



Ushaben D. Davda

Advocate

High Court of Gujarat

FF - 15/16, "D" Wing, Nirman Complex, Opp. IOC Petrol Pump, beside I.D. Patel School, R.C. Technical Road Nr. S.G. High-Way, Ghatlodiya, Ahmedabad.
@: adityadavda@gmail.com MO: 96624 25200

REVISED LEGAL OPINION ON TITLE TO THE PROPERTY

I. TITLE HOLDER PARTICULARS:

Sl. No.	Particulars	Remarks
1.	Name & address of the Title Holder	The United Commercial Bank staff Co.Op. Housing Society Limited
2.	Constitution of the Title holder(select-Individual /Soleproprietor/PartnershipFirm/LLP/Trust/Society/ Limited Company/HUF) Furnish further details	Society (Having Registration No. 1816/1965 Date:- 12-12-1966)

II. PROPERTY PARTICULARS:

a.	Nature of the property (Agri land/ Non-Agri land/ residential house/flat /commercial/ industrial/office-space /others (specify)	Non-Agri Land
b.	Final Plot No.	747/2 paiki 1
c.	Plot/Door/Shop/Bungalow/Flat No.	Sub - Plot No. 2
d.	Land Extent	635 Sq. Yds.
e.	UDS land extent	Proportionate
f.	Carpet area/ Built up area	N.A.
g.	Floor No.	N.A.
h.	Town Planning Scheme	3/5
i.	Building/Society Name	THE UCO BANK STAFF CO.OP. HOUSING SOC. LTD.
j.	Street Name/No.	-
k.	Village/Town	Chadavad
l.	Taluka/Tehsil	Sabarmati
m.	District	Ahmedabad
n.	State/UT	Gujarat
P.	Whether the property has clear access as per the documents perused?	YES
sr .	Whether permission for conversion of lands from agriculture to residence/commercial/ industrial use is obtained from competent authorities? (Copy to be listed)	YES



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s.	Whether the property offered is clearly demarcated and whether such demarcation/ partition is legally valid?	YES
v.	If it is a Flat, mention the undivided share in the property?	Proportionate Area
w.	Whether the Building has been assessed to Tax?	YES
x.	In whose name the receipts are issued?	Present Owner

III. Nature of Ownership/title:

a.	Free Hold or Lease Hold	Free Hold
	If Lease Hold,	N.A.
i)	Whether the lease deed is registered?	N.A.
ii)	Confirm the date of lease deed and the unexpired portion of the lease?	N.A.
iii)	Whether lease deed contains enabling provision to the lessee to mortgage/sell the property?	N.A.
iv)	Whether lease rentals paid up-to-date?	N.A.
v)	Whether mortgage is to be created by both lessor and lessee jointly?	N.A.
b.	Whether prior permission/NOC is required to be obtained from the Lessor or competent authority?	N.A.
c.	Whether there are any prejudicial/ onerous clauses in lease deed, which may affect the interest of the Bank as mortgagee?	NO
d.	If free hold, whether the right is absolute or conditional?	YES - Absolute rights
e.	If acquired through partition, whether original partition deed or simultaneously registered copy of the deed is available	N.A.



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III-A. **IF PROPERTY IS A FLAT:**

i)	Whether Sale Deed is registered?	N.A.
ii)	Whether registration of Joint Venture/ Builder's/ Construction agreement is compulsory?	N.A.
ii)	Whether the Joint Venture/ Builder's/ Construction agreement verified?	N.A.
iii)	Whether delivery /possession letter/ occupancy certificate issued?	N.A.
v)	Whether share certificate is issued?	Yes - Name of present owner is added
vi)	Whether Certificate under RERA Act applicable? (If yes, advocate should peruse the certificate, copy should be included in the list of title documents).	N.A.

IV. **OTHER PARTICULARS**

A.1.	Period covered by EC/Search Report	1990 to 2022
2	Encumbrances, if any?	NO
3	Whether any additional documents are required to complete the report?	NO
B.	Minor's Interest:	
1	Minor's Interest-whether present, if yes, to what extent? (not applicable to HUF property)	N.A.
C.	Seller/Buyer/Mortgagor is represented by Power Agent:	
1	Whether POA is registered and adequately stamped?	N.A.
2	Whether the POA is a special or general one?	N.A.
3	Whether the Power deed empowers the power agent to furnish guarantee on behalf of the principal?	N.A.
4	Whether the Power deed is still in force?	N.A.
F.	If the property has been transferred by way of Gift/Settlement Deed, whether:	
1	The Gift/Settlement Deed is duly stamped and registered;	N.A.



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2	The Gift/Settlement Deed transfers the property to Donee;	N.A.
3	Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separated writing or by implication or by actions;	N.A.
4	Whether there is any restriction on the Donor in executing the gift/ settlement deed in question;	N.A.
5	Whether the Donee is in possession of the gifted property;	N.A.
6	Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the sale;	N.A.
7	Any other aspect affecting the validity of the title passed through the gift/ settlement deed.	N.A.
G.	If the title is acquired through Partition deed/Family Settlement Deed, whether:	
1	Original is available for deposit. If not state whether it is simultaneously registered copy/certified copy	N.A.
2	If acquired through a partition deed by means of a Court decree, whether the same is registered with Sub-Registrar of Assurances or not?	N.A.
3	Whether any of the documents in question are executed in counterparts or in more than one set?	N.A.
H.	Whether the title documents include any testamentary documents /Will?	
1	Whether the property is mutated on the basis of Will?	N.A.
2	In case of wills, whether the will is registered will or unregistered will?	N.A.



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3	Whether will in the matter needs a mandatory probate and if so whether probated by a competent court?	N.A.
4	Whether will has been attested by two witnesses along with scribe?	N.A.
5	Whether the original Will is available?	N.A.
6	Whether the original death certificate of the testator is available?	N.A.
7	Confirm if any restrictive clause is available in the Will for mortgage/sale/ lease of the property.	N.A.
8	What are the circumstances and/or documents to establish the Will in question is the last and final Will of the testator?	N.A.
	(Comments on the circumstances such as the availability of a declaration by all the beneficiaries about the genuineness/ validity of the will, all parties have acted upon the will, etc., which are relevant to rely on the will, availability of Mother/Original title deeds are to be explained.)	N.A.
J.	If the property belongs to HUF/joint family Property: (HUF property can be taken as security only if the said HUF itself is a borrower)	
1	Letter from all the Coparceners confirming that the Sale/mortgage/ Lease is being made only for the family benefit/legal necessity of HUF.	N.A.
2	Whether the Major Coparceners have no objection/join in execution	N.A.
3	Minor's share if any	N.A.
4	Rights of female members etc	N.A.
5	Please also comment on any other aspect which may adversely affect the validity of sale/mortgage in such cases?	N.A.



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K.	If the property belongs to a Partnership Firm:	
1	Whether the property belongs to the firm and the deed is properly registered.	N.A.
2	Whether the property offered as security belongs to the firm through any registered deed or it has been brought into the books of the firm?	N.A.
3	Whether the partners have authority to sell/mortgage/lease the property for and on behalf of the firm?	N.A.
4	Whether the partnership deed provides a specific clause to offer its property as security?	N.A.
5	Whether there is necessary provision in the deed for pledge/hypothecate the assets of the firm.	N.A.
6	Whether the property can be offered as security for any loan required by its sister concerns/any third party?	N.A.
7	Whether the deed permits the partners to extend guarantee to any third party on behalf of the firm.	N.A.
L.	If the property belongs to LLP:	
1	LLP Identification Number & Date of incorporation	N.A.
2	Who are all the designated partners	N.A.
3	Whether the property offered as security belongs to the firm through any deed of conveyance or it has been brought into the books of the firm?	N.A.
4	Whether the partners have authority to sell/mortgage/lease the property for and on behalf of the firm?	N.A.
5	Whether the partnership deed provides a specific clause to offer its property as security?	N.A.



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6	Whether there is necessary provision in the deed for pledge/hypothecate the assets of the firm.	N.A.
7	Whether the property can be offered as security for any loan required by its sister concerns/any third party?	N.A.
8	Whether the deed permits the partners to extend guarantee to any third party on behalf of the firm.	N.A.
M.	If the property belongs to a Company:	
1	Company Identification Number & Date of incorporation	N.A.
2	Whether the company has passed necessary Board Resolution for borrowings with our Bank? Who are the persons authorized to create the charge as per the Resolution?	N.A.
3	Whether Search report from the Registrar of Companies reveals any prior charges created over the Fixed and Floating Assets of the Company?	N.A.
4	Whether the company has passed necessary resolutions for borrowings with our Bank?	N.A.
5	If the title holder company is not the borrower but mortgaging its property for the loan given to third party, whether the Memorandum /Articles of Association of the company contain specific clause to guarantee the borrowings of another Company/firm?	N.A.

V. Documents studied: (Advocate must peruse the original documents of title except in case of take over of advance or when the originals are not available) (Documents should be listed in chronological order) (Present title deed document should not be in laminated form).

1. Registered Sale Deed dated 03.02.1967 registered in the office of the then Sub-Registrar, Ahmedabad at Sr. No. 1506 of 1967.



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2. Society registration Certificate dated 12.12.1966 having registration No. 1816 of 1966 in the name of the United Commercial Bank Staff Co.Op. Housing Soc. Ltd.
3. A copy of Construction permission dated 03.05.1967
4. A copy of approved plan
5. A copy of Permission dated 15.03.1967 to commence the construction (Raja-Chitthi)
6. A copy of usage permission dated 08.03.1968 issued by AMC

VIII. Tracing of Title: *(Title must be traced in chronological order, starting from the earliest documents available. All the documents mentioned must be discussed in detail without fail. No document should be left out. If there is a break in the flow of title, reasons must be given for the same)*

- On perusal of the available records it appears that the said land bearing Old survey No. 59 Paiki admeasuring 629 Sq.Yds of Sub Plot No. 1 and admeasuring 635 Sq. Yds. of Sub Plot No. 2 was originally belonging to (1) Shri Girdharlal Chotalal Contractor, (2) Smt. Samrathben Girdharlal Contractor, (3) Subodhchandra Girdharlal, (4) Rameshchandra Girdharlal, (5) Prakashchandra Girdharlal prior to year 1967.
- That thereafter, the United Commercial Bank staff co. Op. Housing Society Limited has purchased the said land from the said (1) Shri Girdharlal Chotalal Contractor, (2) Smt. Samrathben Girdharlal Contractor, (3) Subodhchandra Girdharlal, (4) Rameshchandra Girdharlal, (5) Prakashchandra Girdharlal by registered sale deed dated 03.02.1967 registered in the office of the then sub-registrar- Ahmedabad at Sr. No. 1506 of 1967.
- The said United Commercial Bank staff co. Op. Housing Society was formed under the provisions of the Gujarat Co-Operative Societies Act, 1961 having registration No. 1816 of 1966 dated 12.12.1966.



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- That the said society has applied for the construction permission to Ahmedabad Municipal Corporation. The AMC has granted the construction permission vide order dated 03.05.1967.
- That thereafter, the AMC has issued Raja-Chitthi dated 15.03.1967 to commence the construction as per the approved plan.
- That thereafter, the said society has erected the construction on the said society land in accordance with the approved plan. Thereafter, the said society has obtained the building usage permission dated 08.03.1968 from the AMC.
- That the land of the said society has bifurcated in two sub plot's being sub-plot No. 1 and sub-plot no. 2. That the said society has allotted 6 constructed residential unit of sub-plot no. 2 to (1) Shri Ramesh Amrutlal Shah, (2) Arvind Hiralal Shah (3) Navin Shivprasad Trivedi (4) Ratilal Shivabhai Desai (5) Manikant S. Dave (6) Shantilal Chimanlal Shah. That the allotment was confirmed by the order of inquiry officer, City Survey, Ahmedabad dated 18.06.1982.
- Since then, the said original allottee and its member were enjoying the possession of their respective premises in the said society.
- That thereafter, the said society has passed a resolution resolving that the occupiers of the said residential units are willing to redevelop the said



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premises and therefore, the said United Commercial Bank staff Co.Op. Housing Society Limited has invited offers for the redevelopment.

- That the Shantam Group - a partnership firm has shown its willingness to redevelop the said premises for the terms and conditions agreed between the Society, its members/occupiers and the Developer.
- That thereafter, I have published the public advertisement, in Divya Bhaskar Newspaper on 14.06.2022. However, till the date I have not received any objection regarding the said property.

CERTIFICATE OF TITLE

I have examined the Title Deeds and other documents submitted to me by the applicant relating to the schedule property/(ies) and on perusal of the documents of title referred to in my opinion are valid evidence of Right, title and Interest and that if the sale / mortgage is made, it will satisfy the requirements of sale and I further certify that:

1. There are no prior Mortgage/ Charges/ encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 1990 to 2022 pertaining to the Immovable Property/(ies) covered by above said Title Deeds. The property is free from all Encumbrances.

Place: Ahmedabad

Date : 28-02-2023



(Ushaben D. Davda)
Advocate

U.D. Davda