Chetan Shah & Associates
Advocates

CSA

218, Gold Souk Complex, B/h Sapphire Complex, Opp. Body Line, C. G. Road, Ahmedabad 380 006 Phone : 079-66312256

Ref. No.: CSAA/JDP/2221/2017 Date: 1-3-2019

To,
M/s Shilp Developers,
Ahmedabad.

Re : **IN THE MATTER OF INVESTIGATION TO THE TITLE OF Non-Agriculture land bearing Final Plot No. 12 admeasuring about 3826 Sq.Mtrs. of T.P. Scheme No. 31 (Survey Nos. 154/3 and 154/4) situate, lying and being at Mouje: Gota, Taluka Ghatlodia and Registration Sub-District Ahmedabad and District: Ahmedabad and belonging to M/s Shilp Developers.**

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In pursuance of your instructions to investigate/verify the title of captioned land, we have caused searches to be taken of relevant revenue records available from the concerned Talati Office, E-Dhara and Registration Records available at the concerned office of the Sub-Registrar of Assurances for a period of last about Thirty years through our search clerk. We have taken root of title for last about Thirty years and verified the documents, papers, writings and records submitted by the owners of the said property and believing the same to be true, genuine and obtained from original sources and relied on the facts stated by the owners of the said property and facts mentioned therein believing the same to be true. Our report on title and opinion thereof for his/her/their personal use is as stated hereafter. For detailed facts and particulars, reference may be taken from the documents, papers, writings and records referred to herein below.

<u>History of Survey No. 154/3 and 154/4</u>

1. Originally, the land bearing survey No. 154/3 and 154/4 was independently owned, occupied and possessed by (1) Virabhai Khoda, (2) Ishwarbhai Fusabhai, (3) Mangalbhai Fusabhai and (4) Gulabbhai Fusabhai prior to the year 1985.
2. Thereafter, the Co-owner of the said land namely Virabhai Khodabhai died intestate on 8-6-1999 leaving behind him his legal heirs as (1) Narsinhbhai Virabhai, (2) Maniben Virabhai and (3) Shantaben Virabhai and hence their names were entered in the revenue record upon succession right and entry to that effect was mutated in the revenue record vide Mutation Entry

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No. 2636 dated 20-5-2000 which was certified by the competent authority.

3. Thereafter, the Co-owners of the said land namely (1) Maniben Virabhai and (2) Shantaben Virabhai had voluntarily waived and relinquished their rights, title, interest, share and claim persisting in the said land in favour of Narsinhbhai Virabhai and hence their names were deleted from the revenue record of the said land and entry to that effect was mutated in the revenue record vide Mutation Entry No. 2642 dated 30-6-2000 which was certified by the competent authority.

4. Thereafter, the Co-owner of the said land namely Gulabbhai Khushabhai (It Should be Fusabhai) Makwana had submitted an application to enter the name of Bhanuprasad Gulabbhai as co-owner of the said land during his survival and hence his name was entered as a co-owner of the said land in the revenue record and entry to that effect was mutated in the revenue record vide Mutation Entry No. 3261 dated 5-4-2005 which was certified by the competent authority.

5. Thereafter, the owners of the said land namely (1) Narsinhbhai Virabhai, (2) Gulabbhai Fusabhai, (3) Banuprasad Gulabbhai, (4) Pravinbhai Mangalbhai, (5) Hansrajbhai Mangalbhai, (6) Ishwarbhai Fusabhai alias Khushalbhai Makwana had entered into inter se family partition of the land bearing Survey No. 154/3 admeasuring 2327 Sq.Mtrs. and 154/4 admeasuring 4050 Sq.Mtrs. total aggregating 6377 Sq.Mtrs. by executing Deed of Partition registered in the office of the Sub-Registrar of Assurances under Serial No. 757 dated 18-1-2007 and by virtue of the said family partition, the land of Private Sub-Plot No. 1(1/2 share) admeasuring 3188.50 Sq.Mtrs. paiki admeasuring 1913 Sq.Mtrs after deduction came to the share of Narsinhbhai Virabhai, the land of Private Sub-Plot No. 2(1/6 share) admeasuring 1062.83 Sq.Mtrs. paiki admeasuring 637.73 Sq.Mtrs after deduction came to the share of (1) Gulabbhai Fusabhai and (2) Banuprasad Gulabbhai, the land of Private Sub-Plot No. 3(1/6 share) admeasuring 1062.83 Sq.Mtrs. paiki admeasuring 637.73 Sq.Mtrs after deduction came to the share of (1) Pravinbhai Mangalbhai and (2) Hansrajbhai Mangalbhai, the land of Private Sub-Plot No. 4(1/6 share) admeasuring 1062.83 Sq.Mtrs. paiki admeasuring 637.73 Sq.Mtrs after deduction came to the share of Ishwarbhai Fusabhai alias Khushalbhai Makwana.

6. Thereafter, the Co-owners of the said land namely (1) Narsinhbhai Virabhai (2) Geetanjaliben W/o Narsinhbhai

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Virabhai Makwana, (3) Alkeshbhai Narsinhbhai Deewan as himself and natural guardian of Minor Yug Alkeshbhai Deewan, (4) Heenaben Alkeshbhai Deewan, (5) Mehulbhai Narsinhbhai as himself and natural guardian of Minor Pooja Mehulbhai Deewan, (6) Nimishaben Mehulbhai Deewan and (7) Jagrutiben Narsinhbhai Deewan had executed deed of indemnity in favour of (1) Gelabhai Chhaganbhai Rabari and (2) Prabhawatiben D/o Somabhai Balabhai and Wd/o Chinubhai Maneklal by deed of indemnity registered in the office of the Sub-Registrar of Assurances under Serial No. 759 dated 18-1-2007.

7. Thereafter, the Co-owner of the said land namely Ishwarbhai Fusabhai Alias Khushalbhai Makwana had executed deed of indemnity in favour of (1) Gelabhai Chhaganbhai Rabari and (2) Prabhawatiben D/o Somabhai Balabhai and Wd/o Chinubhai Maneklal by deed of indemnity registered in the office of the Sub-Registrar of Assurances under Serial No. 761 dated 18-1-2007.

8. Thereafter, the Co-owner of the said land namely Ishwarbhai Fusabhai Alias Khusalbhai had sold and conveyed the land bearing Survey No.154/3 admeasuring about 2327 Sq.Mtrs. and Survey No. 154/4, admeasuring about 4050 Sq.Mtrs. total aggregating 6377 Sq.Mtrs. paiki undivided land admeasuring about 1062.84 Sq.Mtrs. of Sub-Plot No. 4 to (1) Gelabhai Chhaganbhai Rabari (as owner of 55% share) and (2) Prabhawatiben D/o Somabhai Balabhai and Wd/o Chinubhai Maneklal (as owner of 45% share) by Sale Deed registered in the office of the Sub-Registrar of Assurances under Serial No. 760 dated 18-1-2007 and entry to that effect was mutated in the revenue record vide Mutation Entry No.3675 dated 31-1-2007 which was certified by the competent authority.

9. Thereafter, the Co-owner of the said land namely Narsinhbhai Virabhai had sold and conveyed the land bearing Survey No.154/3 admeasuring about 2327 Sq.Mtrs. and Survey No. 154/4 admeasuring about 4050 Sq.Mtrs. total aggregating 6377 Sq.Mtrs. paiki undivided land admeasuring about 3188.50 Sq.Mtrs. of Sub-Plot No. 1 to (1) Gelabhai Chhaganbhai Rabari (as owner of 55% share) and (2) Prabhawatiben D/o Somabhai Balabhai and Wd/o Chinubhai Maneklal (as owner of 45% share) by Sale Deed registered in the office of the Sub-Registrar of Assurances under Serial No. 758 dated 18-1-2007 and (1) Geetanjaliben W/o Narsinhbhai Virabhai Makwana, (2) Alkeshbhai Narsinhbhai Deewan as himself and natural

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guardian of Minor Yug Alkeshbhai Deewan, (3) Heenaben Alkeshbhai Deewan, (4) Mehulbhai Narsinhbhai as himself and natural guardian of Minor Pooja Mehulbhai Deewan, (5) Nimishaben Mehulbhai Deewan and (6) Jagrutiben Narsinhbhai Deewan had confirmed the said Sale Deed and entry to that effect was mutated in the revenue record vide Mutation Entry No.3676 dated 31-1-2007 which was certified by the competent authority.

10. Thereafter, the co-owner of the said land namely Mangalbhai Fusabhai has been missing for last two years and hence on the application being submitted for bringing his legal heirs on record namely (1) Shakriben Wd/o Mangalbhai (deceased), (2) Madhuben Mangalbhai, (3) Pravinbhai Mangalbhai, (4) Ramilaben Mangalbhai, (5) Hansrajbhai Mangalbhai and (6) Urmilaben Mangalbhai and hence their names were entered in the revenue record upon succession right and entry to that effect was mutated in the revenue record vide Mutation Entry No. 4069 dated 30-6-2008 which was CANCELLED by the competent authority.

11. Thereafter, the Deputy Collector, Viramgam Prant passed Order in Con Case No. 13/2008 on 9-6-2008 and directed to withdraw the notice issued under the provision of Section 9 of The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 and held that there is no violation of the provisions of Section-7 in the sell of the land in question and entry to that effect was mutated in the revenue record vide Mutation Entry No. 4096 dated 21-8-2008 which was certified by the competent authority.

12. That, an application was submitted to the effect that Mangalbhai Fusabhai, a Co-occupier of the land in question has been missing for a period of last 2 years and hence the request was made to enter the names of (1) Pravinbhai Mangalbhai, (2) Hansrajbhai Mangalbhai, (3) Madhuben Mangalbhai, (4) Ramilaben Mangalbhai and (5) Urmilaben Mangalbhai as co-owners of the said land during his survival and hence their names were entered as co-owners of the said land in the revenue record and entry to that effect was mutated in the revenue record vide Mutation Entry No. 4108 dated 10-9-2008 which was certified by the competent authority.

13. Thereafter, the owners of the said land namely (1) Mangalbhai Fusabhai through his constituted attorney Hansrajbhai Mangalbhai, (2) Pravinbhai Mangalbhai and

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(3) Hansrajbhai Mangalbhai had agreed to sell and convey land bearing Final Plot No. 12 of T.P. Scheme No.31 admeasuring about 637.73 Sq.Mtrs. of Sub-Plot No.3 (Survey Nos. 154/3 and 154/4 paiki admeasuring about 1271 Sq.Yds.) to Bhailalbhai Bhalabhai Patel by agreement for sale registered in the office of the Sub-Registrar of Assurances under Serial No. 16171 dated 7-9-2009.

14. Thereafter, the owners of the said land namely (1) Hansrajbhai Mangalbhai as himself and constituted attorney of Serial No. 2 to 6 i.e. (2) Mangalbhai Fusabhai, (3) Pravinbhai Mangalbhai, (4) Madhuben Mangalbhai, (5) Ramilaben Mangalbhai and (6) Urmilaben Mangalbhai had sold and conveyed the land being Sub-Plot No. 3 admeasuring about 637.73 Sq.Mtrs. of Final Plot No.12 of T.P. Scheme No.31 (Erstwhile Survey No. 154/3 paiki and Survey No. 154/4 paiki admeasuring about 1271 Sq.Yds.) to Bhailalbhai Bhalabhai Patel by Sale Deed registered in the office of the Sub-Registrar of Assurances under Serial No. 21561 dated 30-12-2009 and entry to that effect was mutated in the revenue record vide Mutation Entry No.4417 dated 22-1-2010 which was CANCELLED by the competent authority. However the said fact was again recorded in the revenue record vide Mutation Entry No. 4883 dated 8-4-2011 which was certified by the competent authority. However the said fact was again recorded in the revenue record vide Mutation Entry No.4692 dated 21-9-2010 which was CANCELLED by the competent authority.

15. Thereafter, the co-owner of the said land namely Ghelabhai Chhaganbhai died intestate on 24-5-2010 leaving behind him his legal heirs as (1) Menaben Wd/o Ghelabhai Chhaganbhai Rabari, (2) Shantaben Ghelabhai Rabari and (3) Gandabhai Ghelabhai Rabari and hence their names were entered in the revenue record upon succession right and entry to that effect was mutated in the revenue record vide Mutation Entry No. 4577 dated 22-6-2010 which was certified by the competent authority.

16. Thereafter, upon reconstitution of Ahmedabad City Taluka and Daskroi Taluka of Ahmedabad District vide Resolution No.PFR/102011/275/L/1 dated 17-3-2012 Ahmedabad Taluka is divided into two Taluka as Ahmedabad (East) and Ahmedabad (West) and accordingly, Gota Village was covered within the Taluka limits of Ahmedabad City (West) and entry to that effect was mutated in the Revenue Record vide Mutation Entry

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No.5271 dated 3-5-2012 which was certified by the competent authority.

17. Thereafter, the co-owner of the said land namely Gulabbhai Fusabhai Makwana died intestate on 22-6-2010 leaving behind him his legal heirs as Babiben Gulabbhai Makwana (First Wife), (1) Savitaben Wd/o Gulabbhai Fusabhai Makwana (Second Wife), (2) Bhanuprasad Gulabbhai Makwana, (3) Gauriben Gulabbhai Makwana, (4) Pushpaben Gulabbhai Makwana, (5) Dakshaben Gulabbhai Makwana and (6) Ramilaben Wd/o Maheshbhai Gulabbhai Makwana and hence their names were entered in the revenue record upon succession right and entry to that effect was mutated in the revenue record vide Mutation Entry No. 5349 dated 27-7-2012 which was certified by the competent authority.

18. Thereafter, the Co-owners of the said land namely (1) Ramilaben Wd/o Maheshkumar, (2) Bhanuprasad Gulabbhai, (3) Shantaben Ghelabhai Rabari, (4) Dakshaben Gulabbhai, (5) Gauriben Gulabbhai, (6) Prabhawatiben D/o Somabhai Balabhai, (7) Bhailalbhai Bhalabhai, (8) Menaben Wd/o Ghelabhai Chhaganbhai, (9) Pushpaben Gulabbhai, (10) Gandabhai Ghelabhai Rabari, (11) Savitaben Wd/o Gulabbhai Fusabhai and (12) Bhanuprasad Gulabbhai had sold and conveyed the land bearing Survey No.154/3 admeasuring about 2327 Sq.Mtrs. and Survey No. 154/4 admeasuring about 4050 Sq.Mtrs. total aggregating 6377 Sq.Mtrs. to (1) Nilay Shaileshbhai Shah, (2) Vinod Tulsidas Patel and (3) Niketan Kishorchandra Patel by Sale Deed registered in the office of the Sub-Registrar of Assurances under Serial No. 767 dated 29-3-2016 and entry to that effect was mutated in the revenue record vide Mutation Entry No.6528 dated 29-3-2016 which was certified by the competent authority.

19. Thereafter, the Co-owner of the said land namely (1) Pravinbhai Mangalbhai Mahajan (Makwana), (2) Ramilaben D/o Mangalbhai Fusabhai and W/o Hareshkumar Kantilal Vaghela and (3) Urmilaben D/o Mangalbhai Fusabhai and W/o Dineshkumar Parmar had executed deed of confirmation in favour of Bhailalbhai Bhalabhai Patel by deed of Confirmation registered in the office of the Sub-Registrar of Assurance under serial No. 1734 dated 27-7-2016.

20. Thereafter, the District Collector, Ahmedabad granted Non-Agricultural use permission to the land bearing Final Plot No.12 of T.P scheme No. 31 admeasuring about 3826 Sq.Mtrs.

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(Survey No. 154/3 and 154/4) vide Order bearing No. CB / Jamin-2 / N.A / S.R-1488 / 16 dated 4-11-2016 and entry to that effect was mutated in the revenue record vide Mutation Entry No. 6829 dated 18-11-2016 which was certified by the competent authority.

21. Thereafter, the Co-owner of the said land Madhuben D/o Mangalbhai and W/o Dipakkumar Gangaram had executed deed of confirmation in favour of Bhailalbhai Bhalabhai Patel by deed of Confirmation registered in the office of the Sub-Registrar of Assurance under Serial No. 349 dated 14-3-2017.

22. Thereafter, the Co-owners of the said land namely (1) Nilay Shaileshbhai Shah, (2) Vinodbhai Tulsidas Patel and (3) Niketan Kishorchandra Patel had sold and conveyed the land bearing Final Plot No.12 admeasuring about 3826 Sq.Mtrs. of T.P. Scheme No. 31 (Survey No. 154/3 and 154/4) to M/s Shilp Developers by Sale Deed registered in the office of the Sub-Registrar of Assurances under Serial No. 10203 dated 10-7-2017 and entry to that effect was mutated in the revenue record vide Mutation Entry No.7203 dated 24-7-2017 which was certified by the competent authority.

23. That, being aggrieved and dissatisfied by the order dated 9-6-2008 passed by the Deputy Collector, Viramgam Prant, Bhanuprasad Gulabprasad Saxena filed Revision Application bearing No. MVV / CON / AMD / 5 / 2008 wherein the Secretary, Revenue Department(Appeal), Ahmedabad passed order on 5-8-2017 and allowed the Revision Application partly by setting aside the order dated 9-6-2008 passed by the Deputy Collector, Viramgam Prant, inter alia directing to remand the case to the Deputy Collector, Viramgam, for taking fresh decision after conducting proceeding de-novo.

24. That, the Case regarding Sub-Division of Block under the provision of Section-9 of The Bombay Prevention of Fragmentation and Consolidation of Holding Act,1947 was remanded back to the Deputy Collector, Viramgam Prant, but the village Gota was included in Taluka Ghatlodiya and therefore the said case bearing No. CDC(West) / Con / Case No. 4 / 18 was conducted by the City Deputy Collector(West), Ahmedabad wherein the order was passed on 15-6-2018 and withdrew the notice issued under Section-9 of the said act considering the fact that the land in question had already been converted into non-agricultural use.

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25. Thereafter, the Provisions of Town Planning and Urban Development Act-1976 were made applicable to the land in question and Form No. F was issued in accordance with the provisions of Rules 21 and 35 made there under and accordingly Final plot No. 12 was given to Survey Nos. 154/3 and 154/4 and area was fixed to the extent of 3826 Sq.Mtrs.

26. On bare perusal of record of the instant case, it expressly transpires that the plaintiff Bindia D/o Bhanuprasad Gulabbhai Saxena filled Special Civil Suit No. 26/2018 in the Court of Fifth Additional Senior Civil Judge, Ahmedabad (Rural) for declaration, partition and cancellation of sale deeds inter alia praying for setting aside the sale deed bearing No. 767 and 10203 for the purpose of 1/6th share and the said suit is pending before the Hon'ble Court for adjudication and in pursuant to that the Notice of Lis-Pendency was registered in the Office of Sub-Registrar of Assurances under Serial No. 3877 dated 28-2-2018.

27. As a part of investigation of title, we have also caused Public Notice in the daily news paper "GUJARAT SAMACHAR" and "SANDESH" dated 2-11-2017 inviting any claim, right, title, interest, objection or obligation, if any in, on or upon the said land, pursuant to which, we have received an objection letter dated 6-11-2017 from Bindia Saxena contending that the land in question is a ancestral property and her right is persisting in it and hence objection was raised against the issuance of the title clearance certificate, except which, we have not received any claim/objection from any persons, in response thereto.

We have replied Bindia Saxena vide our letter dated 23-11-2017 stating that she has not adduced any evidence/ testimonial in support of her share and hence she was informed to produce evidence within three days. She had replied stating the her Family Tree in pursuant to that dated 27-11-2017.

The aforesaid report/opinion is reference of revenue records and sub-registry records relevant for the purpose to study the devolution of title and to ascertain any charge or encumbrance and does not contain entire revenue or Sub-Registry records. We have also perused the copies of papers, documents; statements etc. produced / submitted by the owner/s and relied on the facts mentioned therein believing the same to be true.

We have been informed by the owner/s of the said land that except the above stated facts, the said land has not been given in security. Neither they nor any of their heirs, administrators,

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successors and assignees or any prior owners or other persons has/have created any charge or encumbrances of any nature whatsoever thereon. The said land is not subject matter of any pending proceeding and that any order, decree, attachment or any order of any court or authority is not operating against the said land adversely affecting the title. The said land or any portion thereof is not under acquisition or requisition under any law and there are no other facts or particulars, which can adversely affect their title.

In view of aforementioned facts and circumstances and perusal of the deeds and documents submitted/furnished by the owners of the captioned land It appears that the title of the captioned land shall be clear, marketable and free from encumbrances and beyond reasonable doubts subject to :-

a) Usual Declaration-cum-Indemnity on title being made by owner/s and also confirming the aforesaid facts and circumstances.
b) Final outcome of Special Civil Suit No. 26/2018.
c) Objection raised by Bindia Saxena.
d) Notice of Lis-Pendency was registered in the Office of Sub-Registrar of Assurances under Serial No. 3877 dated 28-2-2018
e) Fulfillment of the terms and conditions laid down in N.A. Order.
f) Fulfill the Provisions of applicable Laws and Rules.
g) Search of complete registration record is not available due to tearing of pages of Books available for inspection.

Yours faithfully,
For, Chetan Shah and Associates

J.D.Patel
ADVOCATE

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