

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

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Ref. No. 155/2010/HHD / 101 of 2011

Date: 30/04/2011

DESAI CORPORATE REALTY AND DEVELOPERS PVT. LTD.,  
401, Surmount Building, Opp. Iscon Mandir,  
S.G. Highway Road,  
Ahmedabad.

Re: IN THE MATTER OF Private Plot No. 1 (admeasuring about 1869.53 sq. mts.) and Private Plot No. 2 (admeasuring about 5037.16 sq. mts.) in all admeasuring about 6906.69 sq. mts., (as per Town Planning Records) forming part of the land situate, lying and being at Tragad (sim), Taluka City, in the Registration District Ahmedabad and Sub District Ahmedabad-2 (Wadaj), bearing Final Plot No. 263, admeasuring about 37763 sq. mts. of Draft Town Planning Scheme No. 69 (Chandkheda - Tragad - Zundal) (Old Consolidated Survey No. 317/2/1 (Old Survey Nos. 317/2 (23779 sq. mts.), 318 (9510 sq. mts), 327/1 (9814 sq. mts.), and 327/2 (3854 sq. mts.) in all admeasuring about 46957 sq. mts.).

Dear Sir,

We refer to your instructions to investigate the title to the Plot Nos. 1 and 2 referred to hereinabove, by taking necessary searches to be taken

*H. Desai*



H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

with the revenue and sub registry records (Index-II) for a period of last about thirty years. We have caused necessary searches to be taken accordingly. We have taken root of title commencing from about 1970, prior to more than thirty years from now. For detailed facts and particulars reference may be taken from the documents, papers, writings and records referred to hereinbelow. Our Report on Title is as follows:-

1. The lands of Survey Nos. 317/2, 318, 327/1 and 327/2 were originally consolidated and given new Consolidated No. 317/2, admeasuring about 46947 sq. mts. as per order of District Inspector of the Land Record dated 1<sup>st</sup> October, 2007, bearing No. DSO/Consolidation/ Tragad/07. (Reference : Revenue Entry No. 2782, dated 25<sup>th</sup> October, 2007 ).
2. Thereafter, as per Durasti Patrak No. 7, as per the order of District Inspector Land Records, Ahmedabad, dated 23<sup>rd</sup> June, 2009, bearing No. RTS/KJP/SR/VASHI/1921/09, the Land of Said Consolidated Survey No. 317/2, admeasuring about 46947 sq. mts. has been bifurcated into two parts namely Survey No. 317/2/1, admeasuring about 16091 sq. mts. and Survey No. 317/2/2, admeasuring about 30856 sq. mts.
3. The said two Survey Nos. 317/2/1 and 317/2/2 have been included in Draft Town Planning Scheme No. 69 and allotted proposed Final Plot No. 263, admeasuring about 37763 sq. mts.
4. Under and as per the Town Planning Records, prior to allotment of the Final Plot, the lands of Old Survey Nos. 317/2, 318, 327/1 and 327/2 were sub-divided into three sub plots namely Sub Plot No. 1, admeasuring about 1869.53 sq. mts., Sub Plot No. 2, admeasuring about 5037.16 sq. mts. and Sub Plot No. 3, admeasuring about 30856 sq. mts. (Reference : Permission of Ahmedabad Urban Development Authority, dated 29<sup>th</sup> March, 2007, bearing No. PRM/348/12/2006). Out of the Said Sub Plots, as on date the Sub Plot No. 1 and 2 being the land in question belongs to Desai Corporate Realty Pvt. Ltd. and Sub Plot No. 3, admeasuring about 30856 sq. mts. belongs to M/s. Avkar Infrastructure, a Partnership Firm. At the time of allocation of the proposed final plot the effect of sub division has not been considered. Necessary applications for allotment of separate final plot for the said three sub plots have



*H. Desai*

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

already been made to the concerned authority. As per the Land Records – 7/12 the said Sub Plot No. 1 and 2 forms part of and corresponds to the old sub-divided Survey No. 317/2/1 and Sub Plot No. 3, forms part of and corresponds to the old sub divided Survey No. 317/2/2. (Reference : Order of District Inspector, Land Records, dated 23<sup>rd</sup> June, 2007, referred to in para 2 hereinabove).

5. **Devolution of Old Survey No. 317/2, admeasuring about 23779 sq. mts. (the said Survey No. 317/2 is sub-division of Old Survey No. 317, admeasuring about 33087 sq. mts.).**

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- (a) Originally from much prior to 1970, the land of Old Survey No. 317, admeasuring about 33087 sq. mts. belonged to and was registered in the revenue records in the name of Bababhai Kashibhai.
- (b) Said Bababhai Kashibhai died on 6<sup>th</sup> May, 1994, leaving behind himself his wife Jadiben, son Hitendrabhai and daughters Pushpaben and Bhartiben. (Reference : Revenue Entry No. 2219, dated 27<sup>th</sup> May, 1996).
- (c) Said Jadiben widow of Bababhai Kashibhai, Hitendrabhai Bababhai self and as the Karta and Manager of his HUF, Pushpaben Bababhai and Bhartiben Bababhai sold and conveyed the part admeasuring about 23779 sq. mts. (Southern Side) of the Said Land of entire Survey No. 317 to Babubhai Jesangbhai Desai, by or under a Deed of Conveyance dated 20<sup>th</sup> May, 2004, registered under Sr. No. 2947. (Reference : Revenue Entry No. 2444, dated 8<sup>th</sup> July, 2004). In the Said Deed of Conveyance family members of Said Hitendrabhai Bababhai have been joined as the Confirming Party.
- (d) Thereafter, as per the Puravni patrak No. 1 issued by the District Inspector Land Record and order of Mamlatdar Saheb on 19<sup>th</sup> November, 2005, bearing No. RTS/R/V/ VASHI/3684/05, the Said Land of Old Survey No. 317, admeasuring about 33087 sq. mts. has been bifurcated into two parts as follows:-



*H. Desai*

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

| Sr. No. | Survey No. | Area in sq. mts. | Owners Name                                                                                                 |
|---------|------------|------------------|-------------------------------------------------------------------------------------------------------------|
| 1.      | 317/1      | 9308             | Hitendra Bababhai<br>Pushpaben Bababhai<br>Bhartiben Bababhai and<br>Jadiben widow of Bababhai<br>Kashibhai |
| 2.      | 317/2      | 23577            | Babubhai Jesangbhai Desai                                                                                   |

6. Devolution of Old Survey No. 318, admeasuring about 9510 sq. mts.

- (a) Originally from much prior to 1970, the land of Old Survey No. 318, admeasuring about 9510 sq. mts. belonged to and was registered in the revenue records in the name of Davalbhai Shankarbhai Patel.
- (b) An oral partition was effected between Said Davalbhai Shankarbhai Patel and his son Bhailalbhail Davalbhai Patel. Under such partition the said land came to the share of Bhailalbhail Patel. (Reference : Revenue Entry No. 1078, dated 17<sup>th</sup> February, 1972).
- (c) The name of Hareshkumar Bhailalbhail Patel was entered in the revenue records as co-owner. (Reference : Revenue Entry No. 2367, dated 31<sup>st</sup> May, 2002).
- (d) Thereafter, said Bhailalbhail Davalbhai Patel released and renounced his share in favour of his son Hareshkumar Bhailalbhail Patel, under a Declaration made by him on 4<sup>th</sup> June, 2003. (Reference : Revenue Entry No. 2399, dated 5<sup>th</sup> June, 2004).
- (e) Said Hareshkumar Bhailalbhail Patel self and as the Karta and Manager of his HUF sold and conveyed the said land to Babubhai Jesangbhai Desai, by or under a Deed of

*H. Desai*

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

Conveyance dated 30<sup>th</sup> June, 2005, registered under Sr. No. 4970. (Reference : Revenue Entry No. 2493, dated 30<sup>th</sup> July, 2005). In the said Deed of Conveyance, Bhailalbhai Davalbhai Patel, Chanchalben wife of Bhailalbhai Davalbhai, Vasudevbbhai Bhailalbhai and family members of Hareshkumar Bhailalbhai Patel and family members of Vasudevbbhai Bhailalbhai Patel joined as the Confirming Parties.

7. **Devolution of Old Survey No. 327/1, admeasuring about 9814 sq. mts.**

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- (a) Originally from much prior to 1970, the land of Survey No. 327/1, admeasuring about 9814 sq. mts. belonged to and was registered in the revenue records in the name of Davalbhai Shankarbhai Patel.
- (b) Said Davalbhai Shankarbhai Patel died on 17<sup>th</sup> August, 1973, leaving behind himself his wife Hiraben, son Bhailalbhai and daughters Lilaben, Gangaben, Savitaben and Sharmishtaben. (Reference : Revenue Entry No. 1117, dated 15<sup>th</sup> October, 1973).
- (c) Said Lilaben, Gangaben, Savitaben and Sharmishtaben released and renounced their share from the said land in favour of their mother and brother. (Reference : Revenue Entry No. 1117, dated 15<sup>th</sup> October, 1973).
- (d) Said Bhailalbhai Davalbhai also released his share in favour of his mother Hiraben. (Reference : Revenue Entry No. 1170, dated 24<sup>th</sup> February, 1978).
- (e) Said Hiraben Davalbhai died on 12<sup>th</sup> March, 1992, leaving behind herself surviving her heirs being her son Bhailalbhai Davalbhai, daughters Lilaben, Gangaben, Savitaben and Lilaben alias Sharmishtaben. (Reference : Revenue Entry No. 2258, dated 25<sup>th</sup> October, 1996).



*H. Desai*

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

- (f) Said Lilaben, Gangaben, Savitaben and Ilaben released and renounced their share from the said land in favour of their brother. (Reference : Revenue Entry No. 2369, dated 1<sup>st</sup> July, 2002).
- (g) Said Bhailalbhai Davalbhai Patel self and as the Karta and Manager of his HUF sold and conveyed the said land to Babubhai Jesangbhai Desai, by or under a Deed of Conveyance dated 5<sup>th</sup> July, 2005, registered under Sr. No. 4968. (Reference : Revenue Entry No. 2492, dated 30<sup>th</sup> July, 2005.). In the said Deed of Conveyance, Chanchalben wife of Bhailalbhai Davalbhai, Hareishbhai Bhailalbhai, Vasudevbbhai Bhailalbhai and family members of Hareishbhai and Vasudevbbhai has been joined as the Confirming Parties.
8. **Devolution of Old Survey No. 327/2, admeasuring about 3854 sq. mts.**



- (a) Originally from much prior to 1970, the land of Survey No. 327/2, admeasuring about 3854 sq. mts. belonged to and was registered in the revenue records in the name of Motibhai Kashibhai.
- (b) Said Motibhai Kashibhai died on 19<sup>th</sup> March, 1987, leaving behind himself his sons Amrutbhai, Babubhai and Arvindbhai. (Reference : Revenue Entry No. 2093, dated 6<sup>th</sup> Mayr, 1987).
- (c) Said Amrutbhai Motibhai Patel, Balubhai Motibhai Patel, and Arvindbhai Motibhai Patel (all represented as self and as the Karta and Manager of their respective HUFs.) sold and conveyed the said land to Babubhai Jesangbhai Desai, by or under a Deed of Conveyance dated 9<sup>th</sup> May, 2005, registered under Sr. No. 3660. (Reference : Revenue Entry No. 2491, dated 30<sup>th</sup> July, 2005). In the said Deed of Conveyance family members of the said owners have been joined as the Confirming Parties.

*H. Desai*

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

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9. Accordingly, said Babubhai Jesangbhai Desai have become entitled to the land of Survey No. 317/2, admeasuring about 23779 sq. mts., 318, admeasuring about 9510 sq. mts., 327/1, admeasuring about 9814 sq. mts. and 327/2, admeasuring about 3854 sq. mts. (New Consolidated Nos. 317/2/1 and 317/2/2).
10. The Said Land have been granted permission for Non Agricultural Use for Residential Use (46247 sq. mts.) and for Commercial Use (710 sq. mts.) under an Order of District Collector Saheb, Ahmedabad, dated 22<sup>nd</sup> November, 2006, bearing No. CB/JMN/NA/SR/169/ 2006. (Reference : Revenue Entry No. 2636, dated 25<sup>th</sup> November, 2006).
11. Thereafter, Said Babubhai Jesangbhai Desai brought the part admeasuring about 30856 sq. mts. of Consolidated Survey No. 317/2 (being sub-divided Survey No. 317/2/2) in Aavkar Infrastructure, a Partnership Firm. (Reference: Revenue Entry No. 2809, dated 7<sup>th</sup> January, 2008). The said portion brought into partnership is land of Sub Plot No. 3 referred to in para 4 hereinabove, as per the sub-division plan sanctioned by the Ahmedabad Urban Development Authority.
12. Accordingly, said Babubhai Jesangbhai Desai has become entitled to the land above referred to being the land of Survey No. 317/2/1, admeasuring about 16091 sq. mts., as per the Land Records – 7/12 and Sub Plot No. 1 & 2 as per the sub-division plans sanctioned by Ahmedabad Urban Development Authority AND M/s. Aavkar Infrastructure has become entitled to the land of Survey No. 317/2/2, admeasuring about 30856 sq. mts., bearing Sub Plot No. 3, as per the plans of sub-division sanctioned by Ahmedabad Urban Development Authority.
13. Said Babubhai Jesangbhai Desai sold and conveyed said Plot No. 1 (1869.53 sq. mts.) and Private Plot No. 2 (5037.16 sq. mts.) to Desai Corporate Realty and Developers Pvt. Ltd., by or under a Deed of Conveyance dated 25<sup>th</sup> January, 2011, registered with the Office of the Sub Registrar at Ahmedabad, under Sr. No. 1269. (Reference : Revenue Entry No. 3298, dated 8<sup>th</sup> February, 2011).



*H. Desai*

H. DESAI AND COMPANY  
SOLICITORS AND ADVOCATES

14. Accordingly, said Desai Corporate Realty and Developers Pvt. Ltd. have become entitled to the land of Plot No. 1 (1869.53 sq. mts.) and Plot No. 2 (5037.16 sq. mts.) in all admeasuring about 6906.69 sq. mts. of Consolidated Survey No. 317/2/1/part, being the part of Proposed Final Plot No. 263..
15. As a part of investigation of title, we gave public notice appeared in the daily newspaper "Sandesh" on 2<sup>nd</sup> February 2011, inviting claims, if any, in upon or to the said land. We have not received any objection/claim in response thereto within stipulated time.
16. The aforesaid report we have taken root of title commencing from 1970. The Report is not the complete report of the entire revenue records and records of the Sub Registrar. Report refers to records relevant to understand the devolution of title, to ascertain, if any charge or encumbrance is subsisting and/or continuing in the records. For details, facts and particulars, relevant documents, papers, writings and records to be referred.
17. We have not found any charge or encumbrance subsisting as on date, from the Revenue Record and available Records of the Sub Registrar (Index II), with respect to said Land.
18. As informed to us, the said Land has not been given in security nor the owner have created any charge or encumbrance of any nature whatsoever thereon, nor the said Land is subject matter of any pending proceedings, nor any order, decree, attachment or any order of any court or authority is operating against the said Land adversely affecting the title.
19. This Opinion and Report on Title is based on the searches taken with the Revenue Records and available Records of the Sub Registrar (Index II) only.



IN VIEW OF WHAT HAS BEEN STATED HEREINABOVE, we are of the opinion that the title of DESAI CORPORATE REALTY AND DEVELOPERS PVT. LTD to the Land above referred to is clear, marketable and free from all encumbrances and reasonable doubt subject to Usual Declaration on Title being made, subject to any other laws, rules and regulations as may be applicable at the time being in force.

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Yours truly,

H. Desai E-6