

# Ad. Rohit Maheshwari

B.B.A.,LLB. (Hons.)  
(ADVOCATE)

B.no.69-C,Bhayaji Road,  
MHOW (M.P.) 453441  
Mob. : 9893220111

Ref. No.

Date : 17/01/2022

To,  
The Branch Manager  
Bank of Maharashtra  
Branch-Satna

## Legal opinion

- 1) **Sub-** Title report on properties proposed to be owned by Dinesh S/o Shri Girdharilalji Khandelwal R/o-48, Sajjan Nagar, Indore (M.P.) (Prospective Borrower)
- 2) **Name of the Branch -** Satna
- 3) **Name of the borrower -** As stated in (1) above
- 4) **Description of Documents scrutinised -**

| Sr. No. | Date of Execution of Document | Details of registration of Document/conveyance | Place sub-regd office | Property falls under sub-registrar | Remarks                           |
|---------|-------------------------------|--|-----------------------|------------------------------------|-----------------------------------|
| 1.      | 12/03/2001                    | Sale deed registration no. 1A/1936(cha)        | Indore                | Indore                             | Such documents are proof of title |
| 2.      | 18/08/1994                    | Sale deed registration no. 1A/1789             | Indore                | Indore                             |                                   |
| 3.      | 14/12/1972                    | Sale deed registration no. 1A/7914/1972        | Indore                | Indore                             |                                   |
|         |                               |  |                       |                                    |                                   |

## 5) **Description of Property/properties/Nature of title**

| Sr. No. | Nature of the owner/ Mortgagor   | Extent of area (in. acres/hect.)   | Survey no/ Gut no./CST no. /House no.  | Is property leasehold/ freehold/Govt. grant etc.  | Nature of property   | Location  | Boundaries   |
|---------|--|--|--|---|--|---|--|
| 1.      | Dinesh S/o Shri Girdharilalji Khandelwal R/o-48, Sajjan Nagar, Indore (M.P.) (Prospective Borrower/ Purchaser) | Diverted land for Industrial purpose bearing survey no. 205/1/2/2 & 205/2paikai area 3013.29 sq.ft.at village Chitawad Teh. & Distt. Indore (M.P.) | Diverted land for Industrial purpose bearing survey no. 205/1/2/2 & 205/2paikai area 3013.29 sq.ft.at village Chitawad Teh. & Distt. Indore (M.P.) | At present such land survey no. 205/1/2/2 & 205/2paikai area 3013.29 sq.ft.is owned & possessed by Dinesh Khandelwal and thus is on the basis of his ownership rights, hence is on Freehold basis | Such plot is for residential/ commercial purposes<br>Is photo of owners affixed (If not be taken after verification) | At village Chitawad Teh. & Distt. Indore (M.P.) | <u>East</u> -Property of Hemraj Jagannath<br><u>West</u> -Property of Manoharlalji<br><u>North</u> -Govt. Road<br><u>South</u> -Property of Agarwal Trading Company. |

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रसीद दस्तावेज क्रमांक 4257A

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दफ्तर ..... मुकाम

| किस को दी गई | दस्तावेज की तफसीलवारी व कीमत या दस्तखत की तारीख या किस्म जो मुहरबन्द लिफाफा लिया गया हो जिसके बाबत फीस दाखिल हुई हो उसके ऊपर लिखी हुई इबारत | तादाद फीस (अगर हो तो) दाखल शुदा | दस्तावेज की वापस करने की कैफियत |
|--------------|---|---------------------------------|---------------------------------|
| 1            | 2   | 3                               | 4                               |
|              | <p><b>Rohit Maheshwar</b><br/>BBA LLB (Hons) Advocate<br/>127 Sangli Street<br/>MHOW (M.P.)<br/>2114 3000</p>                               | 1500                            |                                 |

तारीख ... 19.7.JAN 2022

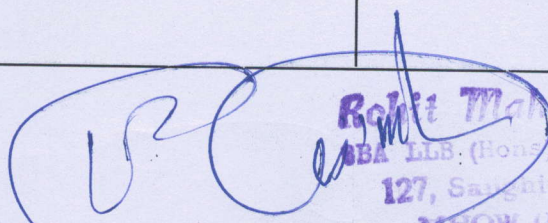
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उप पंजीयक  
बिलास - इन्दौर

6) **Trace of Title History of Passing of title. Details of antecedent title deeds**

(Tracing the party's title for 30 years previous Regd. Title deed and intervening documents if any (e.g transacting on power of attorney) to present document must be verified.)

**Detailed information about property to be mortgaged :**

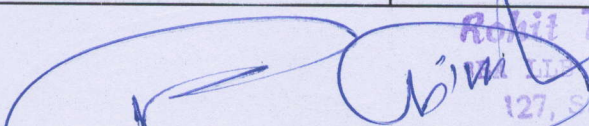
|   | <b>Details</b>   | <b>Remarks of counsel</b>   |
|---|--|---|
| 1 | Whether the documents of title given raise any doubts or suspicion.  | N.A.  |
| 2 | Have the title deeds has been compared with those at registrars office & particulars tally.  | Yes, sale deed in favour of Dinesh Khandelwal has been compared with those at registrars office which tallies with such deed.   |
| 3 | Whether any of the property intended to be given by way of mortgage is subject to any minor's or any other claims ? If yes, state whether requisite permission from the concerned court has been obtained and produced ? | N.A.  |
| 4 | Whether the property proposed to be mortgaged is subject to the provisions contained under any special enactment/local laws. State implications of such enactment on the charge proposed to be created. ?                | No, Mortgage would be created on the basis of deposit of original title deeds i.e. equitable mortgage.  |
| 5 | Whether property to be mortgaged is coming under any restrictions on transfer & whether required permission/consent as per terms of grant/allotment etc. obtained.   | The user land as per Master Plan 2021 for Indore City in respect to such land is determined as Industries. Thus suggested to obtain the letter of TNC Department in respect to such determination of user land. |
| 6 | Whether provisions of urban ceiling Act are applicable ? If applicable whether permission obtained.  | N.A.  |

  
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INDORE (M.P.)

|    |  |   |
|----|--|---|
| 7  | Whether the user land has been converted under land revenue ?<br>Whether N.A. Permission/change of user permission is obtained ?                           | Such land Khasra no.205/1/2/2 & 205/2 comprising the land area of 3013.29 sq.ft.s.has been diverted vide order passed by SDO Indore in case no.165/A-2/21-22 dt.13/01/22.   |
| 8  | Whether required documents are available for creating valid equitable mortgage ?   | Yes, title deed in favour of prospective borrower is available and subject to compliance stated herein a valid equitable mortgage could be created on its basis.            |
| 9  | What is the tenure of land ? (In case of Lease Property) and whether necessary consent permission of lessor obtained.                                      | N.A.  |
| 10 | Whether the land is adiwasi (Tribal) Land ?  | N.A.  |
| 11 | Whether the land/property is joint family property ? If yes are other joint owners ready to mortgage their share or give consent for mortgage by borrower. | No, such property is standing in the independent name of Shri Dinesh Khandelwal.  |
| 12 | Whether any prohibitory order from Income Tax/Wealth Tax or other authorities ?  | N.A.  |
| 13 | Is land/property subject to any reservations/ acquisitions/ requisitions ?   | N.A.  |
| 14 | Whether plans for constructions are sanctioned ?   | Regarding this the plan and layout as also permission of Nagar Nigam Indore for such site developed on Khasra no. 205/1/2/2 & 205/2paikai 3013.29 sq.ft.s. be get obtained. |
| 15 | Whether Commencement certificate obtained ?  | Regarding this suitable certificate of the approved Engineer/Valuer be got obtained.  |
| 16 | Whether Completion certificate obtained ?  | ----As above----  |
| 17 | Whether there are any restriction from Corporation such as "education Zone", "Green Zone" Etc. ?   | N.A.  |

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|    |  |  |
|----|--|--|
| 18 | Is the land taken on lease from State Industrial Development Corporation ? If yes whether tripartite agreement executed.   | N.A.   |
| 19 | Whether there are any prior encumbrance. If yes details thereof ?  | <i>As informed the captioned party has equitably mortgaged such property in favour of TATA Financial Services Pvt. Ltd., Indore. Thus the charge/mortgage of such concern prevails and hence NOC/Nodues certificate be get obtained from such concern.</i> |
| 20 | Evidence of possession- Findings on documents and revenue records, details of property tax, land revenue, society maintenance charges or any other statutory dues paid upto date or payable. | Regarding this the receipts by way of property tax paid for the current financial year be obtained.  |
| 21 | In case of companies/societies/ association/trust whether.   |  |
| a) | Memorandum/byelaws of the company/ society/association authorize to offer its property(ies) as security.   | N.A.   |
| b) | Requisite resolutions have been duly passed by the Company/Society/ Association permitting mortgage of the properties in favour of the Bank.   | N.A.   |
| c) | Such resolution sets out the names of the persons who are authorized to create charge over the properties.   | N.A.   |
| d) | Resolution U/s. 293 (i) (a) and 293 (i) (d) of Companies Act passed.   | N.A.   |
| e) | Details of the properties together with the documents are mentioned under such resolutions.  | N.A.   |
| f) | In case of Public Limited Companies, certificate of commencement of business has been obtained and affixation of common seal is necessary in terms of articles of association.               | N.A.   |

  
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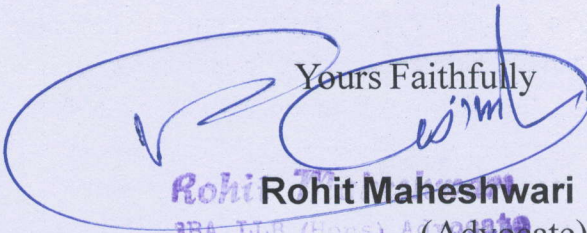
|    |   |  |
|----|---|--|
| g) | In case of public charitable trust whether permission of charity commissioner for borrowing & mortgaging trust property is obtained and conditions stipulated if any. | N.A.   |
| 22 | In case of devolution of property by a will/succession.   | N.A.   |
| 23 | Whether probate of will/succession certificate/Letters of Administration obtained ? Details thereof.  | N.A.   |
| 24 | If probate/succession certificate/Letters of Administration not obtained, then how the mortgagor proposes to prove the title ?  | N.A.   |
| 25 | The safeguards suggested to ensure title to the property offered as security.   | Regarding this seperate sheet is attached herewith which is marked as Annexure-G |
| 26 | Whether title deeds perused are in conformity with the search taken.  | Yes.   |
|    | Whether the chain of title is complete without any missing links.   | Yes.   |
|    | Whether any other documents to be obtained/compliances to be made so as to create valid mortgage.   | As per para 25 above   |

#### Certificate of title and No encumbrance

I have examined the original title deeds/Bhu-Adhikar Pustika relating to the property/ies situated at Non-Agricultural land utilised for Industrial purpose bearing survey no. 205/1/2/2 & 205/2paikai at village Chitawad Teh. & Distt. Indore (M.P.) and offered as security by way of Simple mortgage/Equitable Mortgage. I have also taken search with the Sub-Registrar of (Assurances) Mhow & Indore & Records of Rights for last 30 years (Original fee receipts enclosed). I certify that as per title documents **Dinesh S/o Shri Girdharilalji Khandelwal R/o-48, Sajan Nagar, Indore (M.P.) (Prospective Borrower)** has subject to the encumbrance & compliance stated herein has an absolute, clear and marketable title over the property/ies shown above. I further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the borrower/mortgagor and that if the said simple mortgage/equitable mortgage by deposit of title deeds created in the manner required by law, it will satisfy the requirements of creation of simple mortgage/equitable mortgage.

Date : 17/01/2022

Place : Mhow

Yours Faithfully  
  
**Rohit Maheshwari**  
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 MHOW (M.P.)

## Short History

## Annexure-G

1. That, the land bearing khasra no. 205/1 and 205/2 comprising the approx area of 5891.2 sq.fts. situated within the preceints of Nagar Palika Nigam Indore i.e. at village Chitawad Teh. & Distt. Indore were previously since the year 1971-72 was under the ownership rights of one Shri Kailashchandra S/o Shri Bhawaniram Rathi R/o-Village Akodiya, Indore, said to have been acquired by him on the basis of sale deed registered at the no. 1A/7914/1972 dt. 14/12/1972 from its previous lawful owner Smt. Karuna Devi W/o Shri Virendranath Pandey R/o-10, Prakash Nagar Colony, Indore It is said that out of such land area, area upto 3360 sq.fts.was diverted. However such land Khasra no. 205/1 & 205/2 comprising the aforesaid land area stood transferred by the said Shri Kailashchandra Rathi vide the sale deed registered at the no.1A/1789 dt.18/08/1994 to one Shri Rajendra Kumar S/o Shri Tolaramji R/o-29B, Palsikar Colony, Indore. With the further lapse of time the said Shri Rajendra Kumar transferred the paikai 3013.29 sq.fts. land area of such land khasra no. 205/1 & 205/2 vide the sale deed registered at the no. 1A/1936(cha) dt. 12/03/2001 to Shri **Dinesh S/o Shri Girdharilalji Khandelwal R/o-48, Sajan Nagar, Indore (M.P.) (Prospective Borrower).**

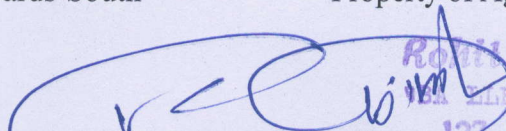
2. That, as per the land record Khasra no.205/1/2 and 205/2 comprising the total land area of 1.058 hect. stood recorded in the names of various persons and in which Shri Dinesh Khandelwal is also one of such owner. However Shri Dinesh Khandelwal is the only owner of 3013.29 sq.fts. land area of such Khasra no.205/1/2 and 205/2. In furtherance of his object Shri Dinesh Khandelwal has got such land area 3013.29 sq.fts. diverted for commercial and excavation purposes vide the order passed by SDO Indore in its case no.165/A-2/2021-22 dt.13/01/2022 as per the amended provisions of M.P. Land Revenue Code 2018. With such diversion the land area owned by Shri Dinesh Khandelwal stood recognised as land Khasra no.205/1/2/2 and 205/2 area 0.028 hect. or 3013.29 sq.fts.

3. *That, during the course of time the said Shri Dinesh Khandelwal has obtained the permisison and layout sanctioned from the Joint Director Town and Country Planning Deptt. Indore vide its memo issued at the no.kramank/7112/INDLP-2840/16/nagrani/2016, Indore dt.29/08/2016. Thus user land has been determined according to the Master Plan 2021 for Indore City and in consonance thereof the Joint Director Town and Country Planning Deptt. Indore has approved the sanctioned plan.*

4. The perusal of sale deed of Shri Dinesh Khandelwal further reveals that such captioned property Khasra no.205/1/2/2 & 205/2 paikai 3013.29 sq.fts. is bounded as below-

### BOUNDARIES

|               |   |                                     |
|---------------|---|-------------------------------------|
| Towards East  | - | Property of Hemraj Jagannathji      |
| Towards West  | - | Property of Manoharlalji            |
| Towards North | - | Govt. Road                          |
| Towards South | - | Property of Agarwal Trading Company |

  
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*It is further informed that the captioned party has equitably mortgaged such property in favour of TATA Financial Services Ltd., Indore. Thus the charge/mortgage of such concern prevails and hence NOC/Nodues certificate be get obtained from such concern.*

5. However during the course of my said search vide Index no. II as available at the Sub-Registrar (Assurances) Indore no such entry was found which may affect adversely the rights, title or interests of the said **Dinesh S/o Shri Girdharilalji Khandelwal R/o-48, Sajjan Nagar, Indore (M.P.) (Prospective Borrower)**. in respect to the said plot no.59 & 60 as also house property thereover. Hence therefore, I Ad. Rohit Maheshwari (Advocate) do hereby certify that as per the documents produced and search carried out by me at the Office of Sub-registrar (Assurances) Indore the said **Dinesh S/o Shri Girdharilalji Khandelwal R/o-48, Sajjan Nagar, Indore (M.P.) (Prospective Borrower)**. subject to the satisfactory compliance of the suggestions and discussion made herein holds a clear and marketable title thereon.

(6) But before sanction of credit facilities and creation of an equitable mortgage the following documents be obtained :

1. Original sale deed executed and registered at the no. 1A/1936(cha) dt. 12.03.2001 in favour of Shri Dinesh Khandelwal.
2. Original sale deed executed and registered at the no.1A/1789 dt.18/08/1994 in favour of previous owner Shri Rajendra Kumar.
3. Original/Certified true copy of sale deed executed and registered at the no. 1A/7914/1972 dt.14/12/1972 in favour of previous owner Shri Kailashchandra Rathi.
4. Certified true copy of the land record viz Khasra P-2 in respect to land Khasra no. 205/1/2/2 & 205/2 paikai 3013.29 sq.fts.at village Chitawad, Indore since the year 1992-93 uptill 2021-22.
5. Original order of diversion passed by SDO Indore in case no.165/A-2/21-22 dt.13/01/2022.
6. Original permission and map approved by the Joint Director Town and Country Planning Deptt. Indore vide its memo issued at the no.kramank/7112/INDLP-2840/16/nagrani/2016, Indore dt.29/08/2016.
7. NOC/Nodues certificate from TATA Financial Services Pvt. Ltd., Indore.
8. Receipts of property tax as also that of diverted tax paid for the current financial year.

Yours Faithfully

  
**Rohit Maheshwari**  
(Advocate)

B.A LLB (Hons) Advocate

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# Ad. Rohit Maheshwari

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Mob. : 9893220111

Ref. No.

Date 17/01/2022

## SUMMARY LEGAL TITEL SEARCH REPORT

Summary Title Search report on properties owned by Shri Dinesh Khandelwal

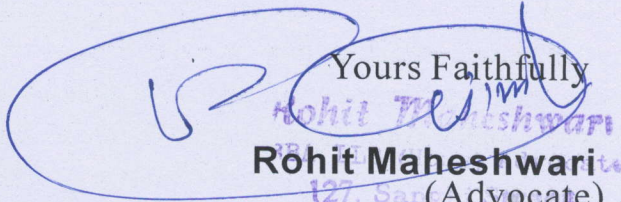
| S.no. | Particulars  | Compliance  |
|-------|--|---|
| 1.    | Name of the Branch   | Satna   |
| 2.    | Name of the Borrower   | Shri Dinesh Khandelwal  |
| 3.    | Name of the Advocate/Firm  | Shri Rohit Maheshwari   |
| 4.    | Searches made with Registrar of Conveyance, Revenue Records and Municipality/Corporation record and verified | Yes   |
| 5.    | <b>Description of Property/properties/Nature of title</b>  |   |
| a)    | <b>Name of owner/Mortgagor as per title deed</b>   | Shri Dinesh Khandelwal  |
| b)    | <b>Extent of area(in acers/hectors/sq.mtrs./sq.ft)</b>   | <b>3013.29 sq.fts.</b>  |
| c)    | <b>Survey no./Gut No./CST No./House no. paikai</b>   | Diverted survey no.205/1/2/2 & 205/2  |
| d)    | <b>Boundaries</b>  | Towards East- Property of Hemraj Jagannathji<br>Towards West-Property of Manoharlalji<br>Towards North- Govt. Road<br>Towards South-Property of Agarwal Trading Company<br><i>Note-As per sale deed of captioned party.</i> |
| e)    | <b>Type of land</b>  | <b>Leasehold/Freehold/Govt.grant etc.<br/>Freehold</b>  |
| f)    | <b>Nature of Property</b>  | <b>Residential/Commercial/Office/<br/>Industrial/Agri<br/>Non-agricultural</b>  |
| g)    | <b>Location</b>  | <b>Rural/Semi Urban/Urban/Metro/<br/>Others<br/>Urban</b>   |
| h)    | <b>Appears in Land Acquisition/requisitions/reservations</b>   | <b>Yes/No</b>   |
| i)    | <b>Plans for constructions are sanctioned</b>  | <b>Yes/No(N.A.)</b>   |
| j)    | <b>Taxes paid up to date</b>   | <b>Yes/No</b>   |
| k)    | <b>Trace of Title/History of Passing of title deed(Details of antecedent of title deeds)</b>                 | <b>Traced upto owner/mortgagor</b>  |
| l)    | <b>Encumbrance Status</b>  | <b>Encumbered</b>   |

Rohit Maheshwari  
Advocate

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Dt. 17/01/2022  
Place

Yours Faithfully

  
Rohit Maheshwari  
127, Sar... (Advocate)  
MHOW (M.P.)