

M/S. RAJIV PATEL AND ASSOCIATES
ADVOCATES

25, United Apartments, 1st Floor, 2407, Gen. Thimayya Marg, (East Street), PUNE - 411 001.

Ref No. :

Date :

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to a portion admeasuring Hectares 03=14 Ares (hereinafter referred to as the "said Land") out of land admeasuring Hectares 11=69 Ares bearing Survey No.10 Hissa No.2 situated at Village Dhanorie, Taluka Haveli, District Pune

We have investigated the title of the said Land on the request of NYATI CONSTRUCTION PRIVATE LIMITED, and following documents i.e. –

1. Description of the said Land

All that piece and parcel of land or ground admeasuring Hectares 03=14 Ares being a part or portion out of land admeasuring Hectares 11=69 Ares bearing Survey No.10 Hissa No.2 situate, lying and being at Village Dhanorie within the Registration Sub-District of Taluka Haveli, District Pune and within the limits of the Municipal Corporation of Pune and which portion admeasuring Hectares 03=14 Ares is bounded as follows, that is to say:

On or towards the East : By land out of Survey No.10 Hissa No.2 Dhanorie.

On or towards the South : By 24 Meter wide Development Plan Road.

On or towards the West : By land out of Survey No.10 Hissa No.2 Dhanorie.

On or towards the North : By land out of Survey No.10 Hissa No.1 Dhanorie.

2. The document of allotment of the said Land -

- a) Indenture of Sale dated 23.08.2008 duly registered under Serial No. 7656 of 2008 in the Office of the Sub-Registrar, Haveli No. 8 Pune executed by



Villamora Co-operative Housing Society Limited in favour of Cooji aka Cooverji Dady Katrak whereby Cooji aka Cooverji Dady Katrak owner of the said Land.

b) Agreement dated 12.08.2020 (duly registered under Serial No.8946 of 2020 with the Sub-Registrar, Haveli XXIII, Pune) executed by Shri.Cooji aka Cooverji Dady Katrak in favour of the said Nyati Construction Private Limited, whereby Nyati Construction Private Limited became entitled to beneficial rights in respect of the said Land.

3. 7/12 extract in respect of the said Land bearing Survey No.10 Hissa No.2, Village Dhanorie from the years 1954 to 2021, and Mutation Entries bearing Nos. 614, 755, 761, 955, 1156, 1183, 1937, 2275, 6641, 6643, 7052, 7053, 7054, 7055, 7056, 7057, 7059, 7060, 7061, 7065, 7066, 11494, 15076, 15269, 17388 respectively in respect thereof.

4. Index II Search Reports in respect of the said Land for 30 years from 1989 to 2018 by Adv. Kailash M. Thorat, and from 2018 to 2020, and 2020 to 2021 by Adv. Deepak R. Hole.

5. Litigation

One Dr. Lalchand Balani had filed a suit (bearing Civil Suit No.636 of 2016) in the Court of the Civil Judge Junior Division, Pune at Pune seeking, inter-alia a Declaration that he had a 1/10th right in the above captioned land and for incidental reliefs. However, the said Suit was dismissed by the Hon'ble Court vide its Judgement and Order dated 08.11.2017. The said Dr. Lalchand Balani preferred an Appeal (bearing Regular Civil Appeal No.25 of 2018) to the Court of the District Judge, Pune at Pune against the said Order dated 08.11.2017. However, the said Dr. Lalchand Balani has later unconditionally withdrawn the said regular Civil Appeal No.25 of 2018. Moreover, vide a Declaration dated 26.04.2019 (duly Registered under Serial No. 3934 of 2019 in the Office of the Sub Registrar Haveli No. VIII, Pune) made by the said Dr. Lalchand Balani, he has, inter-alia, unconditionally withdrawn all and whatsoever his claims on the said Land.

One Mona Promoters and Developers through its Proprietor, Altaf Shabir Sheikh, had filed Regular Civil Suit bearing No.339/19 before the Hon'ble Court of the Civil Judge, Senior Division, Pune against Shri. Nitin Dwarkadas Nyati and Another thereby claiming rights in the said Land on the basis of certain unsubstantiated

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Documents alleged to have been executed by the said Cooji aka Cooverji Dady Katrak and which claim was denied by the said Cooji Katrak. The said suit was dismissed by the said Hon'ble Court vide its Order dated 09.07.2019. To the knowledge of the said Cooji aka Cooverji Dady Katrak, no appeal has been filed against the said Order dated 09.07.2019 of the said Trial Court dismissing the said Suit.

On perusal of the above mentioned documents and all other relevant documents relating to the title of the said Land, we are of the opinion that, the title of the said Shri. Cooji aka Cooverji Dady Katrak to the said Land and the beneficial title of the Nyati Construction Private Limited to the same, is free, clear, and marketable and that there are no outstanding encumbrances on or in respect thereof as far as can be diligently ascertained.

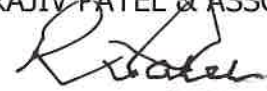
Owner of the said Land – Shri. Cooji aka Cooverji Dady Katrak and

Beneficial Rights in respect of the said Land – held by Nyati Construction Private Limited

The report reflecting the flow of the title of the said Owner Shri. Cooji aka Cooverji Dady Katrak and said beneficial right holder Nyati Construction Private Limited on the said Land is enclosed herewith as **Annexure "A"**.

Dated this 14th day of December 2021.

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PROPRIETOR

Encl: **Annexure "A"**



Annexure "A"**FLOW OF THE TITLE OF THE SAID LAND**

- 1) One Satyabhamabai Krishnaji Kenjale was the holder of an one-half share out of land admeasuring 57 Acres 32 Gunthas then bearing Survey No.10, Village Dhanorie, Taluka Haveli, District Pune. The remaining one-half share in the said land was held by Indira Ramchandra Gole and Annapurna Rangnath Jog.
- 2) Kalu Govind Tingre, Mahadu Babaji Tingre and Bhiku Ganpati Tingre were "Protected Tenants" in the said Land bearing Survey No. 10, Village Dhanorie and accordingly their names were recorded in the "Other Rights Column" on the VII/XII Extract thereof vide Mutation Entry No. 614 dated 12.10.1948.
- 3) The tenure of the said land then bearing Survey No. 10, Village Dhanorie was "Jaat Inam Class II". However, on abolition of various Watans and Inams in or around the year 1953 and in pursuance of the Order dated 23.09.1953 bearing No. 509/53 of the Collector, District Pune read with the Order dated 23.10.1953 bearing No. WS/H/3041/53 of the Mamlatdar, Taluka Haveli, the tenure of the said land was shown to be "Khalsa" vide Mutation Entry No. 755 dated 17.12.1953.
- 4) The said Satyabhamabai Krishnaji Kenjale assigned, transferred, assured and conveyed her said holding admeasuring 28 Acres 36 Gunthas equivalent to Hectares 11 = 69 Ares out of the said land bearing Survey No.10, Village Dhanorie to the said Kalu Govind Tingre, Mahadu Babaji Tingre and Bhiku Ganpati Tingre vide a Deed of Sale dated 30.03.1954. The said portion admeasuring 28 Acres 36 Gunthas so conveyed by Satyabhamabai Krishnaji Kenjale to Kalu Govind Tingre, Mahadu Babaji Tingre and Bhiku Ganpati Tingre was assigned Hissa No.2 of Survey No.10, Dhanorie while the portion held by the said Indira Ramchandra Gole and Another was assigned Hissa No.1 of Survey No.10, Dhanorie vide Mutation Entry No.761 dated 30.05.1954. Accordingly, vide the said Mutation Entry, the names of the said Kalu Govind Tingre, Mahadu Babaji Tingre and Bhiku Ganpati Tingre



were entered on the Revenue Record as the holders of the said land bearing Survey No.10 Hissa No.2, Dhanorie.

- 5) Pursuant to Application made by the said Kalu Govind Tingre and Two Others in that behalf, their respective undivided shares ("Annewari") was reflected on the VII/XII Extract in respect of the said land bearing Survey No.10 Hissa No.2, Dhanorie vide Mutation Entry No.955 dated 18.10.1957 as under:

Kalu Govind Tingre	-	6 Annas 8 Paise
Mahadu Babaji Tingre	-	5 Annas 4 Paise
Bhiku Ganpati Tingre	-	4 Annas 0 Paise

- 6) The said Kalu Govind Tingre died on 20.04.1961 leaving behind him as his only heirs and next-of-kin, his sons Dnyanoba, Sitaram, Bhagwan and Sopan Kalu Tingre. Vide Mutation Entry No.1156 dated 07.05.1968, the name of the said Dnyanoba Kalu Tingre was entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holder of the share therein earlier held by the late Kalu Govind Tingre in his capacity as the "Karta and Manager of the Hindu Undivided Family" of the late Kalu Govind Tingre.
- 7) The provisions of the Maharashtra Weights and Measures Act, 1958 and of the Indian Coinage Act, 1956 were made applicable to Village Dhanorie and, accordingly, the area of the said land bearing Survey No.10 Hissa No.2, Dhanorie was shown to be Hectares 11=69 Ares Mutation Entry No.1183 dated 10.02.1969.
- 8) The said Mahadu Babaji Tingre died on 11.01.1963 leaving behind him as his only heirs and next-of-kin his sons, Babu and Baban Mahadu Tingre and his married daughters, Bhagubai Bhau Chaudhary, Kasubai Baban Kusmade and Tulsabai Nathu Thorve. The names of the said heirs and next-of-kin of the late Mahadu Babaji Tingre were duly entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holders of the share earlier held by the said Mahadu Babaji Tingre therein vide Mutation Entry No.1937 dated 23.11.1976.

- 9) The said Bhiku Ganpati Tingre died on 02.02.1978 leaving behind him as his only heirs and next-of-kin, his widow, Laxmibai Bhiku Tingre , his sons, Namdeo and Popat Bhiku Tingre, and his married daughter, Chinkabai Raghunath Pathare. The names of the said heirs and next-of-kin of the late Bhiku Ganpati Tingre were duly entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holders of the share therein earlier held by the said Bhiku Ganpati Tingre vide Mutation Entry No. 2275 dated 16.07.1979.
- 10) The said Babu Mahadu Tingre died on 13.10.1992 leaving behind him as his only heirs and next-of-kin, his sons, Shivaji Babu Tingre, Maruti Babu Tingre, and his married daughters, Gangubai Maruti Kalbhor and Kamal Balu Khese. The names of the said heirs and next-of-kin of the late Babu Mahadu Tingre were duly entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holders of the share therein earlier held by the said Babu Mahadu Tingre vide Mutation Entry No.6641 dated 04.05.1993.
- 11) The said Baban Mahadu Tingre died on 30.05.1992 leaving behind him as his only heirs and next-of-kin, his son, Pravin Baban Tingre and his widows, Sulochana Baban Tingre and Aruna Baban Tingre. The names of the said heirs and next-of-kin of the late Baban Mahadu Tingre was duly entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holders of the share therein earlier held by Baban Mahadu Tingre vide Mutation Entry No.6643 dated 04.05.1993.
- 12) Vide the following Deeds of Sale, the said holders of shares in the said land bearing Survey No.10 Hissa No.2, Dhanorie sold parts/ portions thereof to the Purchasers mentioned below. The names of the said Purchasers were duly entered on the Revenue Record vide the Mutation Entry Numbers also mentioned below:



<u>Sr. No.</u>	<u>Name of the Vendors</u>	<u>Area sold in Hec = Ares</u>	<u>Date of Sale Deed</u>	<u>Registration No. / Sub-Registrar</u>	<u>Name of the Purchasers</u>	<u>Mutation Entry No.</u>
1.	Babu Tingre Branch	00 = 40	05.08.1994	2747/1994 Hvl - VIII	Shivaji S. Borade, Raghunath S. Kand, Dattatraya S. Navale and Kaluram S. Sandbhor	7052
2.	Baban Tingre Branch	00 = 40	05.08.1994	2746/1994 Hvl - VIII	Kashinath Namdeo Khose, Namdeo Kashinath Khose, Prabhavati Balasaheb Banthe, Chandrabhaga Sahebrao Matere	7053
3.	Kashinath Namdeo Khose & Three Others and Shivaji S. Borade and Three Others	00 = 80	01.11.1994		Priscilla G. Pedder and Diana Nusli Davar	7054
4.	Popat Bhiku Tingre Branch	01=45	04.11.1994	4233/1994 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7055
5.	Namdeo Bhiku Tingre Branch	01=48	11.11.1994	3979/1994 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7056

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6.	Dynanoba Kalu Tingre Branch	01=21.75	23.11.1994	4167/1994 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7057
7.	Dynanoba Kalu Tingre Branch	01=21.75	07.01.1995	23/1995 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7059
8.	Dynanoba Kalu Tingre Branch	01=21.75	07.01.1995	24/1995 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7060
9.	Dynanoba Kalu Tingre Branch	01=21.75	31.01.1995	458/1995 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7061
10.	Baban Mahadu Tingre Branch	00=80	01.11.1994	3981/1995 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7065
11.	Baban Mahadu Tingre Branch	02=29	01.11.1994	3982/1995 Hvl - VIII	Priscilla G. Pedder and Diana Nusli Davar	7066

13) Accordingly, the said Priscilla Gaiomund Peddar and Diana Nusli Davar came to hold the said land admeasuring Hectares 11=69 Ares bearing Survey No.10 Hissa No.2, Dhanorie.

14) Vide three separate Deeds of Sale dated 03.12.1996, 15.12.1996 and 15.12.1996 (duly registered under Serial Nos.528 of 1997, 247 of 1997 and 727 of 1997 respectively with the Sub-Registrar, Haveli VIII, Pune), the said Priscilla Gaiomund Peddar and Diana Nusli Davar assigned, transferred, assured and conveyed portions admeasuring Acres 9=30 Gunthas, Acres 9=30 Gunthas and Acres 9=29 Gunthas respectively to/in favour of the Country Retreat Co-operative Housing Society Limited, a Tenant Ownership Co-operative Housing Society Limited duly formed and registered under the provisions of the



Maharashtra Co-operative Societies Act, 1960 under Registration No.PNA/ (PNA-4)/ HSG/(TO)/762/ 1995 dated 02.12.1995. The name of the said Country Retreat Co-operative Housing Society Limited was entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holder thereof vide Mutation Entry Nos.11494 dated 12.05.1999.

15) Vide Order dated 18.01.2003 of the Deputy Registrar of Co-operative Societies, Pune City bearing No.4/ Country Retreat/ KA.KA/21 made under the provisions of Section 17 of the Maharashtra Co-operative Societies Act, 1960, the said Country Retreat Co-operative Housing Society Limited was divided into two Tenant Ownership Co-operative Housing Societies known as "the Country Retreat-2 Co-operative Housing Society Limited" and "the Country Retreat-1 Co-operative Housing Society Limited" and the said land admeasuring Hectares 11=69 Ares bearing Survey No.10 Hissa No.2, Dhanorie was apportioned between the said Country Retreat-2 Co-operative Housing Society Limited and the said Country Retreat-1 Co-operative Housing Society Limited so that a portion admeasuring Hectares 03=14 Ares came to the share/ was held by the said Country Retreat-2 Co-operative Housing Society Limited while the remaining portion admeasuring Hectares 08=55 Ares came to the share/ was held by the said Country Retreat-1 Co-operative Housing Society Limited. Effect of the said Order dated 18.01.2003 was given on the VII/XII Extract of the said land bearing Survey No. 10 Hissa No. 2, Dhanorie vide Mutation Entry No. 15076 dated 05.05.2003.

16) The name of the said Country Retreat-2 Co-operative Housing Society Limited was changed to "Villamora Co-operative Housing Society Limited" vide the Order of the Deputy Registrar of Co-operative Societies, Pune City (4) dated 17.10.2003 and effect of such change of name in the name of Society was given on the Revenue Record of the said land bearing Survey No. 10 Hissa No. 2, Dhanorie vide Mutation Entry No. 15269 dated 14.11.2003.

17) Vide an Agreement for Sale dated 24.03.2003, the said Villamora Co-operative Housing Society Limited agreed to sell the said portion admeasuring Hectares 03=14 Ares out of the said land bearing Survey No.10 Hissa No.2, Dhanorie held by it to the said Cooji aka

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Cooverji Dady Katrak at or for the consideration and on terms and conditions therein contained. The terms of the said Agreement for Sale dated 24.03.2003 were confirmed by execution of a Deed of Confirmation dated 02.09.2008 and which Deed of Confirmation was duly registered under Serial No.7655 of 2008 with the Sub-Registrar, Haveli VIII, Pune.

- 18) Pursuant to the said Agreement for Sale dated 24.03.2003 read with the said Deed of Confirmation thereto dated 02.09.2008, the said Villamora Co-operative Housing Society Limited assigned, transferred, assured and conveyed the said portion admeasuring Hectares 03=14 Ares out of the said land bearing Survey No.10 Hissa No.2, Dhanorie to/in favour of the said Cooji aka Cooverji Dady Katrak absolutely vide an Indenture of Sale dated 23.08.2008 duly registered under Serial No. 7656 of 2008 in the Office of the Sub Registrar, Haveli No. 8 Pune. The name of the said Cooji aka Cooverji Dady Katrak was entered on the Revenue Record pertaining to the said land bearing Survey No.10 Hissa No.2, Dhanorie as the holder of the said portion admeasuring Hectares 03=14 Ares vide Mutation Entry No.17388 dated 10.10.2008.
- 19) The Office of the Collector, Revenue Department, Pune, vide its Order bearing No. PMH/NA/SR/114/14 dated 02.03.2015 has granted permission for conversion of user of a portion admeasuring 30536.78 sq. mtrs. out of a portion admeasuring 31386.96 sq. mtrs. out of the above captioned Land to "Non Agricultural" under Section 44 of the Maharashtra Land Revenue Code 1966.
- 20) Vide an Agreement dated 12.08.2020 (duly registered under Serial No.8946 of 2020 with the Sub-Registrar, Haveli XXIII, Pune) executed by and between the said Shri.Cooji aka Cooverji Dady Katrak of the One Part and the said Nyati Construction Private Limited of the Other Part, the said Shri.Cooji aka Cooverji Dady Katrak granted rights of development of the above captioned land to/in favour of the said Nyati Construction Private Limited at or for the consideration and on the terms and conditions therein contained.
- 21) The provisions of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 apply to the above captioned Land.



22) As part of investigation of title of the said Cooji aka Cooverji Dady Katrak to the above captioned Land, we had Notices in the usual form published in the daily newspapers "Indian Express" and "Prabhat" and which Notices appeared on 03.05.2018. Certain mistakes in the description of the above captioned land made in the said Public Notices were corrected vide a Corrigendum issued in both the said newspapers and which Corrigendum appeared on 04.05.2018. We have received no legally tenable claim from any person or party in respect of the above captioned land pursuant to our said Public Notices.

23) One Dr. Lalchand Dhalumal Balani had filed a Suit (bearing Civil Suit No.636 of 2016) in the Court of the Civil Judge Junior Division, Pune at Pune seeking, inter-alia a Declaration that he had a 1/10th right in the above captioned land and for incidental reliefs. However, the said Suit was dismissed by the Hon'ble Court vide its Judgement and Order dated 08.11.2017. The said Dr. Lalchand Balani preferred an Appeal (bearing Regular Civil Appeal No.25 of 2018) to the Court of the District Judge, Pune at Pune against the said Order dated 08.11.2017. However, the said Dr. Lalchand Balani has later unconditionally withdrawn the said Regular Civil Appeal No.25 of 2018. Moreover, vide a Declaration dated 26.04.2019 (duly Registered under Serial No. 3934 of 2019 in the Office of the Sub Registrar Haveli No. VIII, Pune) made by the said Dr. Lalchand Balani, he has, inter-alia, unconditionally withdrawn all and whatsoever his claims on the above captioned land.

24) One Mona Promoters and Developers through its Proprietor, Altaf Shabir Sheikh, had filed Regular Civil Suit bearing No.339/19 before the Hon'ble Court of the Civil Judge, Senior Division, Pune against Shri.Nitin Dwarkadas Nyati and Another thereby claiming rights in the above captioned land on the basis of certain unsubstantiated Documents alleged to have been executed by the said Cooji aka Cooverji Dady Katrak and which claim was denied by the said Cooji Katrak. The said Suit was dismissed by the said Hon'ble Court vide its Order dated 09.07.2019. To the knowledge of the said Cooji aka Cooverji Dady Katrak, no Appeal has been filed against the said Order dated 09.07.2019 of the said Trial Court dismissing the said Suit.

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25) As part of investigation of title of the said Cooji aka Cooverji Dady Katrak to the above captioned land and the beneficial title of the said Nyati Construction Private Limited to the same, we have inspected the Revenue Record pertaining to the above captioned land for the past thirty years.

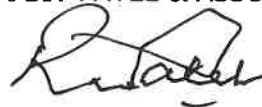
26) As part of investigation of title of the said Cooji aka Cooverji Dady Katrak to the above captioned land and the beneficial title of the said Nyati Construction Private Limited to the same, We have had search of the available and unmutated Index II Record pertaining to the above captioned Land carried out for the past thirty years in the Office of the Sub-Registrar, Taluka Haveli, Pune. Such search disclosed no entry prejudicial to the title of the said Cooji aka Cooverji Dady Katrak to the above captioned Land and/or to the beneficial title of the said Nyati Construction Private Limited to the same.

27) We have inspected the Originals of the Deeds/Documents pertaining to the above captioned Land which are in power and possession of the said Nyati Construction Private Limited.

As a result of such investigation of title carried out by us, we are of the opinion that, (subject to what is stated above) the title of the said Shri.Cooji aka Cooverji Dady Katrak to the above captioned Land and the beneficial title of the said Nyati Construction Private Limited to the same, is free, clear and marketable and that there are no outstanding encumbrances on or in respect thereof as far as can be diligently ascertained.

Dated this 14th day of December, 2021.

M/S. RAJIV PATEL & ASSOCIATES



PROPRIETOR

