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Ref. No. 27/19/HHD

of 2019

Date:

REPORT ON TITLE

Re: IN THE MATTER OF VERIFICATION OF TITLE to the Sub Plots bearing Nos. 20, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 21, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 28, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 29, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 32, admeasuring about 426 Sq.yds., equivalent to 356.18 Sq.mts., and 33, admeasuring about 445 Sq.yds., equivalent to 372 Sq.mts., in all admeasuring about 2003.46 sq.mts., equivalent to 2399 sq.yds., forming part of the Non Agricultural Land, situate at Acher (Sim), Taluka Sabarmati, in the Registration District Ahmedabad and Sub District Ahmedabad-2 (Vadaj), bearing Final Plot No. 400, (corresponding to old Survey Nos. 79/A/1 and 79/A/2), of Town Planning Scheme No. 23 (Sabarmati), allotted City Survey No. 3281.



We under the instructions of **JINMANGAL REAL ESTATE AND COMPANY**, a Partnership Firm, Address: "Gurukulam", Hemchandraacharya Sanskrut School, Near Hirajain Society, Ramnagar, Sabarmati, Ahmedabad-380 005, have undertaken the work of verification of title with respect to the property above referred to, by taking necessary searches with the revenue and

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sub registry records (Index-II) for a period of last about more than thirty years. We have caused necessary searches to be taken accordingly. We have taken root of title commencing from about 1985, prior to more than thirty years from now. Our Report on Title is stated hereafter. For detailed facts and particulars reference may be taken from the documents, papers, writings and records referred to herein below.

A. **Description:-**

1. The land under reference is lands, bearing Sub Plots Nos. 20, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 21, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 28, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 29, admeasuring about 382 Sq.yds., equivalent to 318.82 Sq.mts., 32, admeasuring about 426 Sq.yds., equivalent to 356.18 Sq.mts., and 33, admeasuring about 445 Sq.yds., equivalent to 372 Sq.mts., in all admeasuring about 2003.46 sq.mts., equivalent to 2399 sq.yds., forming part of the Non Agricultural Land, situate at Acher (Sim), Taluka Sabarmati, in the Registration District Ahmedabad and Sub District Ahmedabad-2 (Vadaj), bearing Final Plot No. 400, corresponding to Survey Nos. 79/A/1 and 79/A/2, of Town Planning Scheme No. 23 (Sabarmati), allotted City Survey No. 3281 (Hereinafter referred to as the "Said Plots").
2. Said lands of Survey Nos. 79/A/1 and 79/A/2, has been granted Non Agricultural Use Permission, as per the order of Deputy Collector (N.A.), Ahmedabad, dated 3rd July, 1993, bearing No. N.A./U.2/Acher/Case No. 45/93 for the terms and conditions stipulated therein. (*Reference: copy of the Said Order*).
3. Development permission on the Said Plots has been given by Ahmedabad Municipal Corporation in Case No. BLNTS/WZ/210119/CGDCRV/A1702/R0/M1.

B. **Devolution:-**

- 1.(a) Said Plots form part of Final Plot No. 400, admeasuring about 14453 sq.mts., corresponding to old Survey Nos. 79/A/1/part and 79/A/2/part, of Town Planning Scheme No. 23 (Sabarmati), belonging to Siddhachal Park Co-Operative Housing Society Ltd., a Co-Operative Society,



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registered under the Bombay Co-Operative Societies Act, 1925 and deemed to be registered under the Gujarat Co-Operative Societies Act, 1961, under No. B-1902, on 30th April, 1957, (originally known as Vedu Vaghri Co-Operative Housing Society Ltd.), purchased by it, by or under two separate Sale Deeds, both dated 4th October, 1991, registered with the office of the Sub Registrar of Assurances, under Sr. Nos. 24819 and 24825, read with two Deeds of Rectifications, both dated 20th January, 1992, registered under Sr. Nos. 1327 and 1328. (*Reference: Revenue Entry Nos. 9249 and 9250, both dated 15th October, 1991 and Revenue Entry No. 9311, dated 20th January, 1992*).

- (b) Prior to the aforesaid sale, permissions under the Urban Land (Ceiling) Regulations Act, 1976 was obtained as per the order of Deputy Secretary, Revenue Department, bearing No. ULC/2091/1834/V.1, dated 8th August, 1991. (*Reference: Revenue Entry No. 9251, dated 15th October, 1991*). Said Order was extended as per the order of Joint Secretary, Revenue Department, Gujarat, dated 27th September, 1993. (*Reference: Copy of the Said Order of extention*).
- (c) Prior to aforesaid sale, permission under the Provisions of the Gujarat (then Bombay) Tenancy and Agricultural Lands Act, as per the order of City Deputy Collector, bearing No. CDC/TNC/S.R. 10/91, dated 11th October, 1991. (*Reference: Revenue Entry No. 9256, dated 29th October, 1991*).
- (d) Original name of the Society viz. Vedu Vaghri Co-Operative Housing Society Ltd., is subsequently change - amended to Siddhachal Park Co-Operative Housing Society Ltd., as per the list of District Registrar, Co-Operative Societies (City), Ahmedabad, bearing No. 289/K/2/651/92 and endorsement (Shero) made by Mamlatdar City, bearing No. RTS/Vashi/1728/002, dated 1st August, 2002. (*Reference: Revenue Entry No. 10827, dated 3rd August, 2002*).
2. Society with the help of Kamdhenu Developers (pursuant to a Development Agreement dated 29th January, 1993, entered into between the Society and Kamdhenu Developers, a sole proprietorship of Shaileshbhai Jawanmal Shah) has put up a Scheme of residential sub-plotting. Lay out plans in respect thereof have been sanctioned by Town



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Planning Authority, as per the order bearing No. BNL/WZ/43, dated 4th March, 1993. Commencement Certificate in respect of the Society Land issued by Town Planning Authority in case No. BNL/WZ/98/20, dated 30th October, 1994. However, same has been subsequently revised as per the Development Permission as referred in Clause A.3 above with respect to the Said Plots.

3. Said Plots in Siddhachal Park Co-Operative Housing Society Ltd., were allotted to various persons as members and share holder of the Society.
4. **WITH RESPECT TO PLOT NO. 20**
 - (a) Said Plot was allotted to Ankita Uttamchand Shah, by or under an Allotment Letter dated 5th May, 2001 and Possession Letter dated 10th May, 2001, issued by the Society.
 - (b) Said Ankita Uttamchand Shah was admitted as the member and share holder of the Society and allotted 5 (five) shares by the Society, each of the face value of ₹ 50=00, fully paid up, bearing distinctive Nos. 996 to 1000, under the cover of a Share Certificate dated 18th October, 2003, bearing No. 200.
 - (c) Said Ankita Uttamchand Shah conveyed by way of gift the Said Plot No. 20 and rights attached therewith her brother Ashish Uttamchand Shah, by or under a Deed of Gift dated 9th September, 2004, attested before Notary Public. Effect of such transfer is given in the records of the Society under its Resolution No. 2, dated 5th April, 2015. Said Deed of Gift is to be read with a Deed of Confirmation executed by Said Ankita Uttamchand Shah through her Power of Attorney Ashish Uttamchand Shah of the One Part and Ashish Uttamchand Shah of the Other Part, dated 11th April, 2019, registered with the office of the Sub Registrar of Assurances, under Sr. No. 6677. Effect of such Confirmation is given in City Survey Records vide Entry No. 861, dated 16th July, 2019.
5. **WITH RESPECT TO PLOT NO. 21**
 - (a) Said Plot was allotted to Ashish Uttamchand Shah, by or under an Allotment Letter dated 5th May, 2001 and Possession Letter dated 10th May, 2001, issued by the Society.



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- (b) Said Ashish Uttamchand Shah admitted as the member and share holder of the Society and allotted 5 (five) shares by the Society, each of the face value of ₹ 50=00, fully paid up, bearing distinctive Nos. 886 to 890, under the cover of a Share Certificate dated 18th October, 2003, bearing No. 178.

6. **WITH RESPECT TO PLOT NO. 28**

- (a) Said Plot was allotted to Uttamchand Jawanmal Shah, by or under an Allotment Letter dated 5th May, 2001 and Possession Letter dated 10th May, 2001, issued by the Society.

- (b) Said Uttamchand Jawanmal Shah admitted as the member and share holder of the Society and allotted 5 (five) shares by the Society, each of the face value of ₹ 50=00, fully paid up, bearing distinctive Nos. 991 to 995, under the cover of a Share Certificate dated 18th October, 2003, bearing No. 199.

7. **WITH RESPECT TO PLOT NO. 29**

- (a) Said Plot was allotted to Shakuntalaben Uttamchand Shah, by or under an Allotment Letter dated 5th May, 2001 and Possession Letter dated 10th May, 2001, issued by the Society.

- (b) Said Shakuntalaben Uttamchand Shah admitted as the member and share holder of the Society and allotted 5 (five) shares by the Society, each of the face value of ₹ 50=00, fully paid up, bearing distinctive Nos. 751 to 755, under the cover of a Share Certificate dated 18th October, 2003, bearing No. 151.

8. **WITH RESPECT TO PLOT NO. 32**

- (a) Said Plot was allotted to Kajal Uttamchand Shah, by or under an Allotment Letter dated 5th May, 2001 and Possession Letter dated 10th May, 2001, issued by the Society.

- (b) Said Kajal Uttamchand Shah admitted as the member and share holder of the Society and allotted 5 (five) shares by the Society, each of the face value of ₹ 50=00, fully paid up, bearing distinctive Nos. 891 to 895, under the cover of a Share Certificate dated 18th August, 2003, bearing No. 179.



9. **WITH RESPECT TO PLOT NO. 33**

- (a) Said Plot was allotted to Akhil Uttamchand Shah, by or under an Allotment Letter dated 5th May, 2001 and Possession Letter dated 10th May, 2001, issued by the Society.
- (b) Said Akhil Uttamchand Shah admitted as the member and share holder of the Society and allotted 5 (five) shares by the Society, each of the face value of ₹ 50=00, fully paid up, bearing distinctive Nos. 1001 to 1005, under the cover of a Share Certificate dated 18th August, 2003, bearing No. 201.
- 10 (a) Thereafter Said Plot Holders (Plot Holder of Plot Nos. 20 and 21 as self and remaining Plot Holders through their Power of Attorney Ashish Uttamchand Shah) joined by Siddhachal Park Co-Operative Housing Society Ltd., through its Chairman Ajitkumar Jawanmalji Shah sold and conveyed their respective Plots and the Society, its residuary rights of the Society absolutely to Jinmangal Real Estate and Company, a Partnership Firm, represented through its partner Ashish Uttamchand Shah, by or under six separate Sale Deeds, all dated 30th June, 2019, in the manner and for the consideration recorded therein, read with Deed of Rectifications, all dated 24th May, 2019, as per particulars given hereinbelow:-

Sr. No.	Plot No.	Registration No. and Registration Date of Sale Deed	Registration Number of Deeds of Rectification	City Survey Entry No and Date
1	20	5908 / 14/5/2019	9494	862 16/7/2019
2	21	5951 / 1/4/2019	9489	860 16/7/2019
3	28	5907 / 1/4/2019	9486	855

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				13/7/2019
4	29	5906 / 1/4/2019	9484	856
				13/7/2019
5	32	5910 / 1/4/2019	9491	854
				13/7/2019
6	33	5909 / 1/4/2019	9482	853
				13/7/2019

(b) Prior to aforesaid sale, the Society issued its No Objection Certificates with respect to the Said Plots to Jinmangal Real Estate & Co., all dated 28th March, 2019.

11. Accordingly, said Jinmangal Real Estate and Company, a Partnership Firm has become entitled to the Said Plots.

C. **Public Notice:-**

1. As a part of investigation of title, public notice was given in the daily newspaper "Indian Express", on 15th August, 2019, inviting claims, if any, in upon or to the Said Plots from any person whomsoever. We have not received any claims/objections in response thereto.

D. **Other Particulars:-**

1. Upon perusal of Sub Registry records, we find as follows:

(a) Charge of Oriental Bank of Commerce was created on the lands of Plot Nos. 21, 28 and 29, dated 6th November, 2015, under Sr. No. 12458. However, the same was cleared as per the Release Deed, registered with the office of the Sub Registrar of Assurances, under Sr. No. 5569, on 27th March, 2019.

(b) Charge – mortgage was created on the land of Plot No. 33 with Dhanlakshmi Bank, by or under a Deed of Mortgage dated 29th September, 2011, registered with the office of the Sub Registrar of Assurance, under Sr. No. 17337. However, the same was

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released as per the Deed of Release dated Nil, May, 2018, registered under Sr. No. 9317, on 23rd May, 2018.

- (c) Charge – mortgage was created on the lands of Plot Nos. 21, 28 and 29 with Future Money, by or under a Deed of Mortgage dated Nil, registered with the office of the Sub Registrar of Assurance, under Sr. No. 1568. However, the same was released as per the Deed of Release dated 11th February, 2011, registered with the office of the Sub Registrar of Assurances, under Sr. No. 2717.
- (d) Ankitaben Uttamchand Shah being previous owner of Said Plot No. 20 through her Power of Attorney Akhil Uttamchand Shah agreed to sell Said Plot to Dhanraj Baksiram Chopra and another, by or under an Agreement for Sale dated 21st July, 2014, registered with the Office of the Sub Registrar of Assurances, under Sr. No. 8416. However, the same is cancelled as per the Cancellation of Agreement for Sale dated 17th February, 2016, registered with the office of the Sub Registrar of Assurances, under Sr. No. 1915, executed by them.
- (e) Kajal Uttamchand Shah being previous owner of Said Plot No. 32 agreed to sell Said Plot to Kiran Naresh Jain, by or under an Agreement for Sale dated 11th March, 2016, registered with the Office of the Sub Registrar of Assurances, under Sr. No. 3043. However, the same is cancelled as per the Cancellation of Agreement for Sale dated 14th August, 2018, registered with the office of the Sub Registrar of Assurances, under Sr. No. 14500, executed by them.
- 2.(a) One Chethanbhai Ramanbhai Shah and another (being the grandsons of late Jawanmal Pratapchand Shah) have initiated a Civil Suit bearing No. 138 of 2011 before the Hon'ble City Civil Court, Ahmedabad against the heirs of late Jawanmal Pratapchand Shah claiming (a) for declaration of a writing as regards Partition dated 29th September, 2009 entered into by the Defendants thereof as void, (b) for partition of the properties referred in the Complaint thereof which includes the aforesaid Plot Nos. 20,



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21, 28, 29, 32 and 33 and (c) for Permanent Injunction in respect thereof together with application for Notice of Motion.

- (b) The Hon'ble Court, under its detailed order dated 2nd May, 2014 below Exh. 7 (Notice of Motion) has rejected the Notice of Motion with costs in the Said Suit.

Observation:

However, Said Suit is as on date pending for adjudication.

- 3.(a) Heirs of Babuji Kanaji Thakor had filed Ganot/Case No. 30/95 before Mamlatdar and Krushipanch against Vedu Vaghri Co-Operative Housing Society Ltd., (old name of Siddhanchal Co-operative Housing Society Ltd.) claiming their tenancy rights on the lands of Survey Nos. 76-A and 79. However, the same was rejected as per the order of Mamlatdar and Krushipanch dated 15th January, 1997. (Reference: Revenue Entry No. 10156, dated 21st March, 1997).

- (b) Against the Said Order, the aggrieved preferred an appeal before Hon'ble Deputy Collector (Ja.Su.) Appeal, Ahmedabad, bearing No. Ganot/Appeal No. 35/97. Said appeal was rejected by the Deputy Collector as per his order dated 28th October, 1997.

Observation:

As informed to us, no proceeding/s – appeal/s has or have been initiated thereafter.

Disclaimer:-

1. The aforesaid Report is reference of available revenue records and sub registry records, relevant for the purposes to study devolution of title and to ascertain any charge or encumbrance, and does not contain entire revenue or sub registry records. We have relied upon the same without going into the details or further legal validation/scrutiny of records and proceedings referred to therein and implication thereof.
2. As reported by our Search Clerk / Search Advocate, who has taken search of the revenue and sub registry records, it is found that some of the record is not maintained properly or damaged, and not available. Search may lack or miss some particulars. Therefore, it is required that usual and specific Declaration-cum-Indemnity on Title to be made.



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3. We have neither undertaken any on-site verification of the Said Plots, nor carried out verification of any negative court proceedings before any court/forum/authority nor verified any acquisition by any Government/ Semi-Government Authorities other than that mentioned in the Revenue Records. Further as informed to us, Said Plots have not been given in security nor created any charge or encumbrance of any nature whatsoever thereon, nor the Said Plots are subject matter of any pending litigations and/or proceedings except referred in Clause D.2 above, nor any order, decree, attachment or any order of any court or authority is/are operating against the Said Plots adversely affecting the title thereto. We have relied upon the same and hereby disclaim any liability in respect thereof.
4. Said Plots are non agricultural lands. Therefore, we have not examined the laws relating to agricultural land and implications thereof.
5. This Certificate and Report on Title is based on the searches taken with the Revenue Records and available Records of the Sub Registrar (Index II) only for the period of 30 years up to August, 2019. However, where possible we have endeavored to ascertain the title beyond such period of 30 years. We disclaim any liability in respect of such period beyond 30 years.



IN VIEW OF WHAT HAS BEEN STATED HEREINABOVE, we are of the opinion that the title of **JINMANGAL REAL ESTATE AND COMPANY**, to the Said Plots in the manner aforesaid is clear, marketable, free from all encumbrances and reasonable doubt, subject to Usual Declaration-cum-Indemnity on Title being made, subject to above devolution on title and our observation(s) and subject to any other laws, acts, rules, notifications and regulations for the time being in force as may be applicable to the Said Plots.

DATED THIS 14TH DAY OF NOVEMBER, 2019

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