

*Y. S. Duduskar*

B.Com., LL.B.

ADVOCATE HIGH COURT

Office : Basement, New Vaibhav CHS Ltd., Opp. Surya-Joshi Wada, Nr. Abhyudaya Co.Op. Bank, Charai, Thane (W) ☎ : 25399844. ● Mob. : 9322273546

Date : 04.08.2016

**TITLE CERTIFICATE**

Ref: Land bearing New Survey No.101, Hissa No.1/2/2/2, admeasuring about 1353.18 sq. mtrs. (Old Survey No. 63/1 part), lying, being and situate at Village Ovale, Taluka and District Thane, Registration District and Sub-/District Thane and within the limits of the Thane Municipal Corporation, owned by M/s. K. M. Housing Pvt. Ltd..

I have caused the Search to be made in respect of the above referred Property in the office of Sub-registrar Thane and Concerned Revenue Authorities since 1982 till 10.9.2012, which was carried out through Shri Virendra K. Tak, Searcher, Thane vide application No.2416 dt. 11.07.2016, Receipt No.12568.

I have also caused the public notice issued in the local news paper Thane Vaibhav in respect of the said property on 12.07.2016 however, no objections of any nature have been taken by anybody till date I have also gone through the revenue records of the said property.

It is observed that earlier the property bearing S. No. 63, of Village Ovale was held by Shri Vinayak Laxman Ovalekar. He died intestate on 20.12.1928 and therefore the name of Shri. Manik Vinayak Ovalekar was recorded as the legal heir of the said deceased and the owner of the said property and the name of said Manik Vinayak Ovalekar was recorded in the 7/12 extract vide order passed in Taluka Hukum No. RTS/383 dated 13.8.1929.

It is also observed that the said Shri Manik Vinayak Ovalekar for himself and for his minor son Chandrakant and Smt. Laxmibai Vinayak Ovalekar sold the said property to Shri Mukund Jannardhan Dandekar on 30.9.1933 and the M. E. No. 246 has been recorded in the records of right on 10.4.1935. However, as per Taluka Hukum No. RTS/SR/I/71 dated 6.1.1953, the name of Shri Mukund Janardhan Dandekar was removed from the revenue records and the said property is mutated in the name of Shri Manik Vinayak Ovalekar. The entry to that effect was recorded vide M. E. No. 489 on 25.4.1953. The said Shri Dandekar however, went in appeal over the said Taluka Hukum and the name of said Mukund Janardhan Dandekar was recorded in 7/12 extract.

It is observed that said Mukund Janardhan Dandekar died on 30.5.1951 leaving behind his childrens namely Rangnath, Nagendranath, Mukund, Phirojshah and their names came to be recorded in the record of rights vide M. E. No. 538 on 5.3.1957.

It is further observed that by Taluka Hukum No. RTS/SIR/1076 dated 5.9.1951, the names of the said Rangnath, Nagendranath, Mukund, Phirojshah were removed from the revenue records and the name of Shri Manik Vinayak Ovalekar vide M. E. No. 796 on 11.12.1957.

It is further observed that the said Manik Vinayak Ovalekar died intestate on 11.12.1973 leaving behind his childrens Chandrakant, Ramakant, Ratnakar, Hemchandra and Dilip as sons and Smt. Indumati, his wife and Anita Ashok Patil the daughter of the said Manik Vinayak Ovalekar and their names were recorded vide M.E. No. 1433 on 14.9.1973.

It is further observed that the partition is effected between Chandrakant, Ramakant, Ratnakar, Hemchandra, Smt. Indumati and Anita Ashok Patil and the effect of the same given vide M. E. No. 1719 on 20.7.1980.

However, there was a partition amongst the said legal heirs which has been recorded by virtue of Mutation Entry No.2962 on 15.01.2010 which is certified on 30.01.2010. The said Mutation entry has been passed on the basis of the order passed in Taluka Hukum No. Rev./No.1/te-3/Hakka Nond/Hissa Form/Kavi 286 dated 14.01.2010 and mutation entry was accordingly recorded being No. 2962 on 15.01.2010, certified on 30.01.2010.

It is further observed that by an Agreement for Development dated 28.06.2016, registered in the office of S.R.O.Thane, at Doc. Sr. No. TNN-12-1200-2016 the said Shri. Dilip Manik Ovalekar has granted the rights of the development of the property admeasuring 1353.18 sq.mtrs. which was in actual possession of the said Mr. Dilip Manik Ovalekar, as per the location of the property shown on plan annexed to the said Agreement and shown by A,B,C and D alphabets, to and in favour of M/s. KM Developers, A Partnership Firm. Since the property of the said 996 sq. mtrs, which was sold to K.M. Housing Pvt. Ltd, was out of the said property adm.1353.18 sq.mtrs, the said K.M. Housing Pvt. Ltd had also granted the rights of the development of said 996 sq.mtrs to the said K.M. Developers by joining themselves as the party to the said development agreement dated 28.06.2016, registered in the office of S.R.O.Thane, at Doc. Sr. No. TNN-12-1200-2016.

It is further observed that the said Mr. Dilip Manik Ovalekar and the said M.K.Housing Developers Pvt. Ltd has granted an irrevocable power of attorney to and in favour of M/s. KM Developers, A Partnership Firm, on 28.06.2016 vide Doc. Sr. No. TNN12-1201-2016;

Considering the above mentioned documents in my opinion the title of the said Dilip Manik Ovalekar is clear and marketable in respect of the said entire property of 0-73-5 (H-R-P) and the said M/s. K.M. Developers, Partnership Firm is entitled for of the development of the said property and to sale the premises that may be constructed therein, for valid consideration to any third party.

Thane, Date: 04.08.2016

  
Y.S.DUDUSKAR, ADVOCATE  
Advocate

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