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Gujarat High Court

Sanad No.: G / 1798 / 2008

Our Ref. : BRD / LEGAL / 14 / 2017

Date : 15/02/2017

To,
SAMRUDDHI BULDTECH,
Mr. KIRAN JAGDISHCHANDRA DALVADI,
VADODARA.

SUB.: Opinion as to Title in respect of the Immovable Property being **NON – AGRICULTURAL LAND**, bearing Block / Survey No. 221 / 2 in Draft T. P. Scheme No. 40 (Kapurai) having Final Plot No. 150 / 1 paiki, adm. 782-00 Sq. Mt. in the village moje KAPURAI, Registration District & Sub - District Vadodara presently in the name of **SAMRUDDHI BUILDTECH, a partnership firm.**

Dear Sir,

With reference to the above referred subject, I state that your office has handed over the documents in respect of the above referred immovable property for obtaining Title Clearance Report. As desired by you we have verified the records of the Office of Sub Registrar of Assurance Vadodara as available from the period from 1988 to 2017 and According to the search, many index registers of said village are in torn off conditions and not properly maintained. Similarly, records of Sub – Registrar after computerization are also not properly maintained and therefore, from the available records I have got the search done and this report is being issued. I have also persuaded the documents in respect of the captioned property which are mentioned in this report.

1- NAME OF THE TITLE HOLDER

SAMRUDDHI BUILDTEC, a partnership firm

2- LIST OF DOCUMENTS PERSUADED (ANNEXURE - A)

- 1- Copy of Registered Sale deed Sr. No. 161, dated 06/01/2017 (Order dated 16/01/2017) executed by Samruddhi Buildtech, a partnership firm
- 2- Copy of Registered Sale deed Sr. No. 6315, dated 14/11/2006 executed by Jayantibhai Shamadbhai Patel and Nileshbhai Jayantibhai Patel
- 3- Copy of Registered Sale deed Sr. No. 2938, dated 17/04/2004 executed by Jayantibhai Shamadbhai Patel and Nileshbhai Jayantibhai Patel
- 4- Copy of Registered Sale deed Sr. No. 2937, dated 17/04/2004 executed by

- 8- Copy of N. A. Order, dated 18/01/2011
- 9- Copy of Notarized Power of Attorney executed by J. M. Builders through its partners, dated 09/08/2011
- 10- Copy of Construction Permission issued by Vadodara Mahanagar Palika, dated 27/6/2016
- 11- Copy of TCR issued by Advocate Mr. Mukesh B. Shah, Vadodara - dated 07/10/2009
- 12- Copy of TCR issued by Advocate Mr. Mukesh B. Shah, Vadodara - dated 28/04/2011
- 13- Copy of TCR issued by Advocate S. M. Patel, Vadodara - dated 30/10/2004
- 14- Copy of TCR issued by Advocate Nitin K. Patel, Vadodara - dated 9/5/2016
- 15- Copies of Village Form No. 7/12 and 6 vide R. E. No. 3437 reflecting the name of Ashwinbhai Natubhai Patel
- 16- Copy of Notarized Partnership Deed of Samruddhi Buildtech

3- FLOW OF TITLE

Block / Survey No. 221 / 2 / A

THAT, as per copies of Property documents and other relevant papers and Copy of Village Form No. 7/12 and 6 supplied to us and search as upon the sub – Registrar Office, we find that the captioned property Survey No. 221 / 2 / A (Old S. No. 343, 344, 345, 346), adm. 14366 Sq. Mt. in moje KAPURAI, Registration District & Sub. District Vadodara was belongs to Leelaben wd/o. Haribhai Ranchodbhai, Jashodaben, Rupaben, Bhikhabhai, Kanubhai and Desaihai by virtue of succession vide R. E. No. 2030, dated 01/01/1996.

That, said Leelaben wd/o. Haribhai Ranchodbhai Rabari and Others have sold the captioned land to Mukeshbhai Kanaiyalal Dalia, Varsha Mukesh Dalia, Maulesh Mukesh Dalia, Chirag Mukesh Dalia and Meetaben Mukesh Dalia by way of Sale Deed executed before Sub – Registrar, Vadodara vide Reg. Sr. No. 1823, dated 09/03/2000 and entry for the same was mutated in the Revenue Records vide R. E. No. 2313, dated 09/03/2000.

That, said Mukeshbhai Kanaiyalal Dalia, Varsha Mukesh Dalia, Maulesh Mukesh Dalia, Chirag Mukesh Dalia and Meetaben Mukesh Dalia through POA Mukeshbhai Kanaiyalal Dalia have sold the captioned land to Jayantibhai Shamadbhai Patel and Nileshbhai Jayantilal Patel by way of Sale Deed executed before Sub – Registrar, Vadodara vide Reg. Sr. No. 2937, dated 17/04/2004 and entry for the same was mutated in the Revenue Records vide R. E. No. 2548, dated 15/05/2004.

Block / Survey No. 221 / 2 / B

moje KAPURAI, Registration District & Sub. District Vadodara was belongs to Leelaben wd/o. Haribhai Ranchodbhai, and Others vide R. E. No. 2030, dated 01/01/1996.

That, said Late Jadaben d/o. Ranchodbhai Rabari and her legal heirs and Bhikhabhai Haribhai Rabari and Other heirs of Haribhai Ranchodbhai Rabari and Others have sold the captioned land to Jayantibhai Shamadbhai Patel and Nileshbhai Jayantilal Patel by way of Sale Deed executed before Sub – Registrar, Vadodara vide Reg. Sr. No. 6315, dated 14/11/2006 and entry for the same was mutated in the Revenue Records vide R. E. No. 2770, dated 11/12/2006.

Block / Survey No. 221 / 2 / C

THAT, as per copies of Property documents and other relevant papers and Copy of Village Form No. 7/12 and 6 supplied to us and search as upon the sub – Registrar Office, we find that the captioned property Survey No. 221 / 2 / C (Old S. No. 348, 349, 359 paiki, 361), adm. 14973-00 Sq. Mt. in moje KAPURAI, Registration District & Sub. District Vadodara was belongs to Bhaghubhai Shivalal Rabari through his legal heirs namely Jasahiben, Rajubhai vide R. E. No. 1823, dated 26/12/1987 and Ranchhoddas Smardas Rabari through his legal heirs namely Laljibhai, Shantaben, Kankuben vide R. E. No. 2029, dated 30/12/1995 and on demise of Haribhai Ranchodbhai Rabari, his legal heirs namely Leelaben, Jashodaben, Rupaben, Bhikhabhai, Kanubhai and Desaiabhai were mutated in the revenue records vide R. E. No. 2030, dated 01/01/1996.

That, said Jashiben wd/o. Bhaghubhai Shivalal Rabari and Rajubhai have sold the captioned land being S. No. 348, 349, Block No. 221 / 2 / C, adm. 10623 Sq. Mt. western side to Mukeshbhai Kanaiyalal Daliya by way of Sale Deed executed before Sub – Registrar, Vadodara vide Reg. Sr. No. 1650, dated 06/03/2000 and entry for the same was mutated in the Revenue Records vide R. E. No. 2312, dated 09/03/2000.

That, Mukeshbhai Kanaiyalal Daliya, Leelaben wd/o. Haribhai Ranchodbhai Rabari, Jashodaben d/o. Haribhai Ranchodbhai Rabari, Rupaben d/o. Haribhai Ranchodbhai Rabari, Bhikhabhai Haribhai Rabari, Desaiabhai Haribhai Rabari, Shantaben Ranchodbhai Rabari and Kankuben Ranchodbhai Rabari have sold the captioned land being S. No. 348, 349,, 359 paiki, 361 Block No. 221 / 2 / C, adm. 14973-00 Sq. Mt. to Jayantibhai Shamadbhai Patel and Nileshbhai Jayantilal Patel by way of Sale Deed executed before Sub – Registrar, Vadodara vide Reg. Sr. No. 2938, dated 17/04/2004 and entry for the same was mutated in the Revenue Records vide R. E. No. 2547, dated 15/05/2004.

That, said Jayantilal Shamadbhai Patel and Nilesh Jayantibhai Patel have executed an Agreement for Sale (Banakhat) in favour of Jignesh Aash Patel and S. No. 348, 349, 359 paiki, 361 Block No. 221 / 2 / C, adm. 14973-00 Sq. Mt. in moje KAPURAI, Registration District & Sub. District Vadodara was belongs to Leelaben wd/o. Haribhai Ranchodbhai, and Others vide R. E. No. 2030, dated 01/01/1996.

That, said Jayantibhai Shamadbhai Patel and Nileshbhai Jayantibhai Patel as a land owners and Jignaben Anilbhai Patel and Devang Rajkumar Brahmbhatt as a confirming party have sold the captioned land being Block No. 221 / 2 / A (S. NLo. 348, 349, 359 paiki, 361), adm. 14973 Sq. Mt. and Block No. 221 / 2 / A (S. No. 343, 344, 345, 346), adm. 14366 Sq. Mt. and Block No. 221 / 2 / A (S. No. 347), adm. 6880-00 Sq. Mt. of moje Kapurai to Ashwinbhai Natubhai Patel by way of Sale Deed executed before Sub – Registrar, Vadodara vide Reg. Sr. No. 9161, dated 16/09/2010. The entry for the same was mutated in the Revenue Records vides R. E. No. 3437, dated 14/10/2010.

THAT, The Competent Authority Collector, Vadodara by his Order No. Revi / N.A. / S.R. / 127 / 2009 - 2010, No. Land – D / Sec – 65 / Vasi / 9259 / 2010, dated 18/01/2011 has granted the permission to use the land bearing Block No. 221 / 2 / A, adm. 14366-00 Sq. Mt., Block No. 221 / 2 / B, adm. 6880-00 Sq. Mt., Block No. 221 / 2 / C paiki, adm. 14973-00 Sq. Mt. making total 36219 Sq. Mt., in moje Kapurai, Vadodara for Non – Agricultural purposes, subject to the conditions stipulated therein. The said Permission issued in the name of Patel Jayantibhai Shamadbhai and Patel Nileshbhai Jayantibhai. The entry for the same was mutated in the Revenue Records vides R. E. No. 3603.

That, above said land owner Ashwinbhai Natubhai Patel had executed a Development Agreement in favour of M/s. J. M. Builders, a partnership firm for development and construction to be made in the land bearing land bearing Block No. 221 / 2 / A, adm. 14366-00 Sq. Mt., Block No. 221 / 2 / B, adm. 6880-00 Sq. Mt., Block No. 221 / 2 / C paiki, adm. 14973-00 Sq. Mt. making total 36219 Sq. Mt., in moje Kapurai, Vadodara on terms and conditions and said Development Agreement duly Registered with Notary Public Nagin S. Gohil, Vadodara vide Notary Sr. No. 621, dated 19/01/2011.

That, Jayesh Navinchandra Parikh has filed Civil Special Suit No. 722 / 09 against Leelaben wd/o. Haribhai Ranchodbhai and Others (original land owners) and Jayantibhai Samadbhai Patel and Nilesh Jayantibhai Patel and in the said suit Hon'ble Principal Senior Civil Judge, Vadodara has dismissed the injection application vide Order dated 13/5/2010 and the Hon'ble High Court has also dismissed the Appeal from Order no. 169 of 2010 vide Order, dated 23/06/2010. It is pertaining to nor the neither the above said owner Ashwinbhai Natubhai Patel nor the developer M/s. J. M. Builders are parties to the said litigation but above said Civil Suit No. 722 / 09 is still continue.

That, the captioned land being Revenue Survey No. 221 / 2 land included in Draft T. P. Scheme No. 40 (Kapurai) and allotted Final Plot No. 150 / 1, adm. 23188-00 Sq. Mt. and 150/2, adm. 6308-00.

executed before Sub – Registrar, Vadodara vide R. E. No. 161, dated 06/01/2017 (Order dated 16/01/2017).

4- ENCUMBRANCES

I have caused necessary search from the record of the Sub - Registrar Office, Vadodara through search clerk. On the basis of the record available and search taken from the Registrar Office Vadodara I have not found any adverse entry for the captioned property.

That, we have not published any Public Notice in daily news paper for inviting objections in respect of the said land because of present owner are not willingly to give any public notice in local news paper thus this said Title Clearance Report is issued on the basis of the as available search carried out in the Sub – Registrar Office on the basis of the available records and as per Documents provided to us.

CERTIFICATE

Thus on the basis of the documents mentioned hereinabove and on the basis of search carried out in the Sub - Registrar Office, Vadodara I am of the opinion that **SAMRUDDHI BUILDTECH**, a partnership firm are the present owners and occupier of the Immovable Property being **NON – AGRICULTURAL LAND**, bearing **Block / Survey No. 221 / 2** in Draft T. P. Scheme No. 40 (Kapurai) having Final Plot No. 150 / 1 paiki, adm. 782-00 Sq. Mt. in the village **moje KAPURAI**, Registration District & Sub - District **Vadodara** and Title to the said property is **CLEAR, MARKETABLE AND FREE FROM ALL ENCUMBRANCE SUBJECT to the outcome of the Final Order vide Civil Special Suit No. 722 / 09 issued by Hon'ble Court.**

OUR OBSERVATIONS :

FURTHER this report is strictly subject to the final order of Civil Special Suit pending before Hon'ble Court. Further as per the records verified by us Civil Special Suit No. 722 / 09 is still pending thus this title is issued subject to the outcome of the above Civil Suit.

That, this report is issued on the basis of the records available in Sub – Registrar Office and documents provided to us, thus any other documents which are not registered with Sub – Registrar Office as well as not disclose to us are subject to our examination because of Sub – Registrar Office are not properly maintained records i.e. torn of condition.

: SCHEDULE OF THE PROPERTY :

EAST : F. P. No. 150 / 1 paiki
WEST : 12-00 Mt. T. P. Road
NORTH : 12-00 Mt. T. P. Road
SOUTH : 12-00 Mt. T. P. Road

Search Receipt Sr. No. 2017014003432 from 1988 to 1993, dated 14/02/2017
Search Receipt Sr. No. 2017015002150 from 1994 to 2012, dated 14/02/2017
Search Receipt Sr. No. 2017315002865 from 2012 to 2017, dated 14/02/2017
along with E. C. Report issued from Sub - Registrar Office,
along with Manual Search



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