



S.G.M. & ASSOCIATES

(Regd.)

Advocate High Court

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REF No.178/SGM/2024

1st March, 2024

To,
The Branch Manager,
The Cosmos Co-Operative Bank Ltd.,
Dahisar Branch,
Mumbai

- 1) Sub :- Search and Title report for property owned by
a. Miss. Harsha Lalji Soni
- 2) Name of the Branch :- Dahisar, Mumbai
- 3) Name of the Borrower :- a. Miss. Harsha Lalji Soni
- 4) Documents Seen :-

We have perused the following documents for the purposes of furnishing this legal opinion.

Sr. No.	Document Number	Execution Date	Original / Attested Copy / Photocopy / Duplicate and Particulars of the document
1.	-	10 th July, 1985	Photocopy of Title Certificate of land issued by Mahesh Jani & Co., Advocates & Solicitors
2.	CE/6335/BSII/AR	23 rd September, 1987	Photocopy of Occupancy Certificate issued by Brihan Mumbai Mahanagarpalika
3.	P-6204/1988	30 th August, 1988	Photocopy of Agreement executed between Avichal Builders Private Limited as the "Builders" of the One Part and Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni as the "Buyers" of the Other Part
4.	BRL-1-2985/2017	24 th March, 2017	Photocopy of Gift Deed executed between Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni as the "Donors" of the One Part and Miss. Harsha Lalji Soni as the "Donee" of the Other Part
5.	-	9 th September, 2021	Photocopy of Share Certificate No.29 in the name of Miss. Harsha Lalji Soni issued by Panchtirth Co-operative Housing Society Limited

5) DESCRIPTION OF PROPERTY/PROPERTIES/NATURE OF TITLE

1.	Name of the Owners/Mortgagors	Miss. Harsha Lalji Soni
2.	Extent of area	admeasuring 175 sq. ft. Super Built up area and admeasuring 130 sq. ft. of carpet area
3.	Survey no/ Gat No./CST No.	Survey No.270/1-A, Sub Plot No. (B), CTS No.829/A,
4.	Is property leasehold/freehold/Govt. grant etc.	Freehold
5.	Nature of property	Commercial
6.	Location	Shop No.6, Ground Floor, admeasuring 175 sq. ft. Super Built up area and admeasuring 130 sq. ft. of carpet area, of building no.1 and known as "Shetrunjay" and society known as "Panchtirth Co-operative Housing Society Limited", situated at Y. R. Tawde Marg, Dahisar (West), Mumbai - 400 068, constructed on the land bearing Survey No.270/1-A, Sub Plot No. (B), CTS No.829/A, of Dahisar Village, Taluka Borivali, Mumbai Suburban District.
7.	Boundaries on or towards for the Plot/flat	Boundaries of land as under: On or towards the North by : S. No.272, CTS No.514 of Village Dahisar On or towards the East by : The Original Plot No.6 of Nutan Vasahat Scheme and new amalgamated plot no. (A) of the property bearing Survey No.270 Hissa No.1A Part of Village Dahisar On or towards the South by : 20 ft. wide Municipal acces road know as Rajaram Tawde Road On or towards the West by : the piece of land bearing S. No.270, Hissa No.1A (Part) of Village Dahisar reserved for 60-0" wide North South D. P. Road and then river
8.	Confirmed the boundaries of the flat/plot as per approved plan and as per title deed.	Same as above- as per Agreement

6) Trace of Title/History of passing of title. Details of antecedent title deeds.

- a. By an Agreement for Sale dated 14th August, 1974 whereby Nirbhay Kumari J. Hathi agreed to sell to Smt. Kantidevi Nanakchand Agarwal, Kirtikumar Nnakchand Agarwal, Kuberchand Nanakchand Agarwal, Dineshkumar Nanakchand Agarwal and Ashokkumar Nanakchand Agarwal "the said Owners", all those various pieces or parcels of land situated lying and being at the Khoti Village of Dahisar, in Borivali Taluka, and Registration Sub District and District Bombay City and Bombay Suburban bearing S. No. 270, Hissa No.1A of Dahisar Village admeasuring 2 acres and 19 ¼ gunthas (save and except Plots Nos.1, 2, 3 and 4 of the old Scheme.

- b. Pursuant to the said Agreement for Sale the said Smt. Nirbhay Kumari J. Hathia put the owners in possession of the said property.
- c. The Owners submitted a revised lay out scheme thereby subdividing the said property into five sub plots A, B, C, D, & E and got the same sanctioned by the Municipal Corporation of Greater Bombay under no.CE/258/LQ-R of 1974 on the 24th September, 1974.
- d. By an Indenture of Conveyance dated 31st October, 1974 whereby the said Smt.Nirbhay Kumari J. Hathia grant sell convey transfer and release all that sub divided Plot No.B bearing Survey No.270 Hissa No.1A (Part) admeasuring 1978.96 sq. mtrs., (now as per CTS admeasuring 1968.2 sq. mtrs.) to the Owners.
- e. The said all that piece or parcel of land or ground statute at Khoti Village Dahisar in Borivali Taluka, and Registration Sub District o Bassein now in Registration Sub District and District Bombay City and Bombay Suburban Greater Bombay bearing S. No.270 Hissa No.1A (Part) CTS No.829/A Dahisar Village being originally plot nos.7, 8, 9, 10, 11, 12 of premerger sub division known as Nutan Vasahat Scheme and now amalgamated new Plot No.(B) admeasuring 1978.96 sq. mtrs. (equal to 2247.22 sq. yards) as per CTS admeasuring 1968.2 sq. mtrs. "the said Sub Divided Plot B".
- f. By an Agreement for Sale dated 19th April, 1979 whereby the Owners agreed to sell the said sub divided Plot B to the Avichal Builders Private Limited.
- g. By an Order dated 8th August, 1984 bearing No.C/ULC/SEC-21/SR-I/236 the Commissioner Konkan Division & Competent Authority under the Urban Land (Ceiling & Regulation) Act, 1976 sanctioned a Scheme under Section 21 (1) of the said Urban Land (ceiling and Regulation) Act, 1976 and to the owners to develop the said sub divided Plot A and Plot B.
- h. The Avichal Builders Private Limited "the said Builders" submitted to the Municipal Corporation of Greater Bombay and got approved the building plans for construction of building on the said sub divided Plot B under no.EB/CE/1642/BS/WS/AR dated 8th April, 1985 and obtained Commencement Certificate in resect thereof on 2nd May, 1985.
- i. Pursuant to the said Commencement Certificate granted by the Municipal Corporation of Greater Bombay have commenced the construction of the building on the said sub divided Plot No.B the building known as "Shetrunjay" consisting of 23.
- j. The said Builders construct the said building on he said plot of land consisting of the flats and shops in accordance with the plans, designs and specification.
- k. Thereafter Brihan Mumbai Mahanagarपालिका has issued Occupancy Certificate under reference No. CE/6335/BSII/AR dated 23rd September, 1987.
- l. By an Agreement dated 30th August, 1988 whereby Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni have agreed to acquired Shop No.6, Ground Floor, admeasuring 175 sq. ft. Super Built up area and admeasuring 130 sq. ft. of carpet area, of building no.1 and known as "Shetrunjay", situated at Y. R. Tawde Marg, Dahisar (West), Mumbai - 400 068, constructed on the land bearing Survey No.270/1-A, Sub Plot No. (B), CTS No.829/A, of Dahisar Village, Taluka Borivali, Mumbai Suburban District from Avichal Builders Private Limited, document registered under registration serial No.P-6204/1988.
- m. The Co-Operative Housing Society of the flat and shop owners of the said, building " Shetrunjay" was formed and registered under the name and style of "Panchtirth Co-Operative Housing Society Ltd." a society duly registered under the Maharashtra Co-Operative Societies Act, 1960 under registration No.BOM(W-R)/HSG(TC)/3834/88-89 (referred to as "the sad Society") and the said Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni was admitted as registered members of the said society and as such member, is allotted and holding 5 (five) paid up shares amount of Rs.50/- each in the capital of the said society bearing distinctive Nos.from 141 to 145 under Share Certificate No.29 on dated 29th April, 1989.
- n. By a Gift Deed dated 24th March, 2017 whereby Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni grant, transfers, convey and assign all and singular the right, title and interest in the entire (100%) hare in the said Shop No.6, Ground Floor, admeasuring 175 sq. ft. Super Built up area and admeasuring 130 sq. ft. of carpet

- area, of building no.1 and known as "Shetrunjay" and society known as "Panchtirth Co-operative Housing Society Limited", situated at Y. R. Tawde Marg, Dahisar (West), Mumbai - 400 068, constructed on the land bearing Survey No.270/1-A, Sub Plot No. (B), CTS No.829/A, of Dahisar Village, Taluka Borivali, Mumbai Suburban District to Miss. Harsha Lalji Soni, document registered under registration serial No. BRL-1-2985/2017 dated 24th March, 2017.
- o. The said Society has transferred the Share Certificate No.29 in the name of Miss. Harsha Lalji Soni on dated 9th February, 2021.
- p. The copies of the documents listed provide from the bank, accordingly the opinion is submitted. We are not verified the original documents, also we are not verified the said premises physically.

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

Details	Remark of counsel
1. Whether the documents of title given is any doubts or suspicion	NO
2. Are all the original title deeds available with the mortgagor; if not, the reasons for non-availability of the same; in case the properties are mortgaged to some the entity, is the original title deed lying with such entity; does such entity have the certified true copy of any/all of the title deeds and lodgment receipt acknowledgement letter from registrar for the same.	Yes
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 or to be obtained?	NO
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
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	NO
6. Whether provisions of urban ceiling Act are applicable? If applicable whether permission obtained.	NO
7. Whether the user land has been converted under land revenue law? Whether N.A. Permission /change of user permission is obtained?	YES, As per the Property Card
8. Whether required documents are available for creating valid equitable mortgage?	YES

9. What is the tenure of land? (In case of Lease Property) and whether necessary consent permission of lessor obtained.	NA
10. Whether the land is adiwasi (Tribal) Land?	NA
11. Whether the land /property is owned by HUF? If yes then what precautions to be taken by the Bank while accepting property owned by HUF	NO
12. Is land/ property subject to any reservations/ acquisitions/ requisitions?	NO
13. Whether plans for constructions are sanctioned?	YES
14. Whether Commencement certificate issued?	YES, As pe the Agreement mention
15. Whether the project is registered under RERA? And registration certificate is obtained on record	NO
16. Whether Completion certificate is obtained? (applicable to property which is of ready possession/resale)	YES
17. Whether there are any restriction from Corporation such as "education Zone", "Green Zone" Etc.?	NO
18. Is the land taken on lease from State Industrial Development Corporation? If yes whether tripartite agreement executed?	NO
19. Whether there are any prior encumbrances. If yes details thereof?	No
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.)	The Bank should obtain a latest property tax receipt and maintenance receipt issued by the concerned authority
21. In case of companies /societies /association /trust Whether	The Bank should obtain no objection certificate from Society to create mortgage on Shop.
a) Memorandum/bye-laws of the society/association authorize to offer its property as security.	NA
b) Requisite resolutions have been duly passed by the Company/Society/Association permitting mortgage of the properties in favour of the Bank.	NA
c) Such resolution sets out the names of the persons who are authorized to create charge over the properties.	NA
d) In case of public charitable trust	NOT APPLICABLE

whether permission of charity commissioner for borrowing & mortgaging trust property is obtained and conditions stipulated if any.	
22. In case of devolution of property by a will/ succession,	NOT APPLICABLE
A) Whether probate of will/ succession certificate/Letters of Administration obtained? Details thereof	No
B) If probate/ succession certificate/ Letters of Administration not obtained, then how the mortgagor proposes to prove the title?	NA
C) The safeguards suggested to ensure title to the property offered as security.	NA
23) a. Whether title deeds perused are in conformity with the search taken? b. Whether the registered title deeds are in conformity with the scanned copies of the same on IGR site?	YES Verify the Index- II only on Government Portal
24) Whether the chain of title is complete without any missing links	YES
25) Whether any other documents to be obtained/compliances to be made so as to create valid mortgage.	a) Original registered Agreement dated 30 th August, 1988 executed between Avichal Builders Private Limited as the "Builders" of the One Part and Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni as the "Buyers" of the Other Part, document registered under registration serial No.P-6204/1988 b) Original registered Gift Deed dated 24 th March, 2017 executed between Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni as the "Donors" of the One Part and Miss. Harsha Lalji Soni as the "Donee" of the Other Part, document registered under registration serial No.BRL-1-2985/2017 dated 24 th March, 2017 c) Certified Copy of Gift Deed dated 24 th March, 2017 executed between Mrs.Parvatiben Lalji Soni and Mr.Lalji Velji Soni as the "Donors" of the One Part and Miss. Harsha Lalji Soni as the "Donee" of the Other Part, document registered under

	<p>registration serial No.BRL-1-2985/2017 dated 24th March, 2017.</p> <p>d) Original Share Certificate No.29 in the name of Miss. Harsha Lalji Soni dated 9th February, 2021 issued by Panchtirth Co-operative Housing Society Limited</p> <p>e) Copy of latest property tax receipt</p> <p>f) Copy of latest maintenance receipt</p> <p>g) Original no objection certificate of society for creation of Mortgage of the Flat.</p> <p>h) The bank note lien mark in the records of Society</p> <p>i) The Bank charge lien at Sub Registrar office, at Borivali by way registered Mortgage OR Notice of Intimation of Mortgage by way of deposit of title deed within 30 days of sanction letter</p>
<p>26) a. Whether any charge on subject property is found on CERSAI Portal? b. If Yes, its Details.</p>	<p>NA</p>

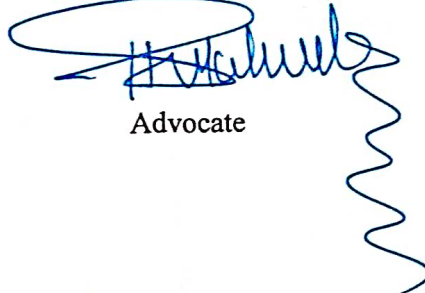
8) **Certificate of title and No encumbrance:**

We have examined the original title deeds relating to Shop No.6, Ground Floor, admeasuring 175 sq. ft. Super Built up area and admeasuring 130 sq. ft. of carpet area, of building no.1 and known as "Shetrunjay" and society known as "Panchtirth Co-operative Housing Society Limited", situated at Y. R. Tawde Marg, Dahisar (West), Mumbai – 400 068, constructed on the land bearing Survey No.270/1-A, Sub Plot No. (B), CTS No.829/A, of Dahisar Village, Taluka Borivali, Mumbai Suburban District

We have taken the online search, with the Sub-Registrar of Assurances & Record of Rights for last 30 years vide search Receipt GRN No. MH016582611202324E dated 1st March, 2024 Original fee receipts enclosed). We certify that Miss. Harsha Lalji Soni Parekh an absolute, clear and marketable title over the property shown above.

We further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the borrowers/mortgagors.

Yours Truly,
S.G.M. & ASSOCIATES

A handwritten signature in blue ink, consisting of a large, stylized initial 'S' followed by several loops and a long, wavy tail extending downwards and to the right.

Advocate