



# MANANI LAW FIRM

**MAHESH M. MANANI**

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**JAY M. MANANI**

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## Encumbrance Certificate

This is to certify that, I the undersigned has investigated the title of the immovable property which is more particularly described herein in "Schedule of Property" which is owned by Viren Babubhai Sindhav (hereinafter referred as owner) by pursuing the Title Deeds relating thereto and taking necessary search I found that the No charge / Loan of over the said property is clear, marketable and free from encumbrances charges subject to due amount clearance from DHFL.

### **SCHEDULE OF PROPERTY**

That an immovable property being all the peace and parcel of the property of PROJECT APF building known as "SHIVAY" having a land area 719-48-39 Sq Mtrs of Plot No. 16, 21 & 23 situated at Mavdi Revenue Survey No. 181-182/pin Sub-Dist. & Regi. Dist. Rajkot with the four boundaries as under:

#### **Plot No. 16**

North : Plot No. 15  
South : Mavdi Main Road  
East : Mavdi Main Road  
West : Survey No. 13/1

#### **Plot No. 21**

North : Plot No. 21  
South : Plot No. 22  
East : Plot No. 23  
West : Survey No. 19

#### **Plot No. 23**

North : Plot No. 24  
South : Road  
East : Road  
West : Plot No. 21 & 22

*Thank You  
Yours Truly,  
Manani Law Firm,*

*(Chirag M. Manani)  
Advocate*





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Date: 09.10.2018

File No.243/2018

To,

Viren Babubhai Sindhav,  
Rajkot.

Dear Sir / Madam,

Subject: Legal Scrutiny Report in respect of the file of **VIRENBHAI BABUBHAI SINDHAV.**

**Ref.: Your Letter dated**

As desired by you vide the above referred letter, I/We are furnishing hereunder the legal scrutiny report in respect of the property (described in part I hereto) to be acquired by **VIRENBHAI BABUBHAI SINDHAV.**

## **PART – I DESCRIPTION OF THE PROPERTY**

Description of the all the peace and parcel of the property of PROJECT APF building known as "SHIVAY" having a land area 719-48-39 Sq Mtrs of Plot No. 16, 21 & 23 situated at Mavdi Revenue Survey No. 181-182/pin Sub-Dist. & Regi. Dist. Rajkot and bounded as;

### **Plot No. 16**

North : Plot No. 15  
South : Mavdi Main Road  
East : Mavdi Main Road  
West : Survey No. 13/1

### **Plot No. 21**

North : Plot No. 21  
South : Plot No. 22  
East : Plot No. 23  
West : Survey No. 19

### **Plot No. 23**

North : Plot No. 24  
South : Road  
East : Road  
West : Plot No. 21 & 22

## **PART – II LIST OF DOCUMENTS SUBMITTED BEFORE ME/US FOR SCRUTINY AND LEGAL OPINION: (Specify the documents are Original of Xerox)**

1. Copy of Reg. Sale Deed No.3589, dated 22-05-2018 in favour of **VIRENBHAI BABUBHAI SINDHAV.**
2. Copy of Regd. GIFT Deed No. 6877 Dtd. 28/10/2016 executed by DhirubhaiDevabhaiSorathiya in favour of ParsottambhaiDevabhaiSorathiya.





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3. Copy of Heirship Certificate issued by the Hon'ble 5<sup>th</sup> Addl. Senior Civil Judge at Rajkot, Vide CMA No. 444/2013 Dtd. 22/07/2013 in respect of the property of the Deceased DevabhaiMothabhaiSorathiya in the name of DhirubhaiDevabhaiSorathiya&ParsottambhaiDevabhaiSorathiya.
4. Copy of Regd. RECTIFICATION Deed No. 1180 Dtd. 02/04/2013 executed by JadibenDevabhaiSorathiya& others (7) (THE LEGAL HEIRS of D/d DevabhaiMithabhaiSorathiya) **AND**TulsibhaiTejabhaiSorathiya& others (3) (HEIRS of D/d TejabhaiMithabhaiSorathiya).
5. Copy of Regd. PARTITION Deed No. 671 Dtd. 29/12/2006 executed by & between DevabhaiMithabhaiSorathiya**AND**TulsibhaiTejabhaiSorathiya& others (3) (HEIRS of D/d TejabhaiMithabhaiSorathiya).
6. Copy of Regd. Sale Deed No. 2377 Dtd. 22/06/1965 (Duly Regd. at Book No. 1, Sr. No. 3156, Vol. No. 458 Dtd. 18/11/1965) executed by Patel Raghav Kala & others in favour of DevabhaiMithabhaiSorathiya&TejabhaiMithabhaiSorathiya.
7. Copy of Regd. Sale Deed No. 749 Dtd. 15/03/1963 (Duly Regd. at Book No. 1, Sr. No. 2023, Vol. No. 317 Dtd. 08/07/1963) executed by Patel Kala Vaghain favour of Patel Raghav Kala & others.
8. Copy of Regd. Sale Deed No. 751 Dtd. 15/03/1963 (Duly Regd. at Book No. 1, Sr. No. 2025, Vol. No. 319 Dtd. 08/07/1963) executed by Patel BhojaVaghain favour of Patel Raghav Kala & others.
9. Copy of Na Sanad in the name of Patel BhojaVagha issued by Mamlatdar, Rajkot on Dtd. 27/08/1962.
10. Copy of NA Order No. Land/1/423 Dtd. 27/07/1962 passed by the Mamlatdar, Rajkot.
11. Copy of Revenue Records in V. F. No. 6, 8-A and 7/12.

## **PART – III FLOW OF TITLE OF PROPERTY – (HISTORY OF TITLE):**

- It transpires from the Chain of the document that Patel Kala Vagha was the Original Owner & Occupant of the Agri. Land A 2-14 G at Mavdi RSN 181 & more, entry muted in V. F. No. 6, Vide No. 88 on Dtd. 24/11/1955 and Patel BhojaVagha was the Original Owner & Occupant of the Agri. Land A 4-16 G at Mavdi RSN 182 & more, entry muted in V. F. No. 6, Vide No. 89 on Dtd. 24/11/1955.
- Then, new measurement of the said land, entry muted in V. F. No. 6, Vide No. 185& 235 on Dtd. 20/10/1961.



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- Then, Patel Kala Vagha applied for convert the Agri. Land A 2-14 G at Mavdi RSN 181 into Non-Agriculture for Residential Purpose and the same has been passed by the Mamlatdar, Rajkot, Vide NA Order No. Land/1/422 Dtd. 27/07/1962, entry muted in V. F. No. 6, Vide No. 318 on Dtd. 18/08/1962.
- Then, Patel BhojaVagha applied for convert the Agri. Land A 4-16 G at Mavdi RSN 182 into Non-Agriculture for Residential Purpose and the same has been passed by the Mamlatdar, Rajkot, Vide NA Order No. Land/1/423 Dtd. 27/07/1962, entry muted in V. F. No. 6, Vide No. 319 on Dtd. 18/08/1962 & 342 on Dtd. 24/01/1963.
- Then, Na Sanad in the name of Patel Kala Vagha issued by Mamlatdar, Rajkot on Dtd. 27/08/1962.
- Then, Na Sanad in the name of Patel BhojaVagha issued by Mamlatdar, Rajkot on Dtd. 27/08/1962.
- Then, Patel Bhoja Vagha sold total NA Land area 13591-1-36 Sq Yards i.e. 11417-00 Sq Yards of Plot No. 1 to 11, 15 & 17 to 24 at Mavdi RSN 182, entry muted in V. F. No. 6, Vide No. 354 on Dtd. 02/07/1963 to Patel Raghav Kala & others by Regd. Sale Deed No. 751 Dtd. 15/03/1963 (Duly Regd. at Book No. 1, Sr. No. 2025, Vol. No. 319 Dtd. 08/07/1963).
- Then, Patel Kala Vagha sold total NA Land area 9629-00 Sq Yards of Plot No. 1 to 16 at Mavdi RSN 181, entry muted in V. F. No. 6, Vide No. 353 on Dtd. 02/07/1963 to Patel Raghav Kala & others by Regd. Sale Deed No. 749 Dtd. 15/03/1963 (Duly Regd. at Book No. 1, Sr. No. 2023, Vol. No. 317 Dtd. 08/07/1963).
- Then, Patel Raghav Kala & others sold the NA land area 1043-7-72 Sq Yards of Plot No. 16, 21 & 23 situated at Mavdi Revenue Survey No. 181-182/p to Devabhai Mithabhai Sorathiya & Tejabhai Mithabhai Sorathiya by Regd. Sale Deed No. 2377 Dtd. 22/06/1965 (Duly Regd. at Book No. 1, Sr. No. 3156, Vol. No. 458 Dtd. 18/11/1965).
- Then, Regd. PARTITION Deed No. 671 Dtd. 29/12/2006 executed by & between Devabhai Mithabhai Sorathiya **AND** Tulsibhai Tejabhai Sorathiya & others (3) (HEIRS of D/d Tejabhai Mithabhai Sorathiya) and executed said partition as per Heirship Certificate obtained vide Order No.333/05, dated 21.07.2005.
- Then, Regd. RECTIFICATION Deed No. 1180 Dtd. 02/04/2013 executed by Jadiben Devabhai Sorathiya & others (7) (THE LEGAL HEIRS of D/d Devabhai Mithabhai Sorathiya) **AND** Tulsibhai Tejabhai Sorathiya & others (3) (HEIRS of D/d Tejabhai Mithabhai Sorathiya).
- Then, Heirship Certificate issued by the Hon'ble 5<sup>th</sup> Addl. Senior Civil Judge at Rajkot, Vide CMA No. 444/2013 Dtd. 22/07/2013 in respect of the property of





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the Deceased Devabhai Mothabhai Sorathiya in the name of Dhirubhai Devabhai Sorathiya & Parsottambhai Devabhai Sorathiya.

- Then, Dhirubhai Devabhai Sorathiya gifted the 50% UNDIVIDED SHARE of the NA land area 719-48-39 Sq Mtrs of Plot No. 16, 21 & 23 situated at Mavdi Revenue Survey No. 181-182/p to Parsottambhai Devabhai Sorathiya by Regd. GIFT Deed No. 6877 Dtd. 28/10/2016.
- Then, Parsottambhai Devabhai Sorathiya sold Residential House having a land area 719-48-39 Sq Mtrs of Plot No. 16, 21 & 23 situated at Mavdi Revenue Survey No. 181-182/p to **VIRENBHAI BABUBHAI SINDHAV** by Reg. Sale Deed No.3589, dated 22-05-2018.
- Then, Virenbhai Sindhav obtained construction permission and constructed building known as "SHIVAY" and availed loan from DHFL.

#### **PART - IV EVIDENCE OF TITLE OF PROPERTY:**

Note: Same as mentioned in PART-II. So, Referred PART-II for evidence of title of property

#### **PART - V OTHER PROVISION:**

- 5.1. Whether provisions of Urban Land Ceiling Act are applicable?  
NO
- 5.2. Whether property to be given as security is subject to any minor's claim/ share?  
NO
- 5.3. Whether the property is affected by any revenue and tenancy regulations?  
NO
- 5.4. Whether the user land has been converted into Non-Agricultural for Residential Use by the order of the competent authority?  
YES
- 5.5. Whether up to date tax/ Land Revenue has been paid on the property.  
NO
- 5.6. Whether all original documents for last 30 years have been scrutinized?  
YES
- 5.7. Whether required documents are available for creating mortgage?  
YES
- 5.8. Whether all previous owners has the right/competency to transfer the property?  
YES
- 5.9. Whether proposed mortgage by deposit of title deed is possible?  
YES
- 5.10. Whether the property has been transferred/ to be transferred by a POA holder of the original land owner in favor of the loan Applicant?  
YES
- 5.11. Whether POA holder of original land owner has/had authority under POA.  
YES





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5.12. Whether the said POA as recorded in 5.11 is registered?

NO

5.13. What is the tenure of the land if it leased?

NO \_\_\_\_\_ Years (Remaining Period)

5.14. Whether the land is adivasi (Tribal) land?

NO

5.15. Whether the land/ property is joint family property?

NO

5.16. Is the land/ Property/ flat is subject to any reservations / acquisitions / requisitions?

NO

5.17 Whether Search Report is obtained and submitted?

YES

Search Details: 2018022012564 & 2018023014050 & 2018326005672

Search Conducted Years 1987 to 2018 – 30 Years

Name of Advocate Mahesh M. Manani – Advocate.

Search Report Date 01.05.2018

5.18 Whether EC is obtained?

NO

EC Details:

No. of Years EC obtained

Any Encumbrance to Specify

EC Applied by

5.19 Whether builder is private / limited company?

NO

ROC Search Report submitted/ carried out

Any Charge/ Mortgage are created on the Project/ Property / Flat/ Apartment.

If Mortgage / Charged, Name of the Bank / FI

Whether NOC/ Release Letter obtained or not

## PART – VI CERTIFICATE:

In view of the foregoing, I/We certify that the title deeds intended to be deposited, relating to the property and offered as security by way of equitable mortgage and the documents of title referred to above are perfect evidence of the title and that is the said equitable mortgage is created in the manner required by law, it would satisfy the requirements of creating of equitable mortgage.

I/We further certify that **VIREN BABUBHAI SINDHAV** has/ would derive a valid, clear, marketable and unencumbered title in the property/ies stated above.





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The following original documents are required to be deposited for creating of equitable mortgage:-

1. Original Regd. Sale Deed No.3589, dated 22.05.2018 in favour of **VIRENBHAI BABUBHAI SINDHAV** executed by Parsottambhai Devabhai Sorathiya with RR.
2. Original Regd. GIFT Deed No. 6877 Dtd. 28/10/2016 executed by Dhirubhai Devabhai Sorathiya in favour of Parsottambhai Devabhai Sorathiya with RR.
3. Certified Copy Heirship Certificate issued by the Hon'ble 5th Addl. Senior Civil Judge at Rajkot, Vide CMA No. 444/2013 Dtd. 22/07/2013 in respect of the property of the Deceased DevabhaiMothabhaiSorathiya in the name of Dhirubhai Devabhai Sorathiya & Parsottambhai Devabhai Sorathiya.
4. Certified Copy of Regd. RECTIFICATION Deed No. 1180 Dtd. 02/04/2013 executed by JadibenDevabhaiSorathiya& others (7) (THE LEGAL HEIRS of D/d DevabhaiMithabhaiSorathiya) ANDTulsibhaiTejabhaiSorathiya& others (3) (HEIRS of D/d TejabhaiMithabhaiSorathiya) .
5. Original Regd. PARTITION Deed No. 671 Dtd. 29/12/2006 executed by & between DevabhaiMithabhaiSorathiya **AND** TulsibhaiTejabhaiSorathiya& others (3) (HEIRS of D/d TejabhaiMithabhaiSorathiya).Copy of Revenue Records in the name ofParsottambhaiDevabhaiSorathiya with RR.
6. Original No Due from DHFL.
7. Original Reg. Re-conveyance deed from DHFL with RR.

The above documents are required before disbursement of the loan for creating valid mortgage.

Remarks, If any:-

*Thank You*

*Yours Truly,*

*Manani Law Firm,*

*(Chirag M. Manani)*  
*Advocate*

