

Shirke & Associates

Vijaykumar J. Shirke

D. Com., LL.B., D. L. P., D. I. R. & P. M.

ADVOCATE (GUJARAT HIGH COURT)



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CERT.NO.VJS/TCC/O/2010-11/31

Date:- 03/07/2010

To,
Shri Brijeshsinh Kishorsinh Chavhan,
32/33 Earth Bungalow,
Akshar Chok, Old Padra Road,
Vadodara.

**TITLE CLEARANCE CERTIFICATE in respect of land
admeasuring 4-35-04, bearing R.S No.568 of Village
Sayajipura, Taluka & District Vadodara.**

Sir,

As desired by you the records of Sub-Registrar Vadodara, have been verified by me for the period from 1980 to 2010 for investigation of title in respect of above property. I have also verified the mutation mentioned in schedule. On the basis of the said documents my REPORT/CERTIFICATE is given as under:

1. It appears that land admeasuring 4-35-04, bearing R.S No 568 of Village Sayajipura, Taluka, District Vadodara was originally belonged to Indravadan Trikambhai. The said mutation entry is entered at sr. no. 330 dated 06/05/1964 in the village records.
2. It appears that there was a partition among the family members and by virtue of the said partition, land admeasuring 4-35-04, bearing R.S No.568 of Village Sayajipura, Taluka, District Vadodara came to the share of Mathurbhai Trikambhai Patel. The said mutation entry is entered at sr. no. 1017 dated 15/10/73 in the village records.

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Maganbhai Parbadiya & Darmendra Javerbhai Prajapati filed Special Civil Suit No. 32/10 before Hon'ble Civil Court of Vadodara. The said Special Civil Suit No. 32/10 was withdrawn unconditionally. The said Agreement to sale was cancelled by Harjivanbhai Maganbhai Parbadiya and Dharmendra Javerbhai Prajapati before notary public Shri A.K. Patel and recorded at Si. No. 7842 and dated 16/4/2004.

It appears that a Les Pendency was registered before the office of Sub-Registrar, Vadodara at sr. no. 2363 dated 17/02/2010 in connection with the above Special Civil Suit No. 32/10. In view of the withdrawal of the suit, the Les Pendency was cancelled and the cancellation was entered at sr. no. 8164 dated 17/02/2010 in the office of Sub-Registrar, Vadodara.

6. It appears that Mathurbhai Trikambhai Patel executed an Agreement in favour of Ishwerbhai Vajibhai Prajapati, Chandraji B. Jethi, Judoji, Ashokbhai Dadasbhai Prajapati, & Chaturbhai Dadasbhai Prajapati at Vadodara on 16/4/2004.

7. It appears that Mathurbhai Trikambhai Patel executed an Agreement to Sale with Bharatbhai Yamsanwar in respect of land admeasuring 4-35-04, bearing F.S No. 558 of Village Sayajipuro, Vadodara on 17/02/2010 before Notary Public Shri H.R. Chokshi. Subsequently, the said Agreement was cancelled by the said Bharatbhai Yamsanwar and Mathurbhai Trikambhai Patel before Notary Public Shri H.R. Chokshi on 17/02/2010 at Vadodara.

8. It appears that Mathurbhai Trikambhai Patel entered into an Agreement to Sale with Bharatbhai Yamsanwar in respect of land admeasuring 4-35-04, bearing F.S No. 558 of Village Sayajipuro, Vadodara on 17/02/2010 before Notary Public Shri H.R. Chokshi.

Taluka & District Vadodara. The said transaction is entered at serial no. 2937 dated 25/3/2009 in the office of Sub-Registrar, Vadodara.

It appears that Bharatbhai Yamsanwar filed Special Civil Suit No. 91/10 against Shri Mathurbhai Trikambhai Patel for Specific Performance of Agreement to Sale. Shri Mathurbhai Trikambhai Patel appeared in the suit and declared that he has not executed any document in favour of Mr. Bharat Yamsanwar and somebody else executed document for which he filed Criminal complaint. When Mr. Bharat Yamsanwar came to know that the said Agreement to Sale was not executed by the original owner but signed by the fictitious/fake owner, he declared before the Hon'ble Court to pass appropriate order. Therefore, the suit instituted by him was rejected by the Hon'ble Civil Court under the Provision of Order 7 Rule 11 of the Civil Procedure Code.

8. It appears that (1) Mathurbhai Trikambhai Patel (2) Urmilaben Wife of Mathurbhai Patel (3) Sunilaben Mathurbhai Patel (4) Anilbhai Mathurbhai Patel sold land measuring 4-35-04, bearing R.S No. 568 of Village Sayajipura, Taluka, District Vadodara in consideration of Rs. 2,40,00,000/- to Shri Brijeshsinh Kishorsinh Chauhan. The said transaction is entered at serial no. 2969 dated 2/3/2010 in the office of Sub-Registrar, Vadodara. Thus Shri Brijeshsinh Kishorsinh Chauhan became absolute owner of the said land.

It appears that Mr. Bharat Yamsanwar executed a Consent Deed for the Sale Deed executed in favour of Shri Brijeshsinh Kishorsinh Chauhan by the Mathurbhai Trikambhai Patel & others and

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registered at Sr. No. 9173 dated 25/06/2010. The said consent
Deed is executed at Sr. No. 9173 dated 25/06/2010 in the office of
Sub-Registrar, Vadodara.

9. I have also verified Village form No. 7/12, 6, & 8-A in respect of
above land in which name of Shri Brijeshsinh Kishorsinh Chauhan
is shown as owner of land admeasuring 4-35-04, bearing R.S
No.568 of Village Sayajipura, Taluka, District Vadodara.

10. I have published a public notice in daily news paper "Sandesh" &
"Gujarat Samachar" dated 26/5/2010 inviting objections if any
against issuing title clearance certificate in respect of the above
property. I have received objection from Mathurbhai Trikambhai
Patel whereby he stated that an amount of Rs. 1,50,000/- is still
not paid by Shri Brijeshsinh Kishorsinh Chauhan to him.
Subsequently, he has informed me by letter dated 03/06/2010 that
he has received the entire amount of consideration, therefore, he
withdrawn his objection for issuing title clearance certificate.

12. I have also verified affidavit-cum-declaration submitted by Shri
Brijeshsinh Kishorsinh Chauhan in which he has mentioned that he
is the absolute owner of land admeasuring 4-35-04, bearing R.S
No.568 of Village Sayajipura, Taluka, District Vadodara and he has
not obtained any loan or financial facilities against the said Land.
Moreover said Land is not transferred in any manner either by way
of sale, lease, gift, mortgage or otherwise and as such the title of
land is clear, marketable and free from all encumbrances.

[Handwritten signature]

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11. Zerox copy of Agreement to Sale in favour of Mr. Harjivan Maganbhai Parbadiya.
12. Zerox Copy of Cancellation of Les pendency bearing Regn. No. 8744 dated 17/06/2010.
13. Zerox Copy of Consent Deed bearing Regn. No. Sr. No. 9173 dated 25/06/2010 executed by Mr. Bharat Yamsanwar.
14. Zerox copy of Special Civil Suit No. 32/10 & Order thereon.
15. Zerox copy of Agreement to Sale in favour of Rameshbhai Ratanbhai Dangaria & Cancellation Deed thereof.
16. Zerox copy of Village form no. 7/12, 8/A respect of the above property.
17. Public Notice published in daily news paper "Sandesh" & "Gujara Samachar" dated 26/5/2010.

Place : Vadodara.

Date : 03/07/2010


[V. J. SHIRKE]
ADVOCATE

CERTIFICATE

THIS IS TO CERTIFY that, Shri Brijeshsinh Kishorsinh Chauhan is absolute owner of land admeasuring 4-35-04, bearing R.S No.568 of Village Sayajipura, Taluka, District Vadodara and the title of the said land is CLEAR, MARKETABLE AND FREE FROM ALL ENCUMBRANCES.

Place : Vadodara.

Date : 02/07/2010


[V. J. SHIRKE]
ADVOCATE