VIJAY S. DESHPANDE

M.Sc., M.B.A., B.A., L.L.B.,
ADVOCATE

OFFICE: -
Bhiwapurkar Chambers, 1st Floor,
Above L. G. Best Shoppe,
Opp. Yeshwant Stadium,
Dhantoli, Nagpur.

Cell No. : 9822641434
E-mail: vsdeshpande@rediffmail.com

Res:
63, Bajiprabhu Nagar,
Nagpur-440 033

Date: 30/11/2019

TO WHOM SO EVER IT MAY CONCERN

TITLE VERIFICATION AND SEARCH REPORT

I have been engaged by you to carry out the title search and verification report of the property **to be acquired** by **M/s. Tirupati Developers acting through its Partner Shri Prashant S/o. Manoharrao Bongirwar along with Shri Rahul S/o Arunrao Upganlawar** for a period of **13 Years from 2007 to 2019**. Accordingly, I have carried out the title search from the records of the Office of the **Sub-Registrar Nagpur 7** and based on the documents submitted before me, my report is as under:-

1) Schedule of the property:-

All that piece and parcel of agriculture land at **Kh. No. 30/1/K (Old 64), total area admeasuring 14.64 HR is divided by north south wise & eastern portion, area admeasuring 5.82 HR of Mouza Shankarpur**, P. H. No. 42, Bhogwatdar Class - I land, Tahsil Nagpur Gramin & District Nagpur and the said Khasara is bounded as under:-

On the east	-	Part of Kh. No. 30 & Road
On the west	-	Remaining Portion of Kh. No. 30/1/K (Part)
On the north	-	Gaothan
On the south	-	Kh. No. 35

2) List of Documents verified:-

1. Copy of Order in the Writ Petition No. 4628/2004 by the Hon'ble High Court of Judicature at Bombay, Nagpur Bench Nagpur on 25/04/2004.
2. Copy of Proceeding Book of Shri Murlidhar Swami Deosthan Panch Committee Meeting dt.16/10/2004.
3. Copy of Schedule I under Bombay Public Trust Act.
4. Copy of Computerized 7/12 for Kh. No. 30/1/K mutated in the name of Shri Sudhakar Rajeshwar Komawar vide Ferfar No. 928, dt.02/03/2010.
5. Copy of registered Agreement to Sale bearing No. NGN-7-5201-2019, dt.27/05/2019 between Shri Sudhakar Rajeshwar Komawar and M/s. Tirupati Developers through its Partners Mr. Prashant Manoharrao Bongirwar & Mr. Rahul Arunrao Upganlawar.
6. Copy of E-search.

3) A link of chain of transfer of property: -

On verification of the above-mentioned documents and title search carried out by me, I am of the opinion that initially the agriculture land at Kh. No. 64 & 70 (Old 30), area admeasuring 19.76

VIJAY SADASHIV DESHPANDE ADVOCATE NAGPUR

Scanned by CamScanner

HR & Kh. No. 72, area admeasuring 0.58 HR of Mouza Shankarpur, P. H. No. 42, Tahsil Nagpur Gramin & District Nagpur was owned & possessed by Shri Murlidhar Swami Deosthan Panch Committee, an unregistered Trust of Mouza Butibori, under ownership rights since the year 1894. The aforesaid lands were handed over by the said Trust to Shri Ganpat Barkuji Kalbande to cultivate the same since 1934-35. After the death of Shri Ganpat Barkuji Kalbande, the said Trust further entrusted Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande to cultivate the same. As a result therefore the Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande was in the actual physical possession of the said entire property since 20/08/1958.

Whereas sometime in the year 1970-71 the Tahsildar Nagpur started suo moto proceedings for granting the ownership upon the said lands to Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande the Tenants vide Revenue Case No. 473/59-13 B/70-71 granted the ownership being Tenants and an order to that effect was passed on 08/11/2001.

Whereas the said order for the Tahsildar Nagpur was subsequently challenged by the said Trust by filling an Appeal before the Sub Divisional Officer Nagpur bearing Revenue Appeal No. 1/59-13B/2001-2002 and the same was rejected by the said authority vide his Order dt.12/07/2005. Being aggrieved by the said order the said Trust later on filed the Tenancy Revision No. 10/B1/2002 before Maharashtra Revenue Tribunal Nagpur and the status quo was maintained against the said order. During the pendency of the said proceedings one Smt. Durgabai Shesh submitted an intervention application to make herself as party to the said proceedings and was granted by the M.R.T.

Whereas in Public Interest Litigation No. 56/2002 the Hon'ble High Court Judicature at Mumbai Bench at Nagpur stuck down the amending act 2002 and consequently therefore the Divisional Commissioner / Revenue Tribunal did not have any powers to entertain any such revision.

Whereas simultaneously an application was filed by the said Trust before the Deputy Charity Commissioner Nagpur Region bearing Enquiry Application St. No. 589/1986 wherein an order was passed on 28/04/2000 and it was declared that the Murlidhar Swami Deosthan Committee Butibori be Registered as a Public Trust and accordingly a Registration Certificate was issued to one Shri D. G. Buit bearing Registration No. A-925 Butibori Nagpur and also further ordered that the particulars of the Trust be entered in the Public Trust Register Schedule I and declared the said land as a Trust property.

Whereas the said order of the Deputy Charity Commissioner was later on challenged by Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande by filling the Revision Application before the joint Charity Commissioner Nagpur.

Whereas the Smt. Durgabai Shesh also filed an Application No. 1/59-13B/2002-2003 of Mouza Shankarpur before the Sub Divisional officer Nagpur which was rejected on 04/01/2005.

Whereas Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande, M/s. Krushna Builders and Developers and the said Trust later on jointly decided to settle the said dispute amicably. Out of such settlement Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande and M/s. Krushna Builders and Developers offered to pay a sum of Rs. 1, 21, 00, 000/- to the said Trust to compromise the said dispute and to end to all the litigations finally and forever. Considering the said proposal the said Trust requested the Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande to send their aforesaid proposal in writing to it so as to put the same before the General Body of the Trust for taking necessary decision in this regard.

VIJAY SADASHIV DESHPANDE ADVOCATE NAGPUR

Scanned by CamScanner

Accordingly the Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande sent a letter to the said trust which was out up for the decision in General meeting of the said Trust on 24/01/2004. In pursuance to the said proposal the General Body of the Trust finally decided to compromise the said litigations. Further in the meeting held on 16/10/2004 and vide Resolution No. 2 Shri Dattatraya Ganpatrao Buit, the president of the said Trust was empowered to sign the said Compromise Applications and to appear before the Competent Courts to represent the said Trust to record the compromise.

Whereas a Compromise pursis was filed before the Maharashtra Revenue Tribunal. However, the Divisional Commissioner was not in a position to entertain any revision the matter remained before him. In this situation Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande and the said Trust has filed a Writ Petition No. 4628/2004 before the Hon'ble High Court Bench at Nagpur to record the Compromise on 21/10/2004 and the same was allowed vide an order dt.25/10/2004.

Whereas a joint Compromise Pursis was later on submitted before Joint Charity Commissioner Nagpur to record the said Compromise and to delete the said land from Schedule I of the said Trust.

Whereas during the pendency of the said Revision, Two Civil Applications were filed before the Hon'ble High Court Bench at Nagpur out of which one was filed by Smt. Durgabai Shesh bearing No. 589/2005 and another by on Shri Deepak Ambekar bearing No. 612/2005. However both these applications were allowed to be withdrawn by the Hon'ble High Court.

Whereas Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande decided to develop the said land and accordingly approached M/s. Krushna Builders and Developers and offered the said land to it. Accordingly an Agreement of Development and Sale to that effect is also executed in between the owners and the Developer on 28/12/2009 upon the several terms and conditions contained therein.

Thereafter the then joint owners Shri Shamrao Ganpat Kalbande & Shri Bapurao Ganpat Kalbande along with M/s. Krushna Builders and Developers through its Partners Shri Ratnakar Bapurao Kalbande, Sau. Rekha Baban Kalbande, Shri Gunwantrao Namdevrao Tapre & Shri Ravindra alias Narendra Vinayakrao Gorle transferred the said land at Kh. No. 30/1/K (Old 64), total area admeasuring 14.64 HR of Mouza Shankarpur to M/s. Jagdamba Realtors Pvt. Ltd. through its Director Shri Gopal Laxmanrao Kondawar and accordingly executed a registered Sale Deed bearing No. NGN-7-2608-2007, dt.30/04/2007 and the document is duly registered in the Office of the Sub Registrar Nagpur 7, thereby by virtue of the said registered Sale Deed M/s Jagdamba Realtors Pvt. Ltd. through its Director Shri Gopal Laxmanrao Kondawar became the absolute owner of the said land at Kh. No. 30/1/K (Old 64), total area admeasuring 14.64 HR of Mouza Shankarpur and accordingly their names are mutated in the 7/12 revenue records vide Ferfar No. 501, dt.15/05/2007.

Thereafter the then owner M/s. Jagdamba Realtors Pvt. Ltd. through its Director Shri Gopal Laxmanrao Kondawar also transferred the said land at Kh. No. 30/1/K (Old 64), total area admeasuring 14.60 HR is divided by north south wise & eastern portion, area admeasuring 5.82 HR of Mouza Shankarpur to Shri Sudhakar Rajeshwar Komawar and accordingly executed a registered Sale Deed bearing No. NGN-7-2505-2009, dt.04/04/2009 and the document is duly registered in the Office of the Sub Registrar Nagpur 7, thereby by virtue of the said registered Sale Deed Shri Sudhakar Rajeshwar Komawar became the absolute owner of the said land at Kh. No. 30/1/K (Old 64), total area admeasuring 14.60 HR is divided by north south wise & eastern

VIJAY SADASHIV DESHPANDE ADVOCATE NAGPUR

Scanned by CamScanner