

Mukesh Jain

B. Com., LL.M.

Advocate High Court

FORMAT-A
(Circular No. 28 / 2021)

To,
Maharashtra Real Estate Regulatory Authority,
6th & 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 in respect of all that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division ("**Land**") together with the three structures standing thereon being the main building known as "Girija Bhuvan", comprising of ground plus three floors ("**Building**"), and two closed garages, lying and being and situate at Block No. 5, Vincent Road, Dadar, Mumbai-400014 (hereinafter collectively referred to as the "**Property**").

1. As stated in the Report on Title dated 14th July 2023 bearing reference no. SV/2499/2023 from KANGA & Co. (copy whereof is annexed hereto as Annexure-A and hereinafter referred to as the "**the said Report on Title**"), we have investigated the title of Jaydeep Digambar Sawant and Deepa Digambar Sawant as Lessees in relation to the Property ("**the Lessees**"), as more particularly described in the Schedule hereunder written. On the basis of examination of papers and documents mentioned in the said Report on Title, we have to state as under: -

a) Description of the said Property:

All that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division together with the three structures standing thereon being the main building known as "Girija Bhuvan", comprising of ground plus three floors, and two closed

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garages, lying and being and situate at Block No. 5, Vincent Road, Dadar, Mumbai- 400014.

b) The documents of allotment of the said Property:

- (i) Indenture of Lease in Perpetuity dated 29th July 1964 executed between Municipal Corporation of Greater Bombay ("**Corporation**"), therein referred to as "the Corporation" of the First Part, Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay, therein referred to as "the Lessee" of the Second Part and Girijabai Shankar Sawant, therein referred to as "the Lessee" of the Third Part, and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964.
- (ii) Colour copy of plan annexed to the Indenture of Lease in Perpetuity dated 29th July 1964.
- (iii) Indemnity Bond dated 20th March 1969 made between Vasant Shankar Sawant and Madhukar Shankarao Sawant, therein referred to as the "Obligors" of the First Part and Municipal Corporation of Greater Bombay, therein referred to as "the Corporation" of the Second Part and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/919 of 1969.
- (iv) Letters of Administration dated 25th April 2006 granted by the Hon'ble High Court of Judicature at Bombay in its Testamentary and Intestate Jurisdiction under Petition No. 245 of 2005 in respect of the Last Will and Testament dated 14th February, 1983 of Madhusudan Shankar Sawant; and
Letters of Administration dated 26th April 2007 granted by the Hon'ble High Court of Judicature at Bombay in its Testamentary and Intestate Jurisdiction under Petition No. 244 of 2005 in respect of the Last Will and Testament dated 27th March, 1966 of Vasant Shankar Sawant.

- c) Property Registrar Card:** As per the Property Register Card issued by Superintendent, Mumbai City Survey and Land Record dated 29th May 2023, the Property Register Card stands in the name of Jaydeep Digambar and Deepa Digambar Sawant, as the Lessees thereof.

d) Title Search Report:

We have relied upon the Search Report dated 21st June, 2023 issued by Search Clerk, D.K. Patil & the search report dated 18.02.2025 issued by search clerk, Sunil Nate who have conducted searches independently in the offices of the concerned Sub-Registrars of Assurances and revenue records for the last 40 (forty) years for ascertaining the title of the Property.

2. On perusal of the above-mentioned documents and all other relevant papers relating to title of the said Property mentioned in the said Report on Title, and on the basis of and subject to what is stated in the said Report on Title, we are of the opinion that, the title of Jaydeep Digambar Sawant and Deepa Digambar Sawant, as the Lessees of the said Property, is clear and marketable.
3. The Report on Title reflecting the flow of title of the Lessees viz., Jaydeep Digambar Sawant and Deepa Digambar Sawant in respect of the said Property is enclosed herewith as Annexure-A.
4. On perusal of the above-mentioned documents and all other relevant papers relating to title of the said Property mentioned in the said Report on Title, and on the basis of and subject to what is stated in the said Report on Title, we are of the opinion that, the title vests in the name of Jaydeep Digambar Sawant and Deepa Digambar Sawant, as the Lessees of the said Property. And, The lessee(s) have entered into a Developers Agreement with M/s BAF NA Properties LLP on 26th September 2023 under a registered agreement with the sub-registrar of Mumbai bearing registration number – BBE4-16655-2023.
5. The developer M/s BAF NA Properties LLP is duly entitled to develop the said property as per the terms & conditions of the aforesaid Development Agreement and in accordance with the subject to compliance with and observance of terms & conditions of various permissions, approvals and sanctions that may be issued by the concerned authorities in respect of the said property or any construction thereon from time to time & the developer is also entitled to sell/dispose of the flats/premises so constructed therein.

Owners of the Land: Municipal Corporation of Greater Bombay is the Owner of the said Property.

Enc: Annexure

Place: Mumbai

Date: 22nd February 2025
Bombay


(Mukesh B Jain)

Advocate High court,

Mukesh Jain

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FLOW OF THE TITLE OF THE SAID LAND

- (i) Indenture of Lease in Perpetuity dated 29th July 1964 executed between Municipal Corporation of Greater Bombay ("**Corporation**"), therein referred to as "the Corporation" of the First Part, Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay, therein referred to as "the Lessee" of the Second Part and Girijabai Shankar Sawant, therein referred to as "the Lessee" of the Third Part, and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964.
- (ii) Colour copy of plan annexed to the Indenture of Lease in Perpetuity dated 29th July 1964.
- (iii) Indemnity Bond dated 20th March 1969 made between Vasant Shankar Sawant and Madhukar Shankarao Sawant, therein referred to as the "Obligors" of the First Part and Municipal Corporation of Greater Bombay, therein referred to as "the Corporation" of the Second Part and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/919 of 1969.
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- (v) Letters of Administration dated 26th April 2007 granted by the Hon'ble High Court of Judicature at Bombay in its Testamentary and Intestate Jurisdiction under Petition No. 244 of 2005 in respect of the Last Will and Testament dated 27th March, 1966 of Vasant Shankar Sawant.

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Opp Girgaon Church, Mumbai- 400 004. Email : mmadvocates@yahoo.co.in,
Mobile: 9322307346, 9892655099

1. **Property Registrar Card:** As per the Property Register Card issued by Superintendent, Mumbai City Survey and Land Record dated 29th May 2023, the Property Register Card stands in the name of Jaydeep Digambar and Deepa Digambar Sawant, as the Lessees thereof.
2. **Mutation Entry No.:** The latest mutation entry dated 29th May 2023 duly certified by Asstt. City survey officer, Mumbai records the name of Mrs Deepa D Savant & Mr Jaydeep D Savant.
3. **Title Search Report:**

We have relied upon the Search Report dated 21st June, 2023 issued by Search Clerk, D.K. Patil & the search report dated 18.02.2025 issued by search clerk, Sunil Nate who has conducted searches independently in the offices of the concerned Sub-Registrars of Assurances and revenue records for the last 40 (forty) years for ascertaining the title of the Property.

- (i) Indenture of Lease in Perpetuity dated 29th July 1964 executed between Municipal Corporation of Greater Bombay ("**Corporation**"), therein referred to as "the Corporation" of the First Part, Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay, therein referred to as "the Lessee" of the Second Part and Girijabai Shankar Sawant, therein referred to as "the Lessee" of the Third Part, and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964.
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On perusal of the above-mentioned documents and all other relevant papers relating to title of the said Property mentioned in the said Report on Title, and on the basis of and subject to what is stated in the said Report on Title, we are of the opinion that, the title of Jaydeep Digambar Sawant and Deepa Digambar Sawant, as the Lessees of the said Property, is clear and marketable.

On perusal of the above-mentioned documents and all other relevant papers relating to title of the said Property mentioned in the said Report on Title, and on the basis of and subject to what is stated in the said Report on Title, we are of the opinion that, the title vests in the name of Jaydeep Digambar Sawant and Deepa Digambar Sawant, as the Lessees of the said Property.

And, The lessee(s) have entered into a Developers Agreement with M/s BAF NA Properties LLP on 26th September 2023 under a registered agreement with the sub-registrar of Mumbai bearing registration number – BBE4-16655-2023.

The developer M/s BAF NA Properties LLP is duly entitled to develop the said property as per the terms & conditions of the aforesaid Development Agreement and in accordance with the subject to compliance with and observance of terms & conditions of various permissions, approvals and sanctions that may be issued by the concerned authorities in respect of the said property or any construction thereon from time to time & the developer is also entitled to sell/dispose of the flats/premises so constructed therein.

Owners of the Land: Municipal Corporation of Greater Bombay is the Owner of the said Property.

4. **Any other relevant title:** Not found
5. **Litigations** : We have not found any litigations

Place: Mumbai

Date: 22nd February 2025

(Mukesh B Jain)

Advocate High court, Bombay

SV/ 101 / 2025

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(Circular No. 28 / 2021)

To,
Maharashtra Real Estate Regulatory Authority,
6th & 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 in respect of all that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division ("**Land**") together with the three structures standing thereon being the main building known as "Girija Bhuvan", comprising of ground plus three floors ("**Building**"), and two closed garages, lying and being and situate at Block No. 5, Vincent Road, Dadar, Mumbai- 400014 (hereinafter collectively referred to as the "**Property**").

1. As stated in our Report on Title dated 14th July 2023 bearing reference no. SV/2499/2023 (copy whereof is annexed hereto as Annexure-A and hereinafter referred to as the "**the said Report on Title**"), we have investigated the title of Jaydeep Digambar Sawant and Deepa Digambar Sawant as Lessees in relation to the Property ("**the Lessees**"), as more particularly described in the Schedule hereunder written. On the basis of examination of papers and documents mentioned in the said Report on Title, we have to state as under: -

a) **Description of the said Property:**

All that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division together with the three structures standing thereon being the main building known as "Girija Bhuvan", comprising of ground plus three floors, and two closed

garages, lying and being and situate at Block No. 5, Vincent Road, Dadar, Mumbai- 400014.

b) The documents of allotment of the said Property:

- (i) Indenture of Lease in Perpetuity dated 29th July 1964 executed between Municipal Corporation of Greater Bombay ("**Corporation**"), therein referred to as "the Corporation" of the First Part, Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay, therein referred to as "the Lessee" of the Second Part and Girijabai Shankar Sawant, therein referred to as "the Lessee" of the Third Part, and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964.
 - (ii) Colour copy of plan annexed to the Indenture of Lease in Perpetuity dated 29th July 1964.
 - (iii) Indemnity Bond dated 20th March 1969 made between Vasant Shankar Sawant and Madhukar Shankarao Sawant, therein referred to as the "Obligors" of the First Part and Municipal Corporation of Greater Bombay, therein referred to as "the Corporation" of the Second Part and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/919 of 1969.
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- c) Property Registrar Card:** As per the Property Register Card issued by Superintendent, Mumbai City Survey and Land Record dated 29th May 2023, the Property Register Card stands in the name of Jaydeep Digambar and Deepa Digambar Sawant, as the Lessees thereof.

d) Title Search Report:

We have relied upon the Search Report dated 21st June, 2023 issued by Search Clerk, D.K. Patil who has conducted searches independently in the offices of the concerned Sub-Registrars of Assurances and revenue records

for the last 40 (forty) years for ascertaining the title of the Property. We have not caused any further searches after June 2023.

2. On perusal of the above-mentioned documents and all other relevant papers relating to title of the said Property mentioned in the said Report on Title, and on the basis of and subject to what is stated in the said Report on Title, we are of the opinion that, the title of Jaydeep Digambar Sawant and Deepa Digambar Sawant, as the Lessees of the said Property, is clear and marketable.

Owners of the Land: Municipal Corporation of Greater Bombay is the Owner of the said Property.

3. The Report on Title reflecting the flow of title of the Lessees viz., Jaydeep Digambar Sawant and Deepa Digambar Sawant in respect of the said Property is enclosed herewith as Annexure-A.

FORMAT-A
(Circular No. 28 / 2021)

FLOW OF TITLE OF THE SAID PROPERTY

1. **Property Registrar Card:** As per the Property Register Card issued by Superintendent, Mumbai City Survey and Land Record dated 29th May 2023, the Property Register Card stands in the name of Jaydeep Digambar and Deepa Digambar Sawant, as the Lessees thereof.
2. **Mutation Entry No:** The latest mutation entry dated 29th May 2023 duly certified by Asstt. City Survey Officer, Mumbai records the name of Mrs Deepa D Sawant and Mr Jaydeep D Sawant.

3. **Title Search Report:**

We have relied upon the Search Report dated 21st June, 2023 issued by Search Clerk, D.K. Patil who has conducted searches independently in the offices of the concerned Sub-Registrar of Assurances and revenue records for the last 40 (forty) years for ascertaining the title of the Property. We have not caused any further searches after June 2023.

- (i) Indenture of Lease in Perpetuity dated 29th July 1964 executed between Municipal Corporation of Greater Bombay ("**Corporation**"), therein referred to as "the Corporation" of the First Part, Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay, therein referred to as "the Lessee" of the Second Part and Girijabai Shankar Sawant, therein referred to as "the Lessee" of the Third Part, and registered with the Office of the Sub Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964.
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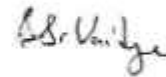
- (v) Letters of Administration dated 26th April 2007 granted by the Hon'ble High Court of Judicature at Bombay in its Testamentary and Intestate Jurisdiction under Petition No. 244 of 2005 in respect of the Last Will and Testament dated 27th March, 1966 of Vasant Shankar Sawant.

On perusal of the above-mentioned documents and all other relevant papers relating to title of the said Property mentioned in the said Report on Title, and on the basis of and subject to what is stated in the said Report on Title, we are of the opinion that, the title of Jaydeep Digambar Sawant and Deepa Digambar Sawant, as the Lessees of the said Property, is clear and marketable.

Owners of the Land: Municipal Corporation of Greater Bombay is the Owner of the said Property.

4. **Any other relevant title:** Nil.
5. **Litigations:** Nil.

Kanga and Company,
Advocates and Solicitors



Partner

Encl: Annexure-A.

Place: Mumbai

Date: 8th January 2025

Ready money Mansion, 43, Veer Nariman Road, Mumbai - 400 001, India. Tel : (91 22) 4971 9355, 4971 9255, 6633 2288, 6623 0000
Email : mail@kangacompany.com, www.kangacompany.com

Partners : A. M. Desai • K. M. Vussonji • B. D. Damodar • S. S. Vaidya • A. R. Amin • Ms. P. G. Mehta • R. V. Gandhi
C. S. Thakkar • P. S. Damodar • K. S. Vaidya • M. A. Kamdar
Associate Partner : Ms. N. H. Vardhan

SV/ 2499 /2023

14th July, 2023

Bafna Properties LLP,
2B 2nd Floor, Bafna Mansion,
127 Kika Street, Gulabwadi, Madhavbaug,
Mumbai - 400004.

Kind Attn.: Mr. Jatin Ashok Bafna

All that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division ("**Land**") together with the three structures standing thereon being the main building known as "Girija Bhuvan", comprising of ground plus three floors ("**Building**"), and two closed garages, lying and being and situate at Block No. 5, Vincent Road, Dadar, Mumbai-400014 (hereinafter collectively referred to as the "**Property**").

At your request, we have investigated title of Jaydeep Digambar Sawant and Deepa Digambar Sawant as Lessees in relation to the Property, as more particularly described in the Schedule hereunder written. On the basis of examination of the papers and documents provided to us, we observe as under:

I. TITLE CHAIN:

1. It appears that prior to 1934, the Municipal Corporation of Greater Bombay ("**Corporation**") was seized and absolutely entitled to the Land i.e. all that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division ("**Land**").
2. It appears that vide Proposal dated 20th September, 1934, one Vishwanath Narayan Bapat through his Architects applied to the Corporation for grant of lease in respect of the Land.

3. It appears that on 9th October, 1934, Resolution No. 296 was passed by the Improvements Committee of the Corporation, whereby Vishwanath Narayan Bapat ("**Vishwanath**") became entitled to enter upon the Land for purpose of erecting buildings thereon and thereafter to the grant of lease in respect of the Land and buildings erected thereon either in favour of himself or his nominee/s, on terms and conditions more specifically mentioned therein. It further appears that subsequent to the above, Vishwanath was given possession of the Land by the Corporation on 3rd November, 1934.
4. It appears that Vishwanath requested the Corporation to grant the lease in respect of the Land in name of one Girijabai Shankar Sawant ("**Girijabai**"). As per the copies of documents and papers available for our perusal we have not come across any correspondence whereby Vishwanath requested the Corporation to grant lease in favour Girijabai.
5. It appears that Vishwanath expired intestate on 22nd February, 1938 leaving behind his widow, Yamunabai Vishwanath Bapat ("**Yamunabai**") as his sole heir and next-of-kin. Further it appears Yamunabai also expired prior to 1964. The date of Yamunabai's death is not clear as per the copies of documents and papers available for our perusal.
6. It appears that on 7th January, 1953, the Corporation issued Completion Certificate in respect of the buildings then standing on the Land which included the main building then consisting of ground plus two floors.
7. By and under an Indenture of Lease dated 29th July, 1964 made between the Corporation, therein also referred to as "the Corporation" of the First Part, one Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay therein and herein referred to as "the Commissioner" of the Second Part and Girijabai therein referred to as "the Lessee" of the Third Part and registered on with the office of the Sub-Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964, the Corporation demised unto Girijabai, the Land together with the buildings then standing thereon, with effect from 3rd November 1934, in perpetuity (999 years) and also together with the right in Common Passage as more particularly described therein with the Corporation and the lessees and tenants of Plot Nos. 163/A 163/C, 163/D, 163/E and 163/F of the Dadar Matunga Estate, for the premium, nominal rent and on the covenants, terms and conditions contained therein ("**Lease**"). We observe that heirs and next-of-kin of Vishwanath were not made Confirming Party/ies to the Lease. Further as per the terms of the Lease, no building can be erected upon the north-eastern ten feet strip of the Land and the

same is to be kept unbuilt upon and open to sky and that the main building on the Land was demised only to be used for residential purposes and not for any business, trade or occupation.

8. It is recorded in the Lease that Vishwanath expired on 22nd February, 1938 after requesting the Corporation to grant the lease in respect of the Land in name of Girijabai.
9. It appears that the on 29th September, 1967, Girijabai died intestate leaving behind her two sons namely Vasant Shankar Sawant ("**Vasant**") and Madhusudan Shankar Sawant ("**Madhusudan**") as her only heirs and next-of-kin. We have not been furnished with copy of Letters of Administration in respect of estate of Girijabai and Deed of Transfer in pursuance thereof.
10. By and under an Indemnity Bond dated 20th March, 1969 made between Vasant and Madhusudan therein referred to as "the Obligors" of the First Part and the Corporation therein also referred to as "the Corporation" of the Second Part and registered with the office of the Sub-Registrar of Assurances at Bombay under Serial No. BOM/919 of 1969, Vasant and Madhusudan indemnified and agreed to keep the Corporation indemnified against all actions, acts, suits, costs, damages, claims and demands raised against the Corporation and/or Commissioner by reason of Corporation bringing Vasant and Madhusudan on record in respect of the Land as the heirs and next-of-kin of Girijabai in the manner contained therein.
11. It appears that one floor above the main building standing on the Land was subsequently constructed whereby the Building came into existence however, as per the copies of documents and papers available for our perusal it is not clear in what year the above floor was constructed and whether consent of the Commissioner in writing as required under the Lease was obtained. Copy of the Completion Certificate in respect of the Building (Girija Bhuvan consisting of three floors) has not been furnished to us in the copies of documents and papers available for our perusal.
12. Vasant expired at Mumbai on 10th May 1994, leaving his Last Will and Testament dated 27th March, 1966 whereby he inter-alia bequeathed life interest in his 50% undivided leasehold right, title and interest in Property in favour of his wife, Vimal Vasant Sawant ("**Vimal**") and upon her death (she expired on 8th November, 2000), ultimate bequest of his 50% undivided leasehold right, title and interest in Property in favour of son/s of son of Madhusudan till such time the son of the youngest of the sons attains the age of 18 years conditional upon Vasant and/or

Vimal not adopting a son who is from the same family. It appears that Madhusudan had two sons (a) Digambar Madhusudan Sawant ("**Digambar**") and (b) Shankar Madhusudan Sawant (he expired intestate and issueless on 1st December, 2002). It appears that Digambar had one son Jaydeep who answered the description of beneficiary being "son of son of Madhusudan till such time the son of the youngest of the sons attains the age of 18 years". We have not been furnished with copy of Letters of Administration in respect of estate of Shankar Madhusudan Sawant and Deed of Transfer in pursuance thereof.

13. As per Vasant's Last Will and Testament dated 27th March, 1966, we observe that Vimal never had any interest in the Property except as a trustee thereof until youngest of the sons of Madhusudan's sons attain majority, however on perusal of Property Register Card in respect of the Land made available to us, we observe that there is an entry whereby Vimal's name has been recorded as beneficiary of her husband Vasant's share in the Property on account of her being beneficiary under his Last Will and Testament dated 27th March, 1966 without any reference to her limited interest as a trustee. It is not clear on what basis was such entry recorded on the Property Register Card.
14. Further as per an entry recorded on the Property Register Card we observe that name of Digambar was recorded as Administrator for estate of Vimal Vasant Sawant. It is not clear on what basis was such entry recorded on the Property Register Card as the Property never formed part of Vimal's estate.
15. In respect of the Last Will and Testament dated 27th March, 1966 of Vasant, Letters of Administration dated 26th April 2007 was granted by the Hon'ble High Court of Judicature at Bombay in its Testamentary and Intestate Jurisdiction under Petition No. 244 of 2005, in favour of Jaydeep Digambar Sawant ("**Jaydeep**") being the beneficiary, through his duly constituted attorney of Digambar.
16. Malatibai Madhusudhan Sawant ("**Malatibai**"), wife of Madhusudhan predeceased Madhusudan on 30th March, 1999. Madhusudan expired on 7th July, 2000, leaving behind him his last Will and Testament dated 14th February, 1983. On perusal of copy of Will and Testament dated 14th February, 1983 furnished to us, we observe that inter-alia bequests were made in respect of premises forming part of the Building, however, there is no mention of the Property. Further the residuary clause of the Will and Testament dated 14th February, 1983 also specifically pertains to movable properties. Thus, Madhusudan's share in the Property should devolve onto his heirs as if he died intestate in that regard, which would include his sons Digambar and Shankar Madhusudan Sawant and his

daughters i.e. Jyotsna Rane, Sujata Mengale and Madhavi Chavan, however the same does not appear to have been done. Further, we have not been furnished with a copy of Letters of Administration in respect of the estate of Malatibai Madhusudhan Sawant and Deed of Transfer in pursuance thereof.

17. In respect of the Will and Testament dated 14th February, 1983 of Madhusudan, Letters of Administration dated 25th April, 2006 was granted by the Hon'ble High Court of Judicature at Bombay under its Testamentary and Intestate Jurisdiction in Petition No. 245 of 2005, in favour of Digambar.
18. As per an entry recorded on the Property Register Card, we observe that names of Malatibai, Digambar and Shankar Madhusudan Sawant were recorded as beneficiaries under the Will of Madhusudan Shankar Sawant who had not dealt with the Land under his Will. It is not clear on what basis was such entry recorded on the Property Register Card.
19. By and under Deed of Indemnity dated 17th October, 2014, made between Digambar and Jaydeep in favour of the Commissioner and registered with office of the Sub-Registrar of Assurances at Mumbai under Serial No. BBE-5/3312 of 2014, Madhusudan and Jaydeep indemnified the Corporation and the Commissioner against all actions, claims, damages, demand raised by reason of Corporation bringing names of Digambar and Jaydeep on record in respect of the Land in the manner contained therein. On perusal of copy of Deed of Indemnity dated 17th October, 2014, we observe that only the Land is mentioned, thereby not mentioning the Building which also forms part of the Property.
20. It appears that Digambar expired intestate on 8th March, 2015, leaving behind him his widow, Deepa Digambar Sawant ("**Deepa**") and son, Jaydeep as his only heirs and next-of-kin, each inheriting equal share in the 50% undivided leasehold right, title and interest of Digambar in the Property. We have not been furnished with copy of Letters of Administration in respect of estate of Digambar and Deed of Transfer in pursuance thereof.
21. It appears that vide Letter dated 29th December, 2011 addressed by Jaydeep to the Corporation, Jaydeep applied to get his and Deepa's name on record of the Corporation in respect of leasehold right, title and interest in the Property which was accepted by the Corporation vide its Letter dated 14th October, 2021 bearing reference No. AC/Estates/8575/LB-IV of 18.10.2021 addressed by Assistant Commissioner (Estates), Corporation to Jaydeep.

22. On perusal of the Property Register Card in respect of the Land we observe that name of Jaydeep has been recorded in his capacity of being one of the heirs of Digambar and there is no mention of his name being recorded in capacity of being beneficiary under the Will of Vasant.
23. We observe that the Property Register Card in respect of the Land stands in the name of Jaydeep and Deepa, as the Lessees thereof.
24. We have been informed that the Building "Girija Bhavan" standing on the Land is occupied by various tenants and occupants.
25. We have been informed that there are no mortgages or pending charges in respect of the Property.
26. We have been informed that assessments, property taxes, electricity, water and other charges in respect of Property have all be paid till date.
27. In light of and subject to the above, Jaydeep and Deepa are absolutely seized and possessed of and otherwise well and sufficiently entitled to the Property having 75% and 25% undivided leasehold right, title and interest therein respectively.

II. PUBLIC NOTICE, INSPECTION AND SEARCHES:

28. We have relied upon Public Notice issued on 4th May, 2023 by Malvi Ranchoddas & Co, Advocates and Solicitors in Economic Times (English) and Navshakti (Marathi). In pursuance thereof, Malvi Ranchoddas & Co, Advocates and Solicitors have issued their no-claims letter dated 19th May, 2023 in favour of Jaydeep and Deepa which has been made available for our perusal.
29. For the purpose of this Report, we have relied on the Search Report dated 21st June, 2023 issued by Search Clerk, D.K. Patil, who has independently conducted searches in the offices of the concerned Sub-Registrars of Assurances and revenue records for ascertaining the title of the Property for the last 40 (forty) years. Subject to what is stated above, we have not found any adverse entries in respect of the Property in the Search Report dated 21st June, 2023 with the offices of the concerned sub-registrars of assurances and revenue records.
30. We have also relied upon two Legal Audit Reports both dated 24th May, 2023 issued by Cubictree Solutions Technology Private Limited, who had independently conducted searches in respect of the litigations filed by or pending against Jaydeep and Deepa. As per the above Report dated 24th May, 2023, we observe that RAE

Suit No. 803 of 2022 is pending before Hon'ble Court of Small Causes at Mumbai. We have been informed that the same does not pertain to or affect the title of the Property.

31. We have been furnished with inspection of the originals of the documents-of-title pertaining to the Property, which are listed in **Annexure "A"** hereto. We have been informed that save and except the documents-of-title listed in Annexure "A" hereto, Jaydeep and Deepa are not in possession of any other original documents-of-title pertaining to the Property.

III. DECLARATION:

We have not been furnished with any Declaration or Affidavit from Jaydeep Digambar Sawant and Deepa Digambar Sawant pertaining to their right title and interest as Lessees in respect of the Property mentioned herein and we have, for the purpose of this report relied on the reply given to us by the Jaydeep and Deepa through their Advocates and Solicitors M/s. Malvi Ranchoddas & Co. to the requisitions on title raised by us.

IV. DISCLAIMERS:

32. Further, it is to be noted that:
- a. We have not visited/ inspected any part of the Property or any part thereof;
 - b. The aspect of DP Remarks, zoning, permitted user, reservation, set-back, sub-division, development potential/ Floor Space Index and developability of the Property, do not fall within the scope of our review and we express no views about the same;
 - c. The following has been assumed by us:
 - i. Copies of documents/ papers provided to us are precise and genuine copies of originals;
 - ii. Each document/ paper has been signed/ executed/ entered into by person/s purporting to sign/ execute the same and such person has full authority and power to do so; and
 - d. In no circumstances, shall the cumulative liability, if any, of our firm viz., Messrs. Kanga and Co., Advocates & Solicitors, its Partners, Associates or employees, in connection with the preparation or the issue of this Report, exceed the professional fees paid by you to us in that behalf.

V. CONCLUSION:

33. On the basis of and subject to the above, in our opinion, Jaydeep Digambar Sawant and Deepa Digambar Sawant are entitled to the Property as described in the Schedule hereunder written as Lessee thereof and their title to the Property is clear and marketable.

THE SCHEDULE HEREINABOVE REFERRED TO:

(Description of "the Property")

All that piece and parcel of leasehold land situate, lying and being Plot No. 163-B of Dadar Matunga Estate, admeasuring 576.93 square meters equivalent to 690 square yards or thereabouts bearing Cadastral Survey No. 156A/10 and Collectors New No. 1114 Part of Matunga Division together with the three structures standing thereon being the main building known as "Girija Bhuvan", comprising of ground plus three floors, and two closed garages, lying and being and situate at Block No. 5, Vincent Road, Dadar, Mumbai-400014.

Yours faithfully,
Kanga and Company,

S.B. Khig

Partner

Annexure "A"

(List of original documents-of-title inspected by us)

Sr. No.	Document
1.	Indenture of Lease in Perpetuity dated 29 th July, 1964 made between the Municipal Corporation of Greater Bombay, therein referred to as "the Corporation" of the First Part, Shailendra Eknath Sukthankar IAS, the Municipal Commissioner for Greater Bombay therein referred to as "the Commissioner" of the Second Part and Girijabai Shankar Sawant therein referred to as "the Lessee" of the Third Part and registered on with the office of the Sub-Registrar of Assurances at Bombay under Serial No. BOM/2938 of 1964.
2.	Colour copy of plan annexed to Indenture of Lease in Perpetuity dated 29 th July, 1964.
3.	Indemnity Bond dated 20 th March, 1969 made between Vasant Shankar Sawant and Madhukar Shankar Sawant therein referred to as "the Obligors" of the First Part and the Municipal Corporation of Greater Bombay therein referred to as "the Corporation" of the Second Part and registered with the office of the Sub-Registrar of Assurances at Bombay under Serial No. BOM/919 of 1969.
4.	Letters of Administration dated 26 th April 2007 granted by the Hon'ble High Court of Judicature at Bombay in its Testamentary and Intestate Jurisdiction under Petition No. 244 of 2005 in respect of the Last Will and Testament dated 27 th March, 1966 of Vasant Shankar Sawant.
5.	Letters of Administration dated 25 th April, 2006 granted by the Hon'ble High Court of Judicature at Bombay under its Testamentary and Intestate Jurisdiction in Petition No. 245 of 2005 in respect of the Last Will and Testament dated 14 th February, 1983 of Madhusudan Shankar Sawant.

D. K. PATIL

TITLE INVESTIGATOR

Office No.38-A, 5th Floor, Onlooker Building, 14, Sir. P. M. Road, Fort, Mumbai.
Cell: 9819367418, Email: dipakkpatil@hotmail.com

Re: Investigation of title of the property being all that piece and parcel of land bearing Plot No. 163-B admeasuring 576.96 Sq. Mts. or 690 Sq. Yards. or thereabouts New No. 1114 and bearing C. S. No. 156-A/10 and of Matunga Division together with three structures standing thereon being the main building known as "Girija Bhuvan" comprising of ground plus three floors, and two closed garages, lying, being and situate at Block No. 5, Vincent Road, Dadar, Mumbai.

To,
Kanga & Co.
Advocates & Solicitors
1st Floor, Ready Money Mansion,
43, Veer Nariman Road,
Fort Mumbai.

Sir,

As per your instruction, I have taken search in respect of above mentioned property in the Office of Sub-Registrar of Mumbai (Manual Index-II) from 1983 to 2023 (40 Years) in the Office of Sub-Registrar of Mumbai-I & II (Computerized Index-II) from 2002 to 2023 (22 Years) and in the Office of Sub-Registrar of Mumbai-III (Computerized Index) from 2007 to 2023 (17 Years) and in the Office of Sub-Registrar of Mumbai-IV & V (Computerized Index) from 2012 to 2023 (10 Years). And on taking inspection property card and in course of search the following documents are found:

- 1) As per property card it is found that, originally the said land is belonging to The Municipal Corporation of Greater Bombay. Thereafter by Deed of Lease dated 29.07.1964, The Municipal Corporation of Greater Bombay leased the said plot for perpetuity term commencing from 03.11.1934, to one Bai Girijabai Shankarrao Sawant.

- 2) As per property card it is further found that, Bai Girijabai Shankarrao Sawant died on 29.09.1967, and thereafter names of her legal heirs 1) Vasant Shankarrao Sawant, 2) Madhukar Shankarrao Sawant are recorded as lessees on property card.
- 3) As per property card it is further found that, Letter of Administration dated 26.04.2007, issued by High Court of Bombay in Testamentary Petition No. 244 of 2005, whereby Digambar Madhusudhan Sawant is appointed as Administrator of Vasant Shankarrao Sawant. And thereafter the said Digambar Madhusudan Sawant bequeathed his share to his wife Vimal Vasant Sawant. And thereafter name of Vimal Vasant Sawant is recorded as holder in property card.
- 4) As per property card it is found that, Letter of Administration dated 06.05.2006, issued by High Court of Bombay in Testamentary Petition No. 255 of 2005, whereby Digambar Madhusudan Sawant is appointed as Administrator of deceased Vimal Vasant Sawant (who died on 08.11.2000).
- 5) As per property card it is found that, Letter of Administration dated 05.04.2006, passed by High Court of Bombay in Testamentary Petition No. 245 of 2005, whereby Digambar Madhusudhan Sawant is appointed as sole legatee of deceased Madhukar Shankarrao Sawant. And thereafter the said Madhukar Shankarrao Sawant bequeathed his share to beneficiaries i.e. 1) Digambar Madhusudan Sawant, 2) Malatibai Madhusudan Sawant, 3) Shankar Madhusudan Sawant.
- 6) By Deed of Indemnity Bond dated 17.10.2014 made by Digambar Madhusudan Sawant and Jaydeep Digambar Sawant to the effect that, Malatibai Madhusudan Sawant died on 30.03.1999 and Shri Shankar Madhusudan Sawant died on 01.12.2002 and he was unmarried. And hence the names of Malatibai Madhusudan Sawant and Shankar Madhusudan Sawant are to be deleted from property card. And the said document is duly registered in the office of Sub-Registrar at Mumbai Under Sr. No. BBE/5/3312/2014 on 20.10.2014.

- 7) By Deed of Indemnity Bond dated 31.01.2023 made by 1) Jaydeep Digambar Sawant, 2) Deepak Digambar Sawant to the effect that, Digambar Madhusudan Sawant died on 08.03.2015, and 1) Jaydeep Digambar Sawant, 2) Deepak Digambar Sawant are the only legal heirs of deceased Digambar Madhusudan Sawant. And the said document is duly registered in the office of Sub-Registrar at Mumbai Under Sr. No. BBE/1/875/2023 on 31.01.2023.

S. R. O. MUMBAI (MANUAL INDEX-II)
FROM 1983 TO 2023 (40 YEARS)

1983 }
TO } NIL
2022 }
2023 } Index-II Not Ready

Note: In SRO Mumbai (Manual Index-II) Books for, 1983 to 1990, 1992, 1994, 1995 to 1999, 2001 to 2009, 2011, 2012, are entirely torn. And many pages of other Index-II Books are in partly torn condition.

S. R. O. MUMBAI-I, II, III, IV & V
(COMPUTERIZED INDEX-II)
FROM 2002 TO 2023 (22 YEARS)

2002 }
TO } NIL
2013 }
2014

BBE/5
3312
2014

INDEMNITY BOND

17.10.2014
20.10.2014

1) DIGAMBAR MADHUSUDAN SAWANT
2) JAYDEEP DIGAMBAR SAWANT

“of One Part”

TO

“of Other Part”

Schedule: - The property being Plot No.163-B, land bearing C. S. No. 156A/10 of Matunga Division.

2015 }
TO } NIL
2022 }

2023

BBE/1
875
2023

INDEMNITY BOND

31.01.2023
31.01.2023

JAYDEEP DIGAMBAR SAWANT

"of One Part"

TO

"of Other Part"

Schedule: - The property being land bearing C. S. No. 156A/10 of
Matunga Division.

2023

BBE/2
6518
2023

DEED OF LEASE
Rs.53,00,000/-

06.04.2023
06.04.2023

- 1) DEEPA DIGAMBAR SAWANT
- 2) JAYDEEP DIGAMBAR SAWANT

"as The Lessor"
"of One Part"

TO

NIRMALA ASHOK BAFNA

"as The Lessee"
"of Other Part"

Schedule: - The property being Room No.2, admeasuring 35.91 Sq.
Mts. on Ground Floor, in a Building known as Girija Bhuvan,
standing on a land bearing Plot No.163-B, C. S. No. 156A/10 of
Matunga Division.

NOTE:- Period of lease is not mentioned in Index-II.

NOTE:- Index-II Books for year 2023 are not ready, the above entry is
taken from online search.

2023 } Index-II Not Ready

NOTE: In the office of Sub-Registrar Mumbai – I, II, III, IV & V
computerized Index II from 2002 to 2022 are not maintained
properly.

Date of Search
05.06.2023

(D. K. PATIL)

Re: Investigation of title of the property being all that piece and parcel of land bearing Plot No. 163-B admeasuring 576.96 Sq. Mts. or 690 Sq. Yards. or thereabouts New No. 1114 and bearing C. S. No. 156-A/10 and of Matunga Division together with three structures standing thereon being the main building known as "Girija Bhuvan" comprising of ground plus three floors, and two closed garages, lying, being and situate at Block No. 5, Vincent Road, Dadar, Mumbai.

NOTE OF SEARCH

Taken in the Office of Sub-Registrar of –

MUMBAI (MANUAL INDEX-II)

1983 to 2023 (40 Years)

MUMBAI – I, II & III

(COMPUTERIZED INDEX-II)

From 2002 to 2023 (22 Years)

MUMBAI – IV & V

(COMPUTERIZED INDEX-II)

From 2012 to 2023 (12 Years)

(D. K. PATIL)

SUNIL NATE

Title Investigator
Nandeshwar Co-op. Hsg. Soc, Jaihind Nagar, Khar (E),
Mumbai - 400051.

Date: 18.02.2025

To,
Adv. Mukesh Jain
High Court, Mumbai.

Re: Property situated at Matunga Division, Mumbai,
bearing Land and Construction of Ground to
Three Storey Building area 690 Sq.Yards i.e.
576.93 Sq.Mtrs., Girija Bhuvan, Plot No.163-B,
including three Structures and Two Closed
Garages, bearing C.S.No.156-A/10.

Sir,

As per your instructions I have taken search of the above
mention property in the offices of the Sub-Registrar at Mumbai
(BBE-1 to BBE-5) Computer Record from the year 2023 to 2025
(03 years), during the course of search, I have found following
documents:

At Mumbai (BBE-1 to BBE-5) Computer Records
from the year 2023 to 2025 (03 years).

2023:

Devp. Agreement 26.09.2023 BBE-4-16655/2023

Rs.7,85,00,000/- 26.09.2023

M.V.Rs.8,00,69,000/-

Deepa Digambar Sawant

Jaideep Digambar Sawant

To

M/s. Bafna Properties LLP through Partner Jatin Ashok
Bafna



Schedule: Property situated at Matunga Division, Mumbai, bearing Land and Construction of Ground to Three Storey Building area 690 Sq.Yards i.e. 576.93 Sq.Mtrs., Girija Bhuvan, Plot No.163-B, including three Structures and Two Closed Garages, bearing C.S.No.156-A/10.

2024 - NIL

2025 - INDEX II NOT PREPARED

Note: Computerized records for the year 2023 to 2025 are maintained but not in proper order.

 Sunil Nate
Title Investigator,
Mumbai



Re: Property situated at Matunga Division, Mumbai, bearing Land and Construction of Ground to Three Storey Building area 690 Sq.Yards i.e. 576.93 Sq.Mtrs., Girija Bhuvan, Plot No.163-B, including three Structures and Two Closed Garages, bearing C.S.No.156-A/10.

NOTE OF SEARCH

Taken in the search offices of the Sub-Registrar of Assurances at Mumbai (BBE-1 to BBE-5) Computer Record from the year 2023 to 2025 (03 years)

 
Sunil Nate
Title Investigator
Mumbai