

485/2017

8/8/2017

To,
Shri Sharad K. Shah,
4, R.K. Park,
Opp: Shraddha School,
Near Ayodhya Flats,
Jodhpur, Satellite,
Ahmedabad.

Dear Sir,

Re : Investigation of title to the property bearing final plot no. 433/1 of Town Planning Scheme no. 3 (varied) of Ahmedabad, comprised in city survey of Shaikhpur-Khanpur-Changizpur, T. P. Scheme no: 3-3/4 by city survey no: 3799, situate at mouje Changizpur, Ahmedabad City.

I have to refer to your instructions to investigate your title to the above referred property which you have purchased under a registered conveyance dated 13/2/2017 bearing registration no. 927. Earlier, I had caused searches of revenue, city survey and sub-registry records and had perused copies of several documents submitted to me while investigating titles of Rajesh M. Shah and others, your predecessor-in-title. I had also caused a public notice to be issued in the daily newspapers "Gujarat Samachar" and "Divya Bhaskar" on 29.04.2016 inviting claims and objections to the title of the said property, in response to which I had not received any claim or objection.

Based on the above, my report and opinion on title is as below:

Report on Title

1) It appears from the copy of Deed of Release dated 18.12.1950 bearing Registration No. 4946 and executed between Shah Keshavlal Premchand and his son Shah Manubhai Keshavlal, that they were having $1/6^{\text{th}}$ share in 10 anna 8 pie share out of Rupee 1, in land bearing Survey No. 103 admeasuring 2 Acres 28 Gunthas of Mouje Changizpur, and that there were other co-owners also of this land. There were other properties also which were jointly owned by them. Pursuant to this Deed of Release, Manubhai Keshavlal took the abovesaid share in Survey No. 103 and another house property at Kalupur and released his share, right, title and interest in other joint properties.

2) It appears from the papers and documents submitted to me that Final Plot No. 433 admeasuring 10,333 sq. yds was allotted in lieu of Survey No. 103 under Town Planning Scheme No. 3 of Ahmedabad. It appears from mutation entry no. 1543 dated 6-12-1957 that a lay-out plan, sub dividing Final plot no. 433 of T.P. scheme no. 3 was approved by Ahmedabad Municipal Corporation by order/permission no. BNS-7114. It further appears from mutation entry no. 1813 dated 3-11-1959 that a (revised) lay out plan was approved by the Corporation by order/ permission no. BNS – 51/5 dated 2-2-1958. It appears that Final plot no. 433 was sub divided into 433/1/A, 433/1/B, 433/2, 433/3, 433/4, 433/5, 433/6-A, 433/6/B and approach road was given Final Plot No. 433/7.

3) It appears that there were several co-owners of Final plot no. 433, who, orally divided the plots amongst themselves while keeping the approach road joint amongst

themselves. This fact of oral partition is recorded in the revenue records by mutation entry no. 1814 dated 3-11-1959. It is mentioned in this entry that the said oral partition had taken place on 15-10-1959. It appears that pursuant to the said oral partition, sub plot no 1-A of Final plot no. 433 admeasuring 1021 sq yds came to the share of Manubhai Keshavlal, whereas sub plot no. 7, being road land, admeasuring 1188 sq. yds. was kept joint amongst all plot holders of Final Plot no. 433.

4) I find that the land bearing sub-plot no. 1-A of Final Plot no. 433 and undivided proportionate share in road land of Final Plot no. 433/7 was held as HUF property by said Manubhai Keshavlal.

5) It further appears that the land of Final Plot No. 433/1/A was converted to non-agricultural land pursuant to an order of City Dy. Collector dated 16-3-1960 and a Sanad dated 01-4-1960 was given under the provisions of Bombay Land Revenue Code in that regard.

6) It is stated to me that a residential bungalow was constructed upon the said land by said Manubhai Keshavlal HUF as then constituted. A copy of Commencement Certificate for "new construction" dated 06.07.1962 is submitted to me. The building plans were approved by Ahmedabad Municipal Corporation by order/ C. C. no: 131 dated 14.08.1962. The bungalow consists of ground floor and first floor, each of about 173 sq. mtrs., as per copy of plan submitted to me. Another copy of commencement certificate no. 286 in BMB/1692/13 dated 05.10.1963 for revised plan is submitted to me, but copy of revised plan is not submitted.

7) It appears from mutation entry no. 3472 dated 20/3/1979 that upon variation in T.P. Scheme no.3 and pursuant to order no. KJPSR – 20/78-79 of District Inspector (Land Records) and Rectification Sheet no. 263, Final Plot no. 433/1/A has been renumbered as Final Plot no. 433/1, admeasuring 854 sq mtrs. It further appears that the approach road of Final Plot No. 433/7 was taken over by the Municipal Corporation under variation of Town Planning Scheme and does not find mention in mutation entry no. 3472.

8) The said property of Final Plot No. 433/1 was comprised in City Survey of Ahmedabad T. P. 3/3-4, ward Changizpur, Tikka No. 18 by Chalta No. 10. It appears from City Survey records that as per statements dated 16.02.1984, the said property is HUF property of Manubhai Keshavlal, and hence, the Inquiry Officer (City Survey- Ellisbridge) has held Manubhai Keshavlal, Rasilaben Manubhai and Rajesh Manubhai as owners, on 17.02.1984. As per property card, the said property is bearing City Survey No. 3799, admeasuring 854 sq. mtrs. and the holders-occupants of the property as in 1984, are shown to be Manubhai Keshavlal, Rasilaben Manubhai and Rajesh Manubhai.

9) Said Manubhai Keshavlal died on 23.02.2003 leaving behind him, as his direct heirs, wife Rasilaben, son Rajesh, and daughters Bhadrakaben, Jayshree, Ritaben, Pallaviben and Shreyaben, whose names as such are entered in revenue records by mutation entry no. 5579 dated 04.04.2003. However, said Manubhai Keshavlal had made his Will on 18.01.2003 for the purpose of bequeathing his assets. A copy of the Will has been furnished to me. It is stated in this Will that the deceased was having share in various movable as well as immovable properties of his HUF. He has also stated that

residential property of Final Plot No. 433/1-A belongs to him. He has stated that he bequeaths the same to his wife Rasilaben and son Rajesh. I have also observed that pursuant to this Will, the names of daughters of deceased Manubhai have been deleted as co-owners, in revenue records by mutation entry no. 5580 dated 04.04.2003. This mutation entry is also reflected in property card of City Survey No. 3799 vide entry no. 1883 dated 12.05.2011.

A declaration dated 6/2/2017 made by Rajesh Manubhai and his two sons Viral and Vivek has been submitted to me, wherein they have declared that an oral partition was effected between Manubhai Keshavlal, wife Rasilaben and son Rajeshbhai, sometime in the year 2002 whereby the entire property was allocated to Manubhai Keshavlal to the exclusion of Rasilaben and Rajeshbhai. They have further declared that in the Will of Manubhai Keshavlal, he has also stated that said property belongs to him, which he is bequeathing to his wife and son. They have further declared their inability to produce documentary evidence, such as old IT Returns or related papers, pertaining to oral partition, as they have been destroyed in advertently.

10) Copies of separate Declarations all dated 09.03.2003, of Bhadrika A. Shah, Jayshreeben A. Mehta, Pallavi K. Shah and Shreya N. Parikh, all daughters of deceased Manubhai and a copy of another Declaration dated 19.04.2003 by Ritaben M. Kinkhabwala, daughter of deceased Manubhai, have been submitted to me. By these declarations, the said daughters of deceased Manubhai have given consent to the

bequest of the said property made by their father, to their mother Rasilaben and brother Rajesh.

11) Said Rasilaben Manubhai, during her life time, has made a declaration dated 28.06.2011 (a copy of which has been submitted to me) that she has released her right/share in the said property in favour of her son Rajesh. Consequent to this, Entry No. 2205 dated 06.08.2011 has been made in City Survey Property Card deleting her name as co-owner. I have been informed that said Rasilaben had not executed a registered Deed of Release.

12) However, Rasilaben Manubhai had made and published her Will on 30.09.2005 which is registered on the same day under Serial No. 7353. She had appointed her son Rajesh as Executor of the Will. As appearing from the copy of Will submitted to me, Rasilaben has bequeathed her share in the said property of Final Plot No. 433/A as "an heir of deceased Manubhai" to her son Rajesh. It is also mentioned by her that she is revoking her previous Will dated 16.06.2003 bearing Registration No. 2269 and has declared the Will of 30.09.2005 as her last Will. I have observed that she has not made any mention of Will dated 18.01.2003 of Manubhai Keshavlal.

13) Said Rasilaben Manubhai has died on 07.05.2014 as appearing from copy of death certificate produced before me.

14) I have observed that in view of Rasilaben's statement/Declaration that she has released her rights/share in the property in favour of her son Rajesh, before City Survey Authority, there is no mutation entry regarding her death and the registered Will dated

30.09.2005 made in the city survey records. I have to further observe that as "release" of Rasilaben's 'share' in the said property is not made by way of a duly stamped and registered document, the same does not have any effect.

15) Said Rajesh Manubhai Shah has thereafter gifted undivided 138 sq. mtrs. of land and undivided 38 sq. mtrs. in the bungalow, with all other appurtenant rights, easements, etc. to his sons Viral Rajesh Shah and Vivek Rajesh Shah in equal shares by a Deed of Gift dated 21-06-2016, which is registered with the Sub-Registrar of Assurances on the same day under Sr. No. 4730. The said fact of gift is also recorded in City Survey Property Card for City Survey No. 3799 on 18-07-2016.

16) The said owners, Rajeshbhai M Shah, Viral R. Shah and Vivek R. Shah had agreed to sell that respective shares in the said property to yourself by an Agreement for sale dated 19/9/2016 which is registered on the same day under serial no. 5848.

17) Said Rajesh Manubhai Shah, Viral Rajesh Shah and Vivek Rajesh Shah have thereafter sold and conveyed to you, their respective undivided shares in the land and bungalow viz 1) undivided 716 sq mtrs of land and undivided 189.34 sq mtrs of carpet area of construction 2) undivided 69 sq mtrs in land and undivided 19 sq mtrs of carpet area of construction and 3) undivided 69 sq mtrs of land and undivided 19 sq mtrs of construction, all forming part of Final Plot no. 433/1, being City survey no. 3799, by a conveyance dated 13/2/2017 which was registered with the Sub-Registrar of Assurances on the same day under serial no. 927. Prior thereto, the vendors-owners had a made a

Declaration on title on 13/2/2017 which was also registered on the same day under serial no. 926.

18) The said fact of conveyance has been recorded in city survey records of city no. 3799 on 6/3/2017 under serial no. 5577. Your name has been entered as owner of the said property.

19) You have declared before me that the said property purchased by you is your separate property and no member of your family has any right, title or interest in the same.

20) You have created mortgage-charge over the said property in favour of State Bank of India, RSCPC, Ambawadi, Ahmedabad for securing financial facility of Rs. 6.75 crores obtained by you. The mortgage has been created by way of deposit of title deeds. Memorandum of Deposit of Title Deeds has been signed by you on 17/2/2017 which is registered with the Sub-Registrar of Assurances on the same day under serial no. 1042.

21) I find that the facts of mortgage of the said property to State Bank of India is not yet recorded in city survey records.

22) I am informed that you are also the owner of adjoining Final Plot no. 433/2 and 433/3 and hence Final Plot no. 433/1 has been amalgamated with them. Plan of Amalgamation is approved by Ahmedabad Municipal Corporation on 1/7/2017 under Commencement Letter/Rajachitthi no. 8751/120417/A 8369/M1. You have also informed

me that the present construction of Final Plot no. 433/1 is existing and no part of it is demolished at present.

23) I find that except for the mortgage-charge of State Bank of India, there are no other encumbrances on the said property.

The schedule of the said property is as under:-

SCHEDULE

All that non agricultural land or ground situate lying and being at mouje Changizpur, Taluka Ahmedabad City [west], District Ahmedabad, Sub-District Ahmedabad – 3 (Memnagar), bearing Final Plot no. 433/1 (old Final Plot No. 433-1A) of Town Planning Scheme No. 3 [varied] of Ahmedabad, together with construction of residential bungalow thereon, having carpet area of 227.34 sq mtrs as per Municipal Tax Bill, now comprised in city survey of Shaikhpur -Khanpur-Changizpur, T.P. Scheme no: 3-3/4, by city survey no: 3799, admeasuring 854 sq. mtrs. (i.e. 1021 sq yds) as per revenue and city survey records, and now forming part of amalgamated Final Plot no. 433/1+433/2+433/3 i.e. city survey no. 3799+3800+3801, and the said property is bounded as follows:-

North :	T.P. Road
South :	Municipal Corporation Plot
East :	Final Plot No. 433/2
West :	100 ft. T.P. Road

Opinion on Title

Subject to my observations in my Report on Title above, I am of the opinion that you are the owner of land bearing Final Plot no. 433/1, being city survey no. 3799, with construction thereon, described in the schedule above referred to, and your title as such is clear and marketable and free from encumbrances, subject to mortgage-charge of State Bank of India.



**N. R. Kavina,
Advocate.**

Ref: 300/2015

17th July, 2015

Certificate of Title

To,
Shri Sharad .K. Shah,
4, R.K. Park,
Opp: Shraddha School,,
Near Ayodhya Flats,
Jodhpur,
Ahmedabad-300 015.

Dear Sir,

Re: Certificate on title to the property bearing final plot no. 433/2 of Town Planning Scheme no. 3 (varied) of Ahmedabad, comprised in city survey of Sheikhpur-Khanpur-Changizpur, T.P.Scheme no: 3-3/4 by city survey no: 3800, situate at mouje Changizpur, Ahmedabad City.

I have to refer to your instructions to investigate and opine on your title to the above said property and have to inform you that I have perused the searches caused to be taken of the available revenue and sub-registry records and I have also perused and considered papers and documents submitted to me, including a Declaration on title and no-encumbrance made by yourself, on 16.07.2015.

I had earlier also, investigated the titles of your predecessors-in-title to the above referred property and in course of which I had caused a public notice to be issued in

gujarati daily newspapers "Gujarat Samachar" and "Divya Bhaskar" on 25th November, 2014 inviting claims and objections from general public with regard to the said property, in response to which I had not received any claim or objection from anybody. Thereafter, you have purchased the said property by a conveyance dated 23-4-2015 which is registered on the same day under serial no: 3155.

I have now to give my opinion on title as follows:-

I am of the opinion and hereby certify that your title to the said land bearing Final Plot No. 433/2, being City Survey No: 3800, admeasuring about 854 sq mtrs, with residential bungalow admeasuring about 285.56 sq. mtrs. in aggregate, thereon, situate at mouje Changizpur, Ahmedabad City, more particularly described in the schedule hereunder written, is clear and marketable and free from encumbrances and reasonable doubt.

SCHEDULE

All that non agricultural land or ground situate lying and being at mouje Changizpur, Taluka Ahmedabad City [west], District Ahmedabad, Sub-District Ahmedabad – 3 (Memnagar), bearing Final Plot no. 433/2 (old Final Plot No. 433-1B) of Town Planning Scheme No. 3 [varied] of Ahmedabad, together with construction of residential bungalow thereon known as "Sujeep", consisting of ground and first floors, each of

142.78 sq. mtrs. or thereabout, now comprised in city survey of Sheikhpur-Khanpur-Changizpur, T.P.Scheme no: 3-3/4, by city survey no: 3800, admeasuring 854 sq. mtrs. (i.e. 1021 sq yds) as per revenue and city survey records, and bounded as follows (as per approved plan under C. C. No. 412):

North : T. P. Scheme Road
South : Municipal Plot
East : Final Plot No. 433/3 (old F. P. No. 433-2)
West : Final Plot No. 433/1 (old F. P. No. 433-1-A)


N. R. Kavina, Advocate

30/7/2015

Date:- 17/7/2015

To,
Shri Sharad K. Shah,
4, R.K. Park,
Opp: Shraddha School,
Near Ayodhya Flats,
Jodhpur, Satellite,
Ahmedabad.

Dear Sir,

Re : Report on title to the property bearing final plot no. 433/2 of Town Planning Scheme no. 3 (varied) of Ahmedabad, comprised in city survey of Sheikhpur-Khanpur-Changizpur, T. P. Scheme no: 3-3/4 by city survey no: 3800, situate at mouje Changizpur, Ahmedabad City.

Report on Title

1) It appears from the papers and documents submitted to me that Final Plot No. 433 admeasuring 10,333 sq. yds. was allotted in lieu of Survey No. 103 under Town Planning Scheme No. 3 of Ahmedabad. It appears from mutation entry no. 1543 dated 6-12-1957 that a lay-out plan, sub dividing Final plot no. 433 of T.P. scheme no.3 was approved by Ahmedabad Municipal Corporation by order/permission no. BNS-7114. It further appears from mutation entry no. 1813 dated 3-11-1959 that a (revised) lay out plan was

approved by the Corporation by order/ permission no. BNS – 51/5 dated 2-2-1958. It appears that Final plot no. 433 was sub divided into 433/1/A, 433/1/B, 433/2, 433/3, 433/4, 433/5, 433/6-A, 433/6/B and approach road was given Final Plot No. 433/7.

2) It appears that there were several co-owners of Final plot no. 433, who, orally divided the plots amongst themselves while keeping the approach road joint amongst themselves. This fact of oral partition is recorded in the Revenue records by mutation entry no. 1814 dated 3-11-1959. It is mentioned in this entry that the said oral partition had taken place on 15-10-1959. It appears that pursuant to the said oral partition, sub plot no 1-B of Final plot no. 433 admeasuring 1021 sq yds came to the share of Jayantilal Dahyabhai and Rameshchandra Dahyabhai, whereas sub plot no. 7, being road land, admeasuring 1188 sq. yds. was kept joint amongst all plot holders of Final Plot no. 433.

3) I find that the land bearing sub-plot no. 1-B of Final Plot no. 433 and undivided proportionate share in road land of Final Plot no. 433/7 was held as HUF property by Jayantilal Dahyabhai and Rameshchandra Dahyabhai. Both brothers were having half share in the said land i.e. to say, undivided half share in the land was held by Jayantilal Dahyabhai Shah HUF and remaining undivided half share was held by Rameshchandra Dahyabhai Shah, solely, since he was unmarried.

4) It further appears that the land of Final Plot No. 433/1/B was converted to non-agricultural land pursuant to an order of City Dy. Collector dated 17-3-1960 and a Sanad

dated 1-4-1960 was given under the provisions of Bombay Land Revenue Code in that regard.

5) I further find that at relevant times, the HUF of Jayantilal D. Shah consisted of himself, his wife Indiraben and sons Sudhakar, Jitendra, Ashwin and Paresh. I find that Jitendra Jayantilal had released his right, title and interest in various HUF properties including in the half share of Jayantilal D. Shah HUF in the land of Final Plot no. 433/1/B, in favour of the rest of the members of the HUF, when, at that time, Paresh and Ashwin were minors. A Deed of Release in that regard was executed by said Jitendra Jayantilal on 31st October, 1964 which was registered with the Sub-Registrar of Assurances on 3rd December, 1964 under Sr. no. 9090. In view of the said release and separation of said Jitendrabhai from the HUF,, the HUF of Jayantilal D. Shah thus consisted of said Jayantilal Dahyabhai, his wife Indiraben and sons Sudhakar, Ashwin and Paresh J. Shah.

6) It is stated to me that a residential bungalow was constructed upon the said land by said Jayantilal Dahyabhai HUF as then constituted and said Rameshchandra Dahyabhai in equal shares. The building plans were approved by Ahmedabad Municipal Corporation by order/ C. C. no: 412 dated 25-1-1966. The bungalow consists of ground floor and first floor, each of about 142.78 sq mtrs.

7) I find that Sudhakar Jayantilal had also subsequently separated from the HUF and released his right, title and interest in various HUF properties including in the half share of the property of Final Plot no. 433/1/B. A deed of release in that regard was executed

by said Sudhakar Jayantilal in favour of the rest of the members of the HUF on 27th October, 1970 which was registered with the Sub-Registrar of Assurances on the same day under Sr. no. 12666. Thus, the HUF of Jayantilal D. Shah consisted of himself, his wife Indiraben, and sons Ashwin and Paresh and, as such, were owning said undivided half share in the property. It has been stated to me that when Paresh and Ashwin married, their respective family members also became members of the HUF of Jayantilal D. Shah.

8) On coming into force of The Urban Land (Ceiling and Regulation) Act, 1976, said Jayantilal Dahyabhai and Rameshchandra Dahyabhai had filed Form No. 1 with respect to the urban vacant properties held by them respectively. Both brothers, have, in their respective Forms No. 1, showed that each of them is having undivided half share in the said property. I find from the copies of the orders of the Competent Authority dated 04/09/1987 and 18/04/1988 passed on the Form no. 1 filed by Rameshchandra Dahyabhai and Jayantilal Dahyabhai respectively, that since each of them was holding urban vacant land within the prescribed ceiling limit, their Forms have been ordered to be closed.

9) It appears from mutation entry no. 3472 dated 20/3/1979 that upon variation in T.P. Scheme no.3 and pursuant to order no. KJPSR – 20/78-79 of District Inspector (Land Records) and Rectification Sheet no. 263, Final Plot no. 433/1/B has been renumbered as Final Plot no. 433/2, admeasuring 854 sq mtrs. It further appears that the approach road

of Final Plot No. 433/7 was taken over by the Municipal Corporation under variation of Town Planning Scheme and does not find mention in mutation entry no. 3472.

10) Said Rameshchandra Dahyabhai Shah, owner of the undivided half share in the property bearing final plot no. 433/2, died unmarried on 28th December, 1990. Said Rameshchandra Dahyabhai had made and published a will or testament dated 5th February, 1979 which was registered on the same day under serial no. 1132. By the said will, Rameshchandra Dahyabhai Shah had bequeathed his undivided half share in the said property to Paresh Jayantilal Shah HUF. Hence, after the death of said Rameshchandra Dahyabhai Shah and pursuant to his Will, Paresh Jayantilal Shah HUF became entitled to undivided half share in the property of final plot no.433/2. The above said facts are also recorded in the revenue records by mutation entry no.4488 dated 22-04-1992.

11) The remaining undivided half share of Final Plot No. 433/2 was owned and possessed by Jayantilal D. Shah HUF. I am informed that an oral partition was effected amongst the members of the HUF whereupon the said undivided half share in the said property came to the share of Paresh J. Shah, HUF. It has been further stated to me that the oral partition has been effected with respect to various HUF properties on 11th June, 2005. It has been stated to me that the oral partition has been effected in pursuance of a Family Arrangement and in accordance with the provisions of Hindu Personal Law and it has not been reduced to writing. The said fact of oral partition has been recorded in the revenue records by mutation entry no. 5827 on dated 8-7-2005,

which is certified on 9/08/2005. Thus, I find that in view of the above oral partition, Paresh Jayantilal Shah HUF also became the owner of the remaining half portion of Final Plot No: 433/2.

12) Said Paresh Jayantilal Shah HUF consisted of Paresh J. Shah, his wife Sujata and sons Nishant, Sapan and Jainish. All sons have now married. Their respective wives/issuses have, upon marriage, also become members/co-parceners of the Paresh Jayantilal Shah HUF.

13) The said property of Final plot no: 433/2 has been comprised in City survey of Sheikhpur-Khanpur-Changizpur, T.P. Scheme no: 3-3/4, by city survey no: 3800, wherein the area is shown to be of 854 sq mtrs.

14) Thereafter, a Partition has been effected amongst the members of Paresh Jayantilal Shah HUF by a Partition Deed dated 10th October, 2014 which was registered on 14th October 2014 under Serial No. 6656, causing a complete Partition of immovable property and movable assets, amongst the members of Paresh Jayantilal HUF. Pursuant to the said Partition, all three of yourselves, viz. Nishant P. Shah HUF, Sapan P. Shah HUF and Jainish P.Shah HUF, have been allotted undivided 1/3rd share each in the said property of Final plot no: 433/2. The said fact of partition has been recorded in the City Survey Records by mutation entry no: 4374 dated 24-11-2014 which is certified on 07.01.2015.

15) The above said oral partition effected amongst the members of Greater HUF of Jayantilal Dahyabhai on or about 11-6-2005, has been acted upon and has not been

disputed by any member of the HUF. Said Ashwinbhai J.Shah and his family members have confirmed the fact of oral partition by making Declarations in that regard on 23-12-2014. Said Jayantilal Dahyabhai has since died.

16) You had entered into an Agreement for purchase/Sale of the said Property of Final Plot no: 433/2 with the said owners, Shri Nishant P.Shah, Shri Sapan P. Shah and Shri Jainish P. Shah, all as kartas and Managers of their respective joint families, on 22-12-2014, which was registered with the Sub-Registrar of Assurances on the same day under Serial no: B403.

17. Thereafter, said Nishant P. Shah, Shri Sapan P. Shah and Shri Jainish P. Shah, all as Kartas and Managers of their respective joint and undivided hindu families, sold and conveyed their respective undivided 1/3 rd share, right, title and interest in the said property to yourself by a conveyance dated 23-4-2015, which is registered with the Sub-Registrar of Assurances on the same day under Serial no: 3155.

18. Said Nishant Paresh Shah, as karta and manager of his joint family, and as father and natural guardian of minor daughter Nia, wife Nidhi, said Sapan Paresh Shah as karta and manager of his joint family and as father and natural guardian of minor daughter Myra, wife Puja, and said Jainish Paresh Shah as karta and manager of his joint family and wife Jigna, signed and executed a Declaration cum Indemnity on 23-4-2015, which is registered with the Sub-Registrar of Assurances on the same day under Serial no: 3156.

In the said conveyance and in the said Declaration cum Indemnity, the Vendors have stated that the property comprised in the said conveyance has been sold by them for benefit of estate of their joint families, and out of sale consideration, they will acquire three new residential premises for dwelling of the three families. They further indemnified yourself against any loss or damage which you may incur or suffer on account of any action, suit or proceeding which may be instituted by any member of their families, including minors, and or on account of any alleged defect in their title to the said property.

19. I find that your name has been entered in city survey records of city survey no; 3800, as owner of the property purchased by you under the said conveyance dated 23-4-2015, on 28-4-2015, which has been certified on 29-6-2015.

20. You have also made a Declaration on 16.07.2015, whereunder you have declared that the said property is in your exclusive ownership and possession and that you have not created any charge or encumbrance over the said property and that the said property is not involved in any kind of litigation. You have also stated that you have not entered into any kind of agreement or transaction with respect to the said property with anybody.

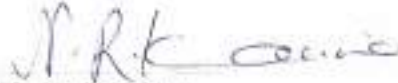
I have not found any mortgage charge or encumbrance over the property in question from the searches caused to be taken by me of the available revenue and sub-registry records.

The Schedule of the said property is as under:

SCHEDULE

All that non agricultural land or ground situate lying and being at mouje Changizpur, Taluka Ahmedabad City [west], District Ahmedabad, Sub-District Ahmedabad – 3 (Memnagar), bearing Final Plot no. 433/2 (old Final Plot No. 433-1B) of Town Planning Scheme No. 3 [varied] of Ahmedabad, together with construction of residential bungalow thereon known as "Sujeep", consisting of ground and first floors, each of 142.78 sq. mtrs. or thereabout, now comprised in city survey of Sheikhpur-Khanpur-Changizpur, T.P.Scheme no: 3-3/4, by city survey no: 3800, admeasuring 854 sq. mtrs. (i.e. 1021 sq yds) as per revenue and city survey records, and bounded as follows (as per approved plan under C. C. No. 412)

North : T. P. Scheme Road
South : Municipal Plot
East : Final Plot No. 433/3 (old F. P. No. 433-2)
West : Final Plot No. 433/1 (old F. P. No. 433-1-A)



N. R. Kavina,
Advocate.

488 /2017

30th August, 2017

To,
Shri Sharad K. Shah,
4, R.K. Park,
Jodhpur, Satellite,
Ahmedabad-380 015
Gujarat, India.

Re : Investigation of title to immovable property bearing final plot no. 433/3 of Town Planning Scheme no. 3 (varied) of Ahmedabad, comprised in city survey of Sheikhpur-Khanpur-Changizpur, T. P. Scheme no: 3-3/4 by city survey no: 3801, situate at mouje Changizpur, Ahmedabad City.

I have to refer to your instructions to investigate your title to the above referred property which you have purchased under a registered conveyance dated 10/4/2017, bearing serial no. 2374. Earlier, I caused searches to be taken of revenue, city survey and sub-registry records and had perused and considered copies of various documents submitted to me while investigating titles of Subodhchandra Popatlal HUF and another. I had also caused a public notice to be issued in the daily newspapers "Divya Bhaskar" on 08.09.2016 and in "Gujarat Samachar" on 15.09.2016 inviting claims and objections from general public to the title of the said property, in response to which I had not received any claim or objection from anybody.

Based on the above, my report and opinion on title is as below:-

Report on Title

1. It appears that originally, the land of Final Plot No. 433 admeasuring 10,333 sq. yds., was allotted in lieu of Survey No. 103 under Town Planning Scheme No. 3 of Ahmedabad, and, as appearing from mutation entry no. 1813 dated 03.11.1959, a lay-out plan (revised) for sub-division of Final Plot No. 433 into Final Plot Nos. 433/1/A, 433/2, 433/3, 433/4, 433/5, 433/6 and Final Plot No. 433/7 (being approach road) was approved by Ahmedabad Municipal Corporation by order/permission no. BNS-51/5 dated 02.02.1958.

2. It further appears that the said Final Plot No. 433 was owned by several co-owners, who had orally divided or distributed the sub-plots of the said land amongst themselves, keeping the approach road joint, and, as appearing from mutation entry no. 1814 dated 03.11.1959, the said oral partition had taken place on 15.10.1959, pursuant to which sub-plot no. 2 of Final Plot No. 433 admeasuring 1020 sq. yds., with co-ownership right in approach road, had gone to the share of Popatlal Premchand and Subodhchandra Popatlal.

3. I have been informed that the said sub-plot no. 2 was held as joint family property of Popatlal Premchand Shah HUF, of which said Popatlal Premchand and his son, said Subodhchandra Popatlal, were the only co-parceners, and each had undivided half-share in the land of sub-plot no: 2 coming to their share on partition as above stated.

4. I am further informed that wife of said Popatlal Premchand, viz. Gangaben, had died on 16.12.1972 and his only daughter Shantaben, was married at relevant

time/s.

5. It further appears that the said land of sub-plot no. 2 was permitted to be used for non-agricultural residential use from 01.08.1959 by an order of a concerned competent authority dated 17.03.1960, as appearing from Village Form No. 2 of revenue records.

6. It further appears from mutation entry no. 3472 dated 20.03.1979 in V.F. no: vi records the facts that the said Town Planning Scheme no. 3 was varied by State Government/Town Planning Authority, whereby said sub-plot no. 2 of Final Plot No. 433 has been re-numbered as sub-plot no. 3 of Final Plot No. 433, admeasuring 853 sq. mtrs., and it appears that approach road in Final Plot No. 433 has been taken over by Ahmedabad Municipal Corporation under the varied Scheme as there is no mention about it in the said mutation entry no. 3472.

7. Said Popatlal Premchand Shah, during his lifetime, had made and published his last Will and Testament on 02.03.1981, whereby he bequeathed his undivided half share in the said property of sub-plot no. 3 to his daughter-in-law, Grishma Alkesh Shah, being his daughter-in-law. Said Popatlal Premchand Shah died on 28.05.1981, whereupon, in the revenue records, firstly, an entry no. 3644 dated 16.09.1981 is made, thereby entering the name of his direct heirs, and subsequent entry no. 3645 dated 16.09.1981 is made with respect to the said Will of the deceased, whereupon, the name of said Grishma Alkesh Shah as a legatee, was entered in the revenue records, as owner of undivided $\frac{1}{2}$ share in the said land, and the names of the

deceased and other heirs have been deleted.

8. Said Subodhchandra Popatlal Shah HUF was the owner of remaining undivided $\frac{1}{2}$ share in the said non-agricultural land of sub-plot no. 3 of Final Plot No. 433, of which said Subodhchandra Popatlal Shah was karta and manager, and his wife and three sons were the other member-coparceners of the said HUF.

9. The said land of Final Plot No. 433/3 was comprised in City Survey Ward T. P. 3/3-4 Shaikhpur-Khanpur-Changizpur, by City Survey No. 3801 admeasuring 853 sq. mtrs., and the names of Subodhchandra Popatlal and Grishma Alkesh Shah were shown as owners/holders of the same as in 1984.

10. Said Subodhchandra Popatlal Shah had died on 18-8-2000. Said Subodhchandra Popatlal had, during his lifetime, made and published his last Will and Testament on 28.10.1997, whereby he had bequeathed his undivided $\frac{1}{5}^{\text{th}}$ share (in the said undivided $\frac{1}{2}$ share in the said land/property), held by him as a coparcener, to his own HUF, and therefore, upon his death, the said undivided $\frac{1}{5}^{\text{th}}$ share merged with the remaining shares as constituting his HUF. The HUF of late Subodhchandra Popatlal was then constituted of his wife Rasilaben and sons Bhadresh, Alkesh and Umesh and their families.

11. I am informed that Umesh Subodhchandra Shah, son of Late Subodhchandra P. Shah and a co-parcener in the HUF, had died on 15.03.2001, and pursuant to his last Will and Testament dated 01.11.2000, whereunder he had bequeathed his

undivided share (i.e. 1/4th share) in the undivided ½ share in the said land of Final Plot No. 433/3, to his own HUF, his said share merged with the shares of the remaining members/co-parceners of Late Umesh Subodhchandra Shah HUF.

12. As per information given to me the HUF of late Umesh Subodhchandra Shah presently constitutes of Smt. Bindu Umesh Shah, sons Bhavin and Kunal and their families.

13. It further appears that Rasilaben, widow of late Subodhchandra Popatlal and a member of HUF of late Subodhchandra Popatlal Shah had died on 01.05.2014, and pursuant to a bequest made under her last Will and Testament dated 08.08.2007, her undivided share in the various properties (which included the undivided ½ share in the said land of Final Plot No. 433/3) of late Subodhchandra Popatlal Shah HUF, devolved on the HUF of late Subodhchandra Popatlal Shah.

14. In view of the above, the said property was owned by Subodhchandra Popatlal Shah HUF, being a greater HUF and Smt. Grishma Alkesh Shah, in equal undivided shares. The said greater HUF comprised of smaller HUFs of Bhadresh Subodhchandra Shah, late Umesh S. Shah and Alkesh S. Shah. Shri Bhadresh S. Shah, being eldest, is the Karta and Manager of greater HUF. As was declared to me, the HUF of Bhadresh S. Shah constitutes of himself, his wife and two sons Jayen and Dhairal and their respective families and another unmarried son Aalok, the HUF of late Umesh S. Shah constitutes of Smt. Bindu U. Shah, and sons Bhavin U. Shah and Kunal U. Shah and their respective families. The HUF of Alkesh S. Shah

constitutes of himself, his wife Grishma and a married daughter, Niyati.

15. The said property of City Survey No. 3801 was shown as as belonging to Subodhchandra Popatlal and Smt. Grishma Alkesh Shah. However, as undivided $\frac{1}{2}$ share in the property was belonging to Subodhchandra Popatlal HUF, necessary correction to that effect is made in city survey records on 17-10-2016.

16. Thereafter, Bhadresh Subodhchandra Shah as Karta and manager of Late Subodhchandra Poptalal HUF and all other co-parceners/members of the HUF (having undivided $\frac{1}{2}$ share in the property) and Smt Grishma Alkesh Shah (having undivided $\frac{1}{2}$ share in the property) executed a conveyance in your favour of their respective shares in the said property of Final Plot no. 433/3, on 10/4/2017 which conveyance was registered with the Sub-Registrar of Assurances on 12/4/2017 under serial no. 2374. The vendors/owners had made a declaration on title on 10/4/2017 which was registered on the same day under Serial No. 2375.

17. The said fact of conveyance has been recorded in city survey records of city survey no. 3801 dated 02/06/2017 under Serial No. 5320. Your name Sharad Kanaiyalal Shah has been entered as owner of the said property.

18. You have declared before me that the said property purchased by you is your separate self acquired property and no member of your family has any right, title or interest in the same.

19. I am informed that you are also owner of adjoining Final Plot no. 433/1 and

433/2 and hence Final Plot no. 433/3 has been amalgamated with them. Plan of Amalgamation is approved by Ahmedabad Municipal Corporation on 1/7/2017 under Commencement Certificate/Raja Chitthi No. 8751/120417/A 8369/M.

20. I have not found any mortgage charge or encumbrance over the said property of Final Plot no. 433/3.

The Schedule of the said property is as under:-

SCHEDULE

All that piece or parcel of freehold non-agricultural land or ground, with compound wall on all sides, bearing sub-plot no. 3 of Final Plot No. 433 of Town Planning Scheme No. 3 (varied) of Ahmedabad, comprised on City Survey Sheet/Tikka No. 68 by City Survey No. 3801 in Ward Shaikhpur-Khanpur-Changizpur, T. P. Scheme No. 3/3-4, admeasuring about 853 sq. mtrs., as per revenue and city survey records, now forming part of amalgamated Final Plot no. 433/1+433/2+433/3 i.e city survey no. 3799+3800+3801 situate at mouje Changizpur, New Taluka Sabarmati, Sub-district Ahmedabad-3 (Memnagar), District Ahmedabad, and the same is bounded as follows:-

East: Final Plot No. 433/4

West: Final Plot No. 433/2

North: T. P. Scheme Road

South: By Municipal Plot

Opinion on Title:-

Subject to my observations in my Report on title above, I am of the opinion that the said non-agricultural property of Final Plot No. 433/3 being City Survey No. 3801, more particularly described in the Schedule above referred to, belongs to yourself as owner, and that your title to the same is clear, marketable and free from encumbrances.



**N. R. Kavina,
Advocate.**