

Kishorkant H. Pathak
B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :
A - 65, Geetgunjan Society,
Near Pragatinagar Society,
Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

Date : 06/12/2010

To
M/s. SHREEJI REALITY
5, Shiv Vatika Society,
Opp. Pashwanath Flats,
Manjalpur, Vadodara.

Sub. :- Title Clearance Certificate

Ref. :- Title Clearance in the matter of N. A. land bearing Revenue Survey No. : 219 and City Survey No. : 986, admeasuring 6677 Sq. Mtrs. and Revenue Survey No. : 220 and City Survey No. : 987, admeasuring 1224 Sq. Mtrs. in aggregate 7901 Sq. Mtrs. of Mouje : Atladara in Registration District and Sub District, Vadodara presently owned and occupied by S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar Partners of PANCHAM ASSOCIATES.

With reference to the above, I have been supplied with the relevant Land Revenue Record, Sale Deeds etc. related to Land bearing R. S. No. : 219 and 220 of Mouje : Atladara and I have also caused search in Sub Registrar Office, Vadodara on 19/11/2010 for which search receipt fee nos. : 2010014023997 and 2010016026824 have been issued (copies enclosed) for the period from 1991 to 2010.

(A) As regards R. S. No. : 219, I have perused following documents :-

- I. Building permission No. : Ward - 6 / HB - 32 / 2010 - 2011 dtd. 30/11/2010 issued by Vadodara Mahanagar Seva Sadan, Vadodara.
- II. N. A. order No. : Land / D / WS / 283 / 2008 dtd. 11/03/2008 issued by District Collector, Vadodara.
- III. Village Form No. : 7/12 for the period from 1951 - 1952 to 2009 -

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- IV. Village Form No. : 6 and Zone Certificate and Site plan of Vadodara Urban Development Authority.
- V. Property Card issued by City Survey Superintendent bearing City Survey No. : 986.
- VI. Agreement to Sale executed on 06/02/1995 by Babliben Melabhai Solanki and others, joint land owners in favour of Shri Hemantkumar Prafulbhai Contractor and Smt. Bhartiben Vallabbhai Italia for sale of land bearing R. S. No. : 219 and lodged for Registration at Sr. No. : 493 and duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 8670 on 20/11/2002.
- VII. Power of Attorney executed on 06/02/1995 by Babliben Dhulabhai Solanki W/o deceased Melabhai Dhulabhai and others, joint land owners in favour of Smt. Ambaben Prafulbhai Contractor and Shri Vallabbhai Zaveribhai Italia.
- VIII. Agreement to Sale executed on 03/04/1999 by Babliben Dhulabhai Solanki W/o deceased Melabhai Dhulabhai and others, joint land owners through their Power of Attorney holders Smt. Ambaben Prafulbhai Contractor and Shri Vallabbhai Zaveribhai Italia and Shri Hemantbhai Prafulbhai Contractor and Smt. Bhartiben Vallabbhai Italia as confirming party in favour of S/s. Dharmendra M. Patel, Prakash M. Patel, Harish M. Patel, Smt. Geetaben M. Patel and Smt. Usha H. Patel for sale of Land bearing R. S. No. : 219 before Shri M. H. Daymakumar, Notary Registered at Sr. No. : 5592.
- IX. Certified copy of Special Civil Suit No. : 950 / 1999 filed by Shri Dharmendra M. Patel and others against Bai Babli W/o deceased Mela Dhula and others.

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- X. Agreement to sell executed on 13/09/1999 by Kashiben Melabhai Solanki one of the co-owner of R. S. No. : 219 in favour of Rajesh Vasantao Aayre duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 5882.
- XI. Sale Deed executed on 07/05/2004 by Bhailalbhai Melabhai through his Power of Attorney holder Shri Mahendra Chhatrasinh Chavada, Gordhanbhai Melabhai, Rayjibhai Melabhai, Bai Babli W/o deceased Mela Dhula, Kashiben, daughter of Melabhai Dhulabhai Solanki and Wife of Ishwarbhai Rayjibhai Parmar, joint land owners and Shri Rajesh Vasantao Aayre confirming party in favour of Shri Chimanbhai Becharbhai Patel for sale of agricultural land of R. S. No. : 219 for sale consideration of Rs. 8,05,000/- duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 3532.
- XII. Agreement to sell executed on 29/03/2007 by Shri Chimanbhai Becharbhai Patel in favour of S/shri Sanketbhai Pankajkumar Mehta & others before Shri A. K. Patel, Notary registered at Sr. No. : 9366.
- XIII. Sale Deed executed on 04/12/2007 by Shri Chimanbhai Becharbhai Patel, land owner and S/s. Sanket Pankajkumar Mehta, Daxesh Dineshbhai Patel, Vithalbhai L. Baria, Sultankhan Mehbubkhan Pathan, Basirbhai Chandbhai Malek, confirming parties in favour of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar for sale of land bearing R. S. No. : 219 for sale consideration of Rs. 30,00,000/- duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 10939.
- XIV. Special Civil Suit No. : 327 / 2004 filed by Shri Dharmendrabhai Manibhai Patlel and other against Bai Babli W/o deceased

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- Melabhai Dhulabhai Patel and others alongwith copy of order passed on 20/06/2006 on exhibit - 58 being withdrawal purshis filed in the matter.
- XV. Special Civil Suit No. : 376 / 2004 filed by Kashiben D/o Melabhai Dhulabhai against Dharmendra Manibhai Patel and 6 others alongwith copy of order passed on 15/02/2008 on exhibit - 28 being withdrawal purshis filed in the matter.
- XVI. Consent decree in Special Civil Suit No. : 395 / 2004 filed by Shri Prakash Manibhai Patel and 4 others against Shri Bhailalbai Melabhai Solanki and 9 others alongwith decree passed in Special Civil Suit No. : 395 / 2004 on 15/02/2008.
- XVII. Copy of order dtd. 20/09/2006 of Hon'ble Justice P. B. Majmudar of Gujarat High Court passed in Appeal from order No. : 155/2006.
- XVIII. Power of Attorney executed on 03/01/2008 by Shri Chimanbhai Becharbhai Patel in favour of S/shri Jigneshbhai Uttambhai Thakkar and Kamleshbhai Nirmalbhai Thakkar in respect of Land bearing R. S. No. : 219 before Shri Nagin S. Gohil, Notary Registered at Sr. No. : 102.
- XIX. Power of Attorney executed on 13/02/2008 by Shri Bhailalbai Melabhai Solanki and 16 others in favour of Shri Haresh Ambalal Patel and Shri Chandubhai Bhailalbai Solanki before Sub Registrar, Vadodara - 3 (Akota) registered at Sr. No. : 12 / 2008.
- XX. Power of Attorney executed on 13/02/2008 by Shri Chandubhai Bhailalbai Solanki in favour of Shri Haresh Ambalal Patel before Sub Registrar, Vadodara - 3 (Akota) registered at Sr. No. : 13 / 2008.
- XXI. Consent agreement executed on 15/02/2008 by Shri Prakash Manibhai Patel and 4 others in favour of S/shri Hemantbhai Tribhovanbhai Patel. Daxeshbhai Bhagwanbhai Patel

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Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar before Sub Registrar, Vadodara - 3 (Akota) duly registered at Sr. No. : 1443.

XXII. Consent agreement executed on 15/02/2008 by Shri Prakash Manibhai Patel and 4 others in favour of Shri Chimanbhai Becharbhai Patel before Sub Registrar, Vadodara - 3 (Akota) duly registered at Sr. No. : 1444.

XXIII. Irrevocable Power of Attorney executed on 10/05/2008 by Smt. Bharatiben Vallabbhai Italia in favour of Shri Hemantbhai Prafulbhai Contractor before Shri Mukund Shah, Notary registered at Sr. No. : 6183.

XXIV. Consent agreement executed on 05/06/2008 by Shri Hemantbhai Prafulbhai Contractor and Smt. Bhartiben Vallabbhai Italia in favour of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar before Sub Registrar, Vadodara - 3 (Akota) duly registered at Sr. No. : 6892.

XXV. Cancellation of agreement to sell executed on 08/09/2009 by Shri Hemantkumar Prafulbhai Contractor and Smt. Bharatiben Vallabbhai Italia in favour of Bai Babliben W/o deceased Melabhai Dhulabhai Solanki and 4 others for sale of land bearing R. S. No. : 219 duly registered in the office Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 8355.

XXVI. Partnership deed executed on 16/02/2007 between Shri Mukeshbhai Nirmalbhai Thakkar, Kamleshbhai Nirmalbhai Thakkar, Rajesh Uttambhai Thakkar, Pratik Sureshbhai Thakkar, Viral Arvindbhai Thakkar, Madhuben Uttambhai Thakkar, Prashant Sureshbhai Thakkar, Heena Viralbhai Thakkar, Hemantbhai Tribhovandas Patel, Daxesh Bhagwanbhai Patel, Dinesh

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Hemantbhai Patel and Chandan Arjundas Gyanchandarni to carry on Partnership business in the name and style of PANCHAM ASSOCIEATES.

XXVII. Revised Partnership Deed executed on 01/03/2008 by the aforesaid above referred partners to bring agricultural / non agricultural / industrial land individually purchased in the names of Partners out of the fund of the partnership firm brought in the partnership firm as capital of the partners.

XXVIII. Agreement to sell executed on 28/10/2010 by S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar for sale of land bearing R. S. No. : 219 and 220 in favour of Shri Girish Mahendraprasad Pathak, Managing Partner of M/s. SHREEJI REALITY duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 13047.

XXIX. Development agreement executed on 28/10/2010 by S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar for sale of land bearing R. S. No. : 219 and 220 in favour of Shri Girish Mahendraprasad Pathak, Managing Partner of M/s. SHREEJI REALITY before Shri Nagin S. Gohil, Notary registered at Sr. No. : 11059.

1. On perusal of the above documents, papers and search taken it is observed that agricultural land bearing R. S. No. : 219 was originally recorded in land revenue record in the name of Mela Dhula. Said Mela Dhula sold the said land on 07/06/1949 to Shri Ambalal Mansukh Gandhi for sale consideration of Rs. 850/- and his name has been mutated as land owner in land revenue record

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vide mutation entry no. : 1 / 13. The record shows that, Bai Babli, W/o deceased Mela Dhual was a protected tenant and as per the order passed by the land tribunal in case no. : 21 on 26/08/1958 that she was not entitled to purchase the land under reference being a widow of deceased Mela Dhula. On 13/09/1971 said Ambalal Mansukhbhai Gandhi re-conveyed the land under reference to Shri Bhailalbai Melabhai, Gordhanbhai Melabhai, Raijibhai Melabhai, Ravjibhai Melabhai and Bai Babli W/o Melabhai Dhulabhai for sale consideration of Rs. 850/- and their by their names have been mutated as joint land owners in land revenue records vide mutation entry no. : 1241 dtd. 10/11/1971 duly certified by Mamladar on 23/10/1972 regularizing the sale transaction taken place between the parties. However, in Village Form No. : 7 and 12 through over sight the land has been shown as restricted tenure and for that purpose a revised order has been obtained from the Mamlatdar A. L. T. in case no. : 24 / 2000 on 01/08/2000 where by the tenure of the land has been changed and the entry to that effect has been recorded in land revenue record vide mutation entry no. : 2462 dtd. 26/12/2000. The aforesaid order was set-a-side by Deputy Collector, A. L. T. and issued notice remanding the matter to be considered afresh on merits. Thereafter, in remand case no. : 484 / 2004 the earlier order passed has been upheld and accordingly in land revenue record the entry has been made vide mutation entry no. : 3150 dtd. 12/09/2007 (Ref. Page No. : 5 to 30).

2. The record shows that, vide certificate no. : 228 dtd. 26/09/2007 Vadodara Urban Development Authority issued a Zone certificate certifying that, land bearing R. S. No : : 219 comes under Local Commercial Zone (Ref. Page No. : 31 & 32).

The record shows that, N. A. permission of the said land obtained from the District Collector, Vadodara vide order no. :

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Land / D / WS / 283 / 2008 dtd. 11/03/2008 and thereafter revised building permission has been obtained from Vadodara Mahanagar Seva Sadan, Vadodara bearing No. : Ward - 6 / HB - 32 / 2010 - 2011 dtd. 30/11/2010 (Ref. Page No. : 1 to 4).

3. The record shows that, said Babliben Melabhai Solanki and others executed agreement to sell on 06/02/1995 in favour of Shri Hemantkumar Prafulbhai Contractor and Smt. Bhartiben Vallabhbhai Italia for sale of land under reference and lodged for registration in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 493 and the same has been registered on 20/11/2002 at Sr. No. : 8670 and on the same day the said joint land owners executed Power of Attorney in favour of Smt. Ambaben Prafulbhai Contractor and Shri Vallabhbhai Zaverbhai Italia for dealing of the land under reference (Ref. Page No. : 34 to 48).
4. The record shows that, said joint land owners through their Power of Attorney holders Ambaben Prafulbhai Contractor and Vallabhbhai Zaverbhai Italia executed agreement to sell on 03/04/1999 in favour of S/shri Dharmendra M. Patel, Prakash M. Patel, Harish M. Patel, Smt. Geetaben M. Patel and Smt. Usha H. Patel for sale of land bearing R. S. No. : 219 for sale consideration fixed at Rs. 16/- per Sq. Ft. and the said agreement to sell has been conformed by Shri Hemantbhai Prafulbhai Contractor and Bharatiben Vallabhbhai Italia executed before Shri M. H. Daymakumar, Notary registered at Sr. No. : 5592. The record shows that, as per the aforesaid agreement to sell the land owners failed to execute sale deed, Thus, Shri Dharmendra M. Patel and others as purchasers of the land filed Special Civil Suit No. : 950 / 2009 on 13/10/1999 against Bai Babliben W/o Mela Dhula and others in the Civil Court of Vadodara for specific performance and thereafter a consent decree was filed on 31/12/1999 where by the aforesaid suit was withdrawn and as per the consent terms rights

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conferred under the agreement to sell executed in favour of Shri Dharmendra M. Patel and others have been conformed by the parties to the consent terms (Ref. Page No. : 49 to 70).

5. The record shows that, Kashiben D/o Melabhai Solanki and Wife of Ishwarbhai Rayjibhai Parmar executed agreement to sell on 13/09/1999 in favour of Shri Rajesh Vasantrao Aayre duly registered in the office of Sub Registrar, Vadodara at Sr. No. : 5882 and hence said Shri Rajesh Vasantrao Aayre has been joint as conforming party in sale deed executed on 07/05/2004 by Bhailalabhai Melabhai through his Power of Attorney holder Shri Mahendra Chhatrasinh Chavada, Gordhanbhai Melabhai, Rayjibhai Melabhai, Bai Babli W/o deceased Mela Dhula, Kashiben, daughter of Melabhai Dhulabhai Solanki and Wife of Ishwarbhai Rayjibhai Parmar, joint land owners in favour of Shri Chimanbhai Becharbhai Patel for sale of land under reference for sale consideration of Rs. 8,05,000/- duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 3532 (Ref. Page No. : 71 to 94).
6. Its appears that, said Shri Chimanbhai Becharbhai Patel by executing agreement to sell agreed to sell the land under reference to S/shri Sanket Pankajkumar Mehta, Daxesh Dineshbhai Patel, Vithalbhai L. Baria, Sultankhan Mehbubkhan Pathan and Basirbhai Chandbhai Malek and therefore they have been joined as confirming party while executing sale deed on 04/12/2007 in favour of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajesh Uttambhai Thakkar for sale of land under reference for sale consideration of Rs. 30,00,000/- duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 10939 and

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thereby said Shri Hemantbhai T. Patel and 4 others have become joint land owners (Ref. Page No. : 95 to 122).

7. Similarly Shri Prakash Manibhai Patel and 5 others also filed Special Civil Suit No. : 395 / 2004 against Shri Bhailalbai Melabhai Solanki and 10 others and prayed for injunction vide Exh. - 5, however the Hon'ble Civil Court, Vadodara by giving reasoned order has rejected Exh. - 5. Therefore, the said order of the Hon'ble Civil Court, Vadodara has been challenged before the Hon'ble High Court of Gujarat vide appeal from order no. : 155 / 2006 and after hearing, the Hon'ble High Court passed an oral order on 20/09/2006 directing that in sale deed, there is a specific mention that sale transaction, if any, during the pendency of the suit, takes place the same shall be subject to the final outcome of the Special Civil Suit No. : 395 / 2004 and thereby the appeal has been disposed of as withdrawn with the aforesaid direction. Thereafter, the said suit has been decreed as per the consent terms filed on 15/02/2008 where in it was specifically and mutually agreed and mentioned that all the rights, titles and interest conveyed by executing agreement to sell earlier in favour of Shri Hemantbhai Prafulbhai Contractor and Bhartiben Vallabhbhai Italia where conveyed to Shri Prakash Manibhai Patel and others as per the consent decree made in Special Civil Suit No. : 950 / 1999 and in the present Special Civil Suit No. : 395 / 2004 said Shri Prakash Manibhai Patel and others consented that the right, title and interest in respect of the land under reference received by them under Special Civil Suit No. : 950 / 1999, now have been transferred in favour of Shri Chimanbhai Becharbhai Patel and thereby the earlier agreement to sell executed on 06/02/1995 by land owners in favour of Ambaben Prafulbhai Contractor and others and thereafter another agreement to sell executed by said land owners in favour of Shri Dharmendra Manibhai Patel on 03/04/1999 have been come to an end by the consent decree

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made in Special Civil Suit No. : 395 / 2004 and thus by way of sale deed and the decree passed in Special Civil Suit No. : 395 / 2004 Shri Chimanbhai Becharbhai Patel became owner of the land under the reference (Ref. Page No. : 123 to 149 & 179 to 195).

8. In terms of consent terms filed in Special Civil Suit No. : 395 / 2004 on 15/02/2008, on the same day Shri Prakash Manibhai Patel and 4 others also executed a consent agreement in favour of Shri Hemantbhai Tribhovanbhai Patel and 4 others agreeing to confirm the sale deed executed by Shri Chimanbhai Becharbhai Patel in favour of Shri Hemantbhai Tribhovanbhai Patel and 4 others duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 1443 similarly said Shri Prakashbhai Manibhai Patel and 4 others also confirm sale deed executed by the land owners in favour of Shri Chimanbhai Becharbhai Patel by executing consent agreement on 15/02/2008 duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 1444 (Ref. Page No. : 196 to 212).
9. The record shows that, on 28/07/2004 Kashiben D/o Melabhai Dhulabhai Solanki filed Special Civil Suit No. : 376 / 2004 against Snri Dharmendrabhai Manibhai Patel and 5 others and the said Special Civil Suit No. : 376 / 2004 has been withdrawn by filling withdrawal pursis on 15/02/2008 since the parties have entered in to consent terms in respect of the suit property in Special Civil Suit No. : 395 / 2004 and hence the present Special Civil Suit No. : 376 / 2004 need not be required to be proceeded further hence, withdrawn by withdrawal pursis dtd. 15/02/2008 (Ref. Page No. : 168 to 178).
10. The record shows that, on 05/07/2004 Shri Dharmendrabhai Manibhai Patel and 5 others filed Special Civil Suit No. : 327 / 2004 against Babliben Melabhai Solanki and 10 others and the said Special Civil Suit No. : 327 / 2004 has been withdrawn by

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filling withdrawal pursis on 20/06/2006 (Ref. Page No. : 150 to 167).

11. On 05/06/2008 Shri Hemantkumar Prafulbhai Contractor for self and as Power of Attorney of Smt. Bharatiben Vallabhbhai Italia also executed a consent agreement inter alia conforming the sale deed executed in favour of Shri Hemantbhai Tribhovanbhai Patel and 4 others duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 6892 (Ref. Page No. : 213 to 223).
12. On 08/08/2009 Shri Hemantkumar Prafulbhai Contractor and Smt. Bharatiben Vallabhbhai Italia executed cancellation of agreement of sale in favour of Babliben W/o deceased Melabhai Dhulabhai Solanki and 4 others in respect of land under reference duly registered in the office Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 8355 (Ref. Page No. : 224 to 230).
13. Shri Mukeshbhai Nirmalbhai Thakkar, Kamleshbhai Nirmalbhai Thakkar, Rajesh Uttambhai Thakkar, Pratik Sureshbhai Thakkar, Viral Arvindbhai Thakkar, Madhuben Uttambhai Thakkar, Prashant Sureshbhai Thakkar, Heena Viralbhai Thakkar, Hemantbhai Tribhovandas Patel, Daxesh Bhagwanbhai Patel, Pina Hemantbhai Patel and Chandan Arjundas Gyanchandarni entered into partnership business on 16/02/2007 to carry on the business of Housing and / or Civil Construction, Real estate and commission agent for housing project and real estate in the name and style of M/s. PANCHAM ASSOCIATES. As informed to me the partnership firm cannot purchase agricultural land and therefore the agricultural land under reference was purchase out of the partnership fund in the individual names of partners of the firm as mentioned above. In order to bring the aforesaid land under reference alongwith other agricultural land bearing R. S. No. : 220 and agricultural land of Village : Ampad and Tandalja purchased in

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the names of partners of the firm in the individual capacity as capital of the partnership firm a revised deed of partnership has been executed on 01/03/2008 and in para - 4 of the said partnership deed all the partners of the firm expressly agreed that land purchase by individual partners of the firm out of the fund of the partnership firm shall be the land of the partnership firm (Ref. Page No. : 231 to 249).

14. On 28/10/2010 Shri Hemantbhai Tribhovanbhai Patel and 4 others as partners of M/s. PANCHAM ASSOCIATES agreed to sell land bearing R. S. No. : 219 and 220 by executing agreement to sell in favour of Shri Girish Mahendraprasad Pathak, Managing Partner of M/s. SHREEJI REALITY, a partnership firm duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 13047. On the same day said partners also executed development agreement in favour of Shri Girish Mahendraprasad Pathak, partner of M/s. SHREEJI REALITY for development / construction on the said land before Shri Nagin S. Gohil, Notary registered at Sr. No. : 11059 (Ref. Page No. : 251 to 271).
15. Under the said development agreement a housing scheme known as SHREEJI RESIDENCY has been put up by the developer M/s. SHREEJI REALITY on the basis of revised plan from the Vadodara Mahanagar Seva Sadan, Vadodara.
16. In view of the above and search taken in the office of Sub Registrar, Vadodara, I have not come across any entry prejudicial to the right, title and interest of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar Partners of **PANCHAM ASSOCIATES** as present owners and occupants of N. A. land bearing R. S. No. : 219 of Mouje : Atladara except the agreement to sell and development agreement executed by them in favour of M/s.

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SHREEJI REALITY and in my opinion they have clear & marketable title subject to agreement to sell and development agreement executed in favour of M/s. SHREEJI REALITY.

(B) As regards R. S. No. : 220, I have perused following documents :-

- I. Building permission No. : Ward - 6 / HB - 32 / 2010 - 2011 dtd. 30/11/2010 issued by Vadodara Mahanagar Seva Sadan, Vadodara.
- II. N. A. order No. : Land / D / Section - 65 / WS / 4699 / 2008 dtd. 24/12/2008 issued by District Collector, Vadodara.
- III. Village Form No. : 7/12 for the period from 1951 - 1952 to 2009 - 2010.
- IV. Village Form No. : 6.
- V. Property Card issued by City Survey Superintendent bearing City Survey No. : 987.
- VI. Agreement to sell executed on 25/07/1996 by Mangalbhai Motibhai Chavada, Ramanbhai Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada and Chhitubhai Motibhai Chavada in favour of Shri Hemantkumar Prafulbhai Contractor and Smt. Bharatiben Vallabhbhai Italia for sale of agricultural land bearing R. S. No. : 220 duly registered in of the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 3741.
- VII. Agreement to sell executed on 22/02/2008 by Chhitubhai Motibhai Chavada surviving legal heirs of deceased Mangalbhai Motibhai Chavada namely Chanchalben Mangalbhai Chavada, Lalitaben Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada and Jasodaben Mangalbhai Chavada in favour of Shri Daxeshbhai Bhagwanbhai Patel a Managing Partner of M/s. PANCHAM

Kishorkant H. Pathak
B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :
A - 65, Geetgunjan Society,
Near Pragatinagar Society,
Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

ASSOCIATES a registered partnership firm duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 1755.

- VIII. Power of Attorney executed on 22/02/2008 by Chhitubhai Motibhai Chavada, Chanchalben Mangalbhai Chavada, Lalitaben Mangalbhai Chvada, Ravjibhai Mangalbhai Chavada and Jasodaben Mangalbhai Chavada in favour of Shri Ashokgir Ramangir Goswami duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 16 / 2008.
- IX. Power of Attorney executed on 10/03/2008 by Shri Ramanbhai Mangalbhai Chavada in favour of Shri Mahendrabhai Chhatrasinh Chavada before Shri Nagain S. Gohil, Nōtary registered at Sr. No. : 2446.
- X. Sale deed executed on 10/03/2008 by Shri Chhitubhai Motibhai Chavada, Chanchalben Mangalbhai Chavada, Lalitaben Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada through their Power of Attorney Shri Ashokgir Ramangir Goswami and Shri Ramanbhai Mangalbhai Chavada through his Power of Attorney Shri Mahendrabhai Chhatrasinh Chavada in favour of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar for sale of agricultural land bearing R. S. No. : 220 for sale consideration of Rs. 4,50,000/- duly registered in the office of the Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 2470.
- XI. Power of Attorney executed on 13/05/2008 by Smt. Bharatiben Vallabbhai Italia in favour of Shri Hemantkumar prafulbhai Contractor before Shri Mukund Shah, Notary registered at Sr. No. : 6322.
- XII. Cancellation of Agreement to sell execution on 05/06/2008 by Shri Hemantkumar Prafulbhai Contractor for self and his Power of

Kishorkant H. Pathak
B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :
A - 65, Geetgunjan Society,
Near Pragatinagar Society,
Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

Attorney Smt. Bharatiben Vallabhbbhai Italia in favour of Shri Chhitubhai Motibhai Chavada and 5 others duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 6891 alongwith registration fee receipt.

XIII. Consent agreement executed on 11/09/2008 by Shri Chhitubhai Motibhai Chavada, Chanchalben Mangalbbhai Chavada, Lalitaben Mangalbbhai Chavada, Ravjibhai Mangalbbhai Chavada, Ramanbbhai Mangalbbhai Chavada and Jasodaben Mangalbbhai Chavada in favour of S/shri Hemantbbhai Tribhovanbbhai Patel, Daxeshbbhai Bhagwanbbhai Patel, Chandanbbhai Arjundas Gyanchandani, Mukeshbbhai Nirmalbbhai Thakkar and Rajeshbbhai Uttambbhai Thakkar interalia confirming the registered sale deed executed on 10/03/2008 by Shri Ashokgir Ramangir Goswami and Shri Mahendrasinh Chhatrasinh Chavada duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 10134.

1. On perusal of the above documents, papers and search taken it is observed that agricultural land bearing R. S. No. : 220 was originally recorded in land revenue record in the name of Narsinhrao Gopalrao Desai, Dhanuprasad Gopalrao Desai and Harishchandra Gopalrao Desai and after death of Shri Narsinhrao Gopalrao Desai on 05/12/1962 the agricultural land bearing R. S. No. : 220 alongwith other Survey Nos. were mutated under succession in the name of a surviving legal heir namely Devak Narsinhrao Desai jointly with Harishchandra Gopalrao Desai and Dhanuprasad Gopalrao Desai in land Revenue record vide mutation entry no. : 928 dtd. 26/01/1965. The record shows that, said land owners sold agricultural land bearing R. S. No. : 220 alongwith other Survey Nos. to Shri Motibhai Pujabhai by executing registered sale deed on 19/05/1965 and thereby Shri Motibhai Pujabhai became owner of the agriculture land under reference and his name has been mutated as owner in land

Kishorkant H. Pathak
B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :
A - 65, Geetgunjan Society,
Near Pragatinagar Society,
Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

revenue record vide mutation entry no. : 952 dtd. 21/06/1965. Said Shri Motibhai Pujabhai sold agriculture land bearing R. S. No. : 220 by oral agreement to Shri Antolbhai Ranchhodbhai for sale consideration of Rs. 1,700/- and in land Revenue record vide mutation entry no. : 956 dtd. 21/06/1965 name of Shri Antolbhai Ranchhodbhai has been mutated as owner. Thereafter, said Shri Antolbhai Ranchhodbhai sold the agriculture land bearing R. S. No. : 220 on 14/09/1966 to Shri Motibhai Pujabhai by executing registered sale deed no. : 3320 and thereby the name of Shri Motibhai Pujabhai has been mutated as owner in land revenue record vide mutation entry no. : 1047 dtd. 08/03/1967. The record shows that, said Shri Motibhai Pujabhai availed loan from Gujarat State Co-operative Land Development Bank Ltd., Vadodara Branch and the charge of the Bank has been recorded in land revenue record vide entry no. : 1147 dtd. 07/06/1969 and upon payment of the said loan the charge of the bank has been cancelled on 03/04/1973 vide mutation entry no. : 1277 (Ref. Page No. : 279 & 296).

2. The record shows that, the land owner was holding excess land under the permissible ceiling as per the provisions of Urban Land Ceiling Act - 1976 (Repealed with effect from 30/03/1999 in the state of Gujarat) and vide order dtd. 12/09/1990, the competent authority has declared 4239 Sq. Mtrs. of land has excess land out of the total land of 5463 Sq. Mtrs. and vested in Vadodara Urban Development Authority as shown in entry no. : 1878 dtd. 21/11/1990. Hence, the land owner Shri Motibhai Pujabhai is entitled to retain agriculture land admeasuring 1224 Sq. Mtrs. (Ref. Page No. : 293 & 294).
3. After the death of Shri Motibhai Pujabhai on 26/11/1992, names of his surviving legal heirs namely Hiraben Motibhai Chavada, Chhitubhai Motibhai Chavada, Chanchalben Mangalbai

Kishorkant H. Pathak
B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :
A - 65, Geetgunjan Society,
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Chavada, Lalitaben Mangalbhai Chavada, Ramanbhai Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada were mutated under succession as joint land owners in land revenue record vide mutation entry no. : 3166 dtd. 30/10/2007 (Ref. Page No. : 295).

4. The record shows that, Hiraben Motibhai already expired and hence her name has been deleted as one of the joint land owners vide mutation entry no. : 3354 dtd. 27/07/2008 (Ref. Page No. : 296).
5. The record shows that, vide certificate no. : 854 / 2008 dtd. 27/03/2008 issued by Vadodara Urban Development Authority certify that the said Revenue Survey number comes under Residential and Local Commercial Zone (Ref. Page No. : 297 & 298).

The record shows that, N. A. permission of the said land obtained from the District Collector, Vadodara vide order no. : Land / D / Section - 65 / WS / 4699 / 2008 dtd. 24/12/2008 (Ref. Page No. : 273 to 278) and thereafter revised building permission has been obtained from Vadodara Mahanagar Seva Sadan, Vadodara bearing No. : Ward - 6 / HB - 32 / 2010 - 2011 dtd. 30/11/2010 (Ref. Page No. : 1).

6. The record shows that, on 25/07/1996 Mangalbhai Motibhai Chavada, Ramanbhai Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada and Chhitubhai Motibhai Chavada executed agreement to sell in favour of Shri Hemantkumar Prafulbhai Contractor and Smt. Bharatiben Vallabhbhai Italia for sale of agriculture land bearing R. S. No. : 220 admeasuring 1224 Sq. Mtrs. duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 3741 (Ref. Page No. : 300 to 306).
7. The said land owners executed agreement to sell in favour of Shri Daxeshbhai Bhagwanbhai Patel, Managing Partner of M/s.

Kishorkant H. Pathak

**B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)**

Office / Resi. :

A - 65, Geetgunjan Society,
Near Pragatinagar Society,
Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

- PANCHAM ASSOCIATES on 22/02/2008 for sale of land under reference duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 1755 (Ref. Page No. : 307 to 318).
8. The record shows that, on 22/02/2008 Shri Chhitubhai Motibhai Chavada, Chanchalben Mangalbhai Chavada, Lalitaben Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada and Jasodaben Mangalbhai Chavada executed Power of Attorney in favour of Shri Ashokgir Ramangir Goswami duly registered at Sr. No. : 16 / 2008 in the office of Sub Registrar, Vadodara - 3 (Akota). Similarly on 10/03/2008 Shri Ramanbhai Mangalbhai Chavada executed Power of Attorney in favour of Shri Mahendrabhai Chhatrasinh Chavada before Shri Nagin S. Gohil, Notary registered at Sr. No. : 2446 (Ref. Page No. : 319 to 328).
9. On 10/03/2008 Shri Chhitubhai Motibhai Chavada, Chanchalben Mangalbhai Chavada, Lalitaben Mangalbhai Chavada, Ravjibhai Mangalbhai Chavada, Jasodaben Mangalbhai Chavada through their Power of Attorney Shri Ashokgir Ramangir Goswami and Shri Ramanbhai Mangalbhai Chavada through his Power of Attorney Shri Mahendrabhai Chhatrasinh Chavada executed sale deed in favour of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar for sale consideration of Rs. 4,50,000/- duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 2470 and thereby Shri Hemantbhai Tribhovanbhai Patel and 4 others have become joint owners of the land under reference (Ref. Page No. : 329 to 347).
10. The record shows that, on 27/03/2008 Shri Hemantkumar Prafulbhai Contractor for self and as Power of Attorney holder Smt. Bharatiben Vallabhbhai Italia executed cancellation of agreement of sale in favour of Shri Chhitubhai Motibhai Chavada

Kishorkant H. Pathak
B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :
A - 65, Geetgunjan Society,
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Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

and others in respect of land bearing R. S. No. : 220 duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 6891 on 05/06/2008 (Ref. Page No. : 348 to 361).

11. The record further shows that, Shri Chhitubhai Motibhai Chavada and 5 others executed a consent agreement on 11/09/2008 in favour of Shri Hemantbhai Tribhovanbhai Patel and 4 others interalia conforming the sale deed executed by their Power of Attorney holders in favour of Shri Hemantbhai Tribhovanbhai Patel and 4 others duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 10134 (Ref. Page No. : 362 to 369).
12. Shri Mukeshbhai Nirmalbhai Thakkar, Kamleshbhai Nirmalbhai Thakkar, Rajesh Uttambhai Thakkar, Pratik Sureshbhai Thakkar, Viral Arvindbhai Thakkar, Madhuben Uttambhai Thakkar, Prashant Sureshbhai Thakkar, Heena Viralbhai Thakkar, Hemantbhai Tribhovandas Patel, Daxesh Bhagwanbhai Patel, Pina Hemantbhai Patel and Chandan Arjundas Gyanchandarni entered into partnership business on 16/02/2007 to carry on the business of Housing and / or Civil Construction, Real estate and commission agent for housing project and real estate in the name and style of M/s. PANCHAM ASSOCIATES. As per the provisions of Tenancy and Agriculture Land Act, 1948, the partnership firm cannot purchase agricultural land and therefore the agricultural land under reference was purchased out of the partnership fund in the individual names of partners of the firm who are agriculturist as mentioned above. In order to bring the aforesaid land under reference alongwith other agricultural land bearing R. S. No. : 220 and agricultural land of Village : Ampad and Tandalja purchased in the names of partners of the firm in the individual capacity as capital of the partnership firm a revised deed of partnership has been executed on 01/03/2008 and in para - 4 of the said

Kishorkant H. Pathak

B. Com., LL. M. (Gold Medalist)
ADVOCATE (Guj. High Court)

Office / Resi. :

A - 65, Geetgunjan Society,
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Harni Ring Road, Vadodara - 390022.
Phone: 0265 - 2488825.

partnership deed all the partners of the firm expressly agreed that land purchase by individual partners of the firm out of the fund of the partnership firm shall be the land of the partnership firm (Ref. Page No. : 231 to 249).

13. On 28/10/2010 Shri Hemantbhai Tribhovanbhai Patel and 4 others as partners of M/s. PANCHAM ASSOCIATES agreed to sale land bearing R. S. No. : 219 and 220 by executing agreement to sell in favour of Shri Girish Mahendraprasad Pathak, Managing Partner of M/s. SHREEJI REALITY, a partnership firm duly registered in the office of Sub Registrar, Vadodara - 3 (Akota) at Sr. No. : 13047. On the same day said partners also executed development agreement in favour of Shri Girish Mahendraprasad Pathak, partner of M/s. SHREEJI REALITY for development / construction on the said land before Shri Nagin S. Gohil, Notary registered at Sr. No. : 11059 (Ref. Page No. : 251 to 271).
14. Under the said development agreement a housing scheme known as SHREEJI RESIDENCY has been put up by the developer M/s. SHREEJI REALITY on the basis of revised plan from the Vadodara Mahanagar Seva Sadan, Vadodara.

In view of the above and search taken in the office of Sub Registrar, Vadodara, I have not come across any entry prejudicial to the right, title and interest of S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar Partners of **PANCHAM ASSOCIATES** as present owners and occupants of N. A. land bearing R. S. No. : 220 of Mouje : Atladara except the agreement to sell and development agreement executed by them in favour of M/s. SHREEJI REALITY and in my opinion they have clear & marketable title subject to agreement to sell and development agreement executed in favour of M/s. SHREEJI REALITY.

Kishorkant H. Pathak

B. Com., LL. M. (Gold Medalist)

ADVOCATE (Guj. High Court)

Office / Resi. :

A - 65, Geetgunjan Society,
Near Pragatinagar Society,
Harni Ring Road, Vadodara - 390022.

Phone: 0265 - 2488825.

I am therefore of the opinion that, S/shri Hemantbhai Tribhovanbhai Patel, Daxeshbhai Bhagwanbhai Patel, Chandanbhai Arjundas Gyanchandani, Mukeshbhai Nirmalbhai Thakkar and Rajeshbhai Uttambhai Thakkar Partners of **PANCHAM ASSOCIATES** as present owners and occupants of N. A. land bearing R. S. No. : 219 and 220 of Mouje : Atladara have clear and marketable title subject to the agreement of sale and development agreement executed in favour of M/s. SHREEJI REALITY a partnership firm.


Kishorkant H. Pathak
Advocate