**ADV. RITESH A. SINGH** *(B.L.S, LL.B)*

**ADVOCATE HIGH COURT**

*Mob : +91-8108602815, Email : riteshsingh2815@gmail.com*

Ref: Date: 13.10.2023

To

**MahaRERA**

6th and 7th Floor, Housefin Bhavan,

Plot No. C-21, E-Block,

Bandra Kurla Complex, Bandra (East),

Mumbai-400 051.

**LEGAL TITLE REPORT**

**Sub:** Title Clearance Certificate with respect to ALL that piece and parcel of land adms. 3086.27 sq. mtrs., or thereabouts, bearing Final Plot No. 34 T.P.S. II of Andheri (Second Variation) Final and CTS No. 171 of Village: Andheri, Taluka: Andheri in the registration district and sub-district of Mumbai suburban situate, lying and being at Jay Prakash Road, Andheri (West), Mumbai (hereinafter referred to as the "**SAID PROPERTY**").

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1. I have investigated the title of the said property on the request of **M/S. ARY DEVELOPERS**, the proprietorship of **MR. AMIR AMANULLAH MOHAMED YUSUF**, Age: 43 years, having PAN No. AAEPO0479K, Aadhar Card No. 5044 76666 5528, having address at Dilkhush Bunglow, Near Raj Kumar Bus Stop, Jay Prakash Road, Andheri (West), Mumbai-400 058 **("the Owner/Promoter")** and following documents i.e.:-

1) **Description of the property:**

ALL that piece and parcel of land adms. 3086.27 sq. mtrs., or thereabouts, bearing Final Plot No. 34 T.P.S. II of Andheri (Second Variation) Final and CTS No. 171 of Village: Andheri, Taluka: Andheri in the registration district and sub-district of Mumbai suburban situate, lying and being at Jay Prakash Road, Andheri (West), Mumbai, bounded as follows:-

| | |
|---|---|
| On or towards East | : By Meera Building |
| On or towards West | : By Dadabhai Road No. 1 |
| On or towards North | : By J P Road |
| On or towards South | : By CTS No. 168 to 170 |

2) **The documents of ownership of the said property;**

**(a)** Letter of Administration on 29th June, 1983 from the Hon'ble High Court in favour of MR. MOHAMED YUSUF MOHAMED OOMER to administer the said property.

**(b)** Letter of Administration has been obtained on 04th November, 1993 from the Hon'ble High Court at Bombay under the Testamentary and Intestate Jurisdiction, bearing Petition No. 474 of 1981 in favour of MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED and MISS. HAJRA MOHAMED OOMER FATEH MOHMED.

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**(c)** Two separate Development Agreements both dated 23rd December, 2002 executed between MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED, MISS. HAJRA MOHAMED OOMER FATEH MOHMED, MRS. RAZIA MOHAMED YUSUF MOHAMED OOMER, MRS. GULREZ HASHIM GAYA, MR. AMIR AMANULLAH MOHAMED YUSUF and MR. SAMEER MOHAMED YUSUF MOHAMED OOMER ("The Owners") and Arth Housing Development Private Limited ("The Developer").

**(d)** Two separate Deed of Confirmation both dated 21st April, 2013 confirming the execution of Development Agreements dated 23rd December, 2002 in favour of Arth Housing Development Private Limited.

**(e)** Deed of Release dated 08th March, 2021 duly registered at the office of Sub-Registrar of Assurances, Andheri Taluka, at Andheri-6 bearing Document No. BDR-17/3263/2021, Dated. 08.03.2021, the said MISS. HAJRA MOHAMED OOMER FATEH MOHMED, MRS. GULREZ HASHIM GAYA and MR. SAMEER MOHAMED YUSUF MOHAMED OOMER, therein referred to as the Releasors in favour of **Owner/Promoter herein.**

3) **Revenue Records**

(a) Property Registered Card of the said land bearing Final Plot No. 34 T.P.S. II of Andheri (Second Variation) Final and CTS No. 171 of Village: Andheri, Taluka: Andheri and the name of promoter is reflected as owner.

4) **Search undertaken at the office of Sub-registrar of Assurances:**

(a) I have caused searches to be undertaken at the office of the concerned Sub-registrar of Assurances through search clerk for the period of 30 year from 1993 to 2023. In this regard, the search clerk has furnished me search report dated 11.09.2023, details of the same are set out in the **Annexure-"A"**.

2. On perusal of the above mentioned documents and all other relevant documents as set out in the **Annexure-"A"** and subject to (i) all that is stated herein above and in **Annexure-"A"**, (ii) the pending litigations set out in the **Annexure-"A"**, (iii) the terms and conditions of all the approvals obtained by the Owner/Promoter from time to time and (iv) obtainment of all the permissions and approvals for the development of the said property, **I am of the opinion that, the title of the MR. AMIR AMANULLAH MOHAMED YUSUF** the proprietor of **M/S. ARY DEVELOPERS to the said property is clear and marketable.**

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**Owners of the land: MR. AMIR AMANULLAH MOHAMED YUSUF** the proprietor of **M/S. ARY DEVELOPERS** is owner of Final Plot No. 34 T.P.S. II of Andheri (Second Variation) Final and CTS No. 171.

3. The report reflecting the flow of the title of the Owner/ Promoter with respect to the said property is enclosed herewith at **Annexure-"A".** This Legal Title Report must be read together with all that is stated in the **Annexure-"A".**

**Dates this 13th day of October, 2023**

**Advocate**

RITESH A. SINGH * ADVOCATE HIGH COURT * MUMBAI

**Enc: Annexure-"A"**- Flow of title of the said land.


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Annexure-"A"

**FLOW OF THE TITLE OF THE SAID LAND**

1. Ownership of the said Property

a) One late Mr. Haji Mohamed Oomer Fateh Mohmed alias Mr. Mohamed Oomer Fateh Mohmed alias Mr. Mohammed Oomer Fateh Mohammed Haji Yusuf during his lifetime was seized, possessed or otherwise well and sufficiently entitle to ALL that piece and parcel of land adms. 3292.80 sq. mtrs., or thereabouts (as per PR Card), bearing Final Plot No. 34 T.P.S. II of Andheri (Second Variation) Final and CTS No. 171 of Village: Andheri, Taluka: Andheri in the registration district and sub-district of Mumbai city and Mumbai suburban together with the building/ structure/ bunglow known as "Dilkhush Bunglow", outhouse and the tenanted building known as "Umar Park" being occupied by the tenants situate, lying and being at Andheri Versova Road now known as Jay Prakash Road, Andheri (West), Mumbai (for the sake of brevity hereinafter referred to as "**said larger property**").

b) The said Mr. Haji Mohamed Oomer Fateh Mohmed alias Mr. Mohamed Oomer Fateh Mohmed alias Mr. Mohammed

Oomer Fateh Mohammed Haji Yusuf died intestate on 02nd November, 1980 at Mumbai leaving behind MR. MOHAMED YUSUF MOHAMED OOMER, MAIMOONABAI ESHAK KASAM, MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED and MISS. HAJRA MOHAMED OOMER FATEH MOHMED as his only legal heirs and representative entitle to his estate as per the Sunni Law by which he was governed at the time of his demise.

c) The said Mrs. Halimabai Mohammed Oomer wife of Mr. Haji Mohamed Oomer Fateh Mohmed alias Mr. Mohamed Oomer Fateh Mohmed alias Mr. Mohammed Oomer Fateh Mohammed Haji Yusuf predeceased to the said deceased Mr. Haji Mohamed Oomer Fateh Mohmed alias Mr. Mohamed Oomer Fateh Mohmed alias Mr. Mohammed Oomer Fateh Mohammed Haji Yusuf in the year, 1975 without making any WILL or Testamentary.

d) The said MR. MOHAMED YUSUF MOHAMED OOMER has obtained Letter of Administration on 29th June, 1983 from the Hon'ble High Court to administer the said property and other immovable properties left over by the said Mr. Haji Mohamed Oomer Fateh Mohmed alias Mr. Mohamed Oomer



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Fateh Mohmed alias Mr. Mohammed Oomer Fateh Mohammed Haji Yusuf and accordingly the name of MR. MOHAMED YUSUF MOHAMED OOMER came to be mutated in the property registered card in respect of the said large property.

e) The said MR. MOHAMED YUSUF MOHAMED OOMER also died intestate on 18th September, 1986 at Mumbai leaving behind MRS. RAZIA MOHAMED YUSUF MOHAMED OOMER, MRS. GULREZ HASHIM GAYA, MR. SAMEER MOHAMED YUSUF MOHAMED OOMER and MR. AMIR AMANULLAH MOHAMED YUSUF as his only legal heirs and representative entitle to his estate as per the Sunni Law by which he was governed at the time of his demise.

f) Even the said MR. MOHAMED YUSUF MOHAMED OOMER could not administer the said property due to his demise and therefore once again the Letter of Administration has been obtained on 04th November, 1993 from the Hon'ble High Court at Bombay under the Testamentary and Intestate Jurisdiction, bearing Petition No. 474 of 1981 by the two daughters of the original owners namely MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED and MISS. HAJRA

MOHAMED OOMER FATEH MOHMED to administer the said property and other immovable properties left over the said Mr. Haji Mohamed Oomer Fateh Mohmed alias Mr. Mohamed Oomer Fateh Mohmed alias Mr. Mohammed Oomer Fateh Mohammed Haji Yusuf.

g) Thereafter, MRS. MAIMOONABAI ESHAK KASAM alias MRS. MAIMUNABAI E. KASAM also died intestate on 07th August, 1990 without making any WILL or Testamentary. Even her husband Mr. Eshak Kasam had predeceased to the said deceased MRS. MAIMOONABAI ESHAK KASAM alias MRS. MAIMUNABAI E. KASAM and they were having no children/s out of their wedlock and were having two sisters namely MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED and MISS. HAJRA MOHAMED OOMER FATEH MOHMED as her only legal heirs and representative entitled to her estate and property as per the Sunni Law by which she was governed at the time of her demise.

h) Prior to December, 2002 on the said larger property there were 3 structures/ buildings i.e. one main bunglow known as **"Dilkush Bunglow"**, the building of ground plus two upper floor known a Umar Park occupied by the tenants and

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on old house structure behind Umar Park consisting of ground plus one storey **also occupied by the tenants.**

i) In the year, 2002 Arth Housing Development Private Limited approached then owner i.e. the predecessor in title of the promoter herein for the grant of the development right in respect of the portion of the said larger property and the owners have agreed to grant the development right to Arth Housing Development Private Limited in respect of the said portion of larger property adms. 838 sq. mtrs., with an intention to develop the said property in phasewise manner. The parties accordingly have prepared a plan wherein the said building was marked as ***Structure-A***, the tenanted building is marked as ***Structure-B*** and the outhouse behind umar park was marked as ***Structure-C***. The parties also for convenience and for better clarity have prepared the plan of the said larger property thereby dividing the said larger property into two parts i.e. Plot-A, adms. 2248 sq. mtrs., on which the building Umar Park and outhouse and other structure of the owner is situated and retained by the owners and Plot-B, adms. 838 sq. mtrs., for which the owner has agreed to grant the development right

to the said Arth Housing Development Private Limited for developing the said property in phasewise manner.

j) Vide two separate Development Agreements both dated 23rd December, 2002 executed between MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED, MISS. HAJRA MOHAMED OOMER FATEH MOHMED, MRS. RAZIA MOHAMED YUSUF MOHAMED OOMER, MRS. GULREZ HASHIM GAYA, MR. AMIR AMANULLAH MOHAMED YUSUF and MR. SAMEER MOHAMED YUSUF MOHAMED OOMER ("The Owners") and Arth Housing Development Private Limited ("The Developer"), the said MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED & 5 others have granted the development right of a portion of the said large property viz. ALL that piece and parcel of land adms. 838 sq. mtrs., or thereabouts, bearing CTS No. 171 of Village: Andheri, Taluka: Andheri in the registration district and sub-district of Mumbai city and Mumbai situate, lying and being at Andheri Versova Road now known as Jay Prakash Road, Andheri (West), Mumbai (for the sake of brevity hereinafter referred to as the "***FIRST PROPERTY***") in favour of Arth Housing Development Private Limited for the



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consideration and upon the terms and condition mentioned therein. As per the said Development Agreement both dated 23.12.2002 the said first property was marked as Sub-Plot-B and more particularly described in the first schedule to the said Development Agreement dated 23.12.2002 and the remaining portion of the said larger property adms. 2248 sq. mtrs., was marked as Sub-Plot-A and more particularly described in the second schedule of the said Development Agreement both dated 23.12.2002. As per the aforesaid Development Agreement dated 23.12.2002 it was specifically agreed that the owner shall retain the sub-plot A with them permanently and owner shall grant a lease in respect of Sub-Plot-B adms. 838 sq. mtrs., to the said Arth Housing Development Private Limited or their nominee including the co-operative housing society of the limited company or the association of the premise purchasers from the said Arth Housing Development Private Limited on the said first property i.e. Sub-Plot-B. As per the said Development Agreement dated 23.12.2002 it was also agreed between the parties that if any additional FSI is available in respect of the said first property by virtue of

increase in FSI or due to increase in the area of survey and measurement in such event such additional FSI shall belong to the owner absolutely and the said developer and/or the proposed society or the limited company have not right or lien and interest thereon. As per terms of the said development agreement it was also agreed by the said Arth Housing Development Private Limited that they shall make a provision in an agreement for sale of the flat with the flat purchasers of the building to be constructed on the said first property being the Sub-Plot-B reproducing the relevant clauses from the said Development Agreement dated 23.12.2002 protecting the right of the owners and giving notice of the owners right to the flat purchasers.

**k)** Thereafter the said MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED & 5 others vide two separate Deed of Confirmation both dated 21st April, 2013 also confirmed the execution of Development Agreements dated 23rd December, 2002 in favour of Arth Housing Development Private Limited.

**l)** The said Arth Housing Development Private Limited thereafter, have constructed the building known as "**LA-**

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SERENA" on the said *first property* upon obtaining the necessary sanction and approval from the concerned local authorities.

**m)** Thereafter Arth Housing Development Private Limited have already constructed and completed one building 'La-Serena' consisting of Ground plus 14th upper floors on the said *first property* for which infact the Occupation Certificate bearing no. CE/7368/WS/AK is also been issued on 24.09.2008 by MCGM. The said Arth Housing Development Private Limited have also executed the agreement in favour of the flat purchasers thereby informing/ incorporating the relevant terms and condition of the aforesaid development agreement dated 23.12.2002 and the flat purchasers have purchased the said flat with the notice/ terms and condition of the aforesaid development agreement. As per the terms of the said agreement for sale, the flat purchasers of the said building La-Serena has been specifically informed that upon completion of the entire development work in respect of the entire large property, the owner will execute lease in favour of the society of the flat purchasers of the building La-Serena for 838 sq. mtrs. i.e. the first property.

**n)** Infact the Premises/office purchasers in the said building have also formed their society in the name and style of "La-Serena Co-operative

Housing Society Ltd.' under the provisions of the Maharashtra Co-operative Societies Act, 1960.

o) Thereafter, the said MISS. SHERBANOO MOHAMED OOMER FATEH MOHMED also died on 26th May, 2015 at Mumbai as spinster leaving behind her only sister namely MISS. HAJRA MOHAMED OOMER FATEH MOHMED as her only legal heirs legal heirs and representative entitled to her estate and property as per the Sunni Law by which she was governed at the time of her demise.

p) Thereafter, the said MRS. RAZIA MOHAMED YUSUF MOHAMED OOMER also died on 25th November, 2017 at Mumbai who was the wife of the deceased son of the original owner leaving behind MRS. GULREZ HASHIM GAYA, MR. SAMEER MOHAMED YUSUF MOHAMED OOMER and **MR. AMIR AMANULLAH MOHAMED YUSUF** as her only legal heirs and representative entitle to her estate as per the Sunni Law by which she was governed at the time of her demise.

q) As aforesaid on the demises of above mentioned deceased persons, said MISS. HAJRA MOHAMED OOMER FATEH MOHMED become the owner of 75% share in the said larger

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property, MRS. GULREZ HASHIM GAYA become the owner of 8.33% share in the said property, MR. SAMEER MOHAMED YUSUF MOHAMED OOMER become the owner of 8.33% share in the said property and **MR. AMIR AMANULLAH MOHAMED YUSUF** become the owner of 8.34% share in the said larger property as per the Sunni Law by which they are governed.

r) Vide Deed of Release dated 08th March, 2021 duly registered at the office of Sub-Registrar of Assurances, Andheri Taluka, at Andheri-6 bearing Document No. BDR-17/3263/2021, Dated. 08.03.2021, the said MISS. HAJRA MOHAMED OOMER FATEH MOHMED, MRS. GULREZ HASHIM GAYA and MR. SAMEER MOHAMED YUSUF MOHAMED OOMER therein referred to as the Releasors, the Releasors have collectively released and relinquished their undivided 91.66% share, right, title and interest in the said property in favour of **MR. AMIR AMANULLAH MOHAMED YUSUF** the proprietor of **M/S. ARY DEVELOPERS (Owner/Promoter herein), therein referred to as the Releasee**, and thus the said **MR. AMIR AMANULLAH MOHAMED YUSUF** the proprietor of **M/S. ARY DEVELOPERS**

**(Owner/Promoter herein)** has become the absolute owner of the said larger property.

s) The name of **MR. AMIR AMANULLAH MOHAMED YUSUF** the proprietor of **M/S. ARY DEVELOPERS (Owner/Promoter herein) came to be recorded in the property registered card** as well as in the other revenue records **as the owner of the said property.**

2. **Revenue Records**

(i) We have perused the property registered card of the aforesaid land bearing Final Plot No. 34 T.P.S. II of Andheri (Second Variation) Final and CTS No. 171 of Village: Andheri, Taluka: Andheri and the same inter-alia reflects as follows:

a. Area of the said property is reflected as 3292.80 sq. mtrs.

b. The name of **MR. AMIR AMANULLAH MOHAMED YUSUF** is reflected as owner thereof.

3. **Mortgages/Encumbrances**

The owner/promoter have declared that there are no mortgages and/or encumbrances created on the said property and/or the development rights thereof.

4. **Third Party Rights**



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The owner/promoter have declared that there are no allotments and pre-sales undertaken with regards to the premises to be constructed on the said land.

5. **Real Estate Regulatory Authority**

The owner/ promoter have declared that the project of development of the said land is not yet registered as a 'real estate project' with Maharashtra Real Estate Regulatory Authority ("**MAHARERA**") under the provisions of the Real Estate (Regulation and Development) Act, 2016 ("**RERA Act**").

6. **Litigations:**

**S. C. Suit No. 2876 of 2021 before the Hon'ble City Civil Court, at Bombay (Dindoshi Branch):**

i. The society La-Sarena CHS Ltd., had filed the suit seeking order and direction against the owner/promoter to execute and register the conveyance deed in favour of the society in respect of the suit property viz. all that piece and parcel of land bearing CTS No. 171 (New correspondence CTS No. 171 A and 171 B) of Village Andheri, Taluka Andheri, MSD admeasuring 838 sq. meters or thereabouts situate lying and being at Jaiprakash Road, Andheri (West), Mumbai in the Registration Sub District of Bandra and Registration District of Mumbai Suburban District, as per the provisions of MOFA and for other reliefs.

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CHINCHOLI BUNDER ROAD, MALAD (WEST), MUMBAI- 400 064.

ii. The society La-Sarena CHS Ltd., had also preferred two Notice of Motion but till date the society had failed to obtain any order.

iii. The Owner/Promoter has declared and stated that the S. C. Suit No. 2876 of 2021 before the Hon'ble City Civil Court, at Bombay (Dindoshi Branch) in pending and the next date of hearing of the S. C. Suit No. 2876 of 2021 is 11.10.2023 under the caption of "Notice of Motion hearing".

iv. The owner/ promoter have declared that save and except the litigation mentioned hereinabove, there are no other pending litigations and/or dispute with respect to the said property and/or any part thereof.

7. **Public Notice**

(a) We have not received any objection in respect of the Public Notice caused by us in two daily newspapers.

8. **Searches**

(a) **Sub-Registrar of Assurances**

**(i)** I have caused to undertake searches at the office of the concerned Sub-Registrar of Assurances through search clerk for the said land. In this regard, the search clerk kas furnished me with a search report dated 13.09.2023 (**Sub-Registrar Search Report**").



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(ii) The owner/promoter has declared that save and except the owner/developer title documents none of the documents pertains to the said land and/or the development thereof in the report.

Advocate

Date: 13th October, 2023.