Dayanand K. Shetty
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FORMAT – A

(Circular No: - 28/2021)

To

Maharashtra Real Estate Regulatory Authority

6th & 7th Floor, Housefin Bhavan,

Plot No. C-2, E-Block,

Bandra Kurla Complex,

Bandra (E), Mumbai – 400 051.

LEGAL TITLE REPORT

SUB: Title Clearance Certificate with respect to all that piece or parcel of land situated in Town Planning Scheme No. III of Bandra in the Revenue Village of Bandra, Andheri Taluka, Mumbai Suburban District, bearing CTS no. F/375 and Final Plot No.179, situate on Waterfield Road, Bandra (West), Mumbai - 400050 of the said Scheme admeasuring about 409.70 sq. mtrs equivalent to 490 square yards (hereinafter referred as the "said plot")

1) I have investigated the title of the said plot on the request of the Developer viz. M/s. Eken Constructions and following documents i.e.: -

1. **Description of the property**

   ALL that piece or parcel of land situated in Town Planning Scheme No. III of Bandra in the Revenue village of Bandra, Andheri Taluka, Bombay Suburban District, Registration Sub-District Bandra, Registration District Bombay Suburban, bearing CTS no. F/375 and Final Plot No.179, situate on Waterfield Road, Bandra (West), Mumbai - 400050 of the said Scheme admeasuring about 409.70 sq. mtrs equivalent to 490 square yards.

2. **Documents of Allotment**

   Development Agreement Dated 30th December 2022.

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3. **Property Registration Card issued by City Survey Officer**

Property Card of the said Plot bearing CTS no. F/375, Village Bandra, Andheri Taluka, Mumbai Suburban District issued in favour of 1. EUGENE M. PEREIRA, (2) CHRISTOPHER S. PEREIRA (3) VIRENDRA J. PEREIRA, being the owners of the said Plot.

4. **Search report for 50 years from 1973 till 2022.**

2) On perusal of the above-mentioned documents and all other relevant documents relating to title of the said property I am of the opinion that the title of the Developers to Develop the property is clear, marketable and without any encumbrances.

Owners of the land

(1) **EUGENE M. PEREIRA**

(2) **CHRISTOPHER S. PEREIRA**

(3) **VIRENDRA J. PEREIRA**

3) The report reflecting the flow of the title of the Developers on the said land is enclosed herewith as annexure.

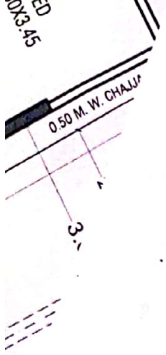
Encl : Annexure

Dated:- this 1st day of October, 2023

Advocate

Place: Mumbai

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FLOW OF THE TITLE OF THE SAID LAND.

A. By an Indenture dated 15th May, 1943 executed by and between Louisa Antonia Gomes, Joseph Francis Gomes and Philipin J. Misquitta being the executors of the last Will and Testament of Michael Francis Gomes (being the Vendor therein), Lazarus Pereira (being the Confirming Party therein) and one Newman Ferreira (being the Purchaser therein) (**said Newman**), and duly registered with the Office of Sub-registrar of Assurances at Bandra under registration No. BND 698 of 1943, Newman Ferreira purchased Plot bearing CTS No F/375, of Village Bandra, Taluka Andheri, Mumbai Suburban District, situate lying being at Waterfield Road, TPS III, Bandra, Mumbai 400 050.

B. By a Deed of Gift dated 22nd June,1959 executed by and between the said Newman (being the Donor therein) and his daughter one Theresa Mary Pereira (being the Donee therein) (**said Theresa**) and duly registered with the Office of Sub-Registrar of Assurances at Bandra bearing registration No. BND 1116 of 1959, the said Newman gifted the said Plot to his daughter viz., the said Theresa absolutely and forever,

C. The said Theresa constructed the said Existing Structure in the year 1961-62. (The said Plot and the said Existing Building are herein after collectively referred to as **'the said Property'**).

D. The said Theresa, died on 18th September, 2015, leaving behind the following persons as her heirs and legal representatives viz., Nirmala F. D'Souza (married daughter), Shalini C. Bijliwala (married daughter), Eugene M. Pereira (Son), Christopher S. Pereira (Son) and Virendra J. Pereira (Son).

E. The said Theresa left behind a Will dated 20th December, 2007 (**"said Will"**) whereby the said Theresa bequeathed the said Property to her

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three sons viz. Eugene M. Pereira (said **"First Owner"**), Christopher S. Pereira (said **"Second Owner"**) and Virendra J. Pereira (said **"Third Owner"**), in equal shares.

F. Nirmala F. D'Souza and Shalini C. Bijliwala being the two daughters of the said Theresa have confirmed that they have accepted the said Will and are not claiming any right, title and interest of any nature whatsoever in and over the said Property or any part or portion thereof and that they have no objection to the said Owners entering into this Development Agreement with the Developer.

G. By a Transfer Deed dated 1st September, 2018 executed by and between Beverly R. M. Pereira, Waveney M. Pereira and Greta M. Pereira (as the Executrices under the said Will) and the said Owners herein (as beneficiaries to the said Will) and duly registered with the Office of Sub-registrar of Assurances Andheri – 4 at Mumbai under serial no 4639/BDR-15 dated 1st September 2018, the Executrices' have formally transferred the said property to the Owners, as per the said Will. Accordingly, pursuant to the application made by the Owners, the Property Card in respect of Plot bearing no. CTS F/375 stands mutated to show the names of the said Owners herein.

H. In the circumstances aforesaid, the First owner **EUGENE M. PEREIRA**, Second owner **CHRISTOPHER S. PEPEIRA** and the Third owner **VIRENDRA J. PEREIRA** are the Co-Owners of the said Property as Tenants in common having equal share therein.

I. The said Theresa had during her lifetime entered into two separate Agreements both dated 3rd January, 1987 under which she created tenancies in favour of Pradeep H. Choksi (the said Tenant) and Hasmukh T. Sagar in respect of the two shop premises on the ground floor of the said Existing Structure being shop Nos. 1 and 2 admeasuring 260 & 240 sq. ft. carpet area, respectively (hereinafter collectively referred to as the **'said Tenanted Premises'**). Some disputes and differences arose between the two tenants and a Suit bearing no. 1342 of 2007 **(said Suit)** came to be filed by the Tenant against Hasmukh T. Sagar in the Bombay City Civil Court at Fort. The parties to the said Suit settled their disputes and the said Suit is disposed of by an order dated 11th April 2007 passed in terms of the Consent Terms dated 11th April, 2007 **(said Consent Decree)**. Under the said Consent Decree, Hasmukh T. Sagar agreed, declared and confirmed that he has no right in shop no. 2 and that the said Tenant alone had taken the tenancy right of shop no. 2 and

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Hasmukh T. Sagar further confirmed the transfer of tenancy rights of Shop no. 2 in the name of Tenant and further confirmed that the Tenant is alone entitled to the Tenancy Rights in both the shops being Shop no. 1 & 2 on the ground floor of the said Existing Structure. Consequent thereto, Pradeep H. Choksi claims to be the only tenant in respect of shop nos. 1 and 2 on the ground floor of the said Existing Structure.

J. The Owners viz. **(i) EUGENE M. PEREIRA (ii) CHRISTOPHER S. PEPEIRA** and **(iii) VIRENDRA J. PEREIRA** are thus seized and possessed of and/or otherwise well and sufficiently entitled to the said property more particularly described in the Schedule hereunder written, subject however to what is stated hereinabove.

K. By and under a Development Agreement dated 30th December 2022 duly lodged for registration with the Sub-Registrar of Assurances vide Sr. No. BDR9-19051-2022 on the 30th December 2022 (hereinafter referred to as **"the said Development Agreement"**) and made between the abovesaid Owners of the One Part and **M/s. Eken Constructions**, the Developer therein of the Other Part, the Owners granted unto **M/s. Eken Constructions** the development rights of the said property on the terms and conditions recorded therein. The said Owners have also executed a Power of Attorney duly registered with the Sub-Registrar of Assurances vide BDR9-19052-2022 on the 30th December 2022 in favour of (1) RUSSELL CONRAD DREGO and (2) DUDLEY CLAYTON DREGO, being the partners of the said M/s. Eken Constructions.

L. The Owners and the Developers have further stated that there are no litigations on the said Plot.

M. In the Circumstances (i) EUGENE M. PEREIRA (ii) CHRISTOPHER S. PEPEIRA and (iii) VIRENDRA J. PEREIRA are owners of the said Plot and M/S. EKEN CONSTRUCTIONS are entitled to Develop the said Plot under reference.

Dated: - this 1st day of October, 2023

Advocate

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