



Adv. Sanjay M. Yegurwar

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Advocate High Court
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Flat no. 105, 1st floor, F-wing Building, Mahalakshmi SRA CHS. Ltd., P. B. Marg, Worli, Mumbai – 400 030

Date: 18.04.2024

To,
Branch Manager
Bank of Maharashtra
Bhawani Shankar Road Branch
Brahman Seva Mandal Sabhagruha,
Bhavani Shankar Road, Omkar Society
Dadar West, Mumbai – 400 028

LEGAL OPINION

- 1) Sub: - Title report on the Flat property owned by MR. PRADEEP K. SHAH
- 2) Name of the Branch: - Bank of Maharashtra, Bhawani Shankar Road Branch, Mumbai.
- 3) Name of the Borrower: - M/S. VORA CREATION

Having it Office Address at: - Unit no. 24, Ground floor, Atlantic Plaza, Dadar (W), Mumbai – 400 028

4) Description of Documents scrutinized:

Sr. No.	Date of Execution of Document	Details of registration of Document / conveyance	Place Sub-Regd. Office	Property falls under Sub-Registrar	Remarks
1	Nil	Draft Agreement for Sale executed by and between the Mr. Pradeep K. Shah (Vendor/Transferor) in turn sold to M/s. Vora Creation through its partners M/s. Vora Creation & Mr. Priyank Nitin Vora (Transferees / Purchasers) the captioned	---	---	Draft Agreement for Sale

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2	23.10.2013	Regd. Agreement for Sale executed by and between M/s. Chaitany Developers (the Seller) sold to Mr. Pradeep K. Shah (Unit Purchaser) for consideration the captioned Unit no. BS-3 & 4 in Basement floor, adm. 374 sq.ft. carpet area i.e. 41.71 sq.mtrs. built-up area in building known as "Atlantic Plaza, Gokhale Road, Dadar West, Mumbai - 400 028 for consideration and upon the terms and conditions mentioned therein.	Mahim, Sub Registrar office Mumbai	Sub Registrar office BBE-5	Agreement for Sale registered at Sr.No.4657/2013
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5) Description of Property / Properties / Nature of Title:

Sr. No	Name of the owner/ Mortgageor	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
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1	Mr. Pradeep K. Shah	adm. 374 sq.ft. carpet area i.e. 41.71 sq.mtrs built-up area	Unit no. BS-3 & 4 in Basement floor, adm. 374 sq.ft. carpet area i.e. 41.71 sq.mtrs. built-up area in building known as "Atlantic Plaza, Gokhale Road, Dadar West, Mumbai - 400 028 constructed on land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W), Mumbai - 400 028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai.	The property is leasehold Property.	The said property is Flat Property	Situated at Mahim, Mumbai Suburban	Boundaries are mentioned below
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The Description of the Said Land Property are as Follows:

SCHEDULE OF THE PROPERTY

All that piece and parcel of Leasehold Land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W), Mumbai - 400028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai and also denoted in the records of City Survey in the following manner: -

North : NA

South : NA

East : NA

West : NA

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SCHEDULE B

Unit no. BS - 3 & 4 in Basement floor, adm. 374 sq.ft. carpet area i.e. 41.71 sq.mtrs. built-up area in building known as "Atlantic Plaza, Gokhale Road, Dadar West, Mumbai - 400 028 constructed on land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W), Mumbai - 400 028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai.

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.)

TITLE: While taking the e-search it appears from sub-registrar office of BBE - 5 the record of Assessment List Register which is maintained by Municipal Corporation of Greater Mumbai.

The Government of Maharashtra is the absolute owner and/or otherwise well and sufficiently entitled to all that piece and parcel of land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 7014.3 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W), Mumbai - 400 028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai (hereinafter referred to as the said property). The said property is census slum.

The said Property is fully occupied by the Slum dwellers therefore Government cannot use the said property to any other purpose until the Slum dwellers are given alternative accommodation on any other site.

The Government of Maharashtra declared that all the occupants and their respective structures in existences prior to 01.01.1995 have been given protection from demolition.

The Slum structures standing on the said land are in existences since prior to and/or as on 01.01.1995, the same has been declared "SLUM" under the Maharashtra Slum Act 1971. The Scheme for development of slums through participation of slum dwellers under Regulation No. 33(10) of the Development Control Regulations of Mumbai 1991 read with Appendix IV is formulated which is hereinafter referred to as "the said scheme"



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All occupants of slum structure residing in Slum Area as formed society known as "Ram Shyam Krupa SRA Co-op. Hsg. Society" for the purpose of development of the Slum duly registered vide Regd. no. BOM/WGN/HSG/(TC)-7995 of 1996-97 under the provision of the Maharashtra Co-operative Housing Society Act 1960.

By and under an Un-registered Development Agreement Dt. 15.06.2003, executed by and between the Ram Shyam Krupa SRA Co-op. Hsg. Society Ltd granted development rights to M/s. Chaitanya Developers in respect of Land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 7014.3 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W), Mumbai – 400 028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai on the terms and conditioned mentioned therein duly notarised.

By Irrevocable General Power of Attorney Dt. 15.06.2003, executed by Ram Shyam SRA Co-op. Hsg. Society (proposed) appointed constituted attorney of M/s. Chaitanya Developers to do all such acts, deeds and thing arising out of the proposed Development of the said property on the terms and conditions mentioned therein duly notarized.

Under Slum Rehabilitation Scheme propounded under the provisions of the Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971 (hereafter referred to as "the said Act") more than 70% of the eligible slum dwellers of the said property granted their consent for redevelopment of the said property as required under the Slum Rehabilitation Scheme.

M/s. Chaitanya Developers obtained a permission to construct Rehab and Saleable building upon the land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W) in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai.

Letter of Intent bearing no. SRA/ENG/663/GN/ML/LOI Dt. 30.03.2003 approved the redevelopment scheme in accordance with Regulation no. 33 (10) and Appendix (IV) of the amended D.C. Regulation issued by Dy. Chief Engineer of Slum Rehabilitation Authority amended for time to time.

Intimation of Approval bearing no. SRA/ENG/1446/GN/ML/AP Dt. 04.07.2005 issued by Executive Engineer (SRA) III, Slum Rehabilitation Authority and amended for time to time.

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Commencement Certificate bearing no. SRA/ENG/1977/RS/STGL/AP Dt. 26.02.2008 issued by Executive Engineer (SRA) III for Chief Executive Officer (Slum Rehabilitation Authority) and amended for time to time.

As per this permission to carry out construction of building on the said land and as per approved plans and specifications.

Thus, the Promoters has absolute right to develop the said land and building and construct a building upon the land and sale residential flats, shops etc. units in such building on ownership basis.

The Promoters has construct upon the land a multi-stored building to be known as "ATLANTIC PLAZA".

Full Occupation Certificate bearing no. SRA/ENG/1466/GN/ML/AP Dt. 20.08.2011 to Sale building no. 5 under S.R. Scheme on plot bearing F.P. 569 (pt.) TPS-IV of Mahim Division, situated at Bhawani Shankar Road, Dadar (W), Mumbai - 400 029 issued by Executive Engineer - III of Slum Rehabilitation Authority.

Thus, it reveals that by Regd. Agreement for Sale Dt. 23.10.2013, executed by and between M/s. Chaitany Developers (the Seller) sold to Mr. Pradeep K. Shah (the Purchaser) for consideration the captioned Unit no. BS-3 & 4 in Basement floor, adm. 374 sq.ft. carpet area i.e. 41.71 sq.mtrs. built-up area in building known as "Atlantic Plaza, Gokhale Road, Dadar West, Mumbai - 400 028 constructed on land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W), Mumbai - 400 028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai, duly stamped and registered at sub registrar office of Mumbai City, S.no. BBE-5/4657/2013.

It appears that Cosmos Atlantic Plaza Co-operative Housing Society Ltd. vide registration no. MUM/S.R.A./H.S.G./(TC)/11931/2011 Dt. 11.08.2011 registered under the Maharashtra Co-operative Societies Act, 1960.

Thus, it reveals that Cosmos Atlantic Plaza Co-operative Housing Society Ltd. issued Share Certificate no. 02 and membership no. 2 Dt. 06.03.2018 the fully paid-up 10 shares of Rs. 50/- bearing distinctive nos. from 11 to 20 in the name of Mr. Pradeep K. Shah.

I found no single entry against the interest of Mr. Pradeep K. Shahin respect of Unit no. BS - 3 & 4 in Basement floor, adm. 374 sq.ft. carpet area i.e. 41.71 sq.mtrs. built-up area in building known as "Atlantic Plaza, Gokhale Road, Dadar West, Mumbai - 400



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028 constructed on land bearing Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division situate, lying and being at Garage Galli, Dadar (W) in the Registration District and Sub-District of Mumbai City in the registration District and Sub-District of Mumbai Suburban within the limits of the Municipal Corporation of Greater Mumbai, duly stamped and registered at sub registrar office of Mumbai City, S.no. BBE-5/4657/2013 Dt. 23.10.2013 in revenue record. All Mutation entries mentioned above are duly certified by the competent revenue authorities.

Detailed information about property to be mortgaged:

Details	Remark of counsel
1. Whether the documents of title given raise any doubts or suspicion	Not found.
2. Have the title deeds has been compared with those at registrar's office & particulars tally.	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?	The property which is intended to be given by way of Mortgage in not subject to any minor's or any other claims. There is no any permission required from the concern court for mortgage.
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?	NA
8. Whether required documents are available for creating valid equitable mortgage?	Yes.

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9. What is the tenure of land? (In case of Lease Property) and whether necessary consent permission of lessor obtained.	The purchaser has purchased the above mentioned flat by Agreement for Sale
10. Whether the land is Adivasi (Tribal) Land?	No.
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.
12. Whether any prohibitor order from Income Tax / Wealth Tax or other authorities?	There is no any prohibitor order from Income Tax / Wealth Tax or other authorities.
13. Is land / property subject to any reservations / acquisitions/ requisitions?	No.
14. Whether plans for constructions are sanctioned?	Yes, 1. Intimation of Approval bearing no. SRA/ENG/1446/GN/ML/AP Dt. 04.07.2005 issued by Executive Engineer (SRA) III, Slum Rehabilitation Authority and amended for time to time. 2. Commencement Certificate bearing no. SRA/ENG/1977/ RS/ STGL/AP Dt. 26.02.2008 issued by Executive Engineer (SRA) III for Chief Executive Officer (Slum Rehabilitation Authority) and amended for time to time.
15. Whether Commencement certificate issued?	Yes, as above mention in clause No. 14
16. Whether Completion certificate obtained?	Yes, Full Occupation Certificate bearing no. SRA/ENG/1466/GN/ML/AP Dt. 20.08.2011 issued by Executive Engineer - III of Slum Rehabilitation Authority
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	Agreement for Sale, Share Certificate, Society Maintenance Bill and Latest Electricity Bill.



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maintenance charges or any other statutory dues paid upto date or payable.)	
21. In case of companies / societies / association / trust Whether	Society
a) Memorandum/byelaws of the company / society/association authorize to offer its property (ies) as security.	No.
b) Requisite resolutions have been duly passed by the Company / Society / Association permitting mortgage of the properties in favour of the Bank.	Not necessary.
c) Such resolution sets out the names of the persons who are authorized to create charge over the properties.	Not required.
d) Resolution U/s. 293 (i) (a) and 293 (i) (d) of Companies Act passed.	Not necessary.
e) Details of the properties together with the documents are mentioned under such resolutions.	Not necessary.
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.	Not Necessary.
g) In case of public charitable trust whether permission of charity commissioner for borrowing & mortgaging trust property is obtained and conditions stipulated if any.	Not Necessary.
22. In case of devolution of property by a will/ succession,	Not necessary.
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?	No
C) The safeguards suggested to ensure title to the property offered as security.	Bank may require NOC from the Society
23) Whether title deeds perused are in conformity with the search taken	Yes
Whether the chain of title is complete without any missing links	Yes, the chain of title is complete without missing links.
Whether any other documents to be obtained/ compliances to be made so as to create valid mortgage.	Prior to disbursement of loan, a) NOC issued by the Society for creation of Mortgage in favour of your branch should be verified personally by the bank official.

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	b) The Bank Official must physically visit and confirm the physical position of flat premises.
	c) Bank may send letter to create charge in records of Housing Society for creating charge of mortgage.

Certificate of title and No encumbrance

I have examined the original title deeds relating to the property / ies situated at village **Mahim, Mumbai City and Mumbai Suburban District** and offered as security by way of simple mortgage/Equitable Mortgage. I have also taken search with the Sub-Registrar of Assurances & Record of Rights for last 30 years (Original fee receipts enclosed).

I have searched and verified the information furnished in this report and have compared that title deeds given to me with the records/ copy of it in the office of the Sub Registrar and has found both tallying with each other. I confirm having made search in the Land / Revenue records. I also confirm having verified and checked the records of the relevant Government Offices / Sub-Registrar (s) offices), Revenue Records, Municipal/Panchayat Office, Land Acquisition Office, Registrar of Companies Offices. I do not find anything adverse which would prevent the Title holders from creating a valid mortgage. The Loan statement and other information given in the report are correct and true.

I certify that there is no prior mortgage whatsoever, as could be seen from the Encumbrance Certificate for the period from 1990 to 2001 & 2002 to 2024 vide Receipt no. 1113402736 dated 17.04.2024 & Receipt no. 1113403247 dated 17.04.2024 pertaining to the immovable property/s covered by above said Title Deed the property is free from all encumbrances, charges or claims.

I certify that **Mr. Pradeep K. Shah** has got a valid, clear, absolute and marketable title over the property shown free above of any encumbrances, charges or claims. There are no legal impediments for creation of the mortgage under any applicable laws/ rules in force. I certify that the mortgage over the said property/ies can be enforced through process of law including under the provision of SARFAESI Act, for recovery of dues to the bank.



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I certify that Mr. Pradeep K. Shah has got a valid, clear absolute and marketable title over the flat sold to M/s. Vora Creation. If Mr. Pradeep K. Shah personally present and deposit the following title deeds in original with intention to create equitable mortgage, it will satisfy the requirements of creation of equitable mortgage.

In case of creation of Mortgage by Deposit of title deeds, I certify that the deposit of following title deeds / documents would create a valid and enforceable simple mortgage / equitable mortgage.

- a) Draft Agreement for Sale Dt. Nil entered between the Mr. Pradeep K. Shah and M/s. Vora Creation
- b) Original Regd. Agreement for Sale Dt. 23.10.2013 vide registered Sr. no. BBE-5/4657/2013.
- c) Original Index II and Receipt of Regd. Agreement for Sale Dt. 23.10.2013 vide registered Sr. no. BBE-5/4657/2013 Dt. 23.10.2013
- d) Copy of Intimation of Approval bearing no. SRA/ENG/1446/GN/ML/AP Dt. 04.07.2005 issued by Executive Engineer (SRA) III, Slum Rehabilitation Authority and amended for time to time.
- e) Copy of Commencement Certificate bearing no. SRA/ENG/1977/RS/STGL/AP Dt. 26.02.2008 issued by Executive Engineer (SRA) III for Chief Executive Officer (Slum Rehabilitation Authority) and amended for time to time.
- f) Copy of Full Occupation Certificate bearing no. SRA/ENG/1466/GN/ML/AP Dt. 20.08.2011 issued by Executive Engineer - III of Slum Rehabilitation Authority
- g) Original Share Certificate
- h) Copy of Extract 7/12
- i) Copy of Plan Layout Approval.
- j) Copy of Floor Plan
- k) Copy of Latest Society Maintenance Bill
- l) Copy of Latest Electricity Bill
- m) Copy of Latest Property Tax Bill
- n) Copy of NOC for creation of Mortgage from Society

Documents to be deposited after creation of Equitable Mortgage: -

- a) Original Full and Final payment receipts duly signed by the Vendor
- b) Original Possession letter issued by the Vendor in favour of Shop Purchaser
- c) Original Letter issued by the Society confirming that the mortgage of the branch is noted on the said premises.



I further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the borrowers / mortgagors 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 :- 18.04.2024

Place :- Mumbai



Signature & Seal of Advocate

ADV. SANJAY M. YEGURWAR

MAH/5350/2008

Flat No. 105, 1st Floor, F Wing,
Mahalaxmi SRA CHS., P B Marg,
Worli Mumbai - 30.

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Adv. Sanjay M. Yegurwar

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Advocate High Court
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Flat no. 105, 1st floor, F-wing Building, Mahalakshmi SRA CHS. Ltd., P. B. Marg, Worli, Mumbai – 400 030

Date: 18.04.2024

To,
Branch Manager
Bank of Maharashtra
Bhawani Shankar Road Branch
Brahman Seva Mandal Sabhagruha,
Bhavani Shankar Road, Omkar Society
Dadar West, Mumbai – 400 028

ANNEXURE II

SUMMARY LEGAL TITLE SEARCH REPORT

Summary Title Search report on property owned by **MR. PRADEEP K. SHAH**

Sr. No.	Particulars	Compliance
1	Name of the Branch	Bank of Maharashtra, Bhawani Shankar Road Branch, Dadar West.
2	Name of the Borrower	M/s. Vora Creation
3	Name of the Advocate / Firm	Previous Title Certificate Dt. 04.09.2006 issued by Pravin Mehta And Mithi & Co., Advocates, Solicitors & Notary.
4	Searches made with Registrar of Conveyance, Revenue Records and Municipality / Corporation record and verified	Yes, verified.
5	Description of Property/ properties/ Nature of title	Unit no. BS - 3 and 4 in Basement floor, adm. 374 sq.ft. carpet area i.e. 41.71 sq. mtrs. built-up area in building known as "Atlantic Plaza, Gokhale Road, Dadar West, Mumbai - 400 028.
a)	Name of the owner/Mortgagor as per title deed	Mr. Pradeep K. Shah
b)	Extent of area (in acres/hectars/sq. mtr. / Sq.ft.)	adm. 374 sq.ft. carpet area i.e. 41.71 sq. mtrs. built-up area
c)	Survey No./ Gut No./ CST No. / House No.	Cadastral Survey no. 1/1309, 1320 bearing Final Plot no. 569 (B) adm. 2634.72 sq.mtrs. of T.P.S.IV Mahim Division

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		situate, lying and being at Garage Galli, Dadar (W), Mumbai - 400 028 in the Registration District and Sub-District of Mumbai City within the limits of the Municipal Corporation of Greater Mumbai.
d)	Boundaries	North : NA South : NA East : NA West : NA
e)	Type of land	Leasehold property
f)	Nature of Property	Residential premises
g)	Location	Gokhale Road, Bhawani Shankar Road, Dadar West, Mumbai - 400 028
h)	Appears inland Acquisitions/ requisitions/reservations	No
i)	Plans for constructions are sanctioned	1. Intimation of Approval bearing no. SRA/ENG/ 1446/GN/ML/ AP Dt. 04.07. 2005 issued by Executive Engineer (SRA) III, Slum Rehabilitation Authority and amended for time to time. 2. Commencement Certificate bearing no. SRA/ENG/ 1977 /RS/STGL/ AP Dt. 26.02. 2008 issued by Executive Engineer (SRA) III for Chief Executive Officer (Slum Rehabilitation Authority) and amended for time to time. 3. Full Occupation Certificate bearing no. SRA/ENG/ 1466 / GN/ML/AP Dt. 20.08.2011 issued by Executive Engineer - III of Slum Rehabilitation Authority
j)	Taxes paid up to date	To check Property Tax Bill
k)	Trace of Title/ History of Passing of title deed (Details of antecedent of title deeds)	Traced Upto Owner/Mortgagor
l)	Encumbrance Status	No.

I have examined the original title deeds relating to the property/ies situated at village Mahim, Mumbai City and Mumbai Suburban District and offered as security by way of simple mortgage/ Equitable Mortgage. I have also taken search with the Sub-Registrar of Assurances & Record of Rights for last 30 years (Original fee receipts enclosed). I certify that Mr. Pradep K. Shah have an absolute, clear and marketable title over the property/ies. I further certify that the documents of title referred to under the opinion are perfect evidence of right, title and interest of the



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