Sudhakar R. Bhole
Advocate
NOTARY (Govt of India)
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(O) 3, Ladikar Layout, Balaji Nagar Chowk, Manewada Road, Nagpur. Mob. 9860492696 ☎ :- 9373517692
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Date : 05-03-2008

LEGAL OPINION CUM NON-ENCUMBRANCES CERTIFICATE & LEGAL SCRUTINY REPORT

Having been engaged by the **Allahabad Bank, Manewada Branch, Nagpur** for preparing the **Titel Verification and Search Report** for the property to be Mortgaged for securing the fincancial assistance from Allahabad Bank, I, S.R. Bhole Advocate, Office at Plot No.3, Ladikar Layout, Balaji Nagar Chowk, Manewada Road, Nagpur do hereby submit my report as under :-

1. Name & address of Mortgagors/Title Holder/ Borrowers :-

   1) **RAMNATH DEVELOPERS PVT. LTD. THROUGH ITS DIRECTOR SHRI. SUDESHCHANDRA S/O. BABULALJI GUPTA**
   57-A, First Floor, Navjeevan Colony, Wardha Road, Nagpur.
   [Owner/Borrower/Mortgager]

2. Details/Description of documents scrutinized :-

Sr. No.	Date of document	Name of document	Whether original/ Certified/ true copy/ Photostat copy
1.	19-04-2008	Sale Deed Registered on 21-04-2008, vide Document Index No. 02247-2008, Book No. 1, Volume No. 2247, Page No. 1 to 31 duly Registered in the office of Joint Sub Registrar Nagpur No.7 in respect of Land being K.H.No.66, P.H.No.12-A, Occ. Class-I, Admeasuring Area - 1.63 Hr. Mouza-Bhokra, Tah. Nagpur (Rural), Distt. Nagpur executed	Xerox

		by Smt Shaikh Nazmuddin Sheikh Mohhamad Bhai, the conforming party and President of The Burhani Park Co.-Operative Housing Society Ltd. Nagpur infavour of Shri. Sudeshchandra s/o. Babulalji Gupta, Authorised Signatory of Ramnath Developers Pvt. Ltd., Nagpur.	
2.	17-04-2008	Extract of 7/12 in respect of K.H.No.69/1	Xerox
3.	17-04-2008	Extract of 7/12 in respect of K.H.No.69/2	Xerox
4.	17-04-2008	Extract of 7/12 in respect of K.H.No.69/3	Xerox
5.	17-04-2008	Extract of 7/12 in respect of K.H.No.69/4	Xerox
6.	17-04-2008	Record of Land Holder Entry Book	Xerox
7.	14-03-2007	Revenue Map	Xerox
8.	16-04-2008	Extract of 7/12 in respect of K.H.No.66	Xerox
9.	08-04-2005	Record of Mutation of Land	Xerox
10.	16-04-2008	Application for N.O.C. to Sell the Property.	Xerox
11.	10-11-2004	Order of N.A.	Xerox
12.	27-02-2009	Revised Proposed Residental Layout of K.H.No.66 to 69 approved to Town Planning Nagpur by its letter S.S.N.G./850	Xerox
13	06-05-2008	Subscription Agreement between Ramnath Developer Pvt. Ltd. and CICOM Realty Pvt. Ltd.	Xerox

3. Details/ Description of Property/Properties :-

Sr.	House No. City Survey No. Khasara No.	Extent areas of land/Building	Boundary	Location, District, Municipality
1	Land being K.H.No.66,69/1, 69/2, 69/3, 69/4, 69/5, P.H.No.12-A, Occ. Class-I, Admeasuring Area - 9.89 Hr. Mouza-Bhokra, Tah. Nagpur (Rural), Distt. Nagpur executed by Shri. Sheikh Nazmuddin Sheikh Mohhamad Bhai, the conforming party and President of The Burhani Park Co.-Operative Housing Society Ltd. Nagpur		**East :** K.H.No.67 **West :** K.H.No.54 **North :** Outer Ring Road. **South :** Village Road	Within the limits of Tahasil (Rural) Nagpur, Town Planning and Adjoining to N.M.C. Limit.

4. **Brief history of the property and how the owner/mortgagor has derived title.**

(i) That the above said land was originally owned and possessed by Shri. Bhagwan Laxaman Aawale, Shri. Mannalal Ramchand Singh, Surendra Singh, Tilakchand Singh, Vijay Singh and thereafter purchased by The Burhani Park Co.-Operative Housing Society Ltd. Nagpur vide its Registration No. NGP/ ARN/HSB/TO/772/1995 through its duly Authorised President Shri. Sheikh Nazmuddin Sheikh Mohhamad Bhai and thereafter the said land is converted for Non-Agricutural use by its order dt. 10-04-2004. As per revised proposed reisdental layout of K.H.No.66 & 69 the Town Planning Dept. has approved the said layout plan by its letter S.S.N.G./850 dt. 27-02-2009.

(ii) That as per Sale Deed dt.19-04-2008 and registered on 21-04-2008 vide Index No. 02247 duly registered in the office of Joint Sub-Registrar Nagpur No. 7 executed by Shri. Sheikh Nazmuddin Bhai Sheikh Mohhamad Bhai, the Conforming Party and President of The Burhani Park Co.-Operative Housing Society Ltd. Nagpur infavour of Ramnath Developers Pvt. Ltd., Nagpur. It is

seen from all the documents and as per registered Sale Deed dt. 21-04-2008 the Shri. Sudeshchandra s/o. Babulalji Gupta, Authorised Signatory of M/s. Ramnath Developers Pvt. Ltd., Nagpur is the absolute and execlusive onwers of the said property.

(iii) At present the said owner and borrower has not produced original copy of Sale Deed dt. 21-04-2008, however he should have produced in the bank before disbursement of loan amount.

5. **Search and investigation :** The title history of last 13 years from this date shows the above chain of transactions. The links in the chain of title have been property established. All the transactions have been duly verified from the relevant records of Registrar of Documents, Tahasil (Rural) & Town Planning Office at Nagpur.

I have taken the search of records of Sub-Registrars Office from Inspection Book No. (1) and other relevant records, for last 13 years by paying the necessary search fee vide receipt dated 04-03-2009. The original search receipt is enclosed herewith.

5.1 The person who is/are the persent owner/s of the property.

Ramnath Developers Pvt. Ltd., Nagpur through its Director

Shri. Sudeshchandra s/o. Babulalji Gupta,

5.2 Whether the party has absolute clear and marketable title over the property proposed to be mortgaged and can create valid charge/Mortgage the property :- **Yes.**

5.3 **a)** What is the Nature of title of the owner :- **Absolute Owner.**

b) Leasehold immovable property. (Where the land/building(s) is/are leasehold please verify the terms of the lease(s) the name and address(es) of the lesson(s) and whether any permission/NOC from the lesson(s) company authority is required for transfer (such as mortgage sale etc.) of the property :- As freehold property.

5.4 Whether there is any restriction/prohibition under personal law of the owner/mortgagor to hold the property under the title deed through which he has derived the title :- **Nil.**

5.5 Whether the latest title deed and the chain of Previous title deeds are available in originals :- **Yes.**

5.6 Whether building tax/land revenue has been paid upto date :- **Tax of Revenue is paid.**

5.7 Whether any dues recoverable as land revenue are outstanding :- **Paid**

5.8 In case the facility is sought for construction purpose, whether the land has been converted under the Land Revenue/conversion law, rules. If not required. Give reasons :- **Yes**

5.9 Whether the land is affected by any revenue and tenancy legislation, if so, how and to what extent and the remedy, if any :- **No**

5.10 Whether the permission under the Urban Land (Ceiling and Regulations) Act. 1976 is necessary or not :- **N.A.**

5.11 Is there any other special enactment like Land Acquisition Act and other State Legislation. The provisions of which is applicable for the property and affecting the title ? :- **N.A.**

5.12 **(a)** Is the property free from encumbrance : **Yes.**

(b) Please give detailed account of creation of charge or redemption for a minimum period of 13 years and also state the subsisting charge, if any mentioned in the encumbrance certificate for the last 13 years : **Yes from the year 1997 to 04-03-2009.**

5.13 Whether the proposed equitable mortgage by deposit of title deeds is possible, if so, what are the documents to be deposited ? If deposit is not possible can there be a simple mortgage or by a Registered memorandum or by any other mode of mortgage : **Equitable Mortgage by depositing original Sale Deed of Borrowers dt. 21-04-2008.**

5.14 Whether the property is freehold or lease hold or/self occupied or tenanted. If tenanted whether the property can be taken as mortgage and what precautions to be taken : **Freehold Property.**

5.15 If owner is company, partnership firm, trust, temple. Wakf or other legal person how title is affected its Memorandum and Articles of Association, Partnership Deed, Trust Deed of rules or bye laws and what are the precautions to be taken under rules or bye- laws : **As per terms and condition of Ramnath Developer Pvt. Ltd.**

5.16 If property to be mortgage is a flat/apartment in residential or commercial complex, how far independent title is ensured and how the enjoyment of common areas and facilities are ensured to the flat-owner (mortgagor) what are the document of title available for creating mortgage ? Documents/records to be taken from builders owners their Bankers :- **If necessary from the appropriate authority.**

5.17 Flats owned/controlled by societies special requirements to be, if society refuses to note bank lien/interest :- **N.A.**

5.18 Please state the names of the person who should join the creation of charge/mortgage of the property either by deposit of title deed or by registered mortgage etc. :-

Ramnath Developers Pvt. Ltd., Nagpur through its Director

Shri. Sudeshchandra s/o. Babulalji Gupta,

6. <u>Investigation under Income-Tax Act, 1961 :-</u>

(Please investigate whether provision of S230-A and chapter XXC of the I.T. Act 1961 have been complied with and whether any acquisition proceedings under S222 chapter XXC have been initialed against the immovable property. If any acquisition proceedings etc. are pending or have been finalized. Please give full details thereof along with the necessary documentary evidence. Please also advise whether any prior permission of

the concerned Assessing Officer under S-281 (1) is required for any transfer (by way of sale, mortgage, gift exchange or any other mode of transfer whatsover) of the immovable property : **No.**

7. Search in respect of Companies registered under the Companies Act :- **Not applicable.**

8. Investigation inregard to Agricultural Land. **Not applicable.**

CERTIFICATE

I have gone through the original title deeds intended to be deposited relating to the property and offered as security by way of simple mortgage/ equitable mortgage and that the documents of title referred to above are perfect evidence of title and that if said documents are deposited and equitable mortgage/simple mortgage is created in the manner required by law, it will satisfy the requirements of creation of simple mortgage/equitable and I further certify that :-

i) There is no prior mortgages/charges whatsoever as could be seen from the encumbrance certificate for the period from 1997 to 2009 pertaining to the immovable property covered by the above said title deeds.

ii) The mortgage if created will be perfect and available to the Bank for enforcement against the liability of the intending Mortgagors :-

Ramnath Developers Pvt. Ltd., Nagpur through its Director

Shri. Sudeshchandra s/o. Babulalji Gupta,

I certify that **Ramnath Developers Pvt. Ltd., Nagpur through its Director Shri. Sudeshchandra s/o. Babulalji Gupta,** is the present owner of the said property and has a valid, clear, unassilable and marketable title in the property shown above and perfect/valid mortgage by deposit of title deeds can be created in favour of the bank. For this purpose following documents are suggested to be taken by the Bank.

1) Original Copy of Sale Deed Registered on dt. 21-04-2008

2) Copy of Order of N.A. dt. 10-11-2004.

3) Latest Copy of Extract of 7/12 & Record of Mutation of Land.

4) Copy of Revised Proposed Residental Layout Plan of K.H.No.66 & 69 approved by Town Planning, Nagpur dt. 27-02-2009.

5) N.O.C. from Ramnath Developers Pvt. Ltd., Nagpur to obtain loan from the Allhabad Bank, Branch at Manewada, Nagpur.

Place :- Nagpur.
Date :- 05-03-2009.

S.R.Bhole
Signature of the Advocate
who scrutinized title
deeds/documents.

Encl. : Original Receipt No.567/09 dt.04-03-2009.

दस्तऐवजाचा/अर्जाचा क्रमांक

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दिनांक

दस्तऐवजाचा प्रकार— दुय्यम शोध अर्ज

सादर करणाऱ्याचे नाव— सुधाकर आर गोले

खालीलप्रमाणे फी मिळाली :—

नोंदणी फी

नकल फी (कोलिओ

पृष्ठांकनाची नकल फी ३१९७ ते २००९ ३२५

टपालखर्च

नकला किंवा उतारे (कलम १८ ते ६०) ३ वर्षे

शोध किंवा तिरीक्षण मागे - गोकरा

दंड—कलम ५५ प्रमाणे २५ रु - EE

कलम ५१ अन्वये

प्रमाणित नकला (कलम ५७) (कोलिओ

इतर फी (मागील पानावरील) नवलाख ७२-३५

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इथे पहावा