered Card, It is seen that in the year 1948, vide the registered Indenture in respect of the said Property made and executed at Bombay, the said Indirabai have there-under sold, assigned, transferred, assured and conveyed the said Property as described in the Schedule hereunder written, being the same property as described in the Schedule there-under written and also hereunder, unto and in favour of One **Mr. Mukund Madhav Ghangurde**, hereinafter for the sake of convenience as **"the said Ghangurde"** for the valuable consideration and upon the terms and conditions as set out therein and accordingly vide the Certified Mutation Entry, the name of the said Ghangurde has been incorporated in the Column of the Owner in the extract of the Property Registered Card of the said Property. Pursuant to the said Indenture the said Original Owner have thus put the said Ghangurde in possession of the said Property.

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4. It is further seen from the records of rights (Extract of the Property Registered Card that upon further execution of the Memorandum of Gift Deed dated 6th July 1950, executed between the said Ghangurde and one Mr. Hari Madhav Ghangurde, the said property as described in the Schedule hereunder written, being the same property as described in the Schedule there-under written and also hereunder, has been transferred unto and in favour of the said Hari Madhav Gangurde, hereinafter for the sake of convenience as **"the said Hari"** for the valuable consideration and upon the terms and conditions as set out therein and accordingly vide the Certified Mutation Entry dated 12.01.1951, the name of the said Hari has been incorporated in the Column of the Owner in the extract of the Property Registered Card of the said Property. Pursuant to the said Gift Deed, the said Ghangurde have thus put the said Hari in possession of the said Property. Copy of the said Gift Deed is not been traceable and hence not been provided to peruse, but the reference to that effect has been certified by the Office of the CTSO, vide its Mutation Entry dated 12.01.1951

5. Furthermore it can be also further seen from the records, that subsequently the said Hari had mortgaged the said Property by way of equitable mortgage in favour of Bombay Co-operative Insurance Society Ltd., vide Deed of Mortgage dated 31st May, 1951 and the said mortgage found to have been redeem by execution of the Release Deed dated 17th September, 1954 and the Mutation Entries to that effect of Mortgaged and Redemption has been mutated by the Office of the CTSO vide its respective Mutation Entry dated 13.05.1952 and 31.10.1955 respectively.

6. It is further seen from the records, that subsequently the said Hari had again mortgaged the said Property by way of equitable mortgage in favour of one Mr. H L Marathe, vide Deed of Mortgage dated 13th January, 1955 and the said mortgage found to have been redeem by execution of the Release Deed dated 26th December, 1961 and the Mutation Entries to that

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effect of Mortgaged and Redemption has been mutated by the Office of the CTSO vide its respective Mutation Entry dated 22.03.1956.

7. Similarly vide Mutation Entry dated 15.04.1958 by the office of the CTSO in the Extract of the Property registered Card, it is seen that the name of the wife of the said Hari, Smt. Laxmibai Hari Gamgurde has been incoprporated as the additional Holder/Owner of the said property alongwith the said Hari as the duo (Husband and Wife) being the Co-Owner of the said property.

8. It is further seen from the record vide Registered Memorandum of Agreement dated 29th March, 1955 the said Hari had again mortgaged the said Property by way of equitable mortgage in favour of one Mr. Vishnu Ramchandra Tilak, registered Under Serial No. BOM/2151/1/6 of 1955 and the said mortgage found to have been assigned in favour of One Mrs. Sitabai Ramchandra Tilak and has assigned his all right, title and interest in the said Property under the said Memorandum of Agreement dated 29th March, 1955 upon the terms and condition as agreed thereunder and furthermore it is also found and can be seen from record that the said equitable mortgage has been redeem by execution of the Deed of Re-Conveyance of charge also referred as Release Deed dated 26th December, 1961 and the Mutation Entries to that effect of Mortgaged and Redemption has been mutated by the Office of the CTSO vide its respective Mutation Entries dated 05.09.1966 respectively.

9. It is further seen from the records that Vide the Deed of Conveyance dated 15th November 1963 in respect of the said Property made and executed at Bombay, the said Hari and his wife the said Laxmibai have there-under sold, assigned, transferred, assured and conveyed the said Property as described in the Schedule hereunder written, being the same property as described in the Schedule there-under written and also hereunder, unto and in favour of One **MR. MAHENDRA VALJIBHAI RATHOD AND SMT.**

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SONABEN VALJIBHAI RATHOD, hereinafter for the sake of convenience as **"the said Co-Owner"** for the valuable consideration and upon the terms and conditions as set out therein alongwith structures standing thereon with its respective tenants occupying the respective flat. The said Deed of Conveyance dated 15th November 1963 was lodged for registration with the Sub-Registrar of Assurances at Bombay, Mumbai under Serial No. BOM./R-3217/1963, on 22nd November 1963 and was finally registered on 28/11/1963. Pursuant to the said Deed of Conveyance dated 15th November 1963, the said Hari and his wife the said Laxmibai have thus put the said Co-Owner in possession of the said property and as the sole Co-Owner thereof and with the full and absolute right, title and interest therein.

10. Accordingly the said Co-Owner viz; **MR. MAHENDRA VALJIBHAI RATHOD AND SMT. SONABEN VALJIBHAI RATHOD** together applied to the Revenue Authorities to change/transfer the Revenue Records in their name, which application came to be allowed and the name of the said co-Owner has been mutated and incorporated in the revenue records and Similarly the name of the said co-Owner has been also incorporated in the Extracts of the Property Registered Card/the Ruled Cards in respect of the said property vide certified Mutation Entry dated 02.05.1968 and of the 2 co-Owner of the said property and subsequently one co-Owner viz; **SMT. SONABEN VALJIBHAI RATHOD** has relinquished all her right, title and interest in the said property in favour of the said **MR. MAHENDRA VALJIBHAI RATHOD** and accordingly It is seen that on or about 22nd May, 1968 the name of the said Mrs. Sonabai Valjibvhai Rathod had been deleted from the revenue record and the since then the said property stands, transferred and vest in the absolute name of Mr. Mahendra Valjibhai Rathod as the sole and absolute owner thereof. The said property is not the surplus land as defined under the provisions of the Urban Land (Ceiling & Regulations) Act, 1976, hereinafter referred to as **"the said ULC Act"**.

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11. Upon perusal of the record further, it can be clearly seen that in the year 1963, the Owner Mr. Mahendrabhai Valji Rathod had constructed the first floor upon the existing structure on the Rear Wing along-with two Garages and also constructed ground + 4 Building facing the Road Side as per the approval been granted by the Municipal Corporation of Greater Mumbai (in short MCGM) vide its IOD dated 12.10.1962 and CC dated 11.12.1963 and all the construction activities has been carried out as per the terms and condition as laid down by the MCGM under the said Intimation of Disapproval & C. C and named the said new constructed Building as Datta Prasad Building. In the said property in the said Datta Prasad Building there are in all 7 tenants of which 2 tenants are the family members of the said Owner and the 5 tenants are occupying Flat No. 12 and 13 of the Ground Floor and Flat No. 8 of the First floor of the Rear Wing, Flat No. 6 and 7 on the first floor of the Front Wing and Gala No. 14, 15 and 16 on the ground floor, which flats been occupied by the son of the owner viz; Mr. Dhruv Rathod and Flat No. 4/5 on Second Floor of the Front Wing. Similarly Flat No. 1 in the front wing on the fourth floor is been occupied by the daughter of the owner viz; Mrs. Kirti Ameet Desai nee Kirti Rathod. Of which the said Dhruv Rathod, Kirti Desai and Mr. Prakash Dhargalkar occupying Flat No. 7, Mr. Vinayak Tilak occupying Flat No. 12 have already given their consent to reconstruct and/or commonly known as redevelop the said property by demolishing the existing Datta Prasad Building.

12. The Office of the Chief Executive Engineer, [Building Proposals], Development Plan, Greater Mumbai has offered the D. P. Remarks dated 05/07/2014 bearing No. CHE/440/DPWS/H/W with the plan enclosed therewith pertaining to the said property as more particularly described in the Schedule hereunder written which falls in the Residential Zone, what is commonly known as "R-Zone" and the said property is having a direct access thereto from the main Municipal Road and the same can be seen from the said D. P. Remarks.

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13. It can be seen from the record that the MCGM has already served with the 2 Notice under Section 354 of the MCGM Act dated 15.12.2009 and 26.06.2013, to the said Owner herein being the landlord of the said Datta Prasad Building and also being the sole owner of the said property for carrying out the repairs of the said Datta Prasad Building had accordingly the MCGM had already declared the said Building as Dilapidated themselves by pasting the Notice for cautioning the public at large stating **CAUTION ! the said Datta Prasad Building is Dilapidated and Unsafe for habitation** and the BMC appointed Structural Engineer being on the Panel of the Consultants on the BMC Panel has categorically and specifically held that the condition of the building is beyond repair and the same needs to be pulled down immediately and as such the Owner had made up their mind to demolish the said existing Datta Prasad Building standing on the said property and re allocate the respective tenants with the new structure of the same area (5% + or -) in the new building to be constructed on the said property and thus is desirous of developing the said property by utilizing the available and/or the permissible F.S.I. as permissible in law and/or under the Development Control Regulations 1991 and the Rules made there-under and/or as amended upon rehabilitating the said 7 tenants upon procuring their consent which consent of the 5 tenants has been already procured under the Development Control Regulations and hence the Owner herein is desirous of re-constructing and/or re-developing the said property accordingly by using and utilizing all the benefits permissible and/or as available as per the prevailing law and/or as permissible under the Development Control Regulations and the Rules made there-under and also as per the provisions of the Bombay Municipal Corporation Act, 1888 and/or under the policies of the Government.

14. In view of the aforesaid Deed of Conveyance dated 15.11.1963 together with the records of right in favour of the said Owner, the Owner hereto is thus the sole and absolute Owner of the said property and thus became entitled to re-construct and/or re-develop the said property by demolishing

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the existing Datta Prasad Building by rehabilitating the respective tenants in the said building being the said property as more particularly described in the Schedule hereunder written by constructing thereon the building/s as per the plans and specifications as sanctioned and/or as may be sanctioned by the Municipal Corporation of Greater Mumbai and in the manner as permissible by the local authorities concerned and as per the plans and specifications that may be approved and/or sanctioned and/or as may be amended by the Owner herein and in turn to re allocate the respective tenants with the respective area and to sell to the prospective buyer/s, the flat/s/apartment/s/office/s/shop/s/garage/s/premises/ unit/s in the building proposed to be re-constructed by the Owner as the Landlord/Owner/Builder/s/Developer/s/Promoter/s, as the case may be and under the rules and provisions of the **Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963**, hereinafter for the sake of convenience referred to as **"the said MOFA ACT"** and the Rules made there-under.

15. **THAT** I have caused searches through my clerk in respect of the said property from the Office of **the Sub-Registrar of Assurances at Mumbai and Bandra**. In the search report, I have not come across any registered document/s pertaining to the said property or otherwise in reference thereto save and except the documents as been referred to hereinabove. In the course of the investigation, I have also gone through the Revenue Records, the Extracts of the Property Registered Cards in respect of the said Property as more particularly described in the Schedule hereunder written.

16. I have also inserted **the Public Notices** dated 27th June 2014 in two local Newspapers, One in English, i.e. **"Free Press Journal", Mumbai Edition, published on 30th June 2014** and in the Marathi News Paper, **"Nav-Shakti", also published on 30th June 2014** respectively and till date I have not received any Objection/s and/or any other objection/s from any of the member/s of the Public either objecting to the sale and/or the deve-l

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opment/redevelopment or otherwise by whomsoever or in whatsoever manner.

17. **THAT in my opinion** and subject to the compliance of the requisition/s as may be imposed by the local authorities concerned and by the Mumbai Municipal Corporation in furtherance of the permissions and the NOC's for the grant of the approvals and sanctions that may be granted from time to time for the development/redevelopment of the said property, and further subject to the rules and regulation as permissible under the Development Control Regulations, **I Certify that the title of the Owner herein** namely **viz; Mr. MAHENDRA VALJIBHAI RATHOD,** to the said property being **ALL THAT PIECE AND PARCEL OF** land and ground situate, lying and being Plot No. 358-A of Town Planning Scheme VII having CTS No. E - 370 at 14th Road, Khar West. Mumbai -400052, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban District and admeasuring about 600 square yards equivalent to 548.40 square meters or thereabouts, along with the structure G + 4 structures on the Road Side and G + 1 on the rear side standing thereon, presently occupied by 3 tenants (and overall having 7 tenants) now with the structure/s duly assessed by the Assessor and Collector of the Assessment and Collection of the Mumbai Municipal Corporation and the area being 548 square metre or thereabouts, as per the Extracts of the Property Registered Cards/Ruled Cards together with the structures standing thereon and as more particularly described in the **SCHEDULE** hereunder written, is **free clear and marketable title**, being otherwise **free from encumbrances and all the reasonable doubts** and that the Owner herein is the sole and absolute Owner of the said property.

-: THE SCHEDULE ABOVE REFERRED TO :-

ALL THAT PIECE AND PARCEL OF land and ground situate, lying and being Plot No. 358-A of Town Planning Scheme VII having CTS No. E - 370 situated at 14th Road, Khar West. Mumbai -400052, in the Registration District and Sub-District of Mumbai City and Mumbai Suburban District and admeasuring about,

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600 square yards equivalent to 548.40 square meters or thereabouts, along with the structure of G+4 standing thereon on the Road Side and G + 1 on the rear side, presently occupied by 3 tenants (and overall having 7 tenants) now with the structure/s duly assessed by the Assessor and Collector of the Assessment and Collection Department of the Mumbai Municipal Corporation.

On or Towards North	: By Plot Bearing CTS No. 367
On or Towards South	: By Plot Bearing CTS No. 372
On or Towards West	: By 14th Road
On or Towards East	: By Plot Bearing CTS No. 371/369

Sharad Rai
Advocate High Court, Mumbai.

Encl: As Above

To:-**MR. MAHENDRA VALJIBHAI RATHOD**
Flat No. A - 3301, Rustomjee Elanza, 33rd Floor,
Chincholi Bunder Road, Next to In-Orbit Mall
Malad West. Mumbai – 400064.

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