

Prashant G. Kadam

B.Com.L.L.B.  
ADVOCATE

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R.P.A.D./UCP / By Hand

Date / /201  
18.11.2019

To,

M/s. Ekdant Housing

2, Gayatri Building,

Vishnu Nagar, Naupada,

Thane(W).

Sir,

**CERTIFICATE RELATING TO TITLE**

Reg: - Opinion on Investigation of Title in respect of all that piece and parcel of land bearing (1) C.T.S. No. 428 admeasuring about 367.70 Sq. Mtrs., (2) C.T.S. No. 429 admeasuring about 22.40 Sq. Mtrs, (3) C.T.S. No. 430 admeasuring about 22.40 Sq. Mtrs., (4) C.T.S. No. 431 admeasuring about 21.40 Sq. Mtrs., (5) C.T.S. No. 432 admeasuring about 21.4 Sq. Mtrs., (6) C.T.S. No. 433 admeasuring about 357.10 Sq. Mtrs., (7) C.T.S. No. 434 admeasuring about 11.30 Sq. Mtrs, (8) C.T.S. No. 435 admeasuring about 11.70 Sq. Mtrs., (9) C.T.S. No. 436 admeasuring about 6.10 Sq. Mtrs., (10) C.T.S. No. 437 admeasuring about 19.00 Sq. Mtrs. and (11) C.T.S. No. 438 admeasuring about 19.80 Sq. Mtrs., (12) C.T.S. No. 439 admeasuring about 10.40 Sq. Mtrs., (13) C.T.S. No. 440 admeasuring about 11.60 Sq. Mtrs., (14) C.T.S. No. 441 admeasuring about 43.10 Sq. Mtrs., (15) C.T.S. No. 442 admeasuring about 32.40 Sq. Mtrs., (16) C.T.S. No. 443 admeasuring about 33.20 Sq. Mtrs. and (17) C.T.S. No. 444 admeasuring about 33.20 Sq. Mtrs., totally admeasuring 1044.2 sq. mtrs., lying, being and situated at Kunte Wadi, Bhaskar Colony, Revenue Village Naupada, Thane(W), Taluka & District Thane, within the limits of Thane Municipal Corporation.

THE XEROX COPIES OF THE FOLLOWING DOCUMENTS WERE  
MADE AVAILABLE TO ME FOR SCRUTINY:-

- a. Property register Cards in respect of land bearing C.T.S. Nos. 428 to 432, C.T.S Nos. 433 to 438 and C.T.S. Nos. 439 to 444 of Naupada, Thane.
- b. Registered Deed of Conveyance dated 12.11.2014 executed between Shri. Vijay Ramchandra Kunte and M/s. Ekdant Housing.
- c. Registered Release Deed dated 27.02.2012 executed by Mrs. Sunita Arvind Watve in favour of Shri. Vijay Ramchandra Kunte.
- d. Registered Deed of Conveyance dated 03.04.1958 executed between Shri. Ramchandra Krishnaji Kunte and Shri. Krishnaji Keshav Kunte.
- e. Public Notice published in newspaper 'Thane Vaibhav' dated 06.07.2012.
- f. Public Notice published in newspaper 'Fre Press Journal' dated 06.07.2012.
- g. Public Notice published in newspaper 'Navshakti' dated 06.07.2012.
- h. Development Plan Remarks dated 05.01.2013 issued by Thane Municipal Corporation.
- i. Notice dated 15.11.2011 issued by the Thane Municipal Corporation u/s. 264(1)(2)(3)(4) of MMC Act, in respect of said Property.
- j. Search Report dated 01.02.2017 issued by the Search Clerk Mr. Sachin Patil in respect of land bearing C.T.S. No. 428 to 432, 439 to 444, for the period from 1988 to 2017.
- k. Registered Deed of Conveyance dated 29.12.2012 executed between M/s. Nakhye's Everest Estate Private Limited and M/s. Ekdant Housing.
- l. Registered Deed of Conveyance dated 30.03.2009 executed between Mr. Narayan Krishnaji Kunte and M/s. Nakhye's Everest Estate Private Limited.
- m. Registered Sale Deed dated 15.04.1968 executed between Radhabai Krishnaji Kunte & Anand Krishnaji Kunte and Mr. Narayan Krishnaji Kunte.
- n. Death Certificate of Shri. Ramchandra Krishnaji Kunte.

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- o. Death Certificate of Smt. Sumati Ramchandra Kunte.
- p. Public Notice published in newspaper 'Thane Vaibhav' dated 28.06.2012.
- q. Public Notice published in newspaper 'Fre Press Journal' dated 26.06.2012.
- r. Public Notice published in newspaper 'Navshakti' dated 28.06.2012.
- s. Development Plan Remarks dated 05.01.2013 issued by Thane Municipal Corporation.
- t. Notice dated 24.08.2015 issued by the Thane Municipal Corporation u/s. 264(1)(2)(3)(4) of MMC Act, in respect of said Property.
- u. Indenture for Transfer dated 25.10.2019 executed between M/s. Ekdant Housing and Thane Municipal Corporation.
- v. Search Report dated 01.02.2017 issued by the Search Clerk Mr. Sachin Patil in respect of said Property for the period from 1988 to 2017.
- w. Search Report dated 12.11.2019 issued by the Search Clerk Mr. Sachin Patil in respect of said Property for the period from 1990 to 2019, in respect of said property.

I have been requested to give my opinion on the marketability of the title of the above captioned property, on the basis of abovereferrred documents made available to me. For this purpose, I have also been provided with information relating to captioned property. Additionally, I have also been provided by you, Search Reports dated 01.02.2017 of Mr. Sachin Patil, search clerk, in respect of searches carried out of available records in the Office of Sub-Registrar, Thane (Office Nos. 1, 2, 5 & 9) for the period of 30 years (from 1988 to 2017) and the Search Report dated 12.11.2019 of Mr. Sachin Patil, search clerk, in respect of searches carried out of available records in the Office of Sub-Registrar, Thane (Office Nos. 1, 2, 5 & 9) for the period of 30 years (from 1990 to 2019). I have examined the documents placed in my hands and purely on the basis of aboverefrrred documents and the information furnished to me as well as the Search Reports provided by you, I observed as under:-

## REPORT:

- 1) The documents reveal that one Mr. Krishnaji Keshav Kunte was the owner and was otherwise well and sufficiently entitled to the land bearing (a) C.T.S. No. 428 admeasuring about 367.70 Sq. Mtrs., (b) C.T.S. No. 429 admeasuring about 22.40 Sq. Mtrs, (c) C.T.S. No. 430 admeasuring about 22.40 Sq. Mtrs., (d) C.T.S. No. 431 admeasuring about 21.40 Sq. Mtrs., (e) C.T.S. No. 432 admeasuring about 21.4 Sq. Mtrs., (f) C.T.S. No. 439 admeasuring about 10.40 Sq. Mtrs., (g) C.T.S. No. 440 admeasuring about 11.60 Sq. Mtrs., (h) C.T.S. No. 441 admeasuring about 43.10 Sq. Mtrs., (i) C.T.S. No. 442 admeasuring about 32.40 Sq. Mtrs., (j) C.T.S. No. 443 admeasuring about 33.20 Sq. Mtrs. and (k) C.T.S. No. 444 admeasuring about 33.20 Sq. Mtrs., totally admeasuring 619.2 sq. mtrs., lying, being and situated at Bhaskar Colony, Revenue Village Naupada, Thane, Taluka & District Thane, in the Registration District and Sub-District Thane, within the limits of Thane Municipal Corporation (hereinafter collectively referred to as 'Said First Land').
- 2) The documents reveal that the time of purchasing the said Property, Shri. Ramchandra Krishnaji Kunte had provided a sum of Rs.10000/- to his father Mr. Krishnaji Keshav Kunte and that in consideration of the said amount, the said Mr. Krishnaji Keshav Kunte had, by and under a Deed of Conveyance dated 03.04.1958 sold and conveyed the said First Land to his son Shri. Ramchandra Krishnaji Kunte. The Deed of Conveyance dated 03.04.1958 was lodged for registration with the Sub-Registrar Thane under Serial No.193/1958. The name of Shri. Ramchandra Krishanaji Kunte was recorded as owner of the said property in the records of rights of the said First Land.
- 3) It was represented that Shri. Krishnaji Keshav Kunte had during his life time constructed a building known as 'Vijay Niwas' consists of ground plus three upper floor comprising of 15 tenements on the said First Land (hereinafter referred to as 'Vijay Niwas building') and had rented

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out the tenements from said Vijay Niwas building to the different persons on tenancy basis.

- 4) The documents reveal that said Shri. Ramchandra Krishanaji Kunte died intestate on 17.02.1992 leaving behind his widow Smt. Sumati Ramchandra Kunte, married daughter Mrs. Sunita Arvind Watve and a son Shri. Vijay Ramchandra Kunte as his only legal heirs and representatives. Later the said Smt. Sumati Ramchandra Kunte died intestate on 16.11.2001 leaving behind her married daughter Mrs. Sunita Arvind Watve and son Shri. Vijay Ramchandra Kunte as her only legal heirs and representatives. As such Shri. Vijay Ramchandra Kunte alongwith Mrs. Sunita Arvind Watve became jointly seized and possessed of and/or otherwise well and sufficiently entitled to the said First Land and their names were recorded as owners of the said First Land in the records of rights of the said land.
- 5) By a Deed of Release dated 27.02.2012, which was lodged for registration with the office of the Sub-Registrar, Thane-1 on 27.02.2012 under document No. TNN1-01488-2012, the said Mrs. Sunita Arvind Watve had released and relinquished all her undivided share, right, title and interest in the said First Land unto and in favour of Shri. Vijay Ramchandra Kunte. Pursuant to the Deed of Release dated 27.02.2012, the name of Mrs. Sunita Arvind Watve was deleted from the records of rights of the said First Land. And since then, Shri. Vijay Ramchandra Kunte seized and possessed of or otherwise well and sufficiently entitled to the said First Land together with Vijay Niwas building standing thereon.
- 6) It was represented that somewhere in the year 1995, development rights in respect of portion of said First Land was granted to one M/s. Ganesh Developers by said Shri. Vijay Ramchandra Kunte. Said M/s. Ganesh Developers has, thereafter, constructed a bulding known as 'Sneh Pratik' consists of Ground plus three upper floors comprising of 15 flats on the portion of said First Land (hereinafter refrred to as "Sneh Pratik Building") and sold flats from said Sneh Pratik Building on ownership

basis to various Purchasers who were occupying their respective flat as an owners thereof. However, no agreement or document in respect of assignment of development rights in respect of portion of said First Land by said Shri. Vijay Ramchandra Kunte to said M/s. Ganesh Developers, was made available to me for my perusal.

- 7) By a Deed of Conveyance dated 12.11.2014 executed by and between Shri. Vijay Ramchandra Kunte and M/s. Ekdant Housing, which was lodged for registration with the Sub-Registrar, Thane-2 on 12.11.2014 under document No.TNN2-9104-2014, the said Shri. Vijay Ramchandra Kunte has sold and conveyed the said First Land together with the said 'Sneh Pratik' and 'Vijay Niwas' buildings, to M/s. Ekdant Housing at and for the consideration and upon the terms and conditions contained therein. The said First Land together with the said 'Sneh Pratik' and 'Vijay Niwas' buildings is herein after referred to as 'said First Property'.
- 8) Pursuant to the said Deed of Conveyance dated 12.11.2014, said Shri. Vijay Ramchandra Kunte had also executed a Power of Attorney which as duly authenticated and registered before the Sub-Registrar, Thane-2 under Serial No.TNN2/9105/2014 dated 12.11.2014, in favour of Shri. Hasmukh Surji Shah & Shri. Ashok Vishanji Pasad, the Partners of M/s. Ekdant Housing, thereby thereby authorized and empowered the partners of the M/s. Ekdant Housing to to deal with and develop the said First Property in the manner deemed fit and proper by M/s. Ekdant Housing and to do on their behalf all acts, deeds and matters, more particularly mentioned therein
- 9) It is represented that said M/s. Ekdant Housing have fully paid the consideration and other amounts under the above said Deed of Conveyance dated 12.11.2014 and M/s. Ekdant Housing have been put into exclusive physical possession of the said First Property by Shri. Vijay Ramchandra Kunte. The name of M/s. Ekdant Housing was recorded in the records of rights of the said First Land.

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- 10) It is also represented that said M/s. Ekdant Housing has proposed to develop the said land by demolishing said Sneh Pratik Building and Vijay Niwas building and therefore approached flats owners from said Sneh Pratik Building and also to the tenants from Vijay Niwas building and successfully negotiated with them in the matter of development of the said land by demolishing said Sneh Pratik Building and Vijay Niwas building.
- 11) The documents reveal that an area admeasuring 180 sq. mtrs. out of land bearing C.T.S No. 428 and 433 reserved for 9.00 meter wide D.P. Road has been handedover to Thane Municipal Corporation, Thane vide a Indenture for Transfer dated 25.10.2019 which is duly registered with Sub-Registrar Thane-5 under document No. TNN5-18168-2019 dated 25.10.2019;
- 12) The documents reveal that the said structure of 'Vijay Niwas' has been declared as dilapidated and the Thane Municipal Corporation has issued Notice dated 15.11.2011 u/s. 264(1)(2)(3)(4) of MMC Act, in respect thereof.
- 13) The Search Reports dated 01.02.2017 issued by Mr. Sachin Patil in respect of search in Sub-Registrar offices only at Thane office no.1, 2, 5 & 9, reveals that except the transactions referred to hereinabove there are no registered encumbrances over the said First Property.
- II)1) The documents reveal that originally one Mr. Krishnaji Keshav Kunte was the owner and was seized and possessed of or otherwise well and sufficiently entitled to the land admeasuring about 469.7 sq. mtrs. bearing Survey No.36, Hissa No.3/1, 3/6(part) lying, being and situated at Kunte Wadi, Bhaskar Colony, Revenue Village Naupada, Thane(W), Taluka & District Thane, within the limits of Thane Municipal Corporation (hereinafter collectively referred to as 'said original land') together with structure standing thereon being Municipal House No. 179 popularly known as 'Shiv Darshan'. Said 'Shiv Darshan' building is told to be occupied by tenants.

- 2) The documents reveal that said Mr. Krishnaji Keshav Kunte died leaving behind his last Will and testament dated 10.09.1961 whereby the said Mr. Krishnaji Keshav Kunte had created life interest to enjoy the said original land and said 'Shiv Darshan' building in favour of wife Radhabai Krishnaji Kunte and after her death bequeathed the said original land and said 'Shiv Darshan' building in favour of his sons Mr. Narayan Krishnaji Kunte and Anand Krishnaji Kunte.
- 3) By and under a Sale Deed dated 15.04.1968 executed between Radhabai Krishnaji Kunte & Anand Krishnaji Kunte and Mr. Narayan Krishnaji Kunte, which was lodged for registration with the office of the Sub-Registrar at Thane on 15.04.1968 under Serial No. 396/1968, said Radhabai Krishnaji Kunte & Anand Krishnaji Kunte had sold their rights in the said original land and said 'Shiv Darshan' building in favour of Mr. Narayan Krishnaji Kunte, for the consideration and on the terms and conditions therein contained. As such the said Mr. Narayan Krishnaji Kunte became absolute owner of said original land and said 'Shiv Darshan' building. Pursuant to the Sale Deed dated 15.04.1968, Mutation Entry No. 2666 was passed and accordingly the name of the Mr. Narayan Krishnaji Kunte was registered in the records of rights as the owner of the said original land i.e. land bearing Survey No.36, Hissa No.3/1, 3/6(part).
- 4) Thereafter a survey of lands of Village Naupada was conducted by the State Government through designated officer, as a result thereof the land admeasuring about 469.7 sq. mtrs. bearing Survey No.36, Hissa No.3/1, 3/6(part) lying, being and situated at Kunte Wadi, Bhaskar Colony, Revenue Village Naupada, Thane(W), Taluka & District Thane was given corresponding City survey numbers viz. (a) C.T.S. No. 433 admeasuring about 357.10 Sq. Mtrs., (b) C.T.S. No. 434 admeasuring about 11.30 Sq. Mtrs, (c) C.T.S. No. 435 admeasuring about 11.70 Sq. Mtrs., (d) C.T.S. No. 436 admeasuring about 6.10 Sq. Mtrs., (e) C.T.S. No. 437 admeasuring about 19.00 Sq. Mtrs. and (f) C.T.S. No. 438

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admeasuring about 19.80 Sq. Mtrs.. However, it appears that while giving corresponding City survey numbers, the area of the original land was reduced to 425 Sq. Mtrs. from area admeasuring about 469.7 sq. mtrs..

- 5) Thus, said Mr. Narayan Krishnaji Kunte was became the owner and was seized and possessed of or otherwise well and sufficiently entitled to the land bearing (a) C.T.S. No. 433 admeasuring about 357.10 Sq. Mtrs., (b) C.T.S. No. 434 admeasuring about 11.30 Sq. Mtrs, (c) C.T.S. No. 435 admeasuring about 11.70 Sq. Mtrs., (d) C.T.S. No. 436 admeasuring about 6.10 Sq. Mtrs., (e) C.T.S. No. 437 admeasuring about 19.00 Sq. Mtrs. and (f) C.T.S. No. 438 admeasuring about 19.80 Sq. Mtrs., totally admeasuring 425 Sq. Mtrs. lying, being and situated at Kunte Wadi, Bhaskar Colony, Revenue Village Naupada, Thane(W), Taluka & District Thane, within the limits of Thane Municipal Corporation (hereinafter collectively referred to as 'said Second land') together with structure standing thereon being Municipal House No. 179 popularly known as 'Shiv Darshan" (said Second land and said building are hereinafter jointly referred to as 'Said Second Property')
- 6) Vide a Deed of Conveyance dated 30.03.2009 executed by and between Mr. Narayan Krishnaji Kunte and M/s. Nakhye's Everest Estate Private Limited, which was lodged for registration with the Sub-Registrar, Thane-1 on 30.03.2009 under document No.TNN1-01389-2009, the said Mr. Narayan Krishnaji Kunte had sold and conveyed the said Second Property to M/s. Nakhye's Everest Estate Private Limited, for the consideration and on the terms and conditions therein contained.
- 7) By a Deed of Conveyance dated 29.12.2012 executed between M/s. Nakhye's Everest Estate Private Limited and M/s. Ekdant Housing, which was lodged for registration with the Sub-Registrar, Thane-1 on 31.01.2013 under document No.TNN1-901-2013, the said M/s. Nakhye's Everest Estate Private Limited has sold and conveyed the said Second Property to M/s. Ekdant Housing at and for the consideration and on the terms and conditions contained therein.

- 8) Deed of Conveyance dated 29.12.2012 reveals that M/s. Ekdant Housing have fully paid the consideration under the above said Deed of Conveyance dated 29.12.2012 to the M/s. Nakhye's Everest Estate Private Limited and pursuant thereto M/s. Ekdant Housing have been put into exclusive physical possession of the said Second Property by M/s. Nakhye's Everest Estate Private Limited. The name of M/s. Ekdant Housing was recorded in the Property Register Cards in respect of said second land and accordingly the Mutation Entry was passed and recorded.
- 9) From the Development Plan Remarks issued by Thane Municipal Corporation, it appears that a portion of the land admeasuring 185 Sq. Mtrs. out of said second land is affected by a 9.00 mtr. Road.
- 10) The documents reveal that said "Shiv Darshan" building has been declared as dilapidated and the Thane Municipal Corporation has issued Notice dated 24.08.2015 issued by the u/s. 264(1)(2)(3)(4) of MMC Act, in respect thereof.
- 11) It is informed that Public Notice were published on 06.07.2012 by the Advocate Ashok Kulkarni in daily news papers "Thane Vaibhav", "Nav Shakti" dated 28.06.2012 and "Free Press Journal" dated 26.06.2012 calling claims, objection etc. in respect of said second property and it was represented that no any claims, objection etc. were received in reply to those Public Notices.
- 12) The Search Report dated 01.02.2017 issued by Mr. Sachin Patil in respect of search in Sub-Registrar offices at Thane office no.1, 2, 5 & 9, reveals that except the transactions referred to hereinabove there are no registered encumbrances over the said Second Property.

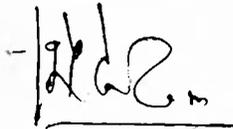
The Said First Land together with the said 'Sneh Pratik' and 'Vijay Niwas' buildings standing thereon and the said second land together with the "Shiv Darshan" building standing thereon, are hereinafter jointly and collectively referred to as 'Said Property'.

- III) The Search Report dated 12.11.2019 of Mr. Sachin Patil, search clerk, in respect of searches of the said property carried out of available records in the Office of Sub-Registrar, Thane (Office Nos. 1, 2, 5 & 9) for the period of 30 years (from 1990 to 2019), reveals that except the transactions referred to hereinabove there are no registered encumbrances over the said Property.
- IV) M/s. Ekdant Housing had submitted the plans for development of the Said Property to Thane Municipal Corporation and Thane Municipal Corporation had sanctioned and approved the plan of the proposed construction on the said property and issued Development Permission bearing V.P. No.S02/0262/18/TMC/TDD/3011/19 dated 12.03.2019 and further sanctioned and issued revised Development Permission / Commencement certificate bearing V.P. S02/0262/18 No. TMC/TDD/3209/19 dated 19/10/2019 and granted permission to M/s. Ekdant Housing to construct a building comprising of Stilt (Pt.) + 1<sup>st</sup> to 5<sup>th</sup> floors + 6<sup>th</sup> floor(Pt.) + 7<sup>th</sup> floor(Pt.), on the said property.
- V) The documents reveal that one Mr.Rajan Venkatswamy Naidu has filed a Regular civil suit claiming ownership of a RCC structure and proportionate share in land bearing CTS No.440, out of said First Land, against Mr.Vijay Ramchandra Kunte, M/s. Ekdant Housing and Thane Municipal Corporation, being R.C.S. No. 795 /2019. No interim orders have been passed by the Hon'ble Court in the said suit.

On scrutiny of the documents made available to me and on the basis of information provided to me and the Search Reports dated 01.02.2017 and 12.11.2019 issued by the Search Clerk Mr. Sachin Patil in respect of the said property and subject to outcome of pending R.C.S. No. 795 /2019 and subject to rights of the tenants of the 'Shiv Darshan' and 'Vijay Niwas' buildings and the existing flat owners of 'Sneh Pratik' building and also subject to whatever stated hereinabove, I am of the opinion that M/s. Ekdant Housing is well and sufficiently entitled to develop the said property by constructing a building

thereon as per the plans approved by the Thane Municipal Corporation and further shall be entitled to sell and dispose of the flats/shop/premises therefrom on ownership basis to prospective purchasers upon terms and conditions and at consideration that M/s. Ekdant Housing deems it fit and proper.

Yours truly,

A handwritten signature in black ink, appearing to be 'H. D. S.', written over a horizontal line.

Advocate.