



PARTH CHANDE

(BLS. LL.B.)

Advocate Bombay High Court

FORMAT -A

(Circular 28/2021 dated 08/03/2021)

To,

MahaRERA

LEGAL TITLE REPORT

Sub: Title clearance certificate with respect to land bearing Survey No. 44, Hissa No. 4, Corresponding C.T.S. No.667C, admeasuring 2 Acres and 21 Gunthas equivalent to 12221 sq. yards or 10218.35 sq. mtrs., situated at Village- Nahur, Taluka- Kurla, District Mumbai Suburban (hereinafter referred as the "said Plot").

I have investigated the title of the said plot on the request of **M/s. Harmony Homes**

Creation and following documents i.e.: -

- 1) Description of the property.
- 2) High Court Order dated 02/07/2010
- 3) Agreement for Sale dated 01/09/2010
- 4) Power of Attorney dated 22/12/2011
- 5) Deed of Declaration dated 22/12/2011, bearing Document Serial No. BDR-3/13125/2011
- 6) Deed of Confirmation dated 09/11/2012, bearing Document No. KRL-1/10870/2012
- 7) Commencement Certificate dated 27/04/2023
- 8) Search report for 14 years from 2010 till 2023





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On perusal of the above-mentioned documents and all other relevant documents relating to the title of the said Plot, I am of the opinion that the title of **M/s. Harmony Homes Creation** through its Partner(s) as the Owners/Developers is clear, marketable (subject to the compliance of terms and conditions mentioned under the said Agreement for Sale) and without any encumbrances except the encumbrances mentioned under this report.

Owners/Developers of the said Plot:

M/s. Harmony Homes Creation: All that piece and parcel of land bearing Survey No. 44, Hissa No. 4, Corresponding C.T.S. No.667C, admeasuring 2 Acres and 21 Gunthas equivalent to 12221 sq. yards or 10218.35 sq. mtrs., situated at Village- Nahur, Taluka-Kurla, District Mumbai Suburban.

The report reflecting the flow of the title of **M/s. Harmony Homes Creation** as the Owners/Developers on the said Plot is enclosed herewith as an annexure.

Encl : Annexure.





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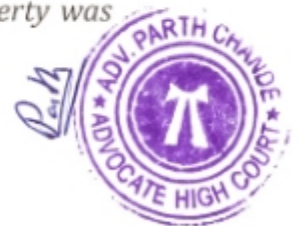
(Circular 28/2021 dated 08/03/2021)

FLOW OF THE TITLE OF THE SAID PLOT.

Sr.No.

- 1) Search report for 14 years from 2010 - 2023 taken from Online Search Report, bearing receipt No.: **1112987047** dated **11/07/2023**.
- 2) At the relevant time, vide Conveyance Deed, **M/s. Pamposh Construction Company (Srinagar)** was absolutely seized and possessed of the land bearing Survey No. 44, Hissa No. 4, Corresponding C.T.S. No. 667C, admeasuring 2 Acres and 21 Gunthas equivalent to 12221 sq. yards or 10218.35 sq. mtrs., situated at, Village- Nahur, Taluka- Kurla, District Mumbai Suburban ("**the said Plot**").
- 3) Subsequently, one Shri. Jagannath Mahadev Bhoir filed a Suit No. **1257 of 2001** at High Court of Bombay, against Dunger Sing Kothari and others, claiming adverse possession of the said Plot. The Hon'ble High Court of Bombay passed an ex-parte order on **02/07/2010 (said High Court Order)** in favor of Mr Jagannath Mahadev Bhoir and recorded that:

4. It is the case of the Plaintiff that since 1965, the Plaintiff is in actual and exclusive possession and enjoyment of the suit property and is holding himself as owner thereof Defendant No.3 as owner as also Defendant Nos.1 and 2 being the person to whom the property was





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leased out. It is to be noted that Defendant No.3 filed an application before Tahasildar questioning as to how the present Plaintiff's name was shown in the record of rights and accordingly enquiry was conducted by the Tahasildar, Kurla in regard to the said aspect and said Tahasildar by his order dated 27th May 1980 gave a finding that the Plaintiff is in possession of the Suit property from 1976 and his name should be recorded in the record of rights from 1976 to 1977 with a remarks "possession without title".

5. Defendant No.3 challenged this order before subDivisional Officer, Bombay Suburban District, Old Custom House by filing proceedings. Said sub-Divisional Officer, by order dated 8th April 1981 dismissed the proceedings filed by Defendant No.3 and confirmed the order passed by the Tahasildar. Against the said order dated 8th April 1981, Defendant No.3 filed R.T.S. Appeal before the Deputy Collector (Appeals), Bombay Suburban District. Said Appeal was decided in favour of the present Plaintiff. The Deputy Collector (Appeals) by his Judgment and Order dated 18th September 1982 dismissed the Appeal filed by Defendant No.3. Against this order, Defendant No.3 filed Appeal proceedings before the Additional Commissioner, Konkan Division. Said authority decided the said proceedings and by Judgment and Order dated 25th March 1985 dismissed the Revision Application and confirmed orders passed by the three Courts who had a occasion to deal with the matter. This will go to show that the observations of Tahasildar, Kurla that the Plaintiff's name should be recorded in the revenue record from 1976 till 1977 came to be confirmed.





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16. For the reasons mentioned aforesaid, I hold that the Plaintiff has complied with the requirement for getting himself declared as owner by possession and to that extent, the Plaintiff is entitled to a decree in terms of prayer clause (a).

- 4) Vide an Agreement for Sale, dated **01/09/2010**, Shri. Jagannath Mahadev Bhoir agreed to sale, transfer and assign the rights, title and interest with respect to the said Plot in favour of 1) Shri. Vilas Shivram Ghag, 2) Shri. Kartik Shiva Thakur, 3) Shri. Mahendra Arjun Dhanani, 4) Shri. Ramesh Pandurang Dalvi and 5) Shri. Pritam Motiram Chawla, partners of **M/s. Harmony Homes Creation**, on the terms and conditions mentioned therein (hereinafter referred to as "**the said Agreement for Sale**") The said Agreement for Sale is adjudicated and certified by the Collector of Stamp under No. **SDE/NEW/701/11**, on **16/11/2011**. In pursuance of the said Agreement for Sale, Shri. Jagannath Mahadev Bhoir, vide possession letter, declared that he has handed over the possession of the said Plot to M/s. Harmony Homes Creation on 01/09/2010.
- 5) In pursuance of said Agreement for Sale, Shri. Jagannath Mahadev Bhoir executed a Power of Attorney in favor of 1) Shri. Vilas Shivram Ghag, 2) Shri. Kartik Shiva Thakur, 3) Shri. Mahendra Arjun Dhanani, 4) Shri. Ramesh Pandurang Dalvi and 5) Shri. Pritam Motiram Chawla, partners of **M/s. Harmony Homes Creation**, on the terms and conditions mentioned therein (hereinafter referred to as "**the said Power of Attorney**").





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- 6) Vide Deed of Declaration dated **22/12/2011**, 1) Shri. Vilas Shivram Ghag, 2) Shri. Kartik Shiva Thakur, 3) Shri. Mahendra Arjun Dhanani, 4) Shri. Ramesh Pandurang Dalvi and 5) Shri. Pritam Motiram Chawla (**said Declarants**) being the Partners of **M/s. Harmony Homes Creation** declared that Shri. Jagannath Mahadev Bhoir (said vendor) agreed to sell and they have agreed to purchase the said plot, on the term and conditions mentioned therein. The Deed of Declaration was duly registered with the Sub-Registrar of Assurance, Kurla-1, bearing Document Serial No. **BDR-3/13125/2011** on **22/12/2011** (hereinafter referred to as "**the said Deed of Declaration**").
- 7) Vide Deed of Confirmation dated 09/11/2012, Shri. Jagannath Mahadev Bhoir confirmed that he has agreed to sell the said plot to 1) Shri. Vilas Shivram Ghag, 2) Shri. Kartik Shiva Thakur, 3) Shri. Mahendra Arjun Dhanani, 4) Shri. Ramesh Pandurang Dalvi and 5) Shri. Pritam Motiram Chawla (said Purchaser), the Partners of Harmony Homes Creation, on the terms and conditions mentioned therein. The same was duly registered with the sub-registrar of Assurance, Kurla-1, bearing registered document no. **KRL-1/10870/2012** on **09/11/2012**. (hereinafter referred to as "**the said Deed of Confirmation**")
- 8) A special civil suit bearing no. **1348/2021** is filed before the Small Causes Court, Dhobi Talao, Mumbai by M/s. Dalichand & Co. through its partner Mr. Bhupendra D Kothari against M/s. Harmony Homes Creation and Ors (hereinafter referred to as the "**said Suit**"). The said Plot is the subject matter of the said Suit and it has been informed by my client that the said Suit is pending and no adverse order has been passed in the suit.





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- 9) Vide Commencement Certificate dated **27/04/2023** bearing reference no. **T/PVT/0082/20111005/AP**, Slum Rehabilitation Authority, granted the building permission to M/s. Harmony Homes Creation, as per the terms and conditions mentioned therein.

Date: 11/07/2023.



Mr. Parth Chande
Advocate

