

Sanjay Mahendrabhai Upadhyay

B.Sc.LL.B

ADVOCATE

Guj. High court

Office :- Mo.94261 79279

210-211 ,Ashwamegh Complex,
Opp.Syajivihar Club,

Rajmahel Road,Vadodara

DATE : 25/12/2017

ANNEXURE – 9

Certificate of encumbrance on property

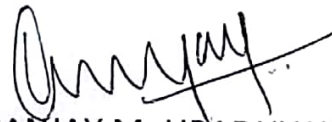
TO WHOMSOEVER CONCERN

(1)MR. JIGNESH SUBHASHCHANDRA DESAI AND
(2)MRS. LEENA JIGNESH DESAI, both are joint owners
of following immovable property situated at Village:
Pardi, Taluka: Pardi, District: Valsad the registration
of Sub-district : Pardi bearing Survey No. 1048/1049
admeasuring about 23773 Sq. meters with
construction building namely "Karma Bhumi Dream
City".

on request of (1)MR. JIGNESH SUBHASHCHANDRA
DESAI AND (2) MRS. LEENA JIGNESH DESAI, I have
carried out the search in the office of the sub
registrar Pardi for last 30 years (1987 TO 2017) and
found that there is encumbrance on the said
immovable properties which is already mortgage
with Bank of Baroda, Tithal road branch Valsad.

DATE : 25/12/2017

VADODARA



SANJAY M. UPADHYAY

ADVOCATE

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Rajwahal Road, Vadodara

Dated: 22/12/2017

**Certificate of Encumbrance
On Property
To Whomsoever Concern**

Dear Sir,

Subject : Opinion Report in respect to the All the piece and parcel of residential N.A. U/s open land bearing R.S./Block No. 1048/1049 and Khatta No. 1908, admeasuring 23773 Sq. meters, which is at pardi Tal. Pardi Dist. Valsad, which is owned and possessed by Mr. Jignesh Subhashandra Desai, Mrs. Leena Jignesh Desai with all rights.

I refer to your oral instruction dtd. 18-12-2017 requesting me to furnish non encumbrances and certify and submit the Title Clearance about the clear and marketable title to the above property to be mortgaged for securing the credit facility granted/ proposed to be granted **Mr. Jignesh Subhashchandra Desai, Mrs. Leena Jignesh Desai.**

Sr. No.	Particulars	Search / Observation/ Comment
1.	Description and Area of the property proposed to be owned. Specific number(s) and address of property along with boundaries and measurements.	Description : All the piece and parcel of residential N.A. U/s open land bearing R. 5./Block No. 1048/1049 & khatta No. 11908, admeasuring 23773 Sq. meters, which is at pardi Tal. Pardi Dist. Valsad, which is owned and possessed by Mr. Jignesh Subhashchandra Desai & Mrs. Leen Jignesh Desai. Boundaries:- East : Kotar. West : Bunder & Survey No. 1050, 1051. North : Survey No. 1047, 1046, 1021. South : Road from pardi to pardi railway station Area of Land : total admeasuring 23773 Sq. meters

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2.	Nature of property (Whether Agricultural, Non-Agricultural, that the reference & date of conversion order from the competent authority should also be mentioned.	All piece & parcel of residential N.A. Land bearing R.S./Block No.1048/1049 & Katta No.1908 admeasuring 23773 Sq. Mtrs., Which is at pardi Tal. Pardi Dist. Valsad
3.	Name of the Owner and status in the Account i.e. borrower or guarantor and whether Individual, Sole Proprietor, Partner, Director Karta or Trustee. In case the Mortgagor is partner / Director / Trustee who is mortgaging the property on behalf of Partnership / Company / Trust, whether he / she has the authority. Copy of the Resolution / Memorandum & Articles of Association / Trust Deed etc whether examined and verified.	Mr. Jignesh Subhashchandra Desai & Mrs. Leena Jignesh Desai.
4.	Whether any minor, lunatic or un-discharged insolvent is involved. Confirm that the owner has sufficient capacity to contract. Precautionary steps to be taken.	N.A.
5.	Whether the property is Freehold or Leasehold. if Leasehold then period of lease, and if Freehold whether Urban Land Ceiling Act. applies and permissions to be obtained.	Residential N.A. Land with Joint ownership rights.
6.	Source of Property i.e. self-acquired or Ancestral. If Ancestral then mode of succession and whether	Residential N.A. Land with Joint ownership rights.

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	original Will / Probate is available.	
7.	Whether there is a Co-owner / Joint Owner and / or any partition of the Property is made between the members of the family through Partition Deed. If yes, whether original Registered Partition Deed is available or it is only a family settlement.	Joint ownership Residential N.A. Land
8.	Whether the owner's is in exclusive possession of the property or it is leased/ rented out to third party.	Yes, with joint ownership on residential N.A. Land.
9.	Whether the Property is mutated in municipal / revenue records and owner's name is reflecting and if not, the reason thereof.	Yes N.A. Land had to come into possession of the mortgagors.
10	Whether any restriction for creation of ownership is imposed under Central / State/ Local Laws. If yes, then specify whose consent or permission would be required for creation of mortgage.	No.
11	Whether all the original Title Deeds including antecedent. Title Deeds and other relevant documents are available. Please give detailed list.	Yes Title Deed is available with the mortgagor.
12	Whether the Advocate has personally visited the Sub Registrar / Revenue / Municipal office and examine the records.	Yes I have made the search with receipt No.2017106015283 dtd. 22-12-2017 Pardi sub registrar Valsad.

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13	Whether the Search is being made for the period of 30-years. If no, reason thereof.	Yes in Sub registrar Pardi Tal. Pardi Dist. Valsad.
14	Detail of documents examined / scrutinized (This should be in chronological order with serial numbers, type / nature of document, date of execution, parties, date of registration details including the details of revenue / society records etc.)	1. Original Registered salr deed between Mr. Ashokbhai Shantilal Shah etc. & Mr.Jignesh Subhashchandra Desai, Mrs. Leena Jignesh Desai Sr.no.5777/2010 dtd. 23-07-2013 with original R.R.Receipt. 2. Original R.R. Receipt of registered sale deed No. 5777/2010 dtd 10-06-2010 3. Copy of N.A.order No. LND/NA/Pardi/Vashi 3998 prant officer & deputy collector pardi dtd 14-11-2011 with approved tracing & map. Copy of residential N.A. Order No. LND/N.A./R.G.01/14/Vashi.51-56/2014 prant office and deputy collector pardi dtd. 05-02-15 4. Copy of 7/12 & 8 A & No. 6 on the name of Mr. Jignesh S. Desai & Mrs. Leena J. Desai. 5. Original Instrument of deposit title deed in favour of bank of baroda tithal rd. Branch by Mr. Jignesh S. Desai, Mrs.Leena Jignesh Desai in sub registrar Pardi vide sr. No. 2348/2016 dtd. 21-12-2016 with original R. R. Receipt.
15	Tracing of chain of title in favour of the owner starting from the earliest document available. The nature of document / Deed conveying the title should be mentioned with description of parties along with the type of right it creates.	I, found from the government revenue records of village Pardi Tal. Pardi Dist. Valsad and I found that at present the said property stands in the names of Mr. Jignesh Subhashchandra Desai & Mrs. LEENA Jignesh Desai all are R/o. surat, Tal. & Dist. Surat, as co-owners in the government revenue records i.e. Village form no. 7 x 12 & form no. 8-A Of village Pardi Tal. Pardi Dist. Valsad. That originally land bearing R. S./Block No. 1048/1049 Acre 06 13 Guntha was on the names of Mr. Shantilal Laxmidas Shah etc., as the said property was partitioned in the year 1989, vide entry No. 9326 & same was certify by the competent authority on 18-11-1989. Then Mr. Shantilal Laxmidas Shah was expired and so the names of his successors namely Mrs. Sheelabe Shantilal Shah, Mr. Udaykumar Shantilal Shah, Mr. Ashokkumar Shantilal Shah, Mr. Manishkumar Shantilal Shah & Daughters Sandhya Shantilal Shah had entered in the

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record of the rights, but then daughter Sandhya Shantilal Shah had waived her rights over the said property & so her name was deleted from the records of the rights and same was certified by competent authority. So Mr. Udaykumar S. Shah etc. became the joint owner of the property, as their names had entered vide entry No. 9391 dtd. 08-01-1990. The records were rectified as per the order of deputy collector valsad vide order no. LND/Vashi 11259 Re. No. 40/2002 & so the order was transacted vide entry No. 11431 & same was certified by the competent authority. The computer record was rectified as Mr. Manishkumar Shantilal Shah had applied & the record was rectified vide entry No. 12779 & same was certified by the competent authority. The said land was not within the purview of GIDC & there was no proceeding was pending. So the entry was running in the records of rights for GIDC & So they said entry was deleted from the records of rights as per the order of GIDC/J. S. R. T.E. 18/09 dtd. 10-11-2009 & the said transaction was mutated vide entry No. 12874 & same was certified by the competent authority on 21-01-2010. So Mr. Ashokkumar Shantilal Shah, Mr. Udaykumar Shantilal Shah, Mrs. Sheelabe Shantilal Shah & Mr. Manishkumar Shantilal Shah becomes the joint owner of the said property.

They had sold the said property to Mr. Jignesh Subhashchandra Desai & Mrs. Leena Jignesh Desai through registered sale deed, which was registered in the office of sub registrar Pardi Tal. PARDI Dist. Valsad vide sr. No. 5777/2010 dtd. 10-06-2010. So on the basis of registered sale deed, the names of Mr. Jignesh Subhashchandra Desai & Mrs. Leena Jignesh Desai entered in the record of the rights vide entry No. 13086 & same was certified by the competent authority on 30-11-2010. Since Mr. Jignesh Subhashchandra Desai and Mrs. Leena Jignesh Desai are the joint owners of the all piece & parcel of residential N.A. Land U/s open land bearing R.S/Block No.

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		1048/1049 & khatta No. 1908, admeasuring 23773 Sq. meters, which is at Pardi Tal. Pardi Dist. Valsad , as they had applied before the deputy collector pardi for converting the said land in residential N.A. U/s 65 of land revenue act & the order was passed by deputy collector of pardi LND/N.A./R.G.01/14/Vashi.51-56/2014 & the said transaction was mutated in the record of rights & same was certified by the competent authority. <u>The captioned property is already mortgaged with bank of baroda tithal Rd. branch Valsad, as the said persons had executed the Instrument relating to deposit of title deeds in favour of bank of baroda main branch Valsad in sub registered Pardi vide sr. No. 2348/2016 dtd. 21-12-2016.</u>
16	Whether there is any doubt / suspicion about the genuineness of the original documents. If yes, then specify.	No.
17	The final Certificate of the Advocate confirming that of the property(s) to be owned is examined by him and the same is / are clear and marketable.	<u>yes , the property is clear and marketable, subject to obtain the following documents that is No .1 to 11, which is mentioned in the Para 18 of this report. The property is already mortgage with bank of baroda, tithal Rd. Branch, Valsad by way of mortgage registered vide sr. No. 2348 dtd. 21-12-2016 in pardi sub registrar.</u>
18	List Of document to be deposited for creation of Legal Ownership by Owner including any additional document required in additional to the documents available.	1. Original Registered sale deed between Mr. Ashokkumar Shantilal Shah etc. & Mr. Jignesh Subhashchandra Desai, Mrs. Leena Jignesh Desai & Mr. Yatin Natwarbhai Bhakta vide sr. No. 5777/2010 dtd. 10.06.2010 with original R.R. receipt. 2. Original R.R. Receipt of registered sale deed No. 5777/2010 dtd 10-06-2010. 3. Copy of N.A. Order No. LND/N.A./R.G.01/14/Vashi.51-56/2014 & deputy collector pardi dtd 14-11-2011 with approved tracing & map. 4. Latest Original True copies of 7/12 & 8 A & No. 6 on the names of Mr. Jignesh S. Desai & Mrs. Leena J. Desai.

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	5. Undertaking cum Affidavit cum Declaration duly notarized before notary public with ID and photos in the presence of witnesses from Mr. Jignesh S.Desai, Mrs. Leena J. Desai stating that all the piece & parcel of residential N.A. [U/s 65 of land revenue act] U/s open land bearing R. S./Block 1048/1049 & khatta No. 1908, admeasuring 23773 Sq. Meters, which is at pardi Tal. Pardi Dist. Valsad is not mortgaged, except bank of baroda thital Rd. Branch, Valsad anywhere or it has not been transferred by any way to anybody, except bank of baroda main branch valsad. We have not created any registered or unregistered charge over the said property. No court litigation is pending in any court of India in respect of the said property, hence its title is clear, marketable & free from all encumbrances & we will not sale, transfer, mortgage, alienate, assign &/or part with the possession of mortgage property without prior permission of the bank. They are not going to transfer the said property till the repayment is not made to bank of baroda, tithal Rd. branch Valsad branch respective interest. 6. Latest true copy of index of registered sale deed sr. No. 5777/2010 dtd 10.06.2010. 7. Latest original No. Due & No. change certificate from grampanchayat pardi R. S./Block No.1048/1049 N.A. Land bearing 23773 Sq. meters on the names of Mr. Jignesh S. Desai etc. 8. Latest original tax receipt from grampanchayat pardi R. S./Block No. 1048/1049 N.A.Land bearing 23773 Sq. meters on the names of Mr. Jignesh S. Desai etc 9. Latest original permission for construction from grampanchayat pardi with with approved map on the name of Jignesh S. Desai etc. 10. Original extension of instrument of deposit of title deeds executed by Mr. Jignesh Subhashchandra Desai & Mrs. Leena Jignesh Desai in Favour of bank of baroda tithal rd. branch, Valsad in pardi sub registered. 11. Original instrument of deposit title deeds in favour of bank of baroda tithal rd. branch by Mr. Jignesh Subhashchandra Desai, Mrs. Leena Jignesh Desai in sub registrar pardi vide sr. No. 2348/2016 dtd. 21-
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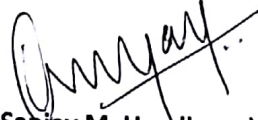
Rajmahel Road, Vadodara

		12-2016 with original R. R. Receipt.
19	Whether any additional formalities to be completed by the proposed Owner. If yes, state specifically in case of flat(s) property(s) in Co-Op. Societies, whether allotment letter, possession letter, Share certificate, affidavit, power of attorney etc. is required.	No. Bank of Baroda Tithal Rd. branch valsad has to obtain the above <u>1 to 11 documents</u> from borrowers. So the title to the said property is clear, marketable subject to obtain the above <u>1 to 11 documents</u> from Mr. Jignesh S.Desai etc., by doing the extension of mortgage to be registered in pardi sub registrar by the said borrowers in favour of bank of baroda tithal rd. branch valsad and lien of the bank of baroda tithal rd. branch be registered in block No. 1048, 1049 pardi.
20	Whether the property is covered under the securitization & reconstruction of financial assets and enforcement of security interest act, 2002, as amended up to date.	Yes.

Place :Vadodara

Dated :22/12/2017

Yours Faithfully


(Sanjay M. Upadhyay)

B.Sc LL.B

Advocate, Vadodara.

Encl. Original Search Receipt No.2017106015283 issued by sub registrar
Pardi dtd . 22.12.2017

પહોંચ નંબર: ૨૦૧૭૧૦૬૦૧૫૨૮૩ અરજી નંબર: ૧૨૬૦૯ અરજી વર્ષ: ૨૦૧૭

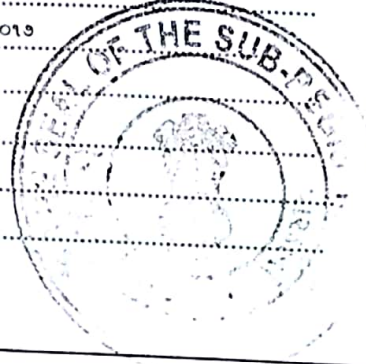
તા: ૨૨ માહિ: ડિસેમ્બર સને: ૨૦૧૭

રજુ કરનારનું નામ **Sanjay M. Upadhyay (Adv.)**

નીચે પ્રમાણે ફી પહોંચી

રૂ. પૈસા

રજીસ્ટ્રેશન ફી.....
 નકલ કરવા ની ફી સાઈડ / કોલીયો.....
 શેરોની નકલ કરવા માટે ફી.....
 ટપાલ ખર્ચ.....
 નકલો અથવા યાદીઓ (કલમ ૬૪ થી ૬૭).....
 શોધ અગર તપાસણી..... Year: ૨૦૧૦ ૨૦૧૭.....
 દંડ કલમ-૨૫.....
 કલમ-૩૪ (કલમ-૫૭).....
 નકલ ફી કોલીયો.....
 ઈન્ડેક્સ-૨ ફી.....
 આ સિવાયની બાબતોની ફી



કુલ એકંદરે રૂ.

૧૫૦

અંકે રૂપીયા એકસો પચાસ પુરા.

દસ્તાવેજ

નકલ

દસ્તાવેજ રજીસ્ટર ટપાલથી નીચેના સરનામે મોકલશો.

ના દિવસે તૈયાર થશે અને

તે રજીસ્ટર ટપાલથી મોકલવામાં

કચેરીમાં આપવામાં

આવશે.

(B. N. Machhi)
 સબ રજીસ્ટ્રાર
 પારડી

IGR-NIC

2370025317416185348

૨૨/૧૨/૨૦૧૭

૩:૧૫:૨૪ pm

CERTIFICATE OF ENCUMBRANCE ON PROPERTY

TO WHOM SO EVER IT MAY CONCERN

- 1) MR. JIGNESH SUBHASHCHANDRA DESAI AND 2) MRS. LEENA JIGNESH DESAI both are joint owners of the following immovable property situated at Village : Killa Pardi, Taluka : Pardi. District : Valsad the Registration of Sub-District : Pardi Bearing Survey No. 1048/1049 admeasuring about 23773 Sq.Mtr. with the construction Buildings namely "KARMABHUMI DREAM CITY".

As per our Knowledge and serch in the office by the Advocate Mr. Sanjay M. Upadhyay in the office of the Sub Registrar Pardi for Last 30 Years (1987 to 2017) and found that There is Encumbrance on the Said Immovable Properties which is already Mortgage with the Bank of Baroda. Tithal Road Branch, Valsad.

Date : 29/12/17

Place: Pardi.