

V. S. Legal Associates

Advocates High Court

S. V. Lad

1A, 5/5A, 4th Floor, Kamanwala Chamber,
Premises Co-op. Society Ltd., Ltd.
Sir P. M. Road, Mumbai 400 001
Tele fax : 91-022-66316626
Office No. 91-022-617559.
Email : vs_legal@yahoo.co.in

205, 2nd Floor, Pahlaj Kunj CHS,
Lohar Ali Road,
Thane (West) -400601,
Office No. 022-47835082.
Mobile No. 9867267216/8356007559
Email : vslegalassociate@gmail.com

VS/SER/SBI/SPBB Fort Branch /8262/2024

Date 24/12/2024

Annexure - B

REPORT OF INVESTIGATION OF TITLE IN RESPECT OF IMMOVABLE PROPERTY.

1.	a) Name of the Branch/ Business Unit Office seeking opinion	State Bank of India, SPBB Fort Branch, Mumbai.
	b) Reference No. and date of the letter under the cover of the documents tendered for scrutiny	By Hand
	c) Name of the Borrowers.	Miss. Amruta Rajendra Ganjave & Mr. Omkar Sanjay Kelkar (Proposed Borrower)
2.	a) Type of Loan	Home loan
	b) Type of property	Flat
3.	a) Name of the Unit/ Concern/ Company/ person offering the property/(ies) as security.	Miss. Amruta Rajendra Ganjave & Mr. Omkar Sanjay Kelkar (Proposed Borrower)
	b) Constitution of the unit/concern/person offering the property for creation of charge.	Joint Applicants
	c) State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor, etc.	Borrowers
4.	Value of Loan (Rs. in crores)	-----
5.	Complete or full description of the immovable property/(ies) offered as security including the following details.	Flat No. 604/704, on 6 th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" constructed on Survey No. 165, 166 (1), (1-A), (1-A Pt), 167 (3), 167 (4), 167 (5), 167 (6), 168 (1), 168 (2), 168 (3 Pt), 168 (4 Pt), 168 (7), 169 (2), 170 (1), 170 (3), 307 (2), 307 (3) & 342 (Pt) lying situated at Village Majiwade, Tal & Dist. Thane lying and situated Village Majiwade, Taluka and District Thane.
	a) Survey No.	Survey No. 165, 166 (1), (1-A), (1-A Pt), 167 (3), 167 (4), 167 (5), 167 (6), 168 (1), 168 (2), 168 (3 Pt), 168 (4 Pt), 168 (7), 169 (2), 170 (1), 170 (3), 307 (2), 307 (3) & 342 (Pt)
	b) Door no. (in case of house property)	Flat No. 605



Sr. No.	Date of Document	Name of the parties	Original/Certified Photocopy/true copy	In case of copies, whether the original was scrutinized by the advocate.
1.		Agreement for sale executed between Mr. Atul Babubhai Dave & Mrs. Sunita Atul Dave and Miss. Amruta Rajendra Ganjave & Mr. Omkar Sanjay Kelkar (Proposed Borrower)	Photo copy	No
2.	16/12/2005	Agreement for Transfer executed between Mr. Abhat Kumar Trivedi & Mrs. Manisha Trvedi and Atul Babubhai Dave & Mrs. Sunita Atul Dave document registered under Sr No. TNN-2/08032/2005	Photo copy	No
3.	16/12/2005	Registration Receipt No. 8108/2005	Photo copy	No
4.	08/06/1989	Agreement for Transfer executed between M/s. Lok Holding and Abhat Kumar Trivedi & Manisha Trvedi, registered sr. no. CHHA/3482/1989	Photo copy	No
5.	02/10/1989	Occupation Certificate issued by TMC	Photo copy	No
6.	03/02/1991	Share Certificate issued by MRUDUNG LOK PURAM Co-Operative Housing Society Limited"	Photo copy	No
7.	25/02/1987	Title certificate issued by Local Advocate	Photo copy	No



(Handwritten signature)

8.	
9.	
7.	(a)

	8.	01/12/2024	Maintenance Bill issued by MRUDUNG LOK PURAM Co-Operative Housing Society Limited	Photo copy	No
	9.	19/12/2024	No Dues certificate issued by Punjab National Bank	Photo copy	No
7.	(a)	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor? (Please also enclose all such certified copies and relevant fee receipts along with the TIR.) (HL : If the value of loan => Rs.1 crore and in case of commercial loans irrespective of the loan component)		No instructions, hence not obtained	
	b	Whether all pages in the certified copies of title documents which are obtained directly from Sub-Registrar's office have been verified page by page with the original documents submitted? (In case originals title deed is not produced for comparing with the certified or ordinary copies, the matter should be handled more diligently & cautiously).		As above	
	8. a	Whether the records of registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system?		Yes, online records available from 2002.	
	b	If such online/computer records are available, whether any verification or cross checking are made and the comments/ findings in this regard.		Yes, verification made on Index II	
	c	Whether the genuineness of the stamp paper is possible to be got verified from any online portal and if so whether such verification was made?		No	
	d	Whether proper registration of documents completed. Details thereof to be provided.		Yes	
	9. a	Property offered as security falls within the jurisdiction of which sub-registrar office?		Thane	
	b	Whether it is possible to have registration of documents in respect of the property in question, at more than one office of sub-registrar/ district registrar/ registrar- general. If so, please name all such offices?		Sub Registrar Assurance at Thane 1 to 12	
	c	Whether search has been made at all the offices named at (b) above?		Yes	
	d	Whether the searches in the offices of registering authorities or any other records reveal registration of multiple title documents in respect of the property in question?		No	



		Agreement for sale executed between Mr. Atul Babubhai Dave & Mrs. Sunita Atul Dave and Miss. Amruta Rajendra Ganjave & Mr. Omkar Sanjay Kelkar (Proposed Borrower)	Original
2.		Registration Receipt (Proposed Borrowers)	Original
3.		Index II (Proposed Borrowers)	Original
4.	16/12/2005	Agreement for Transfer executed between Mr. Abhat Kumar Trivedi & Mrs. Manisha Trivedi and Atul Babubhai Dave & Mrs. Sunita Atul Dave document registered under Sr No. TNN-2/08032/2005	Original
5.	16/12/2005	Registration Receipt No. 8108/2005	Original
6.	16/12/2005	Index II	Original
7.	08/06/1989	Agreement for Transfer executed between M/s. Lok Holding and Abhat Kumar Trivedi & Manisha Trivedi, registered sr. no. CHHA/3482/1989	Photo copy
8.	02/10/1989	Occupation Certificate issued by TMC	Original
9.	03/02/1991	Share Certificate issued by MRUDUNG LOK PURAM Co-Operative Housing Society Limited"	Photo copy
10.	01/12/2024	Maintenance Bill issued by MRUDUNG LOK PURAM Co-Operative Housing Society Limited	Photo copy
11.	-----	Lates Electricity bill	Original
12.	-----	NOC to be obtained from the "MRUDUNG LOK PURAM Co-Operative Housing Society Limited", for creating equitable mortgage	Photo copy
13.	19/12/2024	No Dues certificate issued by Punjab National Bank	Photo copy
14.		No dues certificate to be obtained from Dewan Housing Finance Corporation Ltd (DHFL).& HDB Finance Services Ltd	Photo copy
15.		Confirmation Letter to be obtained from the Society in respect of flat No. 604/704 on 6 th floor	Photo copy

11. There are no legal impediments for creation of the Mortgage under any applicable Law/ Rules in force.

12. It is certified that the property is SARFAESI compliant.

SCHEDULE OF THE PROPERTY/IES

Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" constructed on Survey No. 165, 166 (1), (1-A), (1-A Pt), 167 (3), 167 (4), 167 (5), 167 (6), 168 (1), 168 (2), 168 (3 Pt), 168 (4 Pt), 168 (7), 169 (2), 170 (1), 170 (3), 307 (2), 307 (3) & 342 (Pt) lying situated at Village Majiwade, Tal & Dist. Thane lying and situated Village Majiwade, Taluka and District Thane

Place : Mumbai

Date : 24/12/2024



Signature of the Advocate

FLOW OF TITLE

Annexure - 1

After going through the record documents made available to us, it observed from the property card that M/s. Gleitlager (India) Ltd were owners of the property bearing Survey No. 165, 166/1, 1-A, 1-A (pt), 167/3, 4, 5, 6, 168/1, 2, 3 (Pt), 4 (pt), 7, 169/2, 170/1, 3, 307/2, 3 & 342 (Pt) Adm. Area 78662 sq. mtrs lying and situated at Village Majiwade, Tal & Dist. Thane

Mr. Joseph Anthony Alvares, Mr. Peter Era Alvares, Miss. Marisa Ellien Alvares & Mrs. Jacqueline Anna Alvares as the beneficiaries under the last Will and Testament dated 18/12/1972 of late Mrs. Gladys Mildred Alvares and as beneficiaries under the Last Will and Testament dated 08/12/1983 of late Mr. Eddie Martin Alvares are seised and possessed of the property.

M/s. Gleitlager (India) Ltd and Mr. Joseph Anthony Alvares, Mr. Peter Era Alvares, Miss. Marisa Ellien Alvares & Mrs. Jacqueline Anna Alvares jointly submitted a scheme for development of both the properties under Section 21 of the Urban Land (Ceiling & Regulation) Act 1976 to the Competent Authority at Thane. The Competent Authority vide its Order No. ULC/TA/F-62/SR-38 & SR-45 dated 29/12/1983 has given permission to develop the said properties.

The Coll. of Thane vide their order No. Rve/D-1/NAP/VII-144 dated 31/07/1985 and Amended No. Rev/DT/T-VII/NAP/SR-155 dated 07/03/1987 granted N.A. permission in respect of the abovesaid property.

By an Agreement dated 14/05/1986 the said M/s. Gleitlager (India) Ltd and Mr. Joseph Anthony Alvares, Mr. Peter Era Alvares, Miss. Marisa Ellien Alvares & Mrs. Jacqueline Anna Alvares have granted development rights in respect of the said property to M/s. Lok Holdings on the terms and conditions contained therein.

In view of the above, and in accordance with the plan approved by the TMC, M/s. Lok Holdings commenced constructed of the building No. C-1 known as "LOK PURAM" on the above said property.

By an Agreement for sale dated 05/06/1989 the said M/s. Lok Holdings agreed to sell the Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" to Abhat Kumar Trivedi & Manisha Trvedi on the terms and conditions contained therein. Which was duly registered with the Sub-Registrar of Assurances, Thane under Serial No. CHHA/3482/1989 dated 15/06/1989.

The Municipal Corporation of City of Thane issued Occupation Certificate bearing V. P No. V. P. 84039 /TMC/TE/182 dated 02/10/1989 to occupying the Building No.C-1 Ground + 7th floor construct on the said Property.

All the Flat purchasers of the said building have formed "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" under the Maharashtra Co-operative Societies Act 1960 duly registered No. TNA/(TNA)/HSG/(TC)/3405/89-90 dated 18/01/1990 the said Abhat Kumar Trivedi & Manisha Trvedi became member of the said society holding five fully paid up share of Rs. 50/- each bearing distinctive Nos. 381 to 385 share certificate No. 77 issued on 03/02/1991



By an Agreement for Transfer dated 16/12/2005 the said Mr. Abhat Kumar Trivedi & Mrs. Manisha Trivedi in their turn agreed to sell, & transfer all their right, title and interest of the Flat No. 604/704, on 6th Floor, comprising an Adm. Area of 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" to Atul Babubhai Dave & Mrs. Sunita Atul Dave on the terms and conditions contained therein. Which duly registered with the Sub Registrar of Assurance at Thane under the Serial No. TNN-2/08032/2005 dated 16/12/2005.

The said Atul Babubhai Dave & Sunita Atul Dave, under 6- Notice of Intimation regarding mortgage by way of deposit of Title Deed dated 23/02/2017 in respect of the Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" with HDB Finance Services Ltd. on the terms and conditions contained therein which is duly registered with the Sub-Registrar of Assurances at Thane under Sr. No. TNN-5/1204/2017 dated 16/03/2017

The said Sunita Atul Dave & Atul Babubhai Dave under 6- Notice of Intimation regarding mortgage by way of deposit of Title Deed dated 15/02/2018 in respect of the Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" with HDB Finance Services Ltd. on the terms and conditions contained therein which is duly registered with the Sub-Registrar of Assurances at Thane under Sr. No. TNN-3/968/2018 dated 03/03/2018.

The said Sunita Atul Dave & Atul Babubhai Dave, under 6- Notice of Intimation regarding mortgage by way of deposit of Title Deed dated 30/07/2018 in respect of the Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" with Dewan Housing Finance Corporation Ltd (DHFL). on the terms and conditions contained therein which is duly registered with the Sub-Registrar of Assurances at Thane under Sr. No. TNN-10/2707/2018 dated 20/08/2018.

The said Sunita Atul Dave & Atul Babubhai Dave, under 6- Notice of Intimation regarding mortgage by way of deposit of Title Deed dated 11/12/2019 in respect of the Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" with Punjab National Bank on the terms and conditions contained therein which is duly registered with the Sub-Registrar of Assurances at Thane under Sr. No. TNN-7/668/2019 dated 17/12/2019.

The said housing loan has been repaid by Sunita Atul Dave and the Punjab National Bank Which has been repaid and the said Punjab National Bank issued No dues Letter dated 19/12/2024 in respect thereof.

No dues certificate to be obtained from Dewan Housing Finance Corporation Ltd (DHFL) & HDB Finance Services Ltd.

By virtue of the abovesaid under the Agreement for Sale the said Atul Babubhai Dave & Mrs. Sunita Atul Dave entitled to sell the abovesaid Flat No. 604/704, on 6th Floor, comprising an Adm. Area 1190 Sq. ft. (Carpet area) which is inclusive of 246 Sq. ft. area (Carpet) of Balcony area, in the Building No. C-1 known as "LOK PURAM" of "MRUDUNG LOK PURAM Co-Operative Housing Society Limited" to Miss. Amruta Rajendra Ganjave & Mr. Omkar Sanjay Kelkar (Proposed Borrower).



On perus:
dated 14
Howeve
Mahar
said F
The
me
v/
s

On perusal of the abovesaid documents it is observed that the abovesaid Agreement dated 14/05/1986 was not been registered.

However, all flat owners in the said Building formed society duly registered under Maharashtra Co-op. Societies Act, and Occupation Certificate issued in respect of the said Building by the Municipal Corporation of City of Thane.

The share Certificate issued by the Society carry a right to occupy base on being member of the society is held by Hon'ble Supreme Court in the case of R. H. Shah v/s. H. J. Joshi reported in AIR 1975 SC Page 1475 as a right which is attachable and sealable in the executions of a decree.

In view of the above, the said unregistered Agreement was not affected for creating mortgage.

Observation

It is observed that Sketch plan attached with the Agreement for sale dated 05/06/1989 as mentioned the flat nos. 604 on 6th floor and the Flat No. 704 on 7th floor, However in the Agreement for sale dated 05/06/1989 and Agreement for sale dated 16/12/2005 as mentioned flat No. 604/704 on 6th floor, hence confirmation letter to be obtained from the Society.

Date: 24/12/2024

Place: Mumbai


Signature of the Advocate
