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मालमत्ता पत्रक

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विभाग/मौजे -- चेंबुर तालुका/न.भु.मा.का. -- न.भू.अ. चेंबुर जिल्हा -- मुंबई उपनगर जिल्हा

नगर भूमापन क्रमांक / फा. प्लॉ. नं.	शिट नंबर	प्लाट नंबर	क्षेत्र चौ.मी.	धारणाधिकार	शासनाला दिलेल्या आकारणीचा किंवा भूमापनाचा तपशील आणि त्याच्या तपासणीची नियत वेळ
११०८/८	११०८/८				
--			१५.५	B-I	न.भू.क्र.११०८ प्रमाणे.

सुविधाधिकार --

हक्काचा मुळ धारक वर्ष १९६६
[१.हसमतराय हिंमतमल मनसुखानी]
[२.चेलाराम टेकचंद मनसुखानी]
[३.किशीनचंद थाडोमल शहानी]

पट्टेदार --

इतर भार --

इतर शेरे --

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दिनांक	व्यवहार	खंड क्रमांक	नविन धारक (धा) पट्टेदार (प) किंवा भार (भा)	साक्षांकन
०७/०७/१९७३	ट्रस्टीचा अर्ज दि.२७.७.७२ व ठराव दि.६.६.७२ प्रमाणे.	S.I	H) दिवाण लीलाराम दुहिलानोमल सदाशिवानी अमील धर्मदा ट्रस्टचे ट्रस्टी	सही - १९७३-०८-१८ न.भू.अ.क्र.Dwb. २.मुंबई.
२९/१२/१९७९	मा.उ.अधिकारी मुंबई यांचेकडिल हु.II नं.१५६६/१०.९.४८ लगत मा.जि.नि.भू.अ.तथा न.भू.अ.क्र.८ मुलूंड मुंबई कडिल आदेश दि.२९.१२.७९ बिनशेती सा-याची नोंद घेतली ११०८/१/८ मिळून.			सही - १९७९-१२-[illegible] जि.नि.भू.अ. xC. तथा न.भू.अ.क्र.८.८

तपासणी करणारा - रे. आ. कुलकर्णी
(श्रीमती. रे. आ. कुलकर्णी)
परिरक्षण भूमापक क्र.११
नगर भूमापन अधिकारी
चेंबूर.

खरी नक्कल -

न.भू.अ. चेंबुर
मुंबई उपनगर जिल्हा

अर्ज क्रमांक.....१५२४.....एकूण नोंदी/नकाशे.....3.....
अर्ज दाखल दिनांक.....४/१२/१९.....नकलेचे शुल्क.....६०/-
नकल तयार दिनांक.....४/१२/१९.....कागद फी.....2.....
नकल दिल्याचा दिनांक.....८/१२/१९.....एकूण फी.....६२/-

(श्री. वा. [illegible])
वरिष्ठ लिपिक
नगर भूमापन अधिकारी
चेंबूर.

खरी नक्कल
नगर भूमापन अधिकारी
चेंबूर

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NOTARY
MAHARASHTRA
(Govt. of India)

ANNEXURE '3'

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Telephone : 2200 1895 / 2200 1132

Fax : 2200 3272

THE THADHOMAL MUSHTAKRAM & JOTSING THADHOMAL SHAHANI TRUST

5-A, Court Chambers,
35, New Marine Lines,
Mumbai - 400 020.

DATE : 6th Feb., 2013

EXTRACT COPY OF RESOLUTION PASSED BY THE TRUSTEES OF THE THADOMAL MUSHTAKRAM AND JOTSING THADOMAL SHAHANI TRUST, AT THEIR MEETING HELD ON 25/1/2012 AT REGISTERED OFFICE 5A,COURT CHAMBERS, 35 NEW MARINE LINES, MUMBAI- 400020 , AT 11.30 AM.

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RESOLVED that in view of DEWAN LILARAM DUHILANOMAL SADARANGANI AMIL DHARMADA TRUST being the Owner of property situated at Ghatkopar Mahul Road, Chembur admeasuring approximately 1,208 sq. yrds. or thereabouts being Plot No. 190, CTS No. 1108 and 1108/1 to 8 along with structures standing thereon agreeing to sell and transfer their reversionary rights in respect of the said property in favour of **MAHAVIR MILLENIUM L.L.P.,** a limited liability partnership firm registered under Limited Liability Partnership Act, 2008 and having its office at 105, Mary Land Apartment, 1st Floor, Junction of D.K. Sandu Marg and S.T. Road, Chembur, Mumbai - 400 071 and the Trust have leasehold rights in respect of portion of plot of land admeasuring 718 sq. yrds. on the rear portion of the property, the Trust hereby agrees to release, relinquish and surrender its right, title and interest over the said leasehold property and structure standing thereon in favour of **MAHAVIR MILLENIUM L.L.P.,** for a consideration of Rs.1,50,00,000/- (Rupees One Crore Fifty Lacs only).

RESOLVED FURTHER that Mr. Kishore K. Shahani, be and is hereby authorized to do all other acts, things and deeds as may be necessary in this connection including signing MOU, applications, declarations, affidavits, undertakings and other documents, papers and writings.

CERTIFIED TRUE COPY

Trustees

(i) SHRI NARAIN K. SHAHANI,

(ii) SMT. SAROJ N. SHAHANI

(iii) SHRI KISHORE K. SHAHANI

(iv) SMT. MAYA K. SHAHANI

(v) SHRI AKHIL K. SHAHANI,

NOTARY P. C. DWIVEDI MAHARASHTRA Regd. 6838 GOVT. OF INDIA

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NOTARY
MAHARASHTRA
(Govt. of India)

34/15
Exh-15

BEFORE THE JOINT CHARITY COMMISSIONER
MAHARASHTRA STATE, MUMBAI.

Application No.J-4/97/2012 under Section 36(1)(a) of the Bombay Public Trusts Act, 1950.

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In the matter of –
Dewan Lilaram Duhilanomal
Sadarangani Amil Dharmada Trust
P.T.R. No.A-2265(M)

Dewan Lilaram Duhilanomal)
Sadarangani Amil Dharmada Trust)
Through it's trustee)
Mr.Kishore K.Shahani)
Mumbai)
)..Applicants.

Appearance: Shri Yogesh Singh, ld. Advocate for the applicants.

JUDGMENT
(Delivered on 4.12.2012)

1) This is an application filed under Section 36(1)(a) of the Bombay Public Trusts Act, 1950 (hereinafter referred to as the Act) for seeking permission to sell immovable property of the applicant Trust.

2) Dewan Lilaram Duhilanomal Sadarangani Amil Dharmada Trust(hereinafter referred to as the Trust) was created by Deed of Declaration of the Trust dated 3.4.1945. A suit

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No.1400 of 1958 was filed in the Court of Bombay City Civil Court for certain amendments in the Deed of Declaration of the Trust dated 3.4.1945 which was thereafter sanctioned by the Court vide Decree dated 20.9.1958. The Trust was registered with the office of the Charity Commissioner on 26.3.1959 under the provisions of the Act at P.T.R.No.A-2265(M). Clause 3 of the Deed of Declaration enumerates the objects of the Trust. Clause 7 speaks about the position of the trustees. Presently, there are three trustees as mentioned in para 6 of the application. The trustees are empowered to alienate immovable property of the Trust vide clause 40 of the Deed of Declaration (D. of D). The property bearing plot No.190 CTS No.1108, 1108/1 to 1108/8, of B-1 tenure admeasuring 1208 sq.yds. situated at Ghatkopar, Mahul Road, Chembur, has been acquired by the Trust under Deed of Conveyance dated 31.1.1959. The said property has been entered in schedule-I of the Trust.

3) There exists two buildings on the said property. The said building is occupied by eight tenants. The part of the said property admeasuring 718 sq.yds. was leased to "Thadhomal Mushtakaram and Jotsing Thadhomal Shahani Trust" for a period of 99 years after obtaining permission from the Charity Commissioner, Maharashtra State, Mumbai vide order dated

9.1.1961. The Trust now intends to alienate the property being "all that piece or parcel of plot of land being plot no.190, CTS No.1108, 1108/1 to 1108/8, of B-1 tenure admeasuring 1208 sq.yds. situated at Ghatkopar, Mahul Road, Chembur on "as is where is basis" alongwith the structures standing thereon which are occupied by 24 tenants.

4) It is contended by the applicants that the Trust is receiving very meagre income as a rent from the tenants as compared to the out goings. The property is fully occupied by the tenants. The tenants are protected under the provisions of Maharashtra Rent Control Act. The structures are old and demanding major repairs. The lives of tenants / occupants is in constant danger on account of dilapidated and dagnerous condition of the structures standing on the property in question. The Trust does not have funds and expertise to develop the said property. The Trust can not speculate to get vacant and peaceful possession of the property from the tenants / occupants. The financial burden would be eliminated in future. The regular deficit out of the said property is eating up the corpus of the Trust. The Trust is not in a position to use any part of the property. For the said reasons, the applicants contend that there is compelling necessity to alienate the property in question.

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5) The applicants held a meeting and passed a resolution dated 15.2.2011 for selling the property in question by giving notice in the newspapers for calling offers from general public at large. The trustees once again passed a resolution on 2.12.2011 to invite offers from general public by giving fresh notice in two newspapers and also ratified the decision taken in the earlier meeting dated 15.2.2011. The trustees have obtained independent valuation of the property in question from Government registered approved valuer M/s. Talib and Associates who has valued the property at Rs.48,00,000/-. Initially, notice was published in "Free Press Journal" dated 23.2.2011 for calling offers. In response to the said notice, the Trust received only one offer from M/s. Mahavir Enterprises for Rs.1.80 crores. Again, the trustees issued public notices in two local newspapers, namely, "The Asian Age" and "Tarun Bharat" both dated 13.12.2011. In response to the public notice two offers, namely, 1)Dhaval Realtors (India) Pvt. Ltd. and 2)M/s. Mahavir Millenium L.L.P were received. The offer of M/s.Mahavir Millenium was the highest of Rs.2.30 crores. A resolution dated 25.1.2012 was passed wherein the offer given by M/s.Mahavir Millenium was accepted. It is further contended that the said offer is much more higher than the valuation determined by the Government

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approved valuer. Thereafter, M.O.U dated 6.2.2012 came to be executed. If the said amount is invested in fixed deposits / Government approved securities, then the Trust would get good amount of income every year by way of interest which can be utilized to achieve the objects of the Trust. All the aforesaid facts have given rise to the present application.

6) I have heard advocate Shri Yogesh Singh for the applicants. He took me through entire documents produced on record.

7) The following points arise for my determination and my reasons for findings thereon are recorded serially;

Points	Findings
1)Whether there is a compelling necessity to sell the Trust property?	Yes.
2)Whether the transaction is in the best interest of the Trust and its beneficiaries ?	Yes.
3)What order?	As per final order

REASONS FOR FINDINGS

As to point Nos.1 to 2;

8) The applicant Trust has produced copy of D of D, certified copy of schedule-I(Ex.3), copy of the change report no.1528/12, copy of the property card and certificate of

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