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M. COM. LL.B.

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M/S. PATIL GANGARKAR & CO.(REGD.)

ADVOCATES – HIGH COURT

2, Old Bhanbai Niwas, Gr. Floor, Gurunanak Estate, Opp. Gokul Hospital, M.G. Raod,
Mulund (W), Mumbai-400 080

RPAD/JCP/HD/COURIER

No.RERA/TITLE/LARKINS/0003

Date:01/07/2017

TO WHOMSOEVER IT MAY CONCERN

TITLE REPORT

Ref : **PROPERTY-'A':** Immoveable property being all that piece or parcel of land admeasuring 3260 sq.mtrs. situate, lying, & being, at Village Dhokali (formerly Village Balkum), Tal & Dist. Thane, within the limits of Thane Municipal Corporation & in the Registration Dist & Sub-Dist. Thane bearing Balkum Old S.No.164 and New S.No.28/0 of Dhokali and now S. No. 28/1 area OH28R8P owned by Larkins Realtors 28/2 area OH3R7P & 28/3 area OHOR1P both owned by TMC.

PROPERTY-'B': Immoveable property being land bearing (i) New Survey No. 29/2A, admeasuring 560 sq.mtrs. and New Survey No. 29/3B, admeasuring 3170 sq.mtrs.



and aggregating 3730 sq. mtrs. of Village Dhokali (old Village Balkum), Taluka Thane together with structure/s standing thereon, hereinafter referred to as the "1st Property", (ii) New Survey No. 29/2B admeasuring 1650 sq.mtrs. and New Survey No. 29/3A admeasuring 4310 sq.mtrs. and aggregating to 5960 sq.mtrs. of Village Dhokali (old Village Balkum), Taluka Thane together with structure/s standing thereon, hereinafter referred to as the "2nd Property", and (iii) New Survey No. 29/2C admeasuring 900 sq. mtrs. and New Survey No. 29/3C admeasuring 1860 sq. mtrs. and aggregating to 2750 sq. mtrs. of Village Dhokali (old Village Balkum), Taluka Thane together with structure/s standing thereon, hereinafter referred to as the "3rd Property" and now bearing New S. No.29/2A, B, & C, and 29/3A/1, & 2, 3B/1, 2 & 3 29/3C/1, 2 & 3 out of which 29/2A, B & C and 29/3A1, 29/3B3 and 29/3C3 all owned by Larkin's Realtors and rest owned by TMC.

1. We say that the landed property under reference i.e. property 'A' & property B' and described in the First schedule written hereinunder, stands held



into the Revenue Record of Rights in the name of M/s. LARKINS REALTORS, Thane a registered Partnership Firm, through its partners Shri. Jayendra G. Gala & Shri. Pravinchandra G. Gala, as the Kabjedar thereof/Thane Municipal Corporation.

2. The said M/s. Larkins Realtors have handed over to us in respect of property 'A' & property B' all the relevant title deeds, Revenue records, Court's orders, Authority's orders, N.A. order, the title letter of Adv. D.A. Patil, searches taken by them till 2013, a copy of Public Notice issued by Adv. D .A. Patil with a request to investigate into its title to the said property.

3. On our instructions Mr. Deepak Jangam of Thane has taken search at the office of the Sub-Registrar of Assurances, Thane for the years 2013 to 2016 and Mr. Akshay Kinjale Mumbai for the period from 2016 to 2017 (19/05/2017). So also have relied upon search earlier taken by Search Clerk Mr. Deepak Jangam, since the year 1983 to 2013.

4. Upon going through the aforesaid documents / papers / orders / records search reports in respect of the said property we have revealed following position.

(A) In respect of property 'A' bearing Balkum S. N. 164, Dhokali, New S. N. 28. now S. No. 28, Hissa No.1, 2 & 3.

Since prior to the year 1940 one Shri Hansa Namoji Seth was the Owner/holder of the said property then bearing Village Balkum SNo.164.



(i) The said Shri Hansaji Seth died intestate on 24/03/1940 leaving behind him his only son Bhikchand as his only heir & legal representative as per the provisions of the Hindu Law of Succession by which he was governed at the time of his death and upon heirship enquiry the Revenue Authority vide M.E. No.740 dated 09/02/1943 brought the name of the said Bhikchand Hansaji Seth at Kabjedar Sadar instead & place of the said deceased.

(ii) By a registered Deed of Conveyance dated 04/11/1946 executed between the said Shri Bhikchand Hansaji Seth being the Vendor & one Smt. Manoramabai Subbarao Tonsekar being the Purchaser, the said Shri Bhikchand Seth sold, transferred assigned, and conveyed, the said property to the said Smt. Tonsekar and the effect of the said change in ownership was given into the Revenue Record of rights by the Revenue Authorities vide M.E. 851 dated 01/2/1946.

(iii) Vide M.E. No.944 dated 05/07/1951 the standard area of holding was made applicable to the said land.

(iv) Vide M.E. No.1044 dated 30/01/1956 the Revenue Authority declared that the said property was without any tenant either protected or Samanyakul.

(v) Vide M.E. No.1232 dated 23/02/1959 one Shri Maruti Narayan Patil was declared as Samanya Kul of the said Smt. Tonsekar.

(vi) The said Smt. Tonsekar against the said ME No. 1232 filed an Appeal before the Prant Officer Thane & Prant Officer Thane vide his Order



No.RTS/WS/1141 dated 19/07/1961 ordered to remove the name of the said Shri Maruti N. Patil as Kul, and accordingly vide M.E. No.1534 dated 02/08/1961 the said Shri Maruti Patil's name was removed from Kul's column.

(vii) Vide M.E. No.3 the Village Dhokali was separated from Village Balkum & in separation the said S.No.164 was allotted new S. N. 28/0.

(viii) Prior to 1989 Smt. M.S. Tonsekar by an Agreement for Sale dated 24/02/1988 agreed to sell the said property to one Shri Suresh Janraoji Dahake, who filed suit for specific performance of the said Agreement into the Thane Civil Court, being Civil Suit No. 81/1989, wherein upon settlement, the said parties had filed consent terms on 19/04/1997 and was decided to execute Deed of Conveyance.

(ix) Accordingly by a Deed of Confirmation dated 03/11/1998 the said Smt. M.S. Tonselkar sold, transferred, assigned and conveyed the said property in favour said Shri. Suresh Janraoji Dahake and the effect of the said Deed of Conveyance was given into the Revenue record of Rights vide M.E. No.30 dated 22/11/2002 as well as Vide M.E. No.77 dated 21/09/2005.

(x) The said Shri Suresh J. Dahake died intestate on 14/08/2000 leaving behind him his wife Smt. Sushma, son Nikhil & 2 daughters viz. Swapna and Rakhi as his only heirs & legal representatives. Consequent thereto at the instance of the said heirs, upon heirship enquiry, the Revenue authority brought

the names of the said heirs at Kabjedar Sadar in place of the said deceased, vide M.E. No.78 dated 21/09/2005.

(xi) The few of the heirs of the said Shri Maruti Narayan Patil viz. Tukaram & Others, in the year 1989, filed a Case before the Tahasildar Thane U/s. 70 (b) of the BT & AL Act 1948 being case No.70b / Balkum / 122/1989. The Tahashildar Thane after hearing both the parties vide his order dated 30/09/1989 rejected the said Application.

(xii) By & under a registered Agreement for Development dated 07/04/2006 the said Smt. Sushma S Dahake & others granted development rights & agreed to sell the said property to one M/s. Rathi & Associates or their nominees. After having received full & final consideration the said Smt. Sushma Dahake & Ors. had executed an Irrevocable General Power of Attorney dated 07/04/2006 registered with Sub-Registrar Thane under Sr. No. 314/2006 in favour of one of the Partners of M/s. Rathi & Associates, Mr. Nandkishor S. Rathi, with Power to execute Conveyance of the said property.

(xiii) By and under the order dt. 16/11/2005 the Competent Authority appointed under the Urban Land (C & R) Act, 1976 as then was in force and as on the date of execution of the Conveyance stood repealed, the said land was declared as "Retainable" of the said Dahake family.

(xiv) By and under Registered Deed of Conveyance dt. 14th July, 2010 executed by and between the said Dahake family, through their C.A. M/s. Rathi &



Associates, being the Vendors , and the said M/s. Rathi & Associates being the Confirming Party and one M/s. Larkins Realtors being the Purchaser duly registered with the office of the Sub-Registrar of Assurances

(xv) Consequent to the said Deed of Conveyance dt. 14/07/2010 at the instance of the said purchaser, the Revenue Authority vide ME No.251 dt.9th September, 2010 while deleting the name of said Dahake family entered the name of the M/s. Larkins Realtors as the Kabjedar thereof.

(xvi) In search taken on 15th July, 2010 it revealed that document titled as "Agreement for Development" executed by and between one Shri. Ashok Hiranman Bhoir as owner and M/s. Vinayak Enterprises as Developers, in respect of the said property, which was registered under Sr. No. 8387/2006. By and under a Civil Suit being Special Civil Suit No.540/2011, the said Dahake family challenged the legality and validity of the said purported Agreement. By and under its Judgment and Decree dt. 30th April, 2012 the Hon'ble Civil Court Thane has declared the said purported Agreement for Development as null and void and without any legal effect. The said Judgment and decree has been duly registered with the office of the Sub-Registrar of Assurances Thane-1 under Sr. No. 5894/2012 on 26/07/2012.

(xvii) In response to the Public Notice dt. 05/08/2012 in Daily "Thane Vaibhav", issued by the Adv. D.A. Patil, of Thane only one objection from legal heirs of late Ashok Hiranman Bhoir claiming rights in the said property as the legal heirs of late Ashok Hiranman Bhoir, was received by Adv. D.A. Patil. However,



though the Judicial decisions in this regard show that the said Ashok Bhoir during his life time did not have such right in the said property, in order to ensure fair play the said Adv. D.A. Patil vide his reply dt. 17/04/2012 had called upon the objectionist to produce further evidence If any, in support of their claim. However, as confirmed by our client till date he has not received any response from the said objectionists. In view thereof in our opinion too the legal heirs of late Ashok Bhoir do not have any subsisting and valid rights in the said property.

(xviii) After the expiry of more than 20 years of period, since the said rejection of the Application U/s. 70B of the heirs of late Shri. Maruti Narayan Patil, vide order dt. 30/09/1989 of the Tahashildar Thane, Shri. Tukaram Maruti Patil filed an Appeal being Appeal No. SR. No. 53/2011 before the S.D.O Thane. The said Appeal was dismissed by the SDO Thane vide his judgment & order dt. 11/08/2011 beside other, mainly on the ground of dealy.

(xxi) Being aggrieved and dissatisfied with the said judgment and order dt.11/08/2011, the said Shri. Tukaram Maruti Patil filed a Revision Application being No. TNC/REV/27/B/2012, before the Maharashtra Revenue Tribiunal at Mumbai. After hearing the said Application the Hon'ble President MRT vide his order dt. 08/06/2015 remanded the matter to SDO Thane with the direction to rehear the application on account of dealy condonation. On remand the said Appeal was numbered as 93 of 2015 by the SDO Thane.

(xxii) The said Ms. Larkins Realtors have after getting Building proposal lastly sanctioned from Thane Municipal Corporation under No. S05/0032/10/TMC/

TDD/1823/2016 dt. 02/06/2016 have commenced construction on the said property and have also accepted booking from flat purchasers and entered into Agreements with them and thereby created third party rights.

(xxiii) The said heirs of Late Shri. Maruti Narayan Patil viz. Shri. Tukaram Maruti Patil and 47 others have by a Deed of Confirmation without consideration dt. 2nd January, 2016 executed in Marathi language and character between themselves being the Party of the First part and the said M/s. Larkins Realtors being the Party of the Second Part, registered with the Sub-Registrar of Assurances Thane-5 under Sr. 58 of 2016 have voluntarily & on their own free will, confirmed that their common ancestor late Shri. Maruti Narayan Patil or themselves or any of the them have never cultivated the said property nor possessed the same and the proceedings initiated by them in respect of the said property was due to misunderstanding & further confirmed that they have no right, title, &/or interest of whatsoever nature in or over the said property & henceforth also shall not claim any right to &/or interest in or over the said property and the said Deed will remain binding upon their heirs or anyone claiming by from or through them. So also thereby agreed to withdraw the said Appeal on Remand being Appeal No. 93/2015 so far as the said property bearing S. No. 28/0 is concerned and accordingly got withdrawn the same on 05/02/2016.

(xxiv) So also the heirs of late Maruti N. Patil viz. Dattatraya M. Patil & ors executed a Deed of Confirmation in favour of M/s. Larkins Realtors, through its partners Mr. Hemal J. Gala without any consideration in respect of the said



property which Deed is registered on 11/03/2016 with SRO Thane-5 under Sr. No. 3386/2016.

(xxv) Dy. Supdt. Land Records Thane carried out Pot Hissa measurement of the said property and vide his letter No. दु.लि./का.वि./पो.हि.मोर नं.१६२९/१५/दुर न.२०७६/१५/२६०० Mauje Dhokali / Thane dt. 31/10/2015 & Hissa Form No.12, directed Revenue Authority to make corrections in to the Revenue Record of Rights in respect of the said property. Based on the same the Revenue Authority vide ME No.352 dt 25/04/2016 made following changes to Balkums No.164 (old), Dhokali S.N. 28/0 (new) area OH 32-6p Assessment Rs.8.00 by converting it into 3 Hissas.

H. No.	Area	Kharip	rest	Assessment	Holder
1.	0-28.8	0-28.8	-----	7.07	M/s. Larkins Realtors
2.	0-03-7	0-03-7	---	0.91	TMC SRTS
3.	0-00-1	0-00-1	---	0.02	TMC HCMT
0-32-6		0-32-6		8-00	

Accordingly S.N. 28/1 Area 0-28-8 is retained with M/S. Larkins Realtors & S.N.28/2 area . 0-03.7 & S.N. 28/3 area 0-0-1 were transferred to the name of Thane Municipal Corporation.

(xxvi) M/s. Larkins Realtors through Partner Mr. Jayendra G. Gala executed a Deed of Mortgage dt. 30/03/2016 in favour of M/s. HDFC LTD registered with SRO Thane-5 on 21/04/2016, under Sr. No. 4944/2016 thereby raised loan of Rs. 30,00,00,000/- against the security of the said property.

(xxvii) Our client have got confirmed from the previous Adv. Mr. D.A. Patil that no any subsequent objection has been received by him till date in response to the said public notice issued by him.

(B) In respect of property 'B' i.e. Balkum S. N.165/2 & 3, Dhokali, S. N.29/2 & 3 and now S.No.29/2A, B,& C, and 29/3A1 & 2, and 29/3B1, 2 & 3, and 29/3C 1, 2 & 3.

a. As recorded in Mutation Entry Nos. 348 and 349 both dated 19th March, 1930 an entry is recorded in the other rights column of the record of rights stating that loan is taken and mortgage created on land bearing Survey No. 165/2 of Village Balkum, Taluka Thane. As on date the said loan is barred by limitation and the Owner has informed to our client that no proceedings are pending with respect to the said loan.

b) Vide Mutation entry no. 1044 dated 30th January, 1956 an entry is recorded in the other rights column of the record of rights recording the name of Ramchandra Bendu as ordinary tenant in respect of land bearing Survey No. 165/2 of Village Balkum, Taluka Thane pursuant to the order bearing No. TNC 8113 dated 14th January, 1956.

c) Vide Mutation No. 1611 dated 20th August, 1962, the names of Ramchandra Shedyia Bhoir and Hasu Lakhya Shelka were deleted as tenant in respect of land bearing Survey No. 165/2 of Village Balkum, Taluka Thane



pursuant to the order dated 13th August, 1962 in Case No. 121 dated 28th August, 1962.

d) By a certificate of Purchase dated 27th February 1963 U/s. 32 M of the Bombay Tenancy and Agricultural Lands Act, 1948 and registered with the Sub-Registrar of Assurances, Thane under Sr. No. 272 at page No. 193, Volume 28 of Additional book No. 1 on 28th June, 1963 the tenant Ramchandra Bhendu Bhoir was deemed to be the purchaser of land bearing Survey No. 165/3 (pt) admeasuring 1 Acre and 39 sq.yrds and situate, lying, and being, at Village Balkum, Taluka Thane.

e) By a Certificate of Purchase dated 27th Feb. 1963 U/s. 32 M of the Bombay Tenancy and Agricultural Lands Act, 1948 and registered with the Sub-registrar of Assurances, Thane under Sr. No. 271 at page No. 192 Volume 29 of Additional Book No.1 on 28th June, 1963 the tenant Shri. Ambo Posha Joshi was deemed to be the purchaser of land bearing Survey No. 165/3 (pt) admeasuring 1 Acre 11 Gunthas and 112 sq. yrds. and situate, lying, and being, at Village Balkum, Taluka Thane.

f) The Collector Thane has by an order dated 11th April, 1963 bearing TNCIII-1412 granted permission to Ramchandra B. Bhoir and Ambo Pasha Joshi to sell their respective lands to G. Rajkumar on the conditions as stated therein.



g) By an Indenture dated 6th July, 1963 executed between Gangubai Ramchandra Bhoir, Chandralekha Ramchandra Bhoir, Dilipkumar Ramchandra Bhoir, Savitribai Ramchandra Bhoir and Revantibai Ramchandra Bhoir, therein referred to as the 'Vendors', Nandakishore Jaigopal Khanna, Tilakraj Tirathram Khanna, Ravi Tilak Khanna and Shuklarani Sardailal Mehra, therein referred to as the 'Confirming party' and Kamala Gurucharandas (Kamla) doing business in the name of G. Rajkumar) therein referred to as the 'Purchaser' and registered with the Sub-Registrar of Assurances Thane at Sr. No. 593 and registered No. 650 at page nos. 2018 to 222 Volume 725 of Book No. 1 on 14th October, 1963 Gangubai Ramchandra Bhoir, Chandralekha Ramchandra Bhoir, Dilipkumar Ramchandra Bhoir, Savitribai Ramchandra Bhoir and Revantibai Ramchandra Bhoir, (all heirs of Ramchandra Bendya Bhoir) granted, conveyed and assured and Nandakishore Jaigopal Khanna, Tilakraj Tirathram Khanna, Ravi Tilak Khanna and Shuklarani Sardailal Mehra, confirmed unto Kamla the land bearing Survey No. 165/3 (pt), admeasuring 1A & 39 sq.yards equivalent to 4879 sq. yards and situate lying and being at Village Balkum, Taluka Thane.

h) By an Indenture dated 6th July, 1963 executed between Ambo Posha Joshi, therein referred to as the 'Vendor' Nandakishore Jaigopal Khanna, Tilakraj Tirathram Khanna, Ravi Tilak Khanna and Shuklarani Sardailal Mehra therein referred to as the 'Confirming Parties' and Kamla (doing business in the name of G. Rajkumar) therein referred to as the 'Purchaser' and registered with the Sub-Registrar of assurances, Thane at Sr. No. 594 and registered No. 651 at page Nos. 123 to 134, Volume 726 of Book No.1 on 14th October, 1963, Ambo



Posha Joshi granted conveyed and assured and Nandakishore Jaigopal Khanna, Tilakraj Tirathram Khanna, Ravi Tilak Khanna and Shuklarani Sardailal Mehra confirmed unto Kamla the land bearing Survey No. 165/3 (pt) admeasuring 1 Acre 11 gunthas and 112 sq.yrds. equivalent to 6283 sq.yrds. and situate, lying, and being at Village Balkum, Taluka and District Thane.

i) By a Deed of Grant of Right of way dated 6th July, 1963 executed between Bipinchandra Jaganath Shilpi, therein referred to as the 'Grantor' and Kamla (carrying on business under the firm name and style of G. Rajkumar) therein referred to as the 'Grantee' and registered with the Sub-Registrar of Assurances Thane at Sr. No. 592 and registered No. 649 at page Nos. 203 to 212, volume 723 of Book No. 1 on 14th October 1963 the said Bipinchandra Jaganath Shilpi, has granted unto Kamla right of way over 30 feet strip of land bearing Survey No. 165 (1) and belonging to Kenning Tools Company (Private) Ltd. at and for the price and on the terms and conditions as stated therein.

j) By an order dated 18th September, 1963 bearing No. RB/VI/NAP/SR/1 passed by the Collector, Thane, the Collector of Thane granted NA permission under Section 65 of the Land Revenue Code to G. Rajkumar for the land admeasuring 11162.25 sq.yrds. out of S. No. 165/3(p) and 165/3(p) of Village Balkum, Taluka Thane and use the same only for Industrial purpose subject to the conditions as stated therein.

k) By an Indenture dated 7th January, 1964 executed between Smt. Cuma Fredoon Patel therein referred to as the 'Vendor', Smt. Cuma Fredoon Patel as



residuary legatee under the last will and Testament dated 18th June, 1960, therein referred to as the 'Said Cuma' and Kamla (carrying on business as the Sole Proprietress in the firm name and style of M/s. G. Rajkumar) therein referred to as the 'Purchaser' and registered with the Sub-Registrar of assurances, Bombay at sr. No. BOM-R-55/64 of Book No. 1 on 3rd March, 1964 the said Smt. Cuma Fredoon Patel as the Vendor and as the residuary legatee has granted, sold, released, conveyed, transferred, assured and confirmed unto Kamla the land bearing Survey No. 165/2 (pt) admeasuring 3720 $\frac{3}{4}$ sq.yrds. and situate, lying, and being, at Village Balkum, Taluka Thane. Mutation Entry No. 1851 dated 16th July, 1964 records the sale in favour of Kamla in the record of rights.

l) By an order dated 7th/5th April, 1964 bearing No. RB/IV/NAP/SR/257 passed by the Collector Thane, the Collector Thane granted NA permission U/s. 65 of the Land Revenue Code to G. Rajkumar for the land admeasuring 3720 sq.yards. out of S. No. 165/2 (p) of Village Balkum, Taluka Thane and to form a compact block of land admeasuring 14882.25.sq.yrds. out of S. No. 165/2 and 165/3 (p) and use the same for Industrial purpose only subject to the conditions as stated therein.

m) By an Indenture dated 18th January, 1969 executed between M.V. Mazumdar, Sole Proprietor of Messrs National Dyes, therein referred to as the 'Party of the First Part' and Kamla Proprietress of G. Rajkumar therein referred to as the 'Party of the Second Part and registered with the Sub-Registrar of Assurances Bombay at Sr. No. BOM-R-321/69 of Book No.1 on



23rd December, 1969 the said M.V. Mazumdar has granted unto Kamla the right way of over 30 feet of strip of land shown on the plan annexed in colour burnt sienna and marked with the words "passage" and to maintain and lay at the costs of Kamla electric cables and other electrical connections and installations on the terms and conditions as stated therein. The owner has informed us that presently the Owner is using this right of way to access the property.

n) By a Deed of Partnership dated 2nd December, 1964 between Kamla, Shrimati Basantkaur Harichand (Basantkaur) and Shri. Pritamdas Harichand (Pritamdas), Kamla, Basantkaur, and Pritamdas, were carrying on business in partnership in the name of G. Rajkumar and Rattan Silk Mills on and from 5th November, 1964. The property was brought in as the asset of the partnership, Kamla had 50% share in the partnership and Basantkaur and Pritamdas each had 25% share in the partnership.

o) On the Application of Weights and Measurements (Enforcement) Act, 1958 and Indian Coinage Act, 1954 to the lands at Village Balkum, inter alia admeasurements of the said lands at Village Balkum, entered in the record of rights were ordered to be converted from acre gunthas to hectare areas and pursuant thereto by virtue of Mutation Entry No.2310, dated 9th April, 1972 the area of the said land bearing Survey Nos. 165/2 and 165/3 was changed from acres gunthas to hectares area in the record of rights in respect thereof.

p) By a Deed of Partition dated 7th April, 1973 executed between Kamla, therein referred to as the 'said Kamlarani' and Pritamdas and Basantkumar and



r) Pritamdas expired on 5th September, 1974 and on his expiry Basankaur and Varsha Rewari (Varsha) (wife of Pritamdas) have entered into partnership by executing a Deed of Partnership on 27th September, 1974 whereby the present partnership has taken over the partnership of G. Rajkumar and Rattan Silk Mills in the name of G. Rajkumar and Rattan Silk Mills with all assets and liabilities. Clause No. 10 of the Deed of Partnership dated 27th September 1974 provides that in case of retirement or death of Basantkaur, she or her legal heirs/representative shall be entitled to receive only the amount as then standing to the credit of Basantkaur in the books of partnership and besides this return of capital Basantkaur shall not have any other or further rights in assets of the partnership firm including appreciation or goodwill and that Varsha alone is entitled to receive and/or appropriate the said assets to herself at the then book value thereof.

s) Basantkaur expired on 9th February, 1978 and on her death Varsha as Sole Proprieteress of G. Rajkumar and Rattan Silk Mills became entitled to the assets of the partnership as owner thereof.

t) By an order dated 11th September, 1980 bearing No. ULC/R-201/MC/IC/GAD/2114 passed by the Joint Director of Industries and Ex-officio Deputy Secretary to the Government, vacant land admeasuring 1027.17 sq.mtrs. was exempted U/s. 20 of ULCRA in respect of Sub Plot of S. No. 165/2 and 165/3 and Sub Plot B of S. No. 165/2 and 165/3, Village Balkum, Taluka & District Thane for industry use only subject to the conditions as stated therein.



registered with the Sub-Registrar of Assurances Bombay at Sr. No. R-1361/73 of Book No. 1 on 19th February, 1985, the land described in Part I of the Fourth Schedule thereto being Survey No. 165/2 admeasuring 4815.46 sq.mtrs. came to the share of Kamla, the land described in Part II of the Fourth schedule thereto being Survey No. 165/3 admeasuring 5215.11 sq.mtrs. came to the share Basantkaur and Pritamdas and the land and the factory described in the Second Schedule thereto being survey No. 165/2 admeasuring 2408.88 sq.mtrs. shall remain undivided between the parties thereto as tenants-in-common with Kamla having one-half (1/2) share and Pritamdas and Basantkaur each having one-fourth (1/4) share. As stated in the Deed of Partition dated 7th april, 1973, Kamla has retired from the partnership of G. Rajkumar and Rattan Silk Mills from 7th April, 1973 and on the terms and conditions as stated therein.

q) By a Deed of Partnership dated 7th April, 1973 between Basantkaur and Pritamdas, Basantkaur and Pritamdas have taken over the partnership of G. Rajkumar and Rattan silk Mills including the assets except those under the Deed of Partition dated "7" April, 1973 which have come to the share of Kamla who has retired from the partnership. Clause 10 of the Deed of Partnership dated 7th April, 1973 provides that in case of retirement or death of Basantkaur, Pritamdas will only pay the book value of land building and machinery and balance capital to the heirs of Basantkaur and in case of retirement or death of Pritamdas his wife will step in as a partner enjoying full right and benefit.



viz. Mrs. Rita Malhotra (Rita) and Mrs. Renu Bhandari (Renu). Mutation Entry No.243 dated 6th May 2010, records the death of Kamla.

x) Renu expired intestate on or about 26th July 1989 at Delhi leaving behind her, Anil Bhandari (husband), Aman Anil Bhandari (son), Gayatri Rohit Chibber (daughter) and Mrs. Guari Nitin Gupta (daughter), as her only surviving legal heirs and representatives as per the Hindu Succession Act, 1956 by which Renu was governed at the time of her death. Mutation Entry No.243 dated 6th May 2010, records the death of Renu and the names of her aforesaid heirs in the record of rights.

y) Vide Mutation Entry No.3 dated 4th December 1999 and pursuant to the letter dated 9th November 1990 issued by Revenue and Forest Department bearing No. 1069/32810. Survey No.165 of Village Balkum was transferred to village Dhokali and given new Survey Nos.viz, New Survey Nos.29/1A, 29/1 B, 29/2 and 29/3 of Village Dhokali, Taluka Thane.

z) Vide Mutation Entry No. 42 dated 12th August 2003 and pursuant to the letter dated 13th November 2002 issued by Revenue and Forest Department bearing No.CLR-2001/Praka/4 Part-1/Sale and letter of Tahsildar dated 8th August 2003 bearing No. Revenue-21T-7/Administration/Ka V-1066, the Survey Nos. were given new Hissa nos. and land bearing Survey Nos.29/2 (pt) and 29/3 (pt) of village Dhokali were divided and rectified by giving survey No.29/2 (pt) New Survey No.29/2A, 2B and 2C and Survey No. 29/3 (pt) New Survey No.29/3A, 3B and 3C.



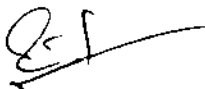
The holder of the land is shown as Varsha, Kamla and Basantkaur on behalf of M/s. Rattan Silk Mills.

u) By an another order dated 21st March, 1986 U/s. 8 (4) of ULCRA bearing No. ULC/TN.Balkum/SR-112, 191 & 101 passed by the Deputy Collector & Competent Authority, the partners of M/s. Rattan Silk Mills viz. Varsha, Kamla and Basantkaur are declared as non surplus land holder in respect of land held by M/s. Rattan Silk Mills being plot No. A of S. No. 165/2 and 165/3 and Plot B of 165/2 and 165/3 Village Balkum, Taluka & District Thane.

v) As recorded in Mutation entry No. 2650 dated 9th May, 1986, land bearing No. 165/2 (pt) and 165/3 (pt) stands in the name of Kamla in 7/12 records and by a registered partition by Kamla between Kamla and Varsha (sister-in-law of Kamla) land bearing Survey 165/2 (pt) and 165/3 (pt) of Village Balkum, Taluka & District Thane was partitioned as follows.

Sr. No	Name	Survey Nos.	Area (Sq. Yards)
1.	Kamla	165/3 (pt) 165/2 (pt)	3787.25 1972.00
2.	Varsha	165/3 (pt) 165/2 (pt)	5159.00 1083.00
3.	Kamla and Varsha (Jointly)	165/3 (pt) 165/2 (pt)	2216.00 665.00

w) Kamla expired on or about 5th June 1987 at Delhi leaving her last Will and Testament dated 30th March 1987 (the "Will"). By the Will, Kamla has bequeathed her share in the property in equal shares to her 2 (two) daughters,



aa) Rita expired intestate on or about 15th November 2004 at Delhi leaving behind her , Manohar Malhotra (husband), Mithilesh Manohar Malhotra (son), Minakshi Manohar Malhotra (daughter) and Mrs. Mala Vinay Sagar (daughter), as her only surviving legal heirs and representatives as per the Hindu Succession Act, 1956 by which Rita was governed at the time of her death. Mutation Entry No.243 dated 6th May 2010, records the death of Rita and the names of her aforesaid heirs in the record of rights.

bb) Vide order dated 20th July, 2007 passed by Additional Collector and Competent Authority the order dated 21st March, 1986 (wrongly mentioned as 21st March, 1989) U/s. 8 (4) of ULCRA bearing No. ULC/TA/Balkurn/SR-112, 191 & 101 is recited and changed and it is now ordered that there is no surplus land and to close all further proceedings.

cc) Vide Mutation Entry No. 214 dated 4th May, 2009 an entry is recorded in the other rights column of the record of rights with a remark that free to use for industrial use and transfer of the property is prohibited without prior permission.

dd) Further vide letter dated 16th June 2010 of Additional Collector and Competent Authority addressed to the Tashildar, Thane it is stated that the entry in respect of the property in the other rights column of 7/12 extract with regard to Section 20 be deleted.

ee) In the 7/12 records, the 1st property was recorded in the name of Kamla as the owner thereof, the 2nd property was recorded in the name of Varsha as

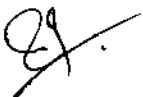


the owner thereof and the 3rd property was recorded in the name of Kamla and Varsha as joint owners thereof.

ff) By a deed of Conveyance dated 18th June, 2010 executed between Mrs. Varsha Rewari therein referred to as the 'Vendor No. 1', Anil Bhandari, Aman Anil Bhandari, Gaytri Rohit Chibber and Mrs. Gauri Nitin Gupta, therein referred to as 'Vendor No.2' and Manohar Malhotra, Mithilesh Manohar Malhotra, Minakshi Manohar Malhotra and Mrs. Mala Vinay Saggar, therein referred to as the 'Vendor No.3' and the Owner viz. Messrs Larkins Realtors therein referred to as the 'Purchaser' and registered with the Sub-Registrar of Assurances Thane-5 under Sr. No. TNN5-06652-2010 on 18th June, 2010, the (i) Vendor No.1 has granted sold, released, conveyed, assigned and assured to the Owner the 2nd property, (ii) Vendor No. 2 and Vendor No. 3 have granted, released, conveyed, assigned and assured to the Owner the 1st property and (ii) Vendors have granted, released, conveyed, assigned and assured to the Owner the 3rd property, at the price and on the terms conditions as stated therein.

gg) Vide Mutation Entry No 248 dated 13th August, 2010 the entry recorded in the other rights column vide Mutation Entry No. 214 is deleted pursuant to the order passed by Additional Collector and Competent Authority dated 12th August, 2010 bearing No. ULC/TAIT No. 1/ Balkum/SR-112, 191 & 101.

hh) Vide Mutation Entry No 249 dated 17th August, 2010 the name of the Owner viz. Messrs Larkins Realtors is recorded in the record of rights at Kabjeddar Sadar.



ii) The said Owner has got the said property converted into the non agricultural user for residential & commercial, purpose from the Collector Thane vide his order No.महसुल/क-१/टे-१/मौजे – ढोकाळी ता-ठाणे /एन.ए.पी./एस.आर.- ०६/२०१२ दि.१६/०६/२०१३ and the effect of the said change in the user is given into the Revenue Record of Right vide M. E. No. 318 dt. 07/08/2013.

jj) As per the order of the Superintendent Land Records Thane in respect of further sub-division (pot Hissas) of the said property, bearing No. दु.लि./कावि/पो.हि.मोर.नं.१२९२/१३/दुर नं.१०७६/१४ मौजे ढोकाळी/ठाणे दि.१३/०१/२०१५ a Hissa Form No. 12 was issued for recording the Pot Hissa changes into the records of rights. Accordingly the Revenue Authority vide ME No. 333 dt. 18/03/2015 recorded Hissas of new S. No. 29/2 & 29/3 of old S. No. 165/2 & 3 as under.

New S. No.	Area H. R. P.	Subdivided Hissa No.	area H. R. P.
29/2	0-31-1	2A	0-05-6
		2B	0-16-5
		2C	0-09-0
		total	0-31-1
29/3	0-93-4	3A	0-43-1
		3B	0-31-7
		3C	0-18-6
		Total	0-93-4

and shown the owner M/s. Larkins Realtors as the holder of the said property.



kk) Dy. Supdt. Land Records Thane carried out Pot Hissa measurement of the said property and vide his letter No. दु.लि./का.वि./पो.हि.मोर नं.१६२९/१५ दुर नं.२०७६/१५/२६०० Mauje Dhokali / Thane dt. 31/10/2015 & Hissa Form No.12, directed Revenue Authority to make corrections in to the Revenue Record of Rights in respect of the said property. Based on the same the Revenue Authority vide ME No.352 dt 25/04/2016 made following changes to (i) Balkum S.N.165/B- Dhokali S.N. 29/3A area 0-43-1 Assessment Rs.9.83, (ii) Balkum S.N.165 Dhokali S.N. 29/3B area 0-31. 7 Akar Rs.7.23 (iii) Balkum S.N.165/ Dhokali S. N.29/3C area 0-18-6 Akar Rs. 4.25.

S. No. H. No.	H. No.	area	Kharaba Bal	Bal	Assessment	Holder
165 29/3A	3A/1	0-36-8	0-00-9	035.9	8.39	Larkins Realtors
	3A/2	0-06-3	0-0-2	0-06-1	1.44	T.M.C 40 mt. wide Road
		0-43-1	0.01.1	0.42-0	8.39	
165/3 29/3B	3B/1	0-04-5	0-0-1	0-04-4	1.03	TMC HCMTR
	3B/2	0.01.9	0-00-1	0-01.8	0.43	TMC SRT
	3B/3	0-25-3	0-00-6	0-24-7	5.77	Larkins Realtors
		0-31-7	0-00-8	0-30-9		
165/ 29/3C	3C/1	0-07-5	0-00-2	0-07-3	1.71	TMC HCMTR
	3C/2	0.0.02	0-00-0	0-02-0	0-46	TMC MRTS
	3C/3	0-09.1	0-00-2	0.08-9	20-08	Larkins Realtors

Accordingly S. No. 29/3A/1 area 0-36-8 , S.N. 29/3B/3 area 0-25-3 and S.N. 29/3C/3 area 0-09-1 is remained with M/s. Larkins Realtors & S.N.29/3A/2, area 0-06-3, 29/3B/1 area 0-04-5, 29/3B/2 area. 0-1-9, and S.N.29/3C/1 area 0-07.5, & 29/3C/2 area 0.02-0 were transferred in the name of Thane Municipal Corporation.

II) M/s. Larkins Realtors through Partner Mr. Jayendra G. Gala executed a Deed of Mortgage dt. 30/03/2016 in favour of M/s. HDFC LTD registered with SRO Thane-5 on 21/04/2016, under Sr. No. 4944/2016 & thereby raised loan of Rs. 30,00,00,000/- against the security of the said property.

5. After acquisition of the said property the said M/s. Larkins Realtors, submitted a building proposal to the Thane Municipal Corporation through its Architect M/s. Archtype Consultants (I) Pvt. Ltd. Thane, for the erection of 4 buildings on the said property and the TMC vide its VP No. S05/0032/10/TMC/TDD/0507/11 dt. 14/12/2011 sanctioned the said building proposal.

6. At the instance of the said M/s. Larkins Realtors the Collector Thane vide his order No.महसुल/क-१/टे-१/मौजे-ढोकाळी,तालुका ठाणे/एन.ए.पी./एस.आर-०६/२०१२ दि.१६/०१/२०१३ has granted non Agricultural permission from residential purpose for the said property.



7. Subsequently, vide V.P.No.505/0032/10TMC/TDD/0630/12 dt. 07/07/2012 the TMC issued first Commencement Certificate for erection of buildings, where upon the said M/s. Larkins Realtors commenced Construction work on the said property. Thereafter from time to time the TMC Thane, granted further Commencement Certificates till date, lasting with V.P. No. 505/0032/10/T.M.C/TDD/1823/16 dt 02/06/2016.

8. In view of the above & present status of ownership of the said property, the project Land under RERA is the entire said property, however, the conveyance will be given, of the Land held only by M/s. Larkins Realtors. viz Dhokali S. No. 28/1, 28/2 & 28/3 and Dhokali S. No. S. No. 29/2 A, B, & C, and 29/3A 1, & 2 and 29/3B 1, 2 & 3, and 29/3C1, 2 & 3 out of which S. No. 28/1, S. No. 29/2A, B & C, and 29/3A1, 29/3B3, and 29/3C3 in aggregate admeasuring 13110 sq.mts. or thereabouts out of which physical plot reserved for District Centre admeasuring 2476.90 sq. mtrs. or thereabout will be transferred to TMC and balance land admeasuring 10633.10 sq. mtrs or thereabout will be conveyed in favour of the ultimate body/federation of the Allottees of Apartments i.e. flat purchasers. The said project land is more particularly described in the 2nd schedule written hereunder.

9. In view of the above in our opinion the title of the said M/s. Larkins Realtors Thane to the project land subject to the said loan amount is free, clear and marketable & free from any encumbrances and they have full right and absolute



authority to develop &/or dispose of the project land &/or the developed components there from.

THE FIRST SCHEDULE OF THE PROPERTY HEREINABOVE REFERRED TO

PROPERTY-'A'

All that piece or parcel of land admeasuring 3260 sq.mtrs. situate, lying, & being, at Village Dhokali (formerly Village Balkum), Tal & Dist. Thane, within the limits of Thane Municipal Corporation & in the Registration Dist & Sub-Dist. Thane bearing Balkum Old S.No.164 and New S.No.28/0 of Dhokali, now new S. No. 28/1, 2,& 3 out of which 28/1 owned by Larkins Realtors & 28/2 & 3 by TMC.

On or towards the East by	:	}	As per Revenue Record.
On or towards the South by	:		
On or towards the West by	:		
On or towards the North by	:		

PROPERTY-'B'

All that (1) New Survey No. 29/2A, admeasuring 560 sq.mtrs. and New Survey No. 29/3B, admeasuring 3170 sq.mtrs. and aggregating to 3730 sq.mtrs. of Village Dhokali (old Village Balkum), Taluka Thane together with structure/s standing thereon, (ii) New Survey No. 29/2B admeasuring 1650 sq.mtrs. and New Survey No. 29/3A admeasuring 4310 sq.mtrs. and aggregating to 5960 sq.mtrs. of Village Dhokali (old Village Balkum), Taluka Thane together with



structure/s standing thereon, (iii) New Survey No. 29/2C admeasuring 900 sq.mtrs. and New Survey No. 29/3C admeasuring 1860 sq.mtrs. and aggregating to 2760 sq.mtrs. of Village Dhokali (old Village Balkum), Taluka Thane together with structure/s standing thereon and all taken together admeasuring 12450 sq.mtrs. now bearing New S. No. Dhokali S. No. 29/2 A B & C, and 29/3A 1 & 2 and 29/3B 1, 2 & 3, and 29/3C1, 2 & 3 out of which S.No.29/2A, B & C, and 29/3A1, 29/3B3, and 29/3C3 all owned by Larkins Realtors and rest by T.M.C., together with structure/s standing thereon and bounded as follows :

On or towards the East by	:	}	As per Revenue Record.
On or towards the South by	:		
On or towards the West by	:		
On or towards the North by	:		

**THE SECOND SCHEDULE OF THIS PROJECT LANDREFERRED TO
HERENABOVE**

[PROJECT LAND]

All those pieces and parcels of the land situate lying & being at - Village Dhokali, Taluka & District Thane, Registration District and Sub-District thane and within the limits of Thane Municipal Corporation and as detailed as below:-




Sr. No.	Old Survey Number of Village Balkum	Corresponding New Survey Number of Village Dhokali	Hissa Number of New Survey No.	Area in sq. mtrs.
1	164	28	1	2880
2	165/2	29	2A	560
3	165/2	29	2B	1650
4	165/2	29	2C	900
5	165/3P	29	3A/1	3680
6	165/3	29	3B/3	2530
7	165/3	29	3C/3	910
		Total		13110

Dated this 01st day of July, 2017

For M/s. PATIL GANGARKAR & CO.

(P.M. PATIL)



01/07/17

Partner
(Advocates)