

VIJAY R. SALI

B. Sc., LL. B.

ADVOCATE

Correspondence: 202, Suhrod CHSL, Opp. Shree Ramkrishna Netralaya, Nr. Makhmali Lake, LBS Rd., Charai, Thane (W) 400601.

Date: 16.08.2024

TITLE CERTIFICATE

Description of the Property : Landed Property situated at Naupada, Taluka and District Thane within the limits of Thane Municipal Corporation and within Registration Sub- District and District Thane bearing following particulars:

| Old City Survey No. | New City Survey No. | Tika No. | Area (Sq. mtrs) |
|---------------------|---------------------|----------|-----------------|
| 23/2 Part | 31(Part) | 19 | 1925.78 |
| 24 (Part) | 33B | 21 | 1154.14 |
| 25A/3 Part | 14B | 21 | 813.55 |
| 25 A/2(Part) | 8(Part) | 21 | 36 |

All these Plots are adjoining to each other and are one contiguous parcel of land and they are bounded as follows:

On the East : by Prashant Nagar Road
On the West : by a vacant plot
On the North : by Prashant Nagar (Wadar Wadi)
On the South : by Gokhale Road

(hereinafter referred to as the 'said Plot of Land')

One Tekchand Charandas Verma was owner of all that pieces and parcel of land and premises bearing Survey No. 23 Hissa No. 2, Survey No. 24 (part), Survey No. 25 Hissa No. 1(part), Survey No. 25-A Hissa No. 3A (part), Survey No.

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25A Hissa No. 2 (part), Survey No. 26 (part), totally admeasuring about 12,166.20 sq. mtrs., situated at Naupada, Taluka and District: Thane within the limits of Thane Municipal Corporation and within the Registration Sub-District and District Thane (hereinafter referred to as the 'said Larger Plot of Land').

The said Tekchand Charandas Verma died on 24th January, 1958 leaving behind his Last Will and Testament dated 19th January, 1957 by which he appointed Deepak Tekchand Verma and Kaushalyadevi Tekchand Verma as the Executors and by which he devised and bequeathed inter alia the Larger Plot to his wife, Smt. Kaushalyadevi Tekchand Verma, his daughter Virbala Reddy and his two sons Deepak Tekchand Verma and Dharmendra Tekchand Verma in equal shares.

The names of Deepak Tekchand Varma, Kaushalya Tekchand Varma and Savitridevi Varma alias Virbala Reddy were brought on record vide Mutation Entry 2746 and accordingly the Larger Plot of land was transferred in their names.

The said Smt. Kaushalyadevi Tekchand Verma died on 30th December, 1995 and accordingly Mutation Entry No. 5022 was certified and the said larger plot of land was transferred in the name of Deepak Tekchand Verma and Smt. Virbala Reddy (herein after referred to as the said heirs of Tekchand Charandas Verma).

The abovenamed heirs of Tekchand Charandas Verma thus became seized and possessed of and otherwise well and sufficiently entitled to the said Larger Plot.

One M/s. Ninad Builders entered into an Agreement dated 15.04.1975 with Mr. Mahendra M. Kapadia, acting as the Chief Promoter of the then proposed Rajdeep Co-operative Housing Society Ltd. by which the said M/s. Ninad Builders agreed to sell to the said Mr. Mahendra M. Kapadia acting as the Chief Promoter of the proposed Rajdeep Co-operative Housing Society Ltd. the said Plot of Land for lumpsum price of Rs. 13,52,000/- (Rupees Thirteen Lakh Fifty Two Thousand Only) and received from the Purchaser the sum of Rs. 4,13,762/- (Rupees Four Lakh Thirteen Thousand Seven Hundred Sixty Two Only) as earnest money. All the above transaction were not within the knowledge of the heirs of Tekchand Charandas Verma.

The Rajdeep Co-operative Housing Society Ltd. got registered as a Co-operative Housing Society on 08th November, 1975 under Reg. No. TNA/HISG/666/1975 under the provisions of Maharashtra Co. Op. Societies Act.

The plan of the building was sanctioned by erstwhile Thane Municipal Council vide Commencement Certificate No.72 dated 19.06.1972 and commencement certificate No. 93 dated 17.06.1975 and various tenement in the building were sold to various Flat Purchasers. After completion of the building, the Thane Municipal Council issued Occupation Certificate bearing No. V.P.883 dated 26.03.1980 and 27.02.1981

All the flats and shops in the said building constructed on the said Plot of Land are sold by Rajdeep Co-operative Housing Society Ltd. and they have received full consideration payable by each flat and shop purchasers in the said building in terms of several Agreements entered into by the flat/ shop purchasers with Rajdeep Co-operative Housing Society Ltd. All the flat and shop purchasers have occupied their respective premises.

Rajdeep Co-operative Housing Society Ltd. has constructed the said building on behalf of and for the benefit of 105 flats and 35 shops purchasers and with the money fully paid by flat and shop purchasers to Rajdeep Co-operative Housing Society Ltd. from time to time under respective Agreements for purchase of flats and shops being at cost / price / consideration of the respective flats and shops inclusive of proportionate share in the price of the said land and the price or cost of the common areas and amenities in the said building.

Since the year 1981 or thereabout the flat and shop purchasers are in continuous and undisturbed possession of their respective flats and shops on ownership basis.

Rajdeep Co-operative Housing Society Ltd. requested the heirs of deceased Tekchand Verma to transfer, convey and assign the said Plot of Land alongwith full benefit of sanctioned Building plan bearing V.P. No. 72 dated 19/06/1972 and V.P. No. 93 dated 17/06/1975 sanctioned by Thane Municipal Council to Rajdeep Co-operative Housing Society Ltd.

Rajdeep Co-operative Housing Society Ltd. had deposited, from 23/07/1976 to 11/09/1980, Rs. 9,20,000/- (Rupees Nine Lakh Twenty Thousand only) with M/s. Mahimtura and Co., Solicitors.

Rajdeep Co-operative Housing Society Ltd. filed Spl. Civil Suit No. 35 of 1985 against the heirs of Tekchand Charandas Verma and other parties for specific performance in the Court of Civil Judge (S.D.), Thane. During pendency of the said suit, M/s. Mahimtura and Co., Solicitors, deposited the said sum of Rs. 9,20,000/- (Rupees Nine Lac Twenty Thousand only) alongwith

interest accrued thereon in Civil Court, Thane to the credit of the said Civil Suit No. 35 of 1985. The said amount was from time to time reinvested in Fixed Deposits and after accumulation of interest a sum of about Rs.1,43,46,146/- (Rupees One Crore Forty Three Lakh Forty Six Thousand One Hundred and Forty Six only) was lying to the credit of the said Suit No. 35 of 1985 in the Court of Civil Judge (S.D), Thane.

The Court of Civil Judge (S.D), Thane by its judgment and order dated 23/10/2007 dismissed the said Civil Suit No. 35 of 1985.

Rajdeep Co-operative Housing Society Ltd. filed First Appeal No. 1419 of 2008 in the High Court of Judicature at Bombay against the Judgment and Decree passed in Special Civil Suit No. 35 of 1985. The heirs of Tekchand Charandas Verma and Rajdeep Co-operative Housing Society Ltd. decided to amicably settle their dispute on the condition that the heirs of Tekchand Charandas Verma shall convey, transfer and assign the said Plot of Land to the Rajdeep Co-operative Housing Society Ltd. on receiving the entire amount lying to the credit of the said Suit No. 35 of 1985 in Civil Court, Thane which the Rajdeep Co-operative Housing Society Ltd. has agreed. Accordingly both parties i.e. Rajdeep Co-operative Housing Society Ltd. and heirs of Tekchand Charandas Verma submitted Consent Term in First Appeal No. 1419 of 2008 on 27.11.2015 and Hon'ble High Court by Order dated 27.11.2015 disposed off First Appeal No. 1419 of 2008 in terms of Consent Terms.

The heirs of Tekchand Charandas Verma herein made Application to withdraw the said amount of Rs.1,43,46,146/- (Rupees One Crore Forty Three Lakh Forty Six Thousand One Hundred and Forty Six only) in the Court of Jt. Civil Judge (S.D.) Thane on 06/01/2016. The Jt. Civil Judge (S.D.) Thane allowed them to withdraw the said amount from Civil Court Thane.

Accordingly, the Smt. Veerbala Reddy received the sum of Rs. 47,82,049/- (Rupees Forty Seven Lacs Eighty Two Thousand And Forty Nine Only) on 01/03/2016 from Civil Court Thane. Shri. Deepak Teckchand Verma received the sum of Rs.47,82,048/- (Rupees Forty Seven Lacs Eighty Two Thousand and Forty Eight Only) on 01/03/2016 and Shri. Dharmendra Teckchand Verma received the sum of Rs.47,82,049/- (Rupees Forty Seven Lacs Eighty Two Thousand And Forty Nine Only) on 03/03/2016 making total consideration of Rs.1,43,46,146/- (Rupees One Crore Forty Three Lakh Forty Six Thousand One Hundred and Forty Six only) of the said land, from the Civil Court Thane on behalf of Rajdeep Co-operative Housing Society Ltd..

In consideration of the said amount of Rs.1,43,46,146/- (Rupees One Crore Forty Three Lakh Forty Six Thousand One Hundred and Forty Six only) received by the heirs of Tekchand Charandas Verma and in consideration of the settlement arrived at between the heirs of Tekchand Charandas Verma and Rajdeep Co-operative Housing Society Ltd., the heirs of Tekchand Charandas Verma agreed to transfer, convey and assign and the Rajdeep Co-operative Housing Society Ltd. agreed to acquire the said Plot of Land.

In the Special General Body Meeting of the members of Rajdeep Co-operative Housing Society Ltd. held on 31/05/2015, a Resolution has been passed unanimously that Rajdeep Co-operative Housing Society Ltd. should get the Conveyance of the landed property referred above from the heirs of Tekchand Charandas Verma on the terms and conditions as mentioned in Conveyance Deed which is also approved vide Resolution dated 31/05/2015 passed unanimously in the said meeting and vide the said Resolution Chairman, Secretary and Treasurer have been authorized to sign and execute Conveyance Deed on behalf of Rajdeep Co-operative Housing Society Ltd..

I have got Search of the above referred land taken from the Office of Sub-Registrar (Office No. 1,2,5,9 and 12) Thane Office for the year 1965 to 2024.

The heirs of deceased Tekchand Verma vide Sale Deed dated 24/04/2008 executed with Theme Developers Pvt. Ltd. through its Director Mr. Haresh Daulatani, sold and conveyed 7,219.20 sq. meter land out of the above referred property. The said Sale Deed is registered on 24/04/2008 with Sub-Registrar of Assurance Thane -1 at serial No. INN-1-2452/2008.

I have got Public Notice published in News Paper Thane Vaibhav dated 18.04.2024 inviting objections in respect of Title of Rajdeep Co. Op. Hsg. Soc. Ltd. from the public at large. I have not received any objection from anybody regarding Title of the land.

Rajdeep Co. Op. Hsg. Ltd. is registered Co. Op. Hsg. bearing Registration No. TNA(TNA/HSG/666/1975). The building of the said society is constructed as per the plan sanctioned by the Thane Municipal Council and the same has received Occupation Certificate vide V.P. No. 883 dated 26.03.1980 and 27.02.1981 and the members of the society are residing since the year 1980 - 1981 onwards till date.

The above referred land is purchased by Rajdeep Co. Op. Hsg. Ltd. from Smt. Virbala Reddy, Deepak Tekchand Verma and Shri. Dharmendra Tekchand Verma by Conveyance Deed dated 03.04.2018 registered at Sr. No. INN-1-5217/2018.

I have perused extract of Record of Rights of the above said land and verified about transfer of land in the name of Rajdeep Co. Op. Hsg. Ltd. in record of right.

I hereby certify that the Title of Rajdeep Co. Op. Hsg. Ltd. to the above referred land is clear, marketable and free from reasonable doubts.



Vijay R. Sali

Advocate