



A. C. DAMANI
& Advocates

Date : September 18, 2019

To,
Shri Samarjitsinh Gaekwad
Vadodara

TITLE CERTIFICATE

Re.: - Investigation of title of the property being all that land admeasuring 11713.42 square meters of land (subject to the Road Deduction Area) bearing private sub-plot no.C of city survey no.1/1 paiki bearing Tikka no.C-10 of mouje Vadodara Kasba, Taluka and District Vadodara (herein after referred to the "Said Property").

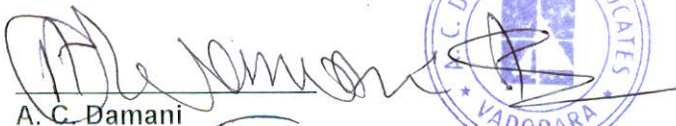
We refer to your instructions in relation to the investigation of the title in respect of the Said Property. In this connection, we had earlier issued Title Report and Title Certificate on May 25, 2017. Now in pursuance to your request to provide with an updated report on title and title certificate, setting out the present status in respect of the Said Property. In this connection we have caused a search to be taken in the records of the City Survey of Superintendent of Vadodara and in the Office of the Sub-Registrar of Assurances at Vadodara, reviewed the relevant available records and documents in relation to the said Property.

We had earlier issued a Public Notice in Gujarat Samachar, Vadodara Edition dated October 23, 2016 inviting objections in relation to the title in respect of the Said Property as more particularly setout in our title report dated May 25, 2017 and we have not issued any further public notice.

In pursuance to the aforesaid, we have prepared an updated report on title dated September 18, 2019 and in view of what is stated in the said title report and in earlier report dated May 25, 2017, the title of Shri Samarjitsinh Gaekwad to the Said Property appears to be clear and marketable and beyond reasonable doubt.

Thanking you.

For, A. C. Damani & Advocates,


A. C. Damani
Partner





A. C. DAMANI
& Advocates

TITLE REPORT

In respect of

All that land admeasuring 11713.42 square meters of land bearing private sub-plot no.C of city survey no.1/1 paiki bearing Tikka no.C-10 of mouje Vadodara Kasba, Taluka and District Vadodara.

Prepared by:
A.C. Damani & Advocates





SECTION - I

A. INTRODUCTION

1. In pursuance to the instructions of Shri Samarjitsinh Gaekwad (hereinafter referred to as the “**Land Owner**”), we have been requested to provide with an updated report on title setting out the present status in respect of all that land admeasuring 11713.42 square meters of land bearing private sub-plot no.C of city survey no.1/1 paiki bearing Tikka no.C-10 of mouje Vadodara Kasba, Taluka and District Vadodara (hereinafter referred to as “**said Property**”).
2. We had earlier provided with the title report dated May 25, 2017 to Shri Samarjitsinh Gaekwad in respect of the Said Property.
3. We have relied upon the documents and records in relation to the title of the said Property made available to us as well as the updated search conducted at the office of the Sub-Registrar of Assurances, Vadodara since the issuance of our previous title report dated May 25, 2017.

B. SCOPE AND LIMITATIONS

1. The scope of our work encompasses the following:
 - 1.1 Reviewing the aforesaid documents and records;
 - 1.2 Identifying significant issues arising therefrom; and
 - 1.3 Preparing an updated report on title of the Said Property.
2. This Report is subject to the following qualifications:
 - 2.1 Perusal of records, orders, documents, deeds and writings available with us through our independent search as well as what has been provided to us by the Land Owner;
 - 2.2 This Report is limited to the matters expressly set forth herein based on the representations, information, details and clarifications provided to us by the Land Owner and on perusal of the copies of the documents and records provided to us and no comment is implied or may be inferred beyond such matters. No search, examination or investigation has been made by us with any judicial court or forum *inter alia* any Civil court/High Court/Supreme Court/Revenue Authorities/Tax (direct or indirect) Authorities/ Labor Court have been undertaken in relation to the Said Property apart from the copies of the orders provided to us and we have relied completely on representations of the Land Owner while preparing this report;
 - 2.3 While conducting search in the office of the Sub-Registrar, Vadodara, certain Index II Books are found in torn and illegible conditions and the entries also do not appear to have been maintained up to-date in good condition. We have relied on the available documents and land revenue record and city survey records i.e. village form No.7/12, property cards and Mutation entries recorded periodically under the provisions of Bombay Land Revenue Code. These entries reflect transfers, intervener, inheritance, tenancy rights and other diverse interest created on the land. The Mutation Entries so far as the property is concerned are relevant extracts and they depict the position of the Said Property;
 - 2.4 This title report has been prepared to provide with an updated status on title and shall be read with our earlier reports and certificate dated May 25, 2017 and no comment is implied or may be inferred beyond such matters;





- 2.5 We had earlier issued a Public Notice in Gujarat Samachar, Vadodara Edition dated October 23, 2016 inviting objections in relation to the title in respect of the Said Property as more particularly setout in our title report dated May 25, 2017 and we have not issued any further public notice while issuing this title report.
- 2.6 Legislation, its judicial interpretation and the views and policies of the authorities are subject to change from time to time, and these may have a bearing on the views that we have provided herein. We have no responsibility to carry out any review of our comments for changes in Laws or regulations occurring after the date of issue of this report;
- 2.7 The views expressed herein are based on our interpretation of applicable Indian Laws as on the date of this report and it is possible that executors and/or the regulators may have a contrary interpretation of the relevant provisions;
- 2.8 The approvals, consents or permits required from any authorities in India as maybe required for the performance of any obligations may be revoked or cancelled by the granting authority on change in the applicable Law or regulations or on non-fulfillment of the terms and conditions thereof or may expire if such approval, consent or permit is time bound;
- 2.9 "Indian Law" would include legislation at Central and State levels and also various rules, regulations, notifications, guidelines, governmental orders, byelaws, resolutions and internal policy rulings issued by any governmental agency. The reporting mechanism relating to these is not entirely systematic and Laws may be published in publications not having wide circulation and not necessarily in a timely manner. There are limited and unsatisfactory facilities for verification of such Laws. Our review of Indian Laws has included materials published and freely available and such other materials as we have deemed appropriate under the circumstances but do not include any internal circulars or policies of regulators not available in the public domain;
- 2.10 Any changes in Indian Law (the term "Law" being widely construed to include any change in the interpretation of the Law), which could be retrospective, or any change in the facts and circumstances could have an effect on the validity of this report or any part hereof;
- 2.11 We express no views regarding any financial or technical data or material in relation to any proposed transaction;
- 2.12 Our maximum liability relating to this report (regardless of form of action, whether in contract, negligence or otherwise) shall be limited to our legal fees. In no event shall we be liable to any person, for any amount for consequential, special, incidental or punitive loss, damage or expense (including limitation, lost profits, opportunity costs etc.) incurred by any party. We shall not be responsible for any losses, damages, costs, expenses or other consequences, if information material to this report is withheld or concealed from or misrepresented to us; and
- 2.13 We express no views other than as expressly mentioned hereinabove
3. In carrying out the investigation as to the title of the Said Property, we have visited the following offices with a view to carry out physical search of the relevant documents and records.
- Sub-registrar of Assurances at Vadodara
 - Collector, Vadodara;
 - City Survey Superintendent, Vadodara
 - Vadodara Municipal Corporation





BRIEF DESCRIPTION OF THE SAID PROPERTY AS PER THE RECORDS

Particulars	Description
Name of the Present Owner	Mr. Samarjitsinh Ranjitsinh Gaekwad
Name of the Developer/Promoter	Maxfly Properties LLP
City Survey No.	1/1 of Tika no.10
Area of Land in square meters	11713.42
Village sim	Vadodara Kasba
Taluka	Vadodara
District	Vadodara





SECTION - II
TITLE REPORT

DEVOLUTION OF THE SAID PROPERTY IN FAVOR OF THE LAND OWNER

- i. It appears on perusal of the available records that all that land admeasuring Acre 707-32 Gunthas i.e. approximately 2864378 square meters bearing city survey no.1/1 of Tikka 10, situated, lying and being at mouje Vadodara City, Taluka and District Vadodara (hereinafter referred to as the **Larger Land**) was in entitlement of Shrimant Maharaj Saheb Shri Fatesinhrao Pratapsinhrao Gaekwad and the name of Shrimant Maharaj Saheb Shri Fatesinhrao Pratapsinhrao Gaekwad was recorded as occupier of the Larger Land in the city survey records vide entry dated August 14, 1956.
- ii. It further appears that by virtue of various sale deeds, said Shrimant Maharaj Saheb Fatesinhrao Pratapsinhrao Gaekwad himself and/or through his power of attorney holder(s) had sold various parcels of lands approximately admeasuring 1.7 Acres out of the Larger Land to various persons/entities and the same were recorded in the city survey records. The details of such sale deeds are as set out herein under: -

No.	Area in square feet	Purchaser(s)	Sale Deed Registration No.	Sale Deed Registration Date	Mutation Entry Date
1	10293-00	M/s.Baroda Automobiles	1085	11.04.60	29.06.60
2	16728-00	N.G. Amin & G.G. Amin	2331	07.08.61	05.10.61
3	1976-60	Bhise Vaman Vasudev	3245	27.11.61	12.01.62
4	2044-18	Leela Balasaheb Hingrove	3246	27.11.61	12.01.62
5	9182-00	Mohanlal Kasibhai & Chandrakant Ranchhodbhai	NA	20.11.61	12.01.62
6	5550-00	Ishwarbhai N. Patel & Kamalben Ishwarbhai	3533	27.12.61	Feb-1962
7	635-00	Bhise Vaman Vasudev	94	09.01.62	10.04.62
8	1003-00	Suresh D. Vasi & Ansuya R. Bhatt	NA	09.01.62	10.04.62
9	2482-00	Ramchandra R. Kadam	1263	16.04.62	07.06.62
10	2482-00	Shantilal H. Mehta	NA	16.04.62	07.06.62
11	22817-00	Kanubhai G. Patel & others	1337	21.04.62	07.06.62
12	1168-00	Shantilal H. Mehta	2423	30.06.62	10.07.62
13	1398-25	Suresh D. Vasi	1507	25.04.66	12.01.67

- iii. It further appears on perusal of entry dated February 20, 1989 that said Shrimant Maharaj Saheb Fatesinhrao Pratapsinhrao Gaekwad had expired on September 1, 1988 and consequent to his demise and in pursuance to the application dated November 22, 1988 of his mother along with the attestation by the Panch, the properties then subsisting in his entitlement out of the Larger Land were devolved on his legal heir being his mother namely Shrimant Maharani Saheb Shantadevi





Pratapsinhirao Gaekwad. The said devolution has been recorded in the city survey records vide entry dated February 20, 1989 in the property card of tikka no.8/2 and reference of the same was given in the property card of tikka no.9 and 10.

iv. It further appears on perusal of entry no. 32 dated October 21, 1989 that the siblings of the deceased Shrimant Maharaj Saheb Fatesinhrao Pratapsinhrao Gaekwad namely (i) Smt. Dr. Mrunalinidevi Puwar, (ii) Smt. Premilaraje Shivraj Kumar, (iii) Smt. Satyashiladevi S. Bhosle, (iv) Smt. Vasundhara Raje M. Ghorpade, (v) Smt. Lalitadevi A. Kirdat, (vi) Shri Ranjitsinh P. Gaekwad, & (vii) Shri Sangramsinh P. Gaekwad, had relinquished their rights in the Larger Land in favour of Shrimant Maharani Saheb Shantadevi Pratapsinhirao Gaekwad in pursuance to an Affidavit dated August 22, 1989 executed by them. The said entry no.32 dated October 21, 1989 appears to have been certified by the competent authority in due course.

v. It appears on perusal of the affidavit dated October 14, 1996 of Shrimant Maharani Saheb Shantadevi Pratapsinhirao Gaekwad that Shri Maharani Shantadevi Trust, a Public Charitable Trust incorporated vide registration no.F-90 dated April 24, 1967 has been in occupation of building known as "Kismat Building" as well as adjacent land admeasuring 223711 square feet out of lands forming part of City Survey nos.1/1, 1/2, 1/3, 1/6, 1/7 and 1/13 as the Licensee and that she had no objection in admitting the name of the Trust in the record of rights as occupant of such land as Licensee. It further appears that in pursuance thereof, the name of Shri Maharani Shantadevi Trust, Vadodara was admitted as the occupier of the aforesaid lands in the property card in pursuance to the necessary applications. The same has been entered in the property card maintained by the office of the City Survey Superintendent vide entry no.124 dated March 6, 1997.

However, it further appears that Rajmata Shubhangini Raje being trustee of Shri Maharani Shantadevi Trust, Vadodara has made declaration cum affidavit on November 25, 2016 wherein she has declared that the Trust is not in possession or in entitlement of such 223711 square feet of land and construction thereon was demolished. She has further declared that the name of Shri Maharani Shantadevi Trust, Vadodara shall be deleted as occupier of such property from the city survey records and the Trust have no objection if name of the Trust deleted from such records. The said declaration cum affidavit has been notarized in the registered of Notary Anil M. Kale vide Sr.No.3111 on November 25, 2016. Subsequently, the name of Shri Maharani Shantadevi Trust, Vadodara has been deleted from the city survey records vide entry no.3609 on January 24, 2017 and the same has been certified by the City Survey Superintendent on February 28, 2017.

vi. It appears on perusal of entry no.141 dated January 23, 2001 that vide order dated February 8, 1999 passed by the Deputy Collector, Vadodara in CTS Appeal No.38/1998 the disputed case in relation to 3277 square meters of land out of the Larger Land was remanded to city survey authority and the same was transferred to City Survey Superintendent-2, Vadodara under order no. RTS/Vashi/3044/2000 dated August 4-7, 2000 of the District Collector, Vadodara. Subsequently the City Survey Superintendent-2, Vadodara vide his order dated January 18, 2001 in CTS/Ward No.1/Remand Case No.1/2000-2001 ordered to transfer such 3277 square meters of land to Maharani Saheb Shantadevi Pratapsinhirao Gaekwad. The competent authority certified the said entry no.141 on January 31, 2001. The relevant document and case papers pertaining to the same may be sought for review.

vii. It appears on perusal of the judgment of the Supreme Court dated March 21, 2001 in Civil Appeal No.3530/1998 that land area admeasuring 242 acres out of the Larger Land was declared as vacant





land and was proposed to be acquired by the government under the provisions of section 23 of the Urban Land (Ceiling & Regulation) Act, 1976 (ULC Act) and necessary proceedings were initiated by the government for the acquisition of such lands. It however appears on perusal of entry no.261 dated July 21, 2001 that in pursuance to various proceedings initiated and heard in various courts and orders passed by the Gujarat High Court, Maharani Saheb Shantadevi Pratapsinhirao Gaekwad had filed an appeal in the Honorable Supreme Court and the Supreme Court vide its order dated March 21, 2001 in Civil Appeal No.3530/1998 allowed the appeal filed by Maharani Saheb Shantadevi Pratapsinhirao Gaekwad, and it was ordered by the Supreme Court that in pursuance to the letter of offer of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad, land admeasuring Acre 66-02 Gunthas out of the Larger Land was to be vested in the Government of Gujarat. The competent authority certified the said entry no.261 on August 24, 2001.

- viii. It further appears on perusal of entry no.50 dated September 5, 2001 that vide order dated August 2, 2001 of the Deputy Collector, Vadodara passed in RTS Appeal No.9/2001, the earlier order dated January 18, 2001 of the City Survey Superintendent-2 passed in Remand CaseNo.1/2000-2001 was set aside and remanded again to the city survey authority. The competent authority certified the said entry no.50 on September 5, 2001. The case papers/orders in relation to the above may be sought for review.
- ix. It further appears on perusal of the available records that by virtue of various deeds of partnership said Maharani Saheb Shantadevi Pratapsinhirao Gaekwad had entered into partnership with various persons/her family members, wherein lands admeasuring approximately 554.68 Acres equivalent to 2244815 square meters forming part of the lands in the entitlement of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad out of the Larger Land were transferred into such partnership firms as her capital investment and the same were recorded in the city survey records vide entry nos.171 to 194 dated April 2, 2002 and the same were certified by the competent authority on May 4, 2002. The details of such transfer and partnership are as under: -

TABLE-1			
Land Area in square meters	Name of Firm	Name(s) of Partners	Reg. No. & Date
110000	Namrata Garden Restaurant	Baheram R. Mehta & Mahesh J. Bavisi	1317 28.03.02
110000	Silver Golf Link	Mukesh M. Sheth & Vimal D. Sheth	1318 28.03.02
110000	Manek Nursery	Mukesh M. Sheth HUF, Mukesh M. Sheth & Mahesh J. Bavisi	1319 28.03.02
67890	Silver Entertainment Complex	Mukesh M. Sheth, Baheram R. Mehta & Mahesh J. Bavisi	1320 28.03.02
5675	Shanti Niketan Nursery	Baheram R. Mehta & Mukesh M. Sheth	1321 28.03.02
5000	Nandanvan Nursery	Mukesh M. Sheth & Mahesh J. Bavisi	1322 28.03.02
29035	Vrundavan Party Plot	Mukesh M. Sheth & Mahesh J. Bavisi	1323 28.03.02





110000	Parijat Health Farm	Mukesh M. Sheth & Vimal D. Sheth	1324 28.03.02
110000	Manek Cultural Center	Mukesh M. Sheth & Vimal D. Sheth	1325 28.03.02
657600	Total		

TABLE-2			
Land Area in square meters	Name of Firm	Name(s) of Partners	Reg. No. & Date
100000	Vishwamitri Nursery	Shubhanginiraje Ranjitsinh & Alaukikaraje Satyajitsinh	1326 28.03.02
100000	Baroda Education Center	Shubhanginiraje Ranjitsinh & Mrunalinidevi Anandrao	1327 28.03.02
100000	Fair Way Driving Range	Shubhanginiraje Ranjitsinh & Samarjitsinh Sanjitsinh	1328 28.03.02
91814.92	Navlakhi Multipurpose Plot	Alaukikaraje Satyajitsinh & Radhika Samarjitsinh	1329 28.03.02
105401	Orchid Nursery	Ranjitsinh Pratapsinh & Samarjitsinh Ranjitsinh	1330 28.03.02
110000	Motibaug Sports Center	Ranjitsinh Pratapsinh & Radhika Samarjitsinh	1331 28.03.02
110000	City Display Center	Ranjitsinh Pratapsinh & Anjana Apritamsinh	1332 28.03.02
100000	Vishwamitri Riding Center	Mrunalinidevi Anandrao & Radhika Samarjitsinh	1334 28.03.02
110000	Baroda Exhibition Plot	Mrunalinidevi Anandrao & Radhika Samarjitsinh	1333 28.03.02
100000	Baroda Corporate Convention	Mrunalinidevi Anandrao & Ranjitsinh Pratapsinh	1335 28.03.02
100000	Lalbaug Garden Restaurant	Samajitsinh Ranjitsinh & Anjana Apritamsinh	1336 28.03.02
110000	Prasang Party Plot	Alaukikaraje Satyajitsinh & Mrunalinidevi Anandrao	1337 28.03.02
110000	Tulip Garden Restaurant	Shubhanginiraje Ranjitsinh & Anjana Apritamsinh	1338 28.03.02
120000	Golf Link	Shubhanginiraje Ranjitsinh & Anjana Apritamsinh	1339 28.03.02
120000	Royal Garden	Samajitsinh Ranjitsinh & Ranjitsinh Pratapsinh	1340 28.03.02
1587215	Total		

- x. It further appears on perusal of entry no.117 dated January 9, 2003 that Maharani Saheb Shantadevi Pratapsinhirao Gaekwad had expired on May 22, 2002 and consequent to her demise under para-17 of the partnership deeds entered into between Maharani Saheb Shantadevi Pratapsinhirao Gaekwad and the various persons as mentioned in Table-1 hereinabove, name of Maharani Saheb Shantadevi





Pratapsinhirao Gaekwad was deleted as one of the partners from such partnership firms. The competent authority certified the said entry no.117 on February 15, 2003.

- xi. It appears on perusal of entry no.188 dated March 11, 2003 that the land area admeasuring Acre 66-02 Gunthas i.e. 267296 square meters out of the Larger Land, which was earlier vested in the Government was reduced from the Larger Land. In pursuance thereof it appears that such land area of Acre 66-02 Gunthas i.e. 267296 square meters out of the Larger Land was transferred in the name of Government of Gujarat and was allotted city survey no.1/B. The competent authority certified the said entry no.188 on March 17, 2003.
- xii. It further appears on perusal of entry no.210 dated May 2, 2003 that upon demise of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad on May 22, 2002 as per para-17 of the partnership deeds entered into between Maharani Saheb Shantadevi Pratapsinhirao Gaekwad and her family members as mentioned in Table-2 hereinabove, name of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad was deleted as one of the partners from such partnership firms in pursuance to the submission of the application, written statement and copy of the death certificate with the relevant authority. The competent authority certified the said entry no.210 on June 6, 2003.
- xiii. It further appears on perusal of entry nos.211 to 225 dated May 2, 2003 that the terms of the partnership mentioned in Table-2 hereinabove were amended amongst the partners under various deed of partnership dated February 22, 2003 & February 26, 2003. The competent authority certified the said entry nos.211 to 225 on June 6, 2006.
- xiv. It appears on perusal of entry no.1605 dated June 24, 2010 that upon demise of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad on May 22, 2002 and Fatesinhirao Pratapsinhirao Gaekwad on September 1, 1988 names of their legal heirs namely (i) Ranjitsinh Pratapsinh, (ii) Sangramsinh Pratapsinh, (iii) Mrunalinidevi Anandrao, (iv) Pramilaraje Shivkumar, (v) Satvashilaraje Shivram, (vi) Vasundhararaje Murarrao & (vii) Lalitaraje Amrutrao were recorded in the city survey records. The competent authority certified the said entry no.1605 on January 11, 2011 in pursuance to the notarized affidavits being made by Sangramsinh Pratapsinh out of the aforesaid legal heirs.
- It further appears on perusal of entry no.1863 dated March 3, 2011 that in pursuance to the order dated January 11, 2011 and the amended order dated March 8, 2011 passed by the City Survey Superintendent in CTS Disputed Case No.5/2010, it was ordered that entry no.1605 recorded earlier for succession of deceased Maharani Saheb Shantadevi Pratapsinhirao Gaekwad was certified only for 345962 square meters of land out of the Larger Land. The competent authority certified the said entry no.1863 on July 21, 2011.
- xv. It appears on perusal of available records that Sangramsinh Pratapsinhirao Gaekwad being one of the legal heirs of deceased Maharani Saheb Shantadevi Pratapsinhirao Gaekwad, had filed Special Civil Suit No.725/1991 in the Civil Court, (Senior Division) Vadodara against other legal heirs of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad seeking partition of the properties of the deceased. Subsequently a notice of lis-pendens dated October 7, 2003 was registered in relation to the said suit in the office of the Sub-Registrar of Assurances, Vadodara vide sr.no.4773 on November 17, 2003 and the same was recorded in the city survey records vide entry no.1669 on August 12, 2010, which was certified by the competent authority on November 30, 2010. It however appears on perusal of the consent terms filed by the parties to the suit dated October 23, 2013 in Regular Civil Suit





No.640/2003, that Sangramsinh Pratapsinhrao Gaekwad has irrevocably and unconditionally withdrawn the aforesaid Special Civil Suit No.725/1991.

- xvi. It appears on perusal of entry no.1842 dated February 17, 2011 that the city survey authority had resurveyed the land area as per physical possession of respective occupiers of the partnership firms mentioned in Table-1 hereinabove and accordingly land area totally admeasuring 657600 square meters was deducted out of the Larger Land and new city survey no.1/D/1 to 1/D/9 were allotted to the land parcels of such partnership firms. It further appears on perusal of entry no.1944 dated July 1, 2011 that vide order dated June 23, 2011 passed by the City Survey Superintendent in CTS Disputed Case No.7/2011-12, the entry no.1842 ordered to be certified under the averments mentioned in the order and accordingly aforesaid entry no.1842 was certified by the competent authority on July 21, 2011. The competent authority certified the said entry no.1944 on September 12, 2011. The necessary documents in relation to the aforesaid shall be sought for review.
- xvii. It appears on perusal of entry no.2723, 2724, 2725, 2768, 2769, 2790, 2887, 2888 & 2889 that deed of retirement / partition were executed by and between the partners of the partnership firms mentioned in Table-2 in this report, wherein various partners have retired and being admitted as well as profit/loss sharing ratio were modified amongst them. It is however observed that the competent authority has rejected the above entries on August 30, 2014.
- xviii. It appears on perusal of entry no.2937 dated August 27, 2014 that vide order no.CTS.06/2012 to CTS/33/2012 of the Deputy Collector Vadodara the appeals filed earlier against entry no.171 to 194 were disposed off upon submission of withdraw pursis by the appellant of such appeals. The competent authority certified the said entry no.2937 on September 8, 2014. The necessary documents in relation to the aforesaid may be sought for review.
- xix. It appears on perusal of available records that said Maharani Saheb Shantadevi Pratapsinhirao Gaekwad during her lifetime had executed a WILL on February 18, 1992 and the Codicils dated March 31, 2002 & April 1, 2002, wherein she had bequeathed the immovable and movable properties inclusive of the land parcels out of the Larger Land amongst numbers of her family members.

However, the probate application in relation to the aforesaid Will and Codicil was challenged by Sangramsinh Pratapsinhrao Gaekwad and others being the legal heirs of Maharani Saheb Shantadevi Pratapsinhirao Gaekwad in Probate Application No.165/2002 filed by the beneficiaries of the aforesaid WILL and Codicils and subsequently filed Regular Civil Suit No.640/2003 in the Civil Court (Senior Division) Vadodara against beneficiaries of the said WILL and Codicils seeking that (i) the WILL and Codicils executed by Maharani Saheb Shantadevi Pratapsinhirao Gaekwad were illegal, null & void, (ii) that beneficiaries therein have no rights to dealt with the disputed properties, (iii) appointment of court receiver in relation to disputed properties and (iv) perpetual injunction against transferring the disputed properties.

Subsequently, the parties to the aforesaid suit and other family members of deceased Maharani Saheb Shantadevi Pratapsinhirao Gaekwad have amicably settled the disputed and filed consent terms under exhibit 234 on October 23, 2013, wherein the plaintiffs have confirm the legality of the aforesaid WILL and Codicils and have withdrawn their objections filed in the aforesaid probate application. Pursuant thereof, the immovable and movable properties of deceased Maharani Saheb Shantadevi Pratapsinhirao Gaekwad were distributed amongst the plaintiffs and defendants of the suit in accordance with the terms of the said consent terms.





In pursuance thereof, the Civil Court vide its order dated October 23, 2013 has disposed off the aforesaid suit and have ordered to take the consent terms dated October 23, 2013 on record and to draw a decree as per the terms of the said consent terms. It however appears that the decree as per the aforesaid order is yet pending to be drawn in the Civil Court.

- xx. It appears on perusal of the aforesaid consent terms as well as entry nos.3082 & 3135 dated February 27, 2015 & April 28, 2015 respectively that Samarjitsinh Ranjitsinh Gaekwad being one of the beneficiaries under para no.3F2 of the consent terms became entitled to 88 acres of land out of the Larger Land being forming part of the Lakshmi Villas Palace grounds along with other immovable properties. Subsequently (i) land admeasuring 19217.85 square meters out of the Larger Land & (ii) another land admeasuring 11713.42 square meters out of the Larger Land recorded in the name of Maharani Shantadevi Trust were recorded in the name of said Samarjitsinh Ranjitsinh Gaekwad. The competent authority certified the said entry nos.3082 & 3135 on April 24, 2015 and June 23, 2015 respectively.
- xxi. It further appears on perusal of the documents provided to us that lands admeasuring 55796.42 square meters our land bearing city survey no.1 tikka 9 has been acquired for the development of the 40 meter wide ring road by the Vadodara Municipal Corporation in the year 2010 under the provisions of the Land Acquisition Act, 1894 in pursuance to the notification dated March 29, 2010. An award of Rs.16,67,01,988/- has been declared by the Deputy Collector, Vadodra in LAQ/Award Case no.2/2010 dated January 31, 2012 which has however been challenged and the case in relation thereof is pending with the District Court, Vadodara. It is however been observed that the name of Shri Maharani Shantadevi Trust has inadvertently continued as party to the ongoing compensation proceedings in relation to the road widening which shall be amended to Shri Samarjitsinh Gaekwad.
- xxii. It appears upon perusal of the available records that an area admeasuring 1710.31 square meters has been acquired by the Vadodara Municipal Corporation for expansion of the road ("Road Deduction Area"), which has been deducted out of the Said Property admeasuring 11713.42 square meters of land and that the present land area in possession is 10003.11 square meters. It is observed that the effect of such deduction has yet not been recorded in the city survey records by the government.
- xxiii. It further appears that vide order dated May 9, 2017 bearing Ref. No.HB/6/2017-18 Ward-5 of Deputy Town Development Officer, Vadodara Mahanagarpalika under order of Municipal Commissioner, the development plans in respect of the proposed commercial building has been duly approved and simultaneously the Rajachitthi (Commencement Letter) dated May 9, 2017 has also been issued permitting the commencement of the construction on the Said Property subject to the terms and conditions setout therein. It is observed upon perusal of the aforesaid approved plans and the Commencement Certificate that the landowner Shri Samarjitsinh Gaekwad has opted for the available floor space index in lieu of the Road Deduction Area acquired by the Vadodara Municipal Corporation.
- xxiv. Subsequently, by virtue of Development Agreement dated May 19, 2017, the owner of the Said Property Shri Samarjitsinh Gaekwad as the Owner therein has conferred the development rights in respect of the Said Property favor of one Maxfly Properties LLP, a limited liability partnership incorporated under the provisions of the Limited Liability Partnership Act, 2008 as the Developer, wherein said Samarjitsinh Gaekwad in accordance with the terms and conditions agreed therein for





the development of the proposed commercial project on the Said Property. The said development agreement has been registered in the office of the Sub-Registrar of Assurances, Vadodara-1 vide sr.no.3957 on May 19, 2017.

- xxv. It further appears that said Ranjitsinh Pratapsinh Gaekwad had also executed his last WILL on April 19, 2012 wherein he had bequeathed all such properties devolved to him under the WILL and Codicils of Rajmata Shantadevi Gaekwad, to his son Samarjitsinh Ranjitsinh Gaekwad; and the same was granted Probate by the High Court of Bombay under Petition No.1466 of 2013 (WILL No.674 of 2013) on March 6, 2014 and upon demise of the said Ranjitsinh Pratapsinh Gaekwad on May 10, 2012.
- xxvi. Meanwhile the Civil Court, Vadodara has decided the probate application no.165/2002 filed earlier pursuant to the WILL dated February 18, 1992 and Codicils dated March 31, 2002 & April 1, 2002 of deceased Rajmata Shantadevi Gaekwad. The Civil Court, Vadodara has also issued Probate Certificate on May 10, 2019 in favour of the beneficiaries of the said WILL and Codicils. In pursuance to the same her son Ranjitsinh Pratapsinh Gaekwad, Smt. Shubhanginiraje R. Gaekwad and Ranjitsinh Gaekwad HUF and Samarjitsinh Ranjitsinh Gaekwad became entitled to all such properties (inclusive of the Said Property) as more particularly described in the said WILL and Codicils. However since said Ranjitsinh Pratapsinh Gaekwad had bequeathed his share in the properties devolved on him to his son Samarjitsinh Ranjitsinh Gaekwad under his last WILL dated April 19, 2012, said Samarjitsinh Ranjitsinh Gaekwad became absolute owner and occupier of 2/4th share while Smt. Shubhanginiraje R. Gaekwad and Ranjitsinh Gaekwad HUF both entitled to 1/4th share each respectively in all such properties.

However as decided in Clause 3F.1 and 3F.2 of the consent terms filed in Civil Suit No.640/2003 Smt. Shubhanginiraje R. Gaekwad became entitled to the property being Motibaug Palace Building within the Lukshmii Villas Palace compound while Samarjitsinh R. Gaekwad became entitled to all other properties including the Said Property.

- xxvii. Upon perusal of the certified copy of the property card in respect of the Said Property issued by the office of the City Survey Superintendent, Vadodara, Shri Samarjitsinh Gaekwad appears to the sole occupier/owner of the Said Property being all that land admeasuring 11713.42 square meters bearing private sub-plot no.C of city survey no.1/1 paiki bearing Tikka no.10 of mouje Vadodara Kasba, Taluka and District Vadodara.

C. RECOMMENDATIONS

- i. A declaration shall be executed by the Land Owner Shri Samarjitsinh Gaekwad and the Developer Maxfly Properties LLP declaring that subject to what is stated above, the title of the Said Property is clear and marketable and that they have not created any charge, lien or encumbrance on the Said Property and have not entered into any other documents, deeds or writings with any person and that there are no suits or litigations pending in any court of law, tribunals, government or semi government authorities and that the Land Owner is in absolute possession of the Said Property;
- ii. The Decree issued by the Civil Court, Vadodara in pursuance to the filing of the consent terms dated October 23, 2013 in regular civil suit no.640/2003 shall be duly registered with the sub registrar of assurances at Vadodara;





- iii. The ownership of Shri Samarjitsinh Gaekwad in respect of the Said Property shall be subject to the terms and conditions as well as the development rights of Maxfly Properties LLP under the registered Development Agreement dated May 19, 2017.

D. SCHEDULE

All that land admeasuring 11713.42 square meters of land (subject to the Road Deduction Area) bearing private sub-plot no.C of city survey no.1/1 paiki bearing Tikka no.C-10 of mouje Vadodara Kasba, Taluka and District Vadodara.

E. CONCLUSION

In view of what is stated in this Title Report and subject to the qualifications set out in Section-II(C), the title of the owner Shri Samarjitsinh Gaekwad to the Said Property (as more particularly described in the Schedule set out in Section-II-D above) appears to be clear and marketable and beyond reasonable doubt.

Place : Vadodara

Date : September 18, 2019

For, A. C. Damani & Advocates,



A. C. Damani
Partner

Date : September 18, 2019

**No Encumbrance Certificate
To Whomsoever It May Concern**

M/s. Maxfly Properties LLP, a limited liability partnership, Vadodara has requested me to give "No Encumbrance Certificate" with respect of following land on which M/s. Maxfly Properties LLP (Promoter) is developing a project:-

This is to certify that I, the undersigned, have investigated the Title of the immovable property which is more particularly mentioned hereunder in '**SCHEDULE**', which is owned by Shri Samarjitsinh Ranjitsinh Gaekwad (Owner) by pursuing the Title Deed relating thereto and taking necessary searches from the concerned office of the Sub-Registrar for last about 50 years. I have issued title certificate and title report dated May 25, 2017 as well as September 18, 2019. In my opinion title of the Owner and Promoter in respect of the said Property is clear, marketable and free from encumbrance charge till the date of this Certificate.

SCHEDULE OF THE PROPERTY

All that land admeasuring 11713.42 square meters of land bearing private sub-plot no.C of city survey no.1/1 paiki bearing Tikka no.C-10 of mouje Vadodara Kasba, Taluka and District Vadodara.

For A. C. Damani & Advocates



Ashok Damani, Advocate
Enrol. No.G/794/1984

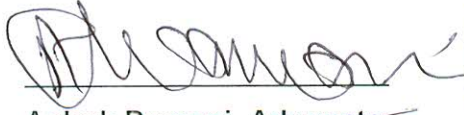


Date : September 18, 2019

To Whomsoever It May Concern

I hereby solemnly declare that, I have experience of more than 10 years in property related matters, which includes investigation of title of land and other immovable properties, search report, issuing of No Encumbrances Certificate of such property including right, title interest or name of Owner in or over such property. My experience is 35 years in property related matters accordance to GUJARAT RERA RULES.

The contents of above are true and correct and nothing material has been concealed by me there from.


Ashok Damani, Advocate
Enrol. No.G/794/1984

