

**TITLE CLEARANCE CERTIFICATE**

On request and as desired to issue a *Title Clearance Certificate and Non encumbrances Certificate* in respect of the property lying & being at registration district sub district Vadodara being at moje Khanpur, having Revenue Survey No. 44 (Old Survey No. 83 and Revenue Survey No. 86) admeasuring 1-33-55, hence I, **Bindukumar M. Shah, Advocate**, do hereby give my opinion as to the details of which are as under.

1. I have been supplied with the following documents regarding the registration district sub district Vadodara, being at moje Khanpur, having Revenue Survey No. 44 (Old Survey No. 83 and Revenue Survey No. 86) admeasuring 1-33-55, and I have gone through the same:

- a. A copy of the 7/12 extracts of the Revenue Survey no. 83 of village Khanpur, Taluka and district Vadodara from the year of 1951-52 to 1960-61.
- b. A copy of the 7/12 extracts of the Revenue Survey no. 83 of village Khanpur, Taluka and district Vadodara from the year of 1961-62 to 1970-71.
- c. A copy of the 7/12 extracts of the Revenue Survey no. 83 of village Khanpur, Taluka and district Vadodara from the year of 1971-72 to 1980-81.

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- d. A copy of the 7/12 extracts of the Revenue Survey no. 86 of village Khanpur, Taluka and district Vadodara from the year of 1951-52 to 1960-61.
- e. A copy of the 7/12 extracts of the Revenue Survey no. 86 of village Khanpur, Taluka and district Vadodara from the year of 1961-62 to 1970-71.
- f. A copy of the 7/12 extracts of the Revenue Survey no. 86 of village Khanpur, Taluka and district Vadodara from the year of 1971-72 to 1980-81.
- g. A copy of the 7/12 extracts of the Block no. 44 (Old Survey No. 83, 86) of village Khanpur, Taluka and district Vadodara from the year of 1951-52 to 1960-61.
- h. A copy of the 7/12 extracts of the Block no. 44 (Old Survey No. 83, 86) of village Khanpur, Taluka and district Vadodara from the year of 1981-82 to 1984-85.
- i. A copy of the 7/12 extracts of the Block no. 44 (Old Survey No. 83, 86) of village Khanpur, Taluka and district Vadodara from the year of 1985-86 to 1993-94.
- j. A copy of the 7/12 extracts of the Block no. 44 (Old Survey No. 83, 86) of village Khanpur, Taluka and district Vadodara from the year of 1994-95 to 2004-05.

- k. A copy of the 7/12 extracts of the Block no. 44 (Old Survey No. 83, 86) of village Khanpur, Taluka and district Vadodara from the year of 1998-99 to 2006-07.
  - l. Relevant extract of Namuna no. 6 (hakk patrak), of village Khanpur.
  - m. A copy of the village form no. 8 – A, bearing khata no.43 of the said land.
2. Considering the above referred documents and after verifying the City survey records its transpires as under:
- a. Verifying the entry no. 47 of the city survey records, Jiviben Widow of Kumbhar Naranbhai Hirabhai was executed a will in favour of Kumbhar Bakorbhai Kilabhai on dtd. 20/10/1944 and the mutation entry was mutated in the name of Kumbhar Bakorbhai Kilabhai and he was the owner of this said land.
  - b. Verifying the entry no. 667, dt. 01/06/1989 of the city survey records, Bakorbhai Kilabhai was died on dtd. 28/04/89 and after his death the said land was transpires in the name of his legal heirs 1. Jamnaben w/o of Bakorbhai Kilabhai 2. Jashbhai Bakorbhai 3. Ranchodbhai Bakorbhai 4. Tribhovanbhai Bakorbhai 5. Dalshukhbhai Bakorbhai 6. Narmadaben Bakorbhai and the same were mutated in the city survey records of the said land and thus, it is crystal clear that at no point of time of the said land was transferred in the name of any other person.

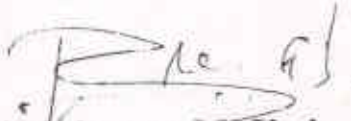
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3. I have issued a public notice dtd. 14/02/2007 Sandesh and Divya Bhaskar Daily and no objection has been received by me for issuing a Title Clearance Certificate of the registration district sub district Vadodara, being at moje Khanpur, having Revenue Survey No. 44 (Old Survey No. 83 and Revenue Survey No. 86) admeasuring 1-33-55.
4. Thus, looking to the above referred documents, after getting the detailed searches for the 30 years in the office of sub registry, Vadodara, after giving a public notice in the Sandesh And Divya Bhaskar daily and also after verifying the revenue records, I am of the opinion that the title of the land situated lying and being in registration district sub district Vadodara, being at moje Khanpur, having Revenue Survey No. 44 (Old Survey No. 83 and Revenue Survey No. 86) admeasuring 1-33-55 is clear, marketable and free from the reasonable doubts and also free from all encumbrances.

Date: 09/04/2007

Vadodara

  
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July 20, 2012

### TITLE CLEARANCE CERTIFICATE

On the request of my clients Shri Krupesh N. Patel and Shri Navin N. Patel, I have investigated the title of the property being Agricultural Land bearing Block No. 69, (Old Survey Nos. 82 & 90)admeasuring 26,507 Sq.Mtrs. (2,85,321 Sq.Ft.) of Mouje Khanpur, Registration District and Sub District Vadodara, more particularly described in the schedule herein below. For my reference, I have gone through the relevant documents placed before me.

Earlier, the subject property was owned by Patel Hasmukhbhai Bhailalbhai. Said Patel Hasmukhbhai Bhailalbhai had sold his subject property by executing a Sale Deed in favour of 1) Shri Shashikant K. Gandhi, 2) Dr. Nirmalaben Shashikant Gandhi, 3) Rinki Shashikant Gandhi Minor represented by his natural guardian Shashikant K. Gandhi on 30.9.1981 for 2-00-00 Hectre Aare; on 17.11.1981 for 2-22-00 Hectre Aare and on 2-4-1982 for 2-00-00 Hectre Aare thus total 6-22-00 Hectre Aare. Said Sale Deeds were registered before the Sub Registrar Vadodara. Entry to this effect was passed into the revenue record on 12.7.1982 vide No. 552. The said entry was verified and certified by the respective competent authority on 20.11.1982 and thus 1) Shri Shashikant Kacharsing Gandhi, 2) Dr. Nirmalaben Shashikant Gandhi, 3) Rinki Shashikant Gandhi Minor represented by his natural guardian Shashikant K. Gandhi became the joint owners of the subject property.

Thereafter, on 19.12.1998 and 19.07.1999, the Mamlatdar, Vadodara, exercising the powers of the Collector, Vadodara, had passed orders under section 155 of the



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Bombay Land Revenue Code, 1879 for attachment of the above referred property being Block number 69 for recovery of Sales Tax dues and Income Tax dues of Motorola (India) Ltd. (in liquidation). The said attachment Orders dated 19.12.1998 and 19.07.1999 of the Collector/Mamlatdar were challenged by filing Appeals No.1 to 7/1999 before the State Government, Revenue Department. These appeals were partly allowed by the State Government, Revenue Department vide common Judgement & Order dated 02.11.2000. However, the attachment order passed in respect of Block No. 69, referred to hereinabove, was not vacated.

Thereafter, the owners as well as other appellants filed Special Civil Applications vide Nos. 12813/00, 279/01, 280/01, 283/01, 284/01 and 286/01 in the High Court of Gujarat to challenge the common Judgement & Order dated 02.11.2000 passed by the State Government, Revenue Department, in Appeal No.127/99 and the orders dated 19.12.1998 & 19.07.1999 passed by the Mamlatdar, Vadodara, attaching Block No.69, referred to hereinabove and some other properties of the Motorola and others. In the said Special Civil Applications filed in the High Court of Gujarat at Ahmedabad, the Hon'ble High Court vide Order Dtd. 31.8.2001 had granted following Interim Relief in the above referred Civil Application.

**Quote :** "Heard learned advocate Mr. J. M. Patel for the Petitioners and Ms. Pandit, Ld. AGP for the Respondents. Though notice of Rule has been served upon the Respondent No.3 and 4, no one has remained present on their behalf. Hence Ad-IR in terms of para 11(a) till 28.09.2001. Notice as to IR returnable on 28.9.2001. Office is directed to notify SCA No. 279/2001; 280/2001; 283/2001; 284/2001; 286/2001; and SCA No. 1931/2001 alongwith the present petition.



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It is hereby accordingly ordered that the execution, operation and implementation of the order dated 19/12/1998 and 19/7/1999 passed by you (i.e. Mamlatdar, Vadodara) in No. VASULAT-S.R.51/97 and No. VASULAT-S.R.51/97/VASHI/197/99 respectively and order dated 2.11.2000 passed by you (i.e. Deputy Sec. (Appeal), Revenue Deptt, A'bad) in No. SRD/REV/VDAD/1/99, be and hereby stayed till 28.9.2001." **Unquote :**

The said interim order dated 31.08.2001 passed by the High Court of Gujarat in Special Civil Application Nos. 12813/00, 279/01, 280/01, 283/01, 284/01 and 286/01 continued to operate till 31.8.2001 and that the attachment orders dated 19.12.1998 and 19.07.1999 passed by the Mamlatdar, Vadodara, and the common Judgement and Order dated 02.11.2000 passed by the State Government, Revenue Department were suspended.

Thereafter, during her life time Nirmalaben Shashikantbhai Gandhi had executed a Will on 17.2.1997 and as per said Will she had transferred her undivided share of 2-65-07 Hectre Aare (26,507 Sq.Mtrs.) out of the above referred joint property in favour of her Grandson Aniruddha Rinki Gandhi – a Minor. Accordingly, on the demise of Nirmalaben Shashikant Gandhi on 10.2.2007, as per the Will of Nirmalaben Shashikant Gandhi, an application was filed by the mother & natural guardian of Aniruddha, Mrs. Alpana Rinki Gandhi, for the transfer of said undivided share of Nirmalaben Shashikant Gandhi in favour of Aniruddha Rinki Gandhi in the revenue record and the same was carried out by the revenue authority vide Entry No. 1183 Dtd. 5.10.2008. Said entry was verified and certified by the respective competent authority on 18.11.2008. Thus, Aniruddha Rinki Gandhi represented by her mother & natural guardian Mrs. Alpana Rinki Gandhi became owner of the said undivided portion of the above property.



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Thereafter, the parties had entered into an Agreement to Sell in respect of the subject property in favour of Mr. Krupesh N. Patel & Mr. Navin N. Patel on 29.3.2012 and the said Agreement to Sell was duly registered with the Sub Registrar, Vadodara on 29.3.2012 vide entry No. 4028. The owners – Shri Rinki Shashikant Gandhi & others had handed over the possession of the said property to the above referred Purchasers Mr. Krupesh N. Patel & others. Consequently, as per the provisions of the Bombay Stamp Act full amount of Stamp Duty was also paid to the respective competent authority while executing above referred Sale deed by the Purchasers Mr. Krupesh N. Patel & others. Master Aniruddha Gandhi being minor, Mrs. Alpana Rinki Gandhi, Natural Guardian of Aniruddha Gandhi had obtained the permission under S. 29 of the Guardians and Wards Act 1890, to sell minor's undivided share lying in the above referred immovable property. The said Order was passed on 7-5-2012 by the Hon'ble 9<sup>th</sup> Addl. District Judge, Vadodara, in Civil Miscellaneous Application (Guardian) No. 339/2011 and on the basis of the said Order, a Deed of Conveyance transferring subject property in favour of Mr. Krupesh N. Patel and Mr. Navin N. Patel was executed on 17.5.2012 by all the owners. The said Sale Deed was registered before the Sub-Registrar, Vadodara, on 17.5.2012 vide Entry No. 6138.

While executing above Sale deed a solemn assurance and representation was given by the Sellers Shri Rinki S. Gandhi & others to the Purchasers that the Sellers did have the right and capacity to execute the said Sale Deed during the pendency of special Civil Application Nos. 12813/00, 279/01, 280/01, 283/01, 284/01 and 286/01 in the High Court of Gujarat at Ahmedabad as the orders of attachment dated 19.12.1998 and 19.07.1999 were passed by the Mamlatdar, Vadodara and the common Judgement and Order dated 02.11.2000 was passed by the State Government, in respect of the properties covered under this Sale Deed were stayed. Further, it was also declared by



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the Sellers that the High Court of Gujarat have not passed any order of status quo in respect of subject property being Block No. 69, covered under above Sale deed, in the above referred Special Civil Applications and that no other Court or Tribunal in this country have restrained the transfer, in any manner whatsoever, of the said land.

The sellers viz. Rinki Shashikant Gandhi had also undertaken that if any restrictions/prohibitions/attachments/stay orders which have been issued or that may be issued in future (Even after executing above Sale Deed), because of any Sellers liability, then under such circumstances, the same shall be taken care of by the Sellers to remove such restrictions/prohibitions/attachments/stay orders etc. forthwith and keep the Purchaser indemnified against such restrictions/ prohibitions/ attachments/ stay orders etc. It was also assured to the Purchasers that it will be the responsibility of the Sellers to bear the cost/expenses to clear such restrictions/prohibitions/ attachments/Stay orders.

The Purchasers Mr. Krupesh N. Patel & Mr. Navin N. Patel are the Agriculturists and having their Agricultural properties situated at Ankodia, Tal. Dist. Vadodara and that they are entitle to purchase the said agricultural property. Moreover, the purchasers are the partners of Neptune Associates and this property is purchased for the purpose of and for the use of Neptune Associates.

Necessary entry of above transfer by virtue of sale in favour of Mr. Krupesh N. Patel & Mr. Navin N. Patel was also passed into the revenue record on 18.5.2012 vide Entry No. 1375. The said entry was verified and certified by the respective competent authority on 2.7.2012. Thus, Mr. Krupesh N. Patel and Mr. Navin N. Patel became the joint owners of the subject property.



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A Public Notice was issued in daily Gujarat Samachar on 20.6.2012, inviting objections from the Public, if any, however, so far, no objection is received in respect of subject property.

From the above discussion, I am of the opinion that Mr. Krupesh N. Patel & Mr. Navin N. Patel are joint owners of the subject property and the title of the said property is clear, marketable and without any encumbrance.

THE SCHEDULE OF THE IMMOVABLE PROPERTY.

Property being Agricultural Land Situated at Mouje Khanpur, Block No. 69, Registration District & Sub District Vadodara admeasuring 26,507 sqmt (2,85,321 sqft) and bounded as under:

EAST : Block No. 44  
WEST : Block No. 65 & 67  
NORTH : 18 Mt T.P. Road  
SOUTH : Block No. 66, 67 & 68



  
(NAYAN C. SHAH)  
ADVOCATE