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इतर पावती

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नोंदणी क्र.: 39म

Regn.: 39M

पावती क्र.: 779 दिनांक: 04/02/2017

दाखले नाव: शेगांव

दाखलेवजाचा अनुक्रमांक: अरन1-0-2017

दाखलेवजाचा प्रकार :

दाखल करणाऱ्याचे नाव: अॅड एम यु गावंडे

कार्य क्र 461, मीजा शेगांव नक्षल शिट नं 34, प्लॉट नं 792, सन 2005त2017 एकुण 13वर्षे

शोध व निरीक्षण

रु. 325.00

एकूण:

रु. 325.00

Sub Registrar Amaravati

देवकाचा प्रकार: By Cash रक्कम: रु 325/-

वर. दुय्यम निबंधक वस-२
अमरावती शहर-९

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Mangla Gawande (Daf)
Advocate



R/o. Ganesh Nagar,
Sutgirani Road, Amravati
Mob. No. 9604910207

To,

**The Branch Manager,
Jijau Commercial Co-op. Bank Ltd.,
Main Branch. - Walcut Compound, Amravati.**

LEGAL OPINION & TITLE VERIFICATION

Subject :- Title report on property owned by **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadmail, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal,** all R/o. Ganediwal Layout, Camp, Amravati.

ANNEXURE-B

1	Name of the Branch/BU seeking opinion	Jijau Commercial Co-op. Bank Ltd. Main Branch Walcut Compound, Amravati.
2	Reference No. and date of the letter under the cover of which the documents tendered for scrutiny are forwarded.	
3.	Name of the unit/concern/company/person offering the property/(ies) as security.	Sai Heights through Partners - Sau. Sonali Pankaj Ubhad and other 3
4.	Constitution of the unit/concern/person/ body/authority offering the property for creation of charge.	Individual
5.	State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor etc.)	BORROWERS & MORTGAGORS
6. a)	Particulars of the documents scrutinized-serially and chronologically.	1. Sale Deed dated 22.08.2016 registered at Sr. No. 2432/2016. 2. Property Register Card dtd. 08.11.2016 3. Building sanctioned map 4. Building permission and commencement letter dated 16.11.2016 5. Copy of N. A. Order 6. Partnership Deed

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b)	Nature of documents verified and as to whether they are originals or certified copies or registration extracts duly certified. Note : Only originals or certified extracts from the registering/land/revenue/other authorities be examined.	I have verified and tallied the above documents with record mentioned by competent registering authority Revenue, Municipal Authority.
7.	Complete or full description of the immovable property(ies) offered as security for creation of mortgage whether equitable/registered mortgage.	Nazul Sheet No. 34 (old Field Survey No. 15), situated at Mouje Shegaon, Pragane Nandgaon Peth, Tq. & Dist. Amravati was converted into layout for non-agricultural purpose as per order of S.D.O. in R.C. No.NAP-49/2/1962-63 order dated 06.12.1963 out of Nazul Plot No. 792 (Old layout Plot No. 36) admeasuring 4907.63 sq.ft. (456.1 sq.mt.) and on the said plot proposed to be constructed an apartment known as "Sai Heights".
i)	Survey No.	Nazul Sheet No. 34 (old Field Survey No. 15), situated at Mouje Shegaon, Pragane Nandgaon Peth, Tq. & Dist. Amravati
ii)	Door No. (in case of house property)	---
iii)	Extent/area including plinth/built up are in case of house property.	---
iv)	Locations like name of the place, village, city, registration, sub-district, etc.	Sai Heights, Mouje Shegaon, Pragane Nandgaon Peth, Tq. & Dist. Amravati.
v)	Boundaries	East : 40 ft. wide road West : 15 ft. service lane North : 30 ft. wide road South : Plot No. 727 (old Plot No. 37)
8.	Flow of titles tracing out the title, of the intended mortgagor and his/its predecessors in interest from the Mortgage Deed to the latest Title Deed. And whether Minor's interest or other clog on title is involved, for a further period, depending on the need for clearance of such clog on the title (Separate Sheets may be used).	

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Title History of the last 13 years :-

Upon verification of Index-II register and Revenue Record, I find that the Nazul Sheet No. 34 (old Field Survey No. 15), situated at Mouje Shegaon, Pragane Nandgaon Peth, Tq. & Dist. Amravati was converted into layout for non-agricultural purpose as per order of S.D.O. in R.C. No.NAP-49/2/1962-63 order dated 06.12.1963 out of Nazul Plot No. 792 (Old layout Plot No. 36) admeasuring 4907.63 sq.ft. (456.1 sq.mt.) and on the said plot proposed to be constructed an apartment known as "Sai Heights".

That original the Nazul Plot No. 792 (Old layout Plot No. 36) admeasuring 4907.63 sq.ft. (456.1 sq.mt.) owned and possessed by Vimalabai Narayanrao Dange. Thereafter Vimalabai Narayanrao Dange sold the said plot to Dr. Shri. Madhusudan Govindrao Narkhade by way of registered sale deed dated 23.08.1971 at Sr. No. 1698/1971. Thereafter Dr. Shri. Madhusudan Govindrao Narkhade sold the said plot to Sau. Vijaya Bapurao Mehare by way of registered sale deed dated 17.09.1996 at Sr. No. 2501/1996. Thereafter Sau. Vijaya Bapurao Mehare gifted the said plot to Sau. Alka Uddhavrao Ambadkar on dated 03.03.1999 registered at Sr. No. 764/1999.

Thereafter Sau. Alka Uddhavrao Ambadkar sold the Nazul Plot No. 792 (Old layout Plot No. 36) admeasuring 4907.63 sq.ft. (456.1 sq.mt.) to **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal**, all R/o. Ganediwal Layout, Camp, Amravati by way of registered sale deed dated 22.08.2016 at Sr. No. 2432/2016.

Thereafter **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal**, all R/o. Ganediwal Layout, Camp, Amravati made the application before the Amravati Municipal Corporation for the construction a building. Thereafter Amravati Municipal Corporation gave the permission to construct a building on the said plot on dated 16.11.2016 vide Building Permit No.1435 and thereafter **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal** proposed to construct a building known as "Sai Heights".

It is noted that **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal** has mutated their names in Property Register Card dated 19.10.2016 vide mutation entry no. 4154. I have examined the P.R.

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	Card dated 08.11.2016. The said property is free from all encumbrances lien etc., Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar have became the full and absolute owners of the said property to be mortgaged to the Bank.	
9.	Nature of title of the intending Mortgagor over the property (whether full ownership rights, leasehold Right, Occupancy/Possessory Rights or Inam Holder or Govt. Grantee/Allottee etc.	Full ownership rights of Sai Heights through, Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal.
10.	Encumbrances Attachments and /or claims whether of Government, Central of State or other local authorities or Third party claims, Liens etc. and details thereof. If yes give the details thereof.	Not applicable
(a)	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	
11.	Details regarding property tax or land revenue or other statutory dues paid /payable as on date and if not paid, what remedy ?	Tax has been paid upto date.
12.	Details of RTC extracts/ mutation extracts/Katha extracts pertaining to the property in question.	I have not verified the mutation entry in the Property Register Card.
13.	Any bar/restriction for creation of mortgage under any local or special enactments, details of proper registration of documents, payment of proper stamp duty etc.	Documents has been registered with proper stamp duty.
14.	In case of absence of original title deeds, details of legal and other requirements for creation of a proper, valid and enforceable mortgage by	Not applicable.

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	deposit of certified extracts duly certified etc. as also any precaution to be taken by the Bank in this regard.	
15.	The specific person who are required to create mortgage/to deposit document creating mortgage.	Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal.
16.	Whether searches had been conducted physically at the office of the Sub-Registrar for 13 or 40 years.	For last 13 years in the office of Sub-Registrar Amravati City vide Search receipt No. 779 dated 04/02/2017.

Note : In case separate sheets are required, the same may be used, signed and annexed.

Date : 07/02/2017

Place : Amravati


Signature of the Advocate.

ANNEXURE-C**Checklist for the Guidance of the Advocate****Verifying the title of the property(ies) offered as Security**

1.	Nature of title (Ownership/Leasehold/Occupancy/ Govt. grant/allotments etc.)	Ownership
2.	If Leasehold, whether; a) Lease Deed is duly stamped and registered b) Lessee is permitted to mortgage the leasehold rights. c) Duration of the lease/ unexpired period of lease. d) If, a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.	Not applicable
3.	If Govt. grant/allotment/Lease-cum/ Sale Agreement whether; a) grant/ agreement etc. provides for alienable rights to the mortgagor with or without conditions. b) The mortgagor is competent to create charge on such property.	Not applicable
4.	If occupancy right, whether; a) Such right is heritable and transferable. b) Mortgage can be created.	Yes Yes
5.	a) Urban land ceiling clearance, whether required and if so, details thereon. b) Whether no objection certificate under the Income Tax Act is required/ obtained.	Not applicable

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6.	Nature of Minor's interest, if any and if so, whether creation of mortgage could be possible- the modalities/ procedure to be followed and the reasons for coming to such conclusion.	Not applicable
7.	If the property is Agricultural land, whether the local laws permit mortgage of Agricultural land and whether there are any restrictions for enforcing, thereon.	Not applicable
8.	In the case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed/ permission obtained.	Not applicable
9.	Whether the property is affected by any local laws (viz. Agricultural Laws, weaker Sections, minorities, Land Laws etc.)	Not applicable
10.a	In case of partition/ settlement deeds, whether the original deed is available for deposit. If not the modality/ procedure to be followed to create a valid and enforceable mortgage.	Not applicable
b.	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	Not applicable
c.	Whether the partition made is valid in law and the mortgagor has acquired a mortgageable title thereon.	Not applicable
11.a	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable
b.	Whether the person(s) creating mortgage has/ have authority to create mortgage for and on behalf of the firm.	Not applicable

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12.a	Whether the property belongs to a Limited Company, check the Borrowing powers, BOD resolution, Authorization to create mortgage/ execution of documents, registration of any prior charges with the company Registrar, Articles of Association/ provision of common seal etc.	Not applicable
b.	In case of Societies, Association the required authority/ power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws.	Not applicable
13.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed/ stamped, authenticated in terms of the law of the place, where it is executed.	Not applicable
14.	If the property is a flat/apartment or residential/commercial complex, check.	Yes, Apartment.
a.	Promoter's Land owner's title to the land/building.	Yes.
b.	Development agreement/ Power of Attorney.	Not applicable
c.	Extent of authority to the Developer/ builder.	Yes.
d.	Independent title verification of the Land and/or building in question.	Not applicable
e.	Agreement for sale (duly registered)	Not applicable
f.	Payment of proper stamp duty.	Not applicable
g.	Conveyance in favour of Society/ Condominium concerned.	Not applicable
h.	Occupancy Certificate/ allotment letter/ letter of possession.	Not applicable

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i.	Membership of details in the Society etc.	Not applicable
j.	Share certificate.	Not applicable
k.	No Objection letter from the society.	Not applicable
l.	All legal requirements under the local/ Municipal laws, regarding ownership of flats/Apartments/ Building Regulations, Development Control Regulations, Co-operative Societies Laws etc.	Yes
15.	Where the property is a joint family property, mortgage is created for family benefit/ legal necessity, whether the Major Coparceners have no objection/ join in execution, minor's share if any, rights of female members etc.	Not applicable
16.	Pending Litigations/Court attachment / injunction/stay orders/ acquisition by the Govt./Local Authorities etc. that could be ascertained.	No
17.	Any other details required for the purpose.	The bank is liberty to obtain further explanation and documents from the borrower.

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ANNEXURE-D
CERTIFICATE OF TITLE

I have examined the original title deed intended to be deposited relating to the schedule property/ies and offered as security by way of "Registered English Mortgage" and that the documents of title referred to in the opinion are valid evidence of right, title and interest and that if the said Registered/Equitable Mortgage is created, it will satisfy the requirements of creation of Registered/Equitable Mortgage and if further certify that;

1. I have examined the documents in details, taking into account all the guidelines in the check list vide Annexure-C and the other relevant factors.
- 1.A I confirm having made a search in the Land/Revenue record. I do not find anything adverse which would prevent the Title Holder from creating a valid mortgage.
- 1.B Following scrutiny of Land Record/Revenue Records and relative Title Deeds, I hereby certify the genuineness of the Title Deeds. Suspicious/ Doubt, if any, has been clarified by making necessary enquiries.
2. There are no prior mortgage/charges/encumbrances whatsoever, as could be seen from the Encumbrances Certificate for the period from 2005 to 2017 pertaining to the immovable property(ies) covered by above said Title Deeds. The property is free from all encumbrances.
3. Minor(s) and his/their interest in the property(ies) is to the extent of - N.A.
4. The mortgage if created, will be available to the Bank for the liability of the intending borrower (mortgagor) **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal.**
5. I certify that **Sai Heights through Partners - Sau. Sonali Pankaj Ubhad, Shri. Gaurang Naresh Gadball, Sau. Sunanda Purushottam Bhagwat & Shri. Himanshu Prabhakar Pal** has/have an absolute, clear and marketable title over the schedule property/ies. I further certify that the above title deeds are genuine and a valid mortgage can be created and the said mortgage would be enforceable.



..(II)..

In case of creation of mortgage by deposit of title deeds, we certify that the deposit of following title deeds/documents would create a valid and enforceable mortgage.

There are no legal impediments for creation of the mortgage under any applicable law/rules in force.

SCHEDULE

DESCRIPTION OF PROPERTY/IES

All the piece and parcel of land bearing Nazul Sheet No. 34 (old Field Survey No. 15), situated at Mouje Shegaon, Pragane Nandgaon Peth, Tq. & Dist. Amravati was converted into layout for non-agricultural purpose as per order of S.D.O. in R.C. No.NAP-49/2/1962-63 order dated 06.12.1963, out of Nazul Plot No. 792 (Old layout Plot No. 36) admeasuring 4907.63 sq.ft. (456.1 sq.mt.) and on the said plot proposed to be constructed an apartment known as "Sai Heights" and situated within the limits of Amravati Municipal Corporation and within the jurisdiction of Sub-Registrar, Amravati and bounded as under :

Towards East	: 40 ft. wide road
Towards West	: 15 ft. service lane
Towards North	: 30 ft. wide road
Towards South	: Plot No. 727 (old Plot No. 37)

Place : Amravati

Date : 07/02/2017


[Sau. M. U. Gawande (Daf)]
Signature of Advocate