# K. K. GAHARWAR & CO.

*Banking & Corporate Law Consultants AND Advocates*


Ref: - LSR-321/2017-18 dt.27/09/2017

## *TO WHOM SOEVER IT MAY CONCERN*

## *LEGAL OPINION FOR SCRUTINY OF TITLE*

**Dear Sir,**

Ref:- **Title Investigation And Search Conducted on 27/09/2017 In the Office of Sub-Registrar Nagpur in respect of the immovable property bearing KH. No. 38 having an area 3.29 Hectares (i.e. 8.13 Acres)** of MOUZA-DABHA, belonging to **(1) Shri Sunil Ramkrishna Duddalwar, (2)Mrs. Sonal Sunil Duddalwar and (3) Shri Kunal Sunil Duddalwar**

With reference to personal instructions of the aforesaid owners, I submits my Legal Scrutiny Report as hereunder:

1. The Complete description of Immovable property.

All that piece and parcel of Non agricultural NIT sanctioned layout bearing **KH. No. 38 having an area 3.29 Hectares (i.e. 8.13 Acres)** of MOUZA-DABHA, P.S.K. No. 7, togetherwith all types of trees, shrubs, passage, rights of way, path ways water courses and well with electric connection in Kh. No. 38, city survey no. 270 and 238 and sheet No. 64 both situated at Dabha, Nagpur within the limits of Nagpur Improvement Trust & Nagpur Municipal Corporation, Tah. & District Nagpur and are bounded as under:-

ON THE EAST : - Kh. No. 39/1, 39/2and 40
ON THE WEST : - Kh. No. 36 and 37
ON THE NORTH : - Kh. 17
ON THE SOUTH : -Nallah and Road

**Belonging to and standing in the name of Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar**

A. Khasra No. (in case of Land property) :- Khasra No. 38
B. Door No. (in case of House property) :-
C. Extent / Area : - **Total admeasuring 3.29 Hectares (i.e. 8.13 Acres)**
D. Location & boundaries :- as mentioned below

ON THE EAST :- Kh. No. 39/1, 39/2 and 40
ON THE WEST : - Kh. No. 36 and 37
ON THE NORTH : - Kh. 17
ON THE SOUTH : -Nallah and Road

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**2. Particular of the Documents Scrutinized** :

| Sr. No | Date of Document | Document No. | Nature of Document | Original Copy |
|---|---|---|---|---|
| 1 | 10/01/1978 | Registered under Sr. No. 83 dt. 10/01/1978 with Sub Registrar Nagpur | Sale Deed executed by Shri Rajendra Vishwanath Pandit and Shri Madhav Vishwanath Pandit in favour of Shri Shrikrushnakumar Pandit in favour of registered under Sr. No. 83 dt. 10/01/1978 with Sub Registrar Nagpur. | Photostat |
| 2 | 28/05/2013 | Registered under Sr. No.3295/2013 Dt. 28/05/2013 with Sub Registrar Nagpur-4 | Sale Deed Dt. 28/05/2013 executed by (1)Smt. Sudha Shrikrushnakumar Pandit (2)Shri Shashank Shrikrushnakumar Pandit (3)Mrs. Savita Vishvajit Karandikar in favour of **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar** registered under Sr. No.3295/2013 with Sub Registrar Nagpur-4 in respect of land having an area of 3.29HR out of KH/Survey/Gat No. 38 of Mouza- Dabha | Original |
| 3 | 28/05/2013 | registered under Sr. No.3294/2013 Dt. 28/05/2013 with Sub Registrar Nagpur-4 | Sale Deed Dt. 28/05/2013 executed by (1)Smt. Sudha Shrikrushnakumar Pandit (2)Shri Shashank Shrikrushnakumar Pandit (3)Mrs. Savita Vishvajit Karandikar in favour of **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar** registered under Sr. No.3294/2013 with Sub Registrar Nagpur-4 in respect of land having an area of 0.93HR out of KH/Survey/Gat No. 39/2 of Mouza- Dabha | Original |
| 4 | 01/03/2017 | in revenue case no. 219/NAP-34/2016-17 dt. 01/03/2017 | N.A order passed by the District Collector, Nagpur in revenue case no. 219/NAP-34/2016-17 dt. 01/03/2017 converting the aforesaid land of Kh. No. 38 of Mouza-Dabha into Non agricultural for residential purpose. | Original |
| 5 | 03/07/2017 | vide mutation entry No. 10035 | Extract of Akhiv Patrika dt. 03/07/2017 issued by city | Original |

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|---|---|---|---|---|
| | | dt. 30/03/2017 | survey Officer no.3 Nagpur Stating that name of **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar** has been mutated vide mutation entry No. 10035 dt. 30/03/2017 | |
| 6 | 03/04/2017 | vide its letter bearing no. ADTP/PI./2441 dt. 03/04/2017 | Layout Plan of land bearing Kh. No. 38 of Mouza-Dabha sanctioned by NIT vide its letter bearing no. ADTP/PI./2441 dt. 03/04/2017 | Original |
| 7 | 03/04/2017 | | Agreement dt. 03/04/2017 entered into between Nagpur Improvement Trust and **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar in respect of sanction layout plan.** | Original |
| 8 | 19/07/2017 | vide letter no. EE(West)/5017 dt 19/07/2017 | Release letter issued by NIT vide letter no. EE(West)/5017 dt 19/07/2017 | Original |

**3.** In case of companies/ societies /Associations: Weather;

**a)** Memorandum and article /bye-Laws of the company/society/ Association authorize to offer its Property (ies) security for loan. : Not Applicable

**b)** Requisite resolution have duly passed by the company /society/association for mortgaging the property in favor of the Bank. : Not Applicable

**c)** Such resolution sets out the name of the person who are authorized to create charge over the properties affixing common seal. : Not Applicable

**d)** Weather they are any subsisting charges As per the records of charges with the Registrar of Companies over the property Offered. : Not Applicable

**4.** Brief History/flow of title. weather all original link documents are available with the mortgagor whether there is any defect in the : Yes

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claim of title.

1) Originally, All that piece and parcel of land having an area 3.29HR. out of KH. No. 38, P.S.K. No. 7, bearing city survey no. 270 and 238 and sheet No. 64 within the limits of Nagpur Improvement Trust & Nagpur Municipal Corporation was belonging to and standing in the name of Shri Shrikrishnakumar Vishwanath Pandit having been acquired by Family Settlement deed dt. 10/10/1976 who expired on 16/08/2010 consequent upon his death the aforesaid property was devolved upon his widow Smt. Sudha Shrikhrishnakumar Pandit and his son (2)Shri Shashank Shrikrishnakumar Pandit and daughter (3) Mrs. Savita Vishwajit Karandikar and their names were mutated and recorded in the record of city survey authority vide mutation entry no. 10035 dt. 01/02/2016 .

2) During the course of time some dispute arose in between the aforesaid Shri Shrikrishnakumar Vishwanath Pandit and others and Smt. Sheelabai Ramesh Sarode and others in respect of aforesaid property, which was resulted into the initiation of legal proceedings in the Court Of Law. And accordingly the aforesaid Smt. Sheelabai Ramesh Sarode and others have filed a Civil Suit before the Civil Judge, Senior Division, Nagpur, which was registered as civil Suit No. 591/2010 for specific performance of the sale dt. 21/08/1989. The legal heirs of late Shri Shrikrishnakumar Vishwanath Pandit namely Smt. Susha Shrikrishnakumar Vishwanath Pandit and others further preferred as appeal against the Judgment and Decree passed in the aforesaid Civil Suit No. 591/2010 before the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur, which was registered as First Appeal No. 1425/2009. That both the aforesaid parties lateron jointly and severally decided to settle their aforesaid disputed matter amicable outside the Court by withdrawing of the said Appeal bearing No. 1425/2009 and compromised the aforesaid Civil suit bearing No. 591/2010 unconditionally. The Hon'ble High Court of Judicature at Bombay, Bench at Nagpur passed a Judgment and Decree on dt. 08/09/2011 in the aforesaid Appeal and civil suit and thereby dismissed the aforesaid Appeal. As a result therefore the aforesaid property had become free from encumbrances of all kinds whatsoever and the present Owners thereof hold a good, valid and marketable title in respect of the said property.

3) Thereafter Smt. Sudha Shrikhrishnakumar Pandit (2)Shri Shashank Shrikrishnakumar Pandit (3) Mrs. Savita Vishwajit Karandikar sold the land having an area of 3.29HR out of KH/Survey/Gat No. 38 of Mouza- Dabha **to Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar** by way of a Sale Deed Dt. 28/05/2013 registered under Sr. No.3295/2013 with Sub Registrar Nagpur-4 and their name are mutated and recorded in the record of city survey authority vide mutation entry No. 10035 dt. 01/02/2016 as the owner of the aforesaid property.

4) The Government of Maharashtra vide Notification No. 2413/103/CR-174/2014/UD-9 dt. 24/06/2015 user of the aforesaid lands bearing Kh./Survey/Gut Nos. 38 having an area 3.29 Hectares (i.e. 8.13 Acres) of MOUZA-DABHA was changed from Agricultural Zone and included the said land bearing KH. No. 38 in residential Zone as mentioned in the Development Plan of Nagpur City. Thus the aforesaid properties are declared said thus

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identified in residential Zone.

5) The aforesaid land is situated in the area covered by the **"Green Belt Control Scheme"** as per Government Notification the said Scheme is under jurisdiction of the Nagpur Improvement Trust by virtue of which the regulations framed under section 90(h-1) of the Nagpur Improvement Trust Act, NIT has control over the area of development of the said land.

6) Accordingly, N.A order is passed by the District Collector, Nagpur in revenue case no. 219/NAP-34/2016-17 dt. 01/03/2017 converting aforesaid land bearing Kh. No. 38 of Mouza- Dabha into Non agricultural for residential purpose.

7) Being desirous to have the layout plan of the aforesaid land duly sanctioned by NIT, **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar entered into an agreement with Nagpur Improvement Trust, Nagpur on dt. 03/04/2017 in pursuance of which the** Layout Plan of land bearing Kh. No. 38 of Mouza-Dabha is sanctioned by NIT vide its letter bearing no. ADTP/PI./2441 dt. 03/04/2017 dividing the aforesaid land into **67 plots from plot no. 1 to 67 out of which 37 Plots** bearing Plot No. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 66, 67 are released by NIT for development in terms its release letter bearing no. EE(West)/5017 dt 19/07/2017 issued by NIT.

8) **It is further to mention that out of 67 plots as mentioned aforesaid, the Plot no. 66 admeasuring 2504.481sqmtrs. has been charged and mortgaged by Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar to Andhra Bank Dharampeth Branch Nagpur in terms of Deed of Mortgage registered under Sr. No. 2601/2017 dt. 28/07/2017 with Sub Registrar Nagpur-5 in order to secure the credit facilities, financial assistance and accommodation provided by the said bank to M/S HIMALAYA INFRAPROJECTS which is still subsisting.**

9) In View of the above, we certify, that title of **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar respect of the aforesaid Property is Clear, Marketable and Free from Any Sort of Encumbrances except the Plot No. 66 which is under charge and mortgage of Andhra Bank, Dharampeth Branch, Nagpur which is still subsisting.**

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**Certificate**

Having regard to what has been discussed aforesaid, I certify that the title of **Shri Sunil Ramkrishna Duddalwar, Mrs. Sonal Sunil Duddalwar and Shri Kunal Sunil Duddalwar respect of the aforesaid Property is Clear, Marketable and Free from Any Sort of Encumbrances except the Plot No. 66 which is under charge and mortgage of Andhra Bank, Dharampeth Branch, Nagpur which is still subsisting.**

NAGPUR
Dated : 27/09/2017




Yours faithfully,
**For K.K. Gaharwar& Co.**

**(K.K. Gaharwar)**
**Advocate**