

H. DESAI AND COMPANY
ADVOCATES AND SOLICITORS

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Ref. No. Bjm/99/2016

of 2017

Date:

Re: IN THE MATTER OF Due Diligence of Title with respect to the property situate lying and being at Dariapur-Kazipur (sim), Taluka Asarva, in the Registration District Ahmedabad and Sub District Ahmedabad – 6 (Naroda), bearing City Survey No. 1322 of City Survey Ward T. P. Scheme No. 8 (Asarva), admeasuring about 3744.05 Sq.mts., bearing Final Plot No. 49/part, Sub Plot No. 1-1-B, also as per Ahmedabad Municipal Corporation (AMC) Record given 49/1/2.

We have undertaken the work of Due Diligence of Title with respect to the property above referred to. We have caused necessary searches to be taken with the revenue and sub registry records. We have taken root of title commencing from about 1980, prior to more than thirty-five years from now. Our Report on Title is as stated hereafter. For detailed facts and particulars, references may be taken from the documents, papers, writings and records referred to herein below.



A. DETAILS OF DESCRIPTION OF THE PROPERTY UNDER DUE DILIGENCE OF TITLE:

1. Final Plot No. 49, admeasured about 34955 Sq.mts. The same was divided into three sub plots, being
 - i) Final Plot No. 49/1, admeasuring about 21286 Sq.mts.,
 - ii) Final Plot No. 49/2, admeasuring about 11830 Sq.mts., and
 - iii) Final Plot No. 49/3, admeasuring about 1839 Sq.mts.

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2. Final Plot No. 49/1 belonged to Sheth Ashokebhai Chimanbhai. The same was received by him on partition between family members in the manner and as per details contained in Agreement and Sale Deed, dated 15th June, 1967, registered with the office of the then Sub Registrar, Ahmedabad, under Sr. No. 6466. (Ref. Copy of the said Agreement and Sale Deed).
3. Said Final Plot No. 49/1 of 21286 Sq.yds. is thereafter divided into four plots as per details below.

Plot No. 1, admeasuring about 12238 Sq.yds.,
Plot No. 2, admeasuring about 3018 Sq.yds.,
Plot No. 3, admeasuring about 3015 Sq.yds., and
Plot No. 4, admeasuring about 3015 Sq.yds.

Plot Nos. 2, 3 and 4 shall collectively be referred to as "Part-1 Land".

4. Thereafter said Final Plot No. 49/1, Sub Plot No. 1 (49/1/1), admeasuring about 12238 Sq.yds. is sub-divided into four plots, A, B, C and D of the following areas.
- i) Plot No. A, admeasuring about 2555.5 Sq.yds., (49/1/1/A)
 - ii) Plot No. B, admeasuring about 4478 Sq.yds., equal to 3744.05 Sq.mts.), (Land under due diligence of title), (49/1/1/B)
 - iii) Plot No. C, admeasuring about 2552.5 Sq.yds., (49/1/1/C) and
 - iv) Plot No. D, admeasuring about 2652 Sq.yds. (49/1/1/D)

Plot Nos. A, C and D shall collectively be referred to as "Part-2".

5. The land under due diligence of title, said Plot No. B, i.e. Final Plot No. 49/1/1B, admeasuring about 4478 Sq.yds., equal to 3344.05 Sq.mts. in the AMC sanctioned plan referred to hereafter described as "49/1/2", included in City Survey, City Survey Ward T. P. Scheme No. 8 (Asarva) is given City Survey No. 1322, admeasuring about 3744.05 Sq.mts.



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B. DEVELOPMENT PERMISSION:

1. The said property was with construction of residential bungalow put up thereon, put up in the year about 1965. However, the same is demolished and development plans have been sanctioned by AMC for residential development, as per two Development Permissions, being Commencement Letter (Rajachiththy), both dated 9th May, 2017, (a) for Block No. A+B, bearing Rajachiththy No. 8447/190117/A7932/RO/M1, consisting of first cellar, second cellar, ground floor with Society office, parking and service cabin and first floor to fourth floor, stair cabin and lift-room, and (b) for Block No. C+D, bearing No. Rajachiththy 8448/190117/A7933/RO/M1, consisting of ground floor (Society office, parking, and residential construction) and first floor to fourth floor, stair cabin and lift-room.

C. BOUNDARIES OF PROPERTY

1. As per sanctioned Development Permission plan, the boundaries of the said property is

North : T.P. Scheme Road
South : Final Plot No. 49/2
East : Final Plot No. 49/1/3
West : Final Plot No. 49/1/1

2. Boundaries as per City Survey Sanad is

North : T. P. Scheme Road
South : City Survey No. 1389
East : City Survey No. 1388
West : City Survey No. 1323

D. TITLE HOLDER:

1. The said property is held by Chirag Ashokebhai, Self and as the Karta and Manager of his HUF, in the manner as follows:-

2632 Sq.mts. held by Chirag Ashokebhai (HUF).
1112.05 Sq.mts. held by Chirag Ashokebhai (Individual).

PAN: ACDPS9954N (individual)
PAN: AADHS4215C (HUF)



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Address: "Ashavali", Near Shashwat Bungalows, Behind Rajpath,
Bodakdev, Ahmedabad.

E. DEVOLUTION OF TITLE:

1. Originally the land of Final Plot No. 49/1 belonged to Ashokebhai Chimانبhai HUF. HUF of Ashokebhai Chimانبhai consisted of Ashokebhai Chimانبhai, coparcener and Karta and Manager; his wife Shobhanaben, member, and his son Chirag Ashokebhai, coparcener.
2. A partial partition was effected in respect of Part-1 Land (Ref. para A.3 above), by a Deed of Partition, dated 26th February, 1971 as recorded in Revenue Entry No. 7501, dated 29th September, 1972.
3. A further partition was effected with respect of Part-2 Land (Ref. para A.4 above) by a Deed of Partition, dated 3rd August, 1972 as recorded in Revenue Entry No. 7567, dated 10th December, 1972.
4. Said HUF continued to hold remaining land of Final Plot No. 49/1/1/B, admeasuring about 4438 Sq.yds. equal to 3744.05 Sq.mts., the land under due diligence herein. The said land was with construction of residential bungalow thereon put up in the year about 1965. The same was divided in two parts, being 49/1/1/B-1, admeasuring about 486 Sq.yds. on the western side and 49/1/1/B-2, admeasuring about 3992 Sq.yds. with construction of bungalow standing thereon on the eastern side.
5. a) From the said land of Final Plot No. 47/1/1/B-2, admeasuring about 3992 Sq.mts., further partial partition was effected of the half land (un-divided) equal to 1996 Sq.yds., by a Deed of Partition, dated 27th October, 1975, registered under Sr. No. 16853. The said partition was effected as stated above between said three family members of said HUF, Ashokebhai, Shobhanaben and Chiragbhai. The land was given in equal share with specific part of the bungalow was given to them separately as described therein.
 - i) 665.33 Sq.yds. (equal to 556 Sq.mts.) land and specific construction to Ashokebhai Chimانبhai.
 - ii) 665.33 Sq.yds. (equal to 556 Sq.mts.) land and construction to Shobhanaben.
 - iii) 665.34 Sq.yds. (equal to 556 Sq.mts.) land and construction to Chiragbhai.



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(Ref. Revenue Entry No. 16853, dated 27th October, 1975).

- b) Said HUF continued to hold remaining land of 1996 Sq.yds. of Final Plot No. 49/1/1/B-2 and said land of Final Plot No. 49/1/1/B1 486 Sq.yds., in all aggregating to 2482 Sq.yds. (equal to 2075 Sq.mts.).

AS REGARDS SHARE OF ASHOKEBHAI CHIMANBHAI:

6. Said Ashokebhai Chimanbhai died on 30th March, 1999 leaving behind Will, dated 19th May, 1995. Under the Will the said property received under partition referred to in para (E.5. (a)(i) above, admeasuring about 665.33 Sq.yds. (equal to 556 Sq.mts.) and construction is given to Chirag Ashokebhai, and his share in his said HUF was allowed to be merged in his HUF, of remaining member and coparcener Shobhanaben Ashokebhai (his wife) and Chiragbhai Ashokebhai (his son). (Ref. Revenue Entry No. 17952, dated 10th March, 2000) and Revenue Entry No. 18121, dated 30th July, 2001).

AS REGARDS SHARE OF SHOBHANABEN ASHOKEBHAI:

7. Shobhanaben died on 27th March, 2005 leaving behind her said son Chiragbhai Ashokebhai as her only heir and legal representative. She died leaving behind Will, dated 27th July, 2001. Under the Will, the said property received by her in partition referred to in para (E.5. (a)(ii) of 665.33 Sq.yds. (equal to 556 Sq.mts. and construction is given to Chiragbhai Ashokebhai. (Ref. Revenue Entry No. 18596, dated 2nd June, 2006).
8. Chiragbhai Ashokebhai, the sole coparcener of said HUF thereafter effectively became his, Chiragbhai Ashokebhai HUF.
9. Accordingly, the property under due diligence of title is held by Chiragbhai Ashokebhai (individual) and Chiragbhai Ashokebhai (HUF) as stated below.



Chiragbhai Ashokebhai (individual)		
Area in Sq.yds.	Area in Sq.mts.	Received from
(a) 665.33	556	Ashokebhai Chimanbhai under his Will as above (para E.6)

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(b) 665.33	556	Shobhanaben Ashokebhai under her Will as above (para E.7)
(a)+(b) 1330.66	1112 (rounded off)	
Chiragbhai Ashokebhai (HUF)		
(c) 665.34	556	Received on partition as stated above 1 (para E.5 (a) (iii))
(d) 2482	2075	Being the remaining land received as sole coparcener of said HUF (para E. 5 (b))
(c)+(d) 3147.34	2632 (rounded off)	
(a)+(b)+(c)+(d) 4478	3744	

F. GRANT OF DEVELOPMENT RIGHTS:

1. SHRI CHIRAG ASHOKEBHAI, Self (individual) and as the Karta and Manager of his Hindu Undivided Family, have granted Development Rights of the said land to M/S. AASTHA BUILDCON, by a Development Agreement, dated 21st November, 2017, registered under Sr. No. 17321 on the terms and conditions contained therein.

G. PUBLIC NOTICE AND OTHER MATTERS:

1. As a part of verification of title, we gave public notice appeared in the daily newspaper Sandesh of 13th August, 2016, inviting claims, if any, in, upon or to the property above referred to. We have not received any claim in response thereto.
2. a) The aforesaid Report is reference of revenue records and sub registry records relevant for the purposes to study the devolution of title and to ascertain any charge or encumbrance, and does not contain entire revenue or sub registry records.
- b) As reported by our Search Clerk / Search Advocate, who has taken search of the revenue and sub registry records, it is found that some of the record is not maintained properly or damaged, or not



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otherwise available. Search may lack or miss some particulars, which are taken care.

H. OPINION:

1. Accordingly, we hereby certify that the title of

- i) SHRI CHIRAG ASHOKEBHAI, Self (individual) and as the Karta and Manager of his Hindu Undivided Family .. as Owners and
- ii) M/S. AASTHA BUILDCON .. as Developer

to the land above referred to is clear, marketable, free from all encumbrances and reasonable doubt, subject to:-

- a) Representations and warranties and covenant on title contained in para 38 by Owners in the said Development Agreement.
- b) Laws applicable and in force, at the relevant time, to effect legally and properly sale, transfer or other transaction with respect to the said property.

DATED THIS 8TH DAY OF DECEMBER, 2017.

H. Desai
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