

# OM PRAKASH SHUKLA

B.A., L.L. B.

**Advocate High Court.**

Bungalow No.6, Shivalik Tower, Near HDFC Bank, 90 feet Rd, Thakur Complex, Kandivali (E), Mumbai-400 101

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Date :

## TITLE CERTIFICATE

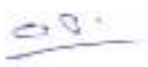
To,  
Yazarina Estate & Investments Pvt. Ltd.  
702, Natraj,  
M.V. Road Junction,  
Western Express Highway,  
Andheri (East)  
Mumbai - 400 069.

**Sub: ALL THAT pieces or parcels of leasehold land bearing Plot Nos. 739 to 742 of Dadar Matunga (South) Estates, Scheme No.5 of the Municipal Corporation of Greater Mumbai and being Cadastral Survey Nos.552/10, 553/10, 554/10 and 555/10 of Matunga Division in the Registration District and Sub-District of Mumbai City and Mumbai Suburban, admeasuring 1890 sq. yards equivalent to 1580.20 sq. mtrs. or thereabouts, together with buildings standing thereon ("said Property").**

**Ref: Earlier Title Certificate dated 30<sup>th</sup> July, 2012.**

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1. I, at the request of my clients, Yazarina Estates & Investments Pvt. Ltd., a company incorporated under the provisions of the Companies Act, 1956 and having its registered office at 702, Natraj, M.V. Road Junction, Western Express Highway, Andheri (East) Mumbai - 400 069, had earlier investigated the title of the said Property, (more particularly described in the Schedule hereunder written) and issued my Title Certificate dated 30<sup>th</sup> July, 2012 as referred above whereby I have already earlier certified the title of my clients in respect of the said Property. Photocopy of Title Certificate dated 30<sup>th</sup> July, 2012 is annexed hereto as **Annexure - "A"**.
2. As per fresh instructions received from my clients, I have again investigated the title of my clients in respect of the said Property and in pursuance thereof I have caused to be done/issued the following:
  - (a) I have caused search to be taken through my search clerk in respect of the said Property in the office of Sub-Registrar of Assurances at Mumbai, Bandra and Worli from the year 1977 to 2016 (40 years)
  - (b) I have got published two public notices; one in English newspaper, Free Press Journal and one in Marathi newspaper, Navshakti; both dated 16<sup>th</sup> November, 2016.
3. In pursuance of the public notices, I have received 7 (seven) letters which are relevant to and restricted to respective old existing flats in the existing building known as "Yazarina II" already in occupation by the respective flat purchasers.



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Date :

4. I have not received any objection in respect of the said Property in pursuance of the aforesaid two public notices and hence I have again come to the conclusion that the title of my clients with respect to the said Property continues to be clear, marketable and free from all encumbrances.
5. I have been informed that R.A.E. Suit bearing No. RAE/201369/2007 filed by my clients under section 16(1) (i) of the Maharashtra Rent Control Act, 1999 against tenants of K.S. Batliwala Building, standing on the said Property, is pending before the Small Causes Court, Mumbai, for final hearing. The said Suit however does not pertain to title of the said Property.
6. In furtherance to my Title certificate dated 30<sup>th</sup> July, 2012 and based on the aforesaid searches and public notices caused to be taken/issued by me, I hereby certify that title of my clients, Yazarina Estates & Investments Pvt. Ltd. in respect of the said Property is clear, marketable and free from all encumbrances.

## **SCHEDULE OF THE PROPERTY**

ALL THAT pieces or parcels of leasehold land bearing Plot Nos.739 to 742 of Dadar Matunga (South) Estates, Scheme No.5 of the Municipal Corporation of Greater Mumbai and being Cadastral Survey Nos.552/10, 553/10, 554/10 and 555/10 of Matunga Division, admeasuring 1890 sq. yards equivalent to 1580.20 sq. mtrs. or thereabouts together with buildings standing thereon and bounded as follows:

On or Towards East by :	Cadastral Survey Nos. 548/10, 550/10 and 551/10
On or towards West by :	8.25 M. Wide Parsi Colony Road No.5
On or towards North by :	9.30 M. Wide Jehangir Vimadlal Road
On or towards South by :	Cadastral Survey No. 546/10

Dated: 31<sup>st</sup> January, 2017

  
**MR. OM PRAKASH SHUKLA**  
**ADVOCATE HIGH COURT**



(REGISTERED LETTERS AT RESIDENCE ONLY)

**OM PRAKASH SHUKLA**

S.A., LL.B.

O. S. Regn. No. 1348

S.E.O., ADVOCATE HIGH COURT

12-A, Matrukripa, 1st Flr., Jn. of Pt. Solicitor Road & Gausnala Lane, Malad (East), Mumbai - 400 097.  
Tel.: 2893 6145, 2898 1038 • Fax: 2267 1746 2267 1887

Resi.: Bungalow No. 6, Shivalik Tower, Near HDFC Bank, 90 Feet Road, Thakur Complex, Kandivali (E), Mumbai - 400 101.  
Tel.: 2670 1728

Ref. No. ....

Date: .....

By Regd. A. D. / U.C.P. / Hand Delivery

**TITLE CERTIFICATE**

To,

Yazarina Estates & Investments Pvt. Ltd.  
702, Natraj,  
M.V. Road Junction,  
Western Express Highway,  
Andheri ( East)  
Mumbai - 400 069.

**Re: ALL THAT** pieces or parcels of leasehold land bearing  
Plot Nos. 739 to 742 of Dadar Matunga (South)  
Estates, Cadastral Survey Nos. 552/10, 553/10,  
554/10 and 555/10 of Matunga Division in the  
Registration District and Sub-District of Mumbai City  
and Mumbai Suburban, admeasuring 1890 sq. yards  
equivalent to 1580.20 sq. mtrs. or thereabouts.  
("said Property")

At the instance of my clients, Yazarina Estates &  
Investments Pvt. Ltd., a Company incorporated under the  
Companies Act, 1956 and having its registered office at 702,  
Natraj, M.V. Road Junction, Western Express Highway, Andheri  
(East) Mumbai - 400 069, I have investigated the title of my  
clients in respect of aforesaid property and accordingly have  
gone through the following documents such as:-

63.

O.R.

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Resi.: Bungalow No. 6, Shivallik Tower, Near HDFC Bank, 90 Feet Road, Thakur Complex, Kandivali (E), Mumbai - 400 101  
Tel.: 2870 1728

Ref. No. ....

Date: .....

By Regd. A. D. / U.C.P. / Hand Delivery

1. Registered Indenture of Lease dated 09.08.1927 between the Trustees for the Improvement of the City of Bombay and Mr. Nusserwanji Pestonji Whaddia.

2. Registered Indenture of Trust dated 30.09.1927 between Mr. Nusserwanji Pestonji Whaddia (Settler) and Bai Shirinbai Pestonji & Others (Trustees).

3. Registered Indenture of Lease dated 17.06.1936 between the Municipal Corporation of the City of Bombay and Ivan Hope Taunton B.A. I.C.S. Municipal Commissioner for the City of Bombay and Mr. Nusserwanji Pestonji Whaddia & Others.

4. Registered Deed of Revocation of Trust dated 20.03.1959 between the Nusserwanji Pestonji Whaddia (Settlor) and Cursetji Pestonji Wadia, Byram Bomansha Mehta and Ardeshir Khursetji Wadia (Trustees).

5. Registered Indenture dated 30.01.1960 between Nusserwanji Pestonji Whaddia and Cursetji Pestonji Wadia and Mr. Nusserwanji Sorabji Guzder & Others.

6. Agreement for Sale dated 10.07.1992 between Mr. Jehangir F. Shroff & Others and Yazarina Estates & Investments Pvt. Ltd.

7. Registered Sale Deed dated 04.05.1993 between Mr. Jehangir F. Shroff & Others and Yazarina Estates & Investments Pvt. Ltd.

And from the above papers I found that:

1. By an Indenture of Lease dated 09.08.1927 and made between the Trustees for the Improvement of the City of

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Tel.: 2883 6145, 2888 1038 • Fax: 2267 1746, 2267 1687

Resi.: Bungalow No. 6, Shivalik Tower, Near HDFC Bank, 90 Feet Road, Thakur Complex, Kandivali (E), Mumbai - 400 101  
Tel.: 2870 1728

Ref. No. ....

Date: .....

By Regd. A. D. / U.C.P. / Hand Delivery

Bombay (therein and referred to as 'the Board') of the One Part and Mr. Nusserwanji Pestonji Whaddia (therein and hereinafter referred to as 'the Lessee') of the Other Part and registered with the Sub-Registrar of Assurances at Bombay under No. 4583 of Book No. I on 13.09.1927 the Board did thereby demise unto the Lessee the said Property being ALL THAT piece or parcel of Land containing an area of 1890 sq. yards or thereabouts situate on and being Plot Nos. 739-742 of the Dadar Matunga Estate of the Board in the City an Island and Sub-Registration District of Bombay and more particularly described in the Schedule hereunder written TO HOLD the same unto the Lessee from 15.04.1926 for a term of 999 years upon the rent subject to the terms and conditions therein contained.

2. By an Indenture of Trust dated 30.09.1927 made between Mr. Nusserwanji Pestonji Whaddia, (therein referred to as 'the Settlor') of the One Part and the said Nusserwanji Pestonji Whaddia, Bai Shirinbai Pestonji, Ardeshir Hormarji, Sorabji Manekji Kanga, Ardeshir Cursetji Wadia and Byramji Bomannji Mehta (therein called 'the Trustees') of the Other Part, registered with Sub-Registrar of Assurances at Bombay bearing Serial No. 5273 of Book No. I on 14.10.1927, the said Settlor for the consideration therein mentioned did thereby assigned and transferred to the said Trustees the Said Property more particularly described in the Schedule there under written and

02

02



(REGISTERED LETTERS AT RESIDENCE ONLY)

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Resl.: Bungalow No. 6, Shivalik Tower, Near HDFC Bank, 90 Feet Road, Thakur Complex, Kandivai (E), Mumbai - 400 101  
Tel: 2870 1729

Ref. No. ....

Date: .....

By Regd. A. D. / U.C.P. / Hand Delivery

Schedule hereunder written TO HOLD the same Upon the Trust and with under and subject to the powers, provisions and declarations therein contained of and concerning the same.

3. By an Indenture of Lease dated 17.06.1936 between the Municipal Corporation of the City of Bombay (therein referred to as 'the Corporation') of the First Part, Ivan Hope Taunton B.A., I.C.S. Municipal Commissioner for the City of Bombay (therein referred to as 'the Commissioner') of the Second Part and Mr. Nusserwanji Pestonji Whaddia, Bai Shirinbai Pestonji Ardeshir Hormarji, Ardeshir Cursetji Wadia, Byramji Bomanji Mehta and Cursetji Pestonji Wadia (therein referred to as 'the Lessees') the Corporation by virtue of the City of Bombay Municipal (Amendment) Municipal Act, 1933 did in consideration of the Surrender of even date by the Lessee of the term granted by the said Indenture of Lease dated 09.08.1927 hereinabove recited and in further consideration of the rents and Lessee's covenants therein referred to demise and the Commissioner did thereby confirm unto the Lessee's the lands, hereditaments and premises more particularly described therein in the Schedule TO HOLD the same unto the Lessees as joint tenants from 17.06.1936 in perpetuity upon condition of the performance of the covenants on the part of the Lessee's therein contained.

108

(REGISTERED LETTERS AT RESIDENCE ONLY)

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4. Pursuant to Deed of Revocation of Trust dated 20.03.1959 made between the said Nusserwanji Pestanji Whaddia as the Settlor of the One Part and the said Settlor and Cursetji Pestanji Wadia, Byram Bomansha Mehta and Ardeshir Khursetji Wadia as the Trustees of the Other Part the said Nusserwanji Pestanji Whaddia did in exercise of the powers reserved to him as settlor under Clauses 6 and 17 of the said Indenture of the Trust did thereby cancel and make void all the Trust powers and provisions contained in the said Indenture of Trust dated 30.09.1927 to the end and intent that the lands hereditaments and premises more particularly described in the Schedule to the said Indenture of Trust dated 30.09.1927 and in the Schedule hereunder written shall revert to and be absolutely vested in him..... free from all the Trusts and provisions contained in the said Indenture of Trust dated 30.09.1927. Deed of Revocation of Trust has been accepted and noted by the Charity Commissioner, Maharashtra State, Bombay.

5. Pursuant to an Indenture dated 30.01.1960 made between NUSSERWANJI PESTANJI WHADDIA therein called the Vendor and NUSSERWANJI PESTANJI WHADDIA, CURSETJI PESTANJI WADIA, BYRAM BOMANJEE MEHTA AND ARDESHIR KHURSETJI WADIA therein called 'the Confirming Parties' being the Trustees under said revoked as aforesaid Indenture of Trust dated 30.09.1927, registered with the Sub-Registrar of Assurance



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Bombay bearing Serial No. BOM/1342/1960, the said Nusserwanji Pestanji Whaddia sold, conveyed, transferred, assured and assigned and the said Confirming Parties confirmed unto a registered Public Charitable Trust known as "Zoroastrian Building Fund Trust", the said Property being the lands, heriditaments and premises more particularly described in the Schedule hereunder written on the terms and conditions mentioned therein.

6. Pursuant to an Agreement for Sale dated 10.07.1992 made and entered into between the Trustees of Zoroastrian Building Fund Trust and Yazarina Estates & Investments Private Limited, the Trustees of Zoroastrian Building Fund Trust agreed to sell to Yazarina Estates & Investments Private Limited the said Property being the land, hereditaments and premises together with the buildings and structural standing thereon and more particularly described in the Schedule hereunder written for the consideration mentioned therein.

7. Pursuant to an Order dated 11.11.1992 under reference No. J/4/46-90, Charity Commissioner under Section 36 (1) (a) of the Bombay Public Trusts Act, 1950, Maharashtra State, Bombay accorded his sanction to the sale of the said Property by Zoroastrian Building Fund Trust for the agreed consideration amount mentioned therein.



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8. An Appropriate Authority under the Income Tax Act, 1961 has granted his No Objection Certificate under Section 269 UL (3) of the Income Tax Act, 1961 and has accorded its sanction for the transfer of the said Property from Zoroastrian Building Fund Trust to Yazarina Estates & Investments Private Limited.

9. Pursuant to the terms and conditions of Sale Deed dated 04.05.1993 executed between the Trustees of Zoroastrian Building Fund Trust and Yazarina Estates & Investments Private Limited and registered before the Sub Registrar of Assurances, Mumbai bearing serial No. BBE/2004/1993 dated 13.08.1993, the Trustees of Zoroastrian Building Fund Trust have sold, transferred, assured, assigned and conveyed the said Property being the property more particularly described in the Schedule hereunder written, unto Yazarina Estates & Investments Pvt. Ltd., for the terms and conditions mentioned therein.

10. I have issued public notice dated 13.07.2012 in leading news paper, "Free Press Journal" by me on behalf of Yazarina Estates & Investments Pvt. Ltd. for investigating the title of the said Property. I hereby state that I have not received any objections or claims of whatsoever nature in respect of the said Property..

11 Likewise, on the basis of documents referred herein above, I am of the opinion that Yazarina Estates and Investments Pvt. Ltd. have sole, absolute and exclusive rights and ownership in respect of the said property more particularly described in the

22

08

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Schedule herein under written and Yazarina Estates and Investments Pvt. Ltd. is entitled to the said Property.

12. In the premises aforesaid, I am of the opinion that Yazarina Estates and Investments Pvt. Ltd. is the sole and absolute owner of the said Property and are also entitled to develop the said Property in accordance with the applicable laws and further sale and transfer the premises constructed thereon. I am further of the opinion that Yazarina Estates and Investments Pvt. Ltd. have full, clear, unencumbered and marketable title as an absolute Owner thereof in view of the terms and conditions of Sale Deed Dated 04/05/1993.

**SCHEDULE OF THE PROPERTY**

ALL THAT pieces or parcels of leasehold land bearing Plot Nos.739 to 742 of Dadar Matunga (South) Estates, Cadastral Survey Nos.552/10, 553/10, 554/10 and 555/10 of Matunga Division, In the Registration District and Sub-District of Mumbai City and Mumbai Suburban, containing by admeasuring 1890 sq. yards equivalent to 1580.20 sq. mtrs. or thereabouts and bounded as follows:

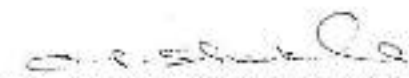
On or Towards the North East by : Road Thirty Feet in width

On or towards the South East by : Partly by Plot No. 733, Partly by Plot No. 734 to 735, partly by Plot No. 736

On or towards the South West by : Plot No. 738

On or towards the North West by : Road Twenty Six Feet width

Dated: 30<sup>th</sup> July, 2012

  
MR. OM PRAKASH SHUKLA  
ADVOCATE HIGH COURT

O.P.