

TITLE REPORT WITH CERTIFICATE

RE : Investigation of title to the Commercial Cum Residential use land - known as "Wagh Villa" - bearing City Survey No. 2082/2 (Ward No. 4) totally admeasuring Sq. Mtrs. 37175-00 situated lying & being at MORBI - 2, Taluka Morbi, Dist. Morbi, in the registration district MORBI and Sub District of MORBI holding & belonging by M/s. Florentina Realty LLP - A Partnership Firm.

As per instruction, I have got necessary searches made for more than last from the available records of Sub-Registrar Office, Morvi & have gone through the necessary papers & documents produced before me & have investigated the title to the land in question and report as under...

- (1) State of Morbi was a sovereign state subject only to the Paramountcy of the British Crown. Therefore, the Ruler was the Supreme Legislature, the Supreme Judiciary and the Supreme Head of the executive and there was no constitutional limitation upon his authority to act in any of the capacities.
- (2) The Chief of the Sovereign Estate would hold the Estate by virtue of his sovereign power and not by virtue of municipal law as he would in fact be the fountain head of municipal law and not subject thereto and as the Sovereign Ruler he would be the full and complete owner of the estate entitled to do what he likes of the Estate. This principle is recognized by Courts in the several rulings.
- (3) The Indian Independence act, 1947 came into force on 15/08/1947, under which the paramountcy of the British crown lapsed and MORVI became a fully Independent Sovereign state.
- (4) In Saurashtra area of former Bombay state, there were about 250 native State. By efforts of Sardar Vallabhbhai Patel all the native states agreed to join Union Of India. All the native states of Saurashtra area signed indivisible agreement for its merger in the United States Of Kathiawar (Saurashtra). Its Rajpramukh was the then Maharaja H.H. Digvijaysinh of Navanagar (Jamnagar). On signing of all these agreements, United States Of Kathiawar was formed CONVENANT was made.
- (5) **ARTICLE XI OF THE CONVENANT** reads as follows :

- (1) The Ruler of each Covenanting States shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from States properties) belonging to him on the date of his making over the administration of that States to the Raj Pramukh.
- (2) He shall furnish to the Raj Pramukh within one month of the said date an inventory of all the immovable properties, security and cash balances held by him as such private property.
- (3) If any dispute arise as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government Of India may nominate, and the decision of that person shall be final and binding on all parties concerned.
- (6) As per **Article XI** of the Covenant, List of Private Properties of each individual ruler was to be submitted and which was to be finally confirmed by the Raj Pramukh.



(7) Late Maharaja Mahendrasinhji Lukhdirji of erstwhile Morbi State, submitted the list of his private properties. At the conference of the Ruler of the covenanting States with the advisers of the Ministry of States held on 30/31-12-1948 and 01-01-1949 at Jamnagar, decisions were taken regarding the properties to be treated as STATES properties and as PRIVATE properties of the Ruler. An agreement was also arrived at between the Saurashtra Government and late H.H. Maharaja Mahendrasinhji in respect of the settlement of inventories.

(8) The Rajpramukh has by its letter Dt. 19/21-02-1949 addressed to H.H. Maharaja Mahendrasinhji recorded the said facts of settlement of PRIVATE properties. Final Inventory of list of private properties was enclosed alongwith the letter Dated 19/21-02-1949.

(9) In the SCHEDULE to Letter Dated 19/21-02-1949. PROPERTY NO. 3 IS WAGH VILLA BUNGALOW, BUILDINGS AND LAND. This entire property was **declared as PRIVATE** and whose area was to be determined by H.H. The Rajpramukh.

(10) In pursuance of this, areas of the said property were determined and District Inspector Of Land Records, Surveyor prepared a detailed plan which is signed by RAJ PRAMUK H.H. Digvijaysinhji, Chief. Secretary Of Saurashtra States, H.H. Mahendrasinhji Ruler Of Erstwhile Morvi State, District Surveyor, Madhya Saurashtra, Rajkot and District Inspector Of Land Records, Madhya Saurashtra, Rajkot.

(11) Letter Dated 19/21-02-1949 of Rajpramukh and the detailed sketch of Wagh Villa and surrounding areas sketch, signed by the authorities mentioned in para 10 above clearly show that it is the PRIVATE Property of the Maharaja Of Morvi.

(12) Regarding the part of the property for which this title clearance certificate is given is surveyed by City Survey Department of Morbi and SANADs and property cards have been issued. Sheet No. is 148 for all the Survey Numbers.

<u>Survey No.</u>	<u>In Sq. Metres</u>	<u>In Sq. Feet</u>
(1) 2082	14-00	150-64
(2) 2083	4109-49	44218-11
(3) 2084	7552-44	81264-25
(4) 2085	7909-65	85107-83
(5) 2086	<u>78512-00</u>	<u>844789-12</u>
Total area...	98097-58 Sq. Mts.	1055529-95 Sq. Fts.

The SANAD for Survey No. 2086 is not traceable. An affidavit for the same is attached. Thereafter by order dated 30/4/2018 of City Survey Superintendent, all the five survey numbers have been amalgamated and new no. is S.No. 2082 amending 98097-58 Sq.Metres.

Certified copies of four SANADs and all Property Cards are attached. The said Property is mutated in the name of Maharani Shri Vijaykumverba Mahendrasinhji Jadeja in the City Survey records.

(13) H.H. Mahendrasinhji expired on 18/08/1957. On his death his son H.H. Mayurdhvasinhji became the Ruler of Morbi. According to Article XIII (1) "The succession, according to law and custom, to the GADI of each covenanting State, and to the personal right, privileges, dignities and title o the Ruler thereof is hereby guaranteed". Govt. of India had also recognised him as the Ruler of Morbi vide Note No. F/3/4 of 57 Dt. 10/3/58 was issued by Govt. of India in this regard.

(14) Thus, H.H. Mayurdhvasinhji was recognised a Ruler of Morbi State till constitution of India was amended by Constitution (Twenty Sixth Amendment) Act, 1971.

ARTICLE 363-A reads as under:-



"Recognition granted to Ruler of Indian States to cease and privy purses to be abolished. Notwithstanding anything in this constitution or in any other law for the time being in force-

(a) the Prince, Chief or other person who, at before the commencement of the **Constitution (Twenty Sixth Amendment) Act, 1971**, was recognised by the President as Ruler of an Indian State or any person who, a time before such Ruler shall, on an from such commencement, cease to be recognised as such Ruler or the successor of such Ruler;

(b) on and from the commencement of the **Constitution (Twenty Sixty Amendment) Act, 1971**, privy purse is abolished and all rights, liabilities and obligations in respect of privy purse are extinguished and accordingly the Ruler or, as the case may be, the successor of such Ruler, referred to in Cl. (a) or any other person shall not be paid any sum as privy purse.

(15) By **Article 362 of Constitution of India Right and Privileges of Rulers of Indian State** were recognised. But by **Sec. 2 of Constitution of India (Twenty Sixth Amendment) Act, 1971**, this Article was repealed and all Rights, Privileges etc., which were recognised by **Article 362** were withdrawn.

(16) H.H. Mayurdhvajsinhji was recognized as Ruler of Morbi State till 28/12/1971 when **Article 362** was repealed and **Article 363A** of Constitution of India was introduced. **Effect of this 26th Amendment** was that the effect of covenant came to be deleted as H. H. Mayurdhvajsinhji lost his recognition as a Ruler and he became an Ordinary Citizen of India. The effect of the aforesaid covenant regarding preservation of succession on the basis of succession on the basis of rule of primogeniture came to an end. The last Ruler became subject to all Municipal Laws after 26th Amendment of Constitution of India and he became an Ordinary Citizen of India and was amenable to I Hindu Succession Act, 1956.

(17) **H.H. Mayurdhvajsinhji** was a bachelor and he **expired intestate on 22/08/1978**. Hence the succession to his property on his death was not governed by Rule of primogeniture but was governed by **Sec.8 of Hindu Seccession Act**. Accroding to this Section 8 entire property of H.H. Mayurdhvajsinhji would devolve to his mother namely Maharani Shri Vijaykunverba Mahendrasinhji Jadeja.

(18) **Shri Manvendrasinhji Ranjitsinhji Jadeja** had filed a suit before Civil Judge (Sr. Dn.), Morbi being **Sp.Suit No. 46/1978** against **Rajmata shri Vijaykunverba Mahendrasinhji of Morvi**. In the said suit he claimed that as Mayurdhvajsinhji had died without having male descendants, he was the sole heir and successor of the late Shri Maharaja Mayurdhvajsinhji and hence accroding to the Rule of primogeniture all his properties devolve on him. The plaint in this suit was **rejected on 01/02/1997**; In the said suit it is decided that becouse of deletion of Article 362 and as per the amended Article 363-A of the Constitution of India the concept of Rulership was abolished and Rulers became ordinary citizen and as per Hindu Succession Act property of an intestate son would devolve on his mother as per Section 8 of Hindu Succession Act.

(19) Against this decision **First Appeal No. 1526 of 1997** was filed by him before Hon. **Gujarat High Court** and the said **first appeal** was dismissed on 16/09/1998.

(20) Hence as per the decision of Civil Judge (Sr.Dn.) at Morvi and conformed Gujrat High Court, Rule of primogeniture does not apply and Hindus Succession Act, 1956 would apply and according to which entire property of Maharaja Mayurdhvajsinhji devolves on his mother Maharani Shri Vijaykunverba Mahendrasinhji jadeja.

(21) Amalgamation of total area i.e. Sq.Mts. 98097-58 bearing 5 different Sanads i.e. C.S.Nos. 2082, 2083, 2084, 2085 & 2086 (as shown in para no. 12) in property card maintained by City Survey Office, Morbi and new & final City Survey No. 2082 has been allotted by its

order no. CTS / VS-18 / WARD No. 4 / 2018 Dt. 30/04/2018 to whole area i.e. Sq.Mts. 98097-58.

Afterthat, some difference found in measurement between City Survey records & on site. So by the area correction order no. DSO 3 / Correction Of Measurement / 1 - 2016 - 17 of Superintendent Of Land Records correct measurement i.e. Sq.Mts. 7909-65 instead of Sq.Mts. 2356-09 of C.S.No. 2082 has been declared on 19/07/2016. In this regard entry no. 1093 has been made on 11/08/2016.

(22) Thereafter Maharani Shri Vijaykunverba Mahendrasinhji Of Morbi has executed one power of attorney on 09/02/2018 jointly in favour of her daughters namely Rukshmanidevi Mahendrasinghji & Draupadi Maya Maharaikunari Morbi for the total sale process of whole property admeasuring Sq.Mts. 98097-58 (Sq.Fts. 1055528-95 known as "Wagh Villa".

(23) M/s. Florentina Realty LLP is a limited liability partnership firm comes into existence by virtue of Limited Liability Partnership Agreement Dt. 23/02/2018 in between [1] Kishorbhai Virjibhai Virangama, [2] Subhashbhai Bhudarbai Detroja, [3] Mit Kishorkumar Virangama, [4] Hitesh Bhagvanjibhai Chaniyara, [5] Jitendra Thakersibhai Aghara, [6] Bharat Thakersibhai Aghara, [7] Parimal Narandas Ashar, [8] Rudhit Parimal Ashar & [9] Uija Rudhit Ashar, under the provisions of the Limited Liability Partnership Act, 2008 and same is registered at Registrar, Ministry of Corporate Affairs, Ahmedabad vide LLP Identification No. AAM - 0808 Dt. 23/02/2018.

(24) Thereafter, Maharani Shri Vijaykunverba Mahendrasinhji Of Morbi has sold open land totally admeasuring Sq.Mts. 37174-72 (Sq.Fts. 4,00,000-00) through her POA holder Draupadi Maya Maharaikunari Morbi by to M/s. Florentina Realty LLP by regd. sale deed sr. no. 11856 on 11/07/2018. In this regard entry no. 2478 has been made in property card register of City Survey Office, Morbi on 30/07/2018.

Decision of all the partners of M/s. Florentina Realty LLP has passed resolution on Dt. 09/07/2018 & authorised designated partner Mr. Subhashbhai Bhudarbai Detroja to purchase of property known as "Wagh Villa Bulglow" totally admeasuring Sq.Mts. 37,174-72 (Sq.Fts. 4,00,000-00) on behalf of the firm.

(25) Thereafter, as per the map issued by Saurashtra Govt. (with the signature of Rajpramukh) total area of 5 Sanads were wrongly shown as Sq.Mts. 101357-00. So Maharani Shri Vijaykunverba Mahendrasinhji Of Morbi has filed an Misc. / City Survey / Appeal No. 01 / 2019 before Dypt. Collector, Morvi for the rectification of the measurement of area shown in records. In this appeal after hearing of both the parties appellant & Morbi Nagarpalica of behalf of Govt. finally Dypt. Collector, Morvi has remanded the case & ordered to re - measure of the whole questioned land area on 22/07/2019. This order has been registered with City Survey Office, Morbi by Case Reg. No. 115 / 2019-20.

After checking all the records & physical measurement / possession & measurement sheet prepared on 30/07/2019 of land, City Survey Office, Morbi has finalised & declared area of C.S.No. 2081/1 as Sq.Mts. 62839-00 & C.S.No. 2081/2 as Sq.Mts. 37175-00. In this regard entry no. 3374 has been made in property card register of City Survey Office, Morbi on 30/07/2019 and the said entry has been certified on 28/08/2019.

Thereafter, "Hissa Mapni" took place by the order of Superintendent Of City Survey, Morbi. Finally, Florentina LLP has been allotted separate property card for Sq.Mts. 37175-00 of C.S.No. 2082/2. In this regard entry no. 3429 has been made in property card register of City Survey Office, Morbi on 28/06/2019 and the said entry has been certified on 05/10/2019.

(26) CS Jaykishan Fefar - Morbi has issued one ROC Search Report regarding details of Changes in details of Designated partners, total contribution and others details of with registrar of Companies etc. by M/s. Florentina Realty LLP.



S.N. Parekh

Advocate

TCR / Notice / General Ref. No.

Date : 03 / 06 / 2021

(27) I have taken search for the last 30 years from the Office of Sub-Registrar, Morbi by receipt no. 2021149018767 on 03 / 06 / 2021 and the said search do not reveal any transaction adversely affecting the title of Querist M/s. Florentina Realty LLP.

(28) I, therefore certify that, title of M/s. Florentina Realty LLP regarding property "Wagh Villa Bulglov" totally admeasuring Sq.Mts. 37175-00 (Sq.Ft. 4,00,000-00) bearing C.S.No. 2082/2 is absolutely clear, marketable and free from any reasonable doubt.

MORBI

Date : 03 / 06 / 2021

S.N. Parekh
Shailesh Nalinkant Parekh
Advocate



૯૧૦૪૧

અરજી પહોંચ

મિલકત નું વર્ણન : સી.સ.નં - 2082/2

Search in : MORVI.. /MORVI..

પહોંચ નંબર	2021186016959	અરજી નંબર	૭૬૭૫	અરજી વર્ષ	2021
તારીખ	૩	માહે	જુન	સને	2021
રજુ કરનારનું નામ				કલોરેન્ઝીના રીવાલ્ટી એલ.એલ.પી. વકિલ એસ.એન. પારેખ - શ્રીધ	
નીચે પ્રમાણે શ્રી પહોંચી				રૂ. પેસા	

રજીસ્ટ્રેશન ફી.....
નકલ કરવા ની શ્રી સાઉડ / ફોલીઓ.....
ફોલોની નકલ કરવા માટે ફી.....
ટપાલ ખર્ચ.....
નકલો અથવા યાદીઓ (કલમ 5૪ થી 5૭).....
શીખ અગાર તપાસણી.....Year: 1991 2021
ફંડ કલમ-૨૫.....
કલમ-૩૪ (કલમ-૫૭).....
નકલ ફી ફોલીઓ.....
ઇન્ડેક્સ-૨ ફી



કુલ ચોક્કદ રૂ.	૩૨૦.૦૦
----------------	--------

અંકે રૂપીયા ત્રણ સો વીસ પુરા
દસ્તાવેજ ના દિવસે તૈયાર થશે અને
નકલ
દસ્તાવેજ રજીસ્ટર ટપાલથી નીચેના સરનામે મોકલવાશે.
તે રજીસ્ટર ટપાલથી મોકલવામાં
કચેરીમાં આપવામાં
આવશે.

J. M. SABARI
સાબ રજીસ્ટ્રાર
મોરવી

અંકે રૂ. : 320.00
20210524895698312
સાબ રજીસ્ટ્રાર, મોરવી