

**NARESH S. JADHAV**

**Adv. High Court**

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Off: 07, Vidad Business Center, Birla Mansion, 2<sup>nd</sup> floor, Fort, Mumbai - 400 001

Date: 10/01/2018

To,  
The Asst Gen. Manager,  
Union Bank of India ,  
Opera House Branch,  
Mumbai.

Sir,

**Re: Legal Scrutiny Report**

**1. Name and address of the Branch to whom the title report is given:**

Opera House Branch,

**2. Name of the Account and details of the borrower:**

**M/S. SUMMIT JEWELLERY**

**3. Full description of the property:**

**3.1) Nature of the immoveable property:**

Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation

**3.2) (i) survey no. (ii) Hissa no. (iii) Ghat no. (iv) Town survey no. (v) khasra no. (vi) Patta no. (vii) Khatta no. (viii) Plot no. (local limits of the field as applicable including sub-divisions should be mentioned) :**

Land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007

**3.3) Number/ identification details as per building map /plan:**

Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007.

**3.4) Extent of property:**

Admeasuring 1580 Sq. Ft. ( Carpet Area )

**3.5) Name/s of the owner/s:**

**M/S. SUMMIT JEWELLERY.**



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**4) Nature of ownership:**

Freehold, Lease hold (mention the residual lease from term clearly) or license or undivided interest (mention the Shares) or Trust Property mention whether the borrower is a Trustee or beneficiary) or Assignee/ Grantee of Govt. Cultivating Tenant, Title only by possession ( mention whether adverse possession or others) As a member ( shareholder of Society) or as a mortgage or as a servient owner of easement right or any other (please mention the nature of ownership here)

Freehold

**5) Tracing of title:**

Originally Land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 owned by Messers Ishwardas Haridas Bhatia being one Firm and said Firm constructed building on the said plot of land know as "SUKH SAGAR" and the firm was the owner of the said plot and the said Firm agreed to give on lease the said plot for a to the Society ..

By an Agreement dated 08/10/1957 Mr. Rashmikant Kanaiyalal Mehta purchase Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 from Messers Ishwardas Haridas Bhatia .

Agreement dated 06/10/1959 between Mr. Rashmikant Kanaiyalal Mehta and Shri. Pravinchand Premchand Shroff in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation duly stamped.

Society known as Sukh Sagar Co-operative Society Limited formed by the member of the building in the year 1965 bearing registration No. BOM/GEN-118 of 1965 dated 27/04/1965 and the said Society issued Share Certificate bearing No. 4 and 5 of Rs.. 50/- each bearing distinctive No. 16 to 20 in the name of Shri. Pravinchand P. Shroff and said Pravinchand P. Shroff nominated in his son name Shri. Nainesh P. Shroff and said Society registered his Nomination on 30/07/1966 .

Shri. Pravinchand Premchand Shroff died testate on 20/09/1988 leaving his last will dated 17/08/1988 bequeathing his said referred property i.e. Flat to his son Shri. Nainesh P. Shroff subject to the right of residence for life to his wife Smt. Pravina P. Shroff and or Shri. Nainesh P. Shroff provide alternate accommodation for stay of his mother and with prior written consent has right to sell and transfer the said Fla, accordingly they obtained Letter of Consent dated 12/05/2003 from Society to transfer of the said Flat .



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Agreement dated 20/05/2003 between Shri. Nainesh Pravinchand Shroff, Smt. Pravina Pravinchandra Shroff and M/s. Summit Jewellery in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation duly Stamped & Register with Sub-Registrar of Assurance under serial No 03577/2003 dated 20/05/2003.

**6) Title Deeds / document details under which ownership is acquired:**

- 1) Agreement dated 06/10/1959 between Mr. Rashmikant Kanaiyalal Mehta and Shri. Pravinchand Premchand Shroff in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation
- 2) Agreement dated 20/05/2003 between 06/10/1959 between Shri. Nainesh Pravinchand Shroff, Smt. Pravina Pravinchandra Shroff and M/s. Summit Jewellery in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation duly Stamped & Register with Sub-Registrar of Assurance under serial No 03577/2003 dated 20/05/2003.

**7) List of encumbrances:**

1) Nature of encumbrance:

- Charge under contract.
- Mortgage
- negative lien
- Lease/tenancy
- Right of maintenance/reversion
- Charge by operation of law preemption rights.
- Right of specific performance under an agreement to sell
- Liens / first charge under laws
- Right of reversion to government.
- Lis pendens

NO

2) Name of the person in whose favour encumbrance is subsisting:

NO

3) Date on which encumbrances has come into existence:

NO



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**8) View on encumbrances:**

*In the case of encumbrance, the advocate should clearly opine as to:*

- *How far such an encumbrance would affect the value of the property*
- *Any permission/ approvals are required for the bank to create security.*
- *The extent to which banks security would be jeopardized because of encumbrances.*
- *Manner and cost of removal of encumbrances*

NO

**9) Regulatory issues:**

*Clearly provides the following details:*

- *Whether the property affected by land ceiling law.*
- *Whether the property affected by land fragmentation law.*
- *Whether the property affected by Forest law*
- *Whether the property affected by planning law.*
- *Whether the property affected by Urban Land ceiling law.*
- *Whether the property affected by rent restrictions / control Law.*
- *Whether the property affected by Environment law*
- *Whether the property affected by user restrictions under Municipal / revenue law.*
- *Any other regulatory issue relating to property such as requirement of permission from Development Authority under law relating to industrial parks*

NO

**10) View on regulatory hurdles:**

*If the property is affected by regulatory issues, advocate has to give a clear view as to;*

- *how far such an encumbrance would affect the value of the property any permission /approvals are required for the bank to create security.*
- *The extent to which the banks security would be jeopardized because of encumbrance.*
- *Manner and cost of removal of encumbrance.*

NO

**11) List of documents /deeds provided to the advocate and perused by him:**

- 1) Agreement dated 06/10/1959 between Mr. Rashmikant Kanaiyalal Mehta and Shri. Pravinchand Premchand Shroff in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation duly stamped .
- 2) Agreement dated 20/05/2003 between 06/10/1959 between Shri. Nainesh Pravinchand Shroff , Smt. Pravina Pravinchandra Shroff and M/s.- Summit Jewellery in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation duly Stamped & Register with Sub-Registrar of Assurance under serial No 03577/2003 dated 20/05/2003.



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12) **List of documents found out while examining the deeds as above and in the search in the offices of registrar / revenue authorities affecting the property and examined:**

NO

13) **List of further documents called for examined and perused:**

NO

14) **Whether the documents examined are dully stamped as per the stamp Act:**

YES

15) **Whether the registration endorsements are in order:**

YES

16) **Certificate of examination:**

*This is to certified that I have examined each and every page of the documents required for giving the title clearance certificate and do not find that transaction under the documents sham and fictitious. I have verified Original document and find the same are genuine.*

17) **Certificate of the title :**

*I Certify that the title of **M/S. SUMMIT JEWELLERY**, is clear, marketable and free from any encumbrances **M/S. SUMMIT JEWELLERY** can create **Equitable Mortgage** of the said Flat as security for the loan proposed to be sanctioned by delivering and executing the following Original documents.*

18) **List of documents to be deposited for creating the mortgage by deposit of title deeds:**

✓ 1) Original Agreement dated 06/10/1959 between Mr. Rashmikant Kanaiyalal Mehta and Shri. Pravinchand Premchand Shroff in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation

✓ 2) Original Agreement dated 20/05/2003 between 06/10/1959 between Shri. Nainesh Pravinchand Shroff , Smt. Pravina Pravinchandra Shroff and M/s. Summit Jewellery in respect of Flat No. 604, admeasuring 1580 Sq. Ft. ( Carpet Area ) which includes 80 sq. ft. are of adjacent Flat No. 605 added to the kitchen of Flat No. 604 and situated on the 6<sup>th</sup> Floor of the Building known as "SUKH SAGAR" constructed on the plot of land bearing Cadestral Survey No. 1518 of Girgaum Division at 84-86, N.S. Patkar Marg, Chowpatty, Mumbai – 400 007 in the Registration District and Sub District of Mumbai City and Mumbai and within the limit of Mumbai Municipal Corporation duly Stamped & Register with Sub-Registrar of Assurance under serial No 03577/2003 dated 20/05/2003.



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3. Original Share Certificate issued by the Society Copy of Property Tax payment receipt
4. Original NOC from the Society to Mortgage the said Flat in favour of Union Bank of India
5. Latest Society Maintenance Bill ...

**19) Any other suggestion or advice to protect the security interest of the bank :**

YES- Bank has to register their charge by way of Notice of Intimation with the Registrar

Bank has been advised to take Occupation Certificate of the said building.

Yours Truly

  
**Naresh S. Jadhav**  
**Advocate High Court**

