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|  <b>Rashmin L. Patel</b><br>Advocate-Gujarat High Court<br>( Reg. G/663/1987 ) |  <b>રશ્મીન એલ .પટેલ</b><br>એડવોકેટ<br>(ગુજરાત હાઈકોર્ટ) |
| Office No-302, Royal Complex, Hazur Payga Road,<br>Navapara, Bhavnagar-364001. Mo.+91-9825451915<br>Email : crpatel646566@gmail.com                             | ૩૦૨-રોયલ કોમ્પ્લેક્સ, હજૂર પાયગા રોડ, નવાપરા,<br>ભાવનગર - ૩૬૪ ૦૦૧ (ગુજરાત)<br>મો નં.+૯૧-૯૮૨૫૪૫૧૯૧૫                                       |

Date : 20/09/2018

TO WHOME SOEVER IT MAY  
CONCERN

Owner : Gujarat Developers - A Partnership Firm

**Sub :** *Legal opinion regarding title of immovable property of free hold land admeasuring 1970.92 Sq.Mtrs bearing City survey ward no.7, Sheet No. 152, amalgamated city survey no. 80 (City Survey no. 80 to 83 paiki and 85 to 109 and 110/B paiki amalgamated in city survey no. 80 ) situated at area known as "Kamdar no Delo " currently known as "Mangalsinhji no Delo", Mali wali Street, Opp-Ramwadi, Bhavnagar(Herein after reffered as "said immovable property").*

With reference to the above noted subject, it is submitted that I have received relevant documents and papers given by the owner of the said property. I have gone through the relevant documents and papers produced before me and my legal opinion regarding the said immovable property more particularly described hereunder at the schedule of property and our report to thereon is as under:-

**BRIEF HISTORY OF THE ABOVE PROPERTY REGARDING CHAIN OF TITLE**

- 1) Originally the land of City Survey no. 80 to 83 paiki and 85 to 109 and 110/B paiki belongs to Kumarshri Mangalsinhji Takhsinhji Gohil ( younger brother of the Maharaja Saheb Shri Bhavsinhji Gohil of Bhavnagar) and the said "delo" also known as "*Kamdar no Delo* ". After the demise of Kumarshri Mangalsinhji Takhsinhji Gohil, his only one son Kumar Shri Vijaysinhji became the legal hires of Lt. Kumarshri Mangalsinhji Takhsinhji Gohil.
- 2) The said immovable property was allotted to Kumar Shri Vijaysinhji under Bhavnagar State administrative council resolution no. 79 of Samvant 1982 passed on 30.01.1926 and thus Kumar Shri Vijaysinhji became the owner of the said immovable property.



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|  <b>Rashmin L. Patel</b>                           |  | <b>રશ્મીન એલ .પટેલ</b>                                                                             |
| <b>Advocate-Gujarat High Court</b><br>( Reg. G/663/1987 )                                                                           |                                                                                   | <b>એડવોકેટ</b><br>(ગુજરાત હાઈકોર્ટ)                                                                |
| Office No-302, Royal Complex, Hazur Payga Road,<br>Navapara, Bhavnagar-364001. Mo.+91-9825451915<br>Email : crpatel646566@gmail.com |                                                                                   | ૩૦૨-રોયલ કોમ્પ્લેક્સ, હજૂર પાયગા રોડ, નવાપરા,<br>ભાવનગર - ૩૬૪ ૦૦૧ (ગુજરાત)<br>મો નં +૯૧-૯૮૨૫૪૫૧૯૧૫ |

3) Kumar Shri Vijaysinhji died on dated 02.07.1947 leaving the following as his legal representatives to his estate.

1/a) Mrs. Sushilkuvarba Chandrajitsinhji Gohil

1/b) Shri Narendrasinhji Chandrajitsinhji Gohil

**Children of Shri Narendrasinhji Chandrajitsinhji Gohil**

I. Satyajitsinhji N. Gohil - Son

II. Bhavikadevi N. Gohil - Daughter

1/c) Shri Lokendrasinhji Chandrajitsinhji Gohil

**Children of Shri Lokendrasinhji Chandrajitsinhji Gohil**

I. Shri Kartiksinhji L. Gohil - Son

II. Ambikadevi L. Gohil - Daughter

1/d) Shri Raghvendrasinhji Chandrajitsinhji Gohil

1/e) Shri Shailendrasinhji Chandrajitsinhji Gohil

1/f) Bhuvneshwariba Chandrajitsinhji Gohil (Married)

2) Shri Daljitsinhji Vijaysinhji Gohil ( Since deceased)

3) Surendrasinhji Vijaysinhji Gohil died on dated 07.07.1972 leaving Mrs. Ushadeviba Surendrasinhji Gohil as only legal representatives to his estate.

4) The said Vijaysinhji Gohil had one son Shri Daljitsinhji Vijaysinhji Gohil who died unmarried at Bhavnagar on dated 01.15.1988 but he left his will made on dated 21.07.1987 under which Shri Narendrasinhji C. Gohil and Lokendrasinhji C. Gohil were constituted executors and his property has been shown therein at item no. VII. Therefore both Shri Narendrasinhji and Lokendrasinhji C. Gohil are acting not only as legal representatives to the estate of Kumar Chandrajitsinhji Gohil but also as executors to the estate of Late Shri Daljitsinhji Gohil and the said property has been bequeathed to his nephews 1) Shri Narendrasinhji 2) Shri Lokendrasinhji 3) Shri Raghvendrasinhji and 4) Shri Shailendrasinhji.

5) The said testator Shri Daljitsinhji had directed under his will that the said property be treated as trust property for a period of 10 years and be disposed of after period of 10 years. He had further provided under his will that if any one of his nephews - legatees under his aforesaid will has got son, his share in the property to be given instead of his nephew, to their sons Satyajitsinhji N. Gohil and Shri Kartiksinhji L. Gohil and thus they have interest in the said property both as male members of the family of Kumar Shri



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Vijaysinhji but also legatees under the will of late Shri Daljitsinhji dated 21.07.1987 which has been probated through the court in Civil Misc. Application no. 60/2003 and probate was granted on dated 06.04.2004. The said Satyajitsinhji N. Gohil and Shri Kartiksinhji L. Gohil are also interested as members of the Hindu Joint family of Late Shri Vijaysinhji and have such agreed to join the conveying the said property.

- 6) With the introduction of the city survey in Bhavnagar the said property has been recorded in the city survey records in the joint name of Shri Narendrasinhji, Shri Lokendrasinhji, Shri Raghvendrasinhji, Shri Shailendrasinhji, Mrs. Sushilkumarba widow of Shri Chandrasinhji, Shri Daljitsinhji and Shri Surendrasinhji and thereafter names of Satyajitsinhji N. Gohil and Shri Kartiksinhji L. Gohil have been added as legatees or beneficiaries under the will of Late Daljitsinhji by entry no. 1237 dated 13.12.2005.
- 7) Shri Surendrasinhji died instate at Bhavnagar on dated 07.07.1972 and he had no issue and only legal representatives to his estate is his widow Mrs. Ushadeviba whose name was added in the city survey records on dated 18.01.2011 by entry no. 7995 to 8010.
- 8) In order to effect partition of the joint family properties. Dr. Mohanlal Laljibhai Dave and Vir Vikramsinhji of Lunavadavala were appointed as arbitrators on dated 27.03.1963 under which portion of "Kamdar Delo" was allotted to Chandrajitsinhji marked "A" in the map and portion thereof was allotted to Shri Daljitsinhji and portion thereof was allotted to Shri Surendrasinhji marked "C" in the map and some portion thereof previously sold to somebody by Smt.Ushadeviba with which we are not concerned. There was also direction to use the income therefrom for repairs to principal property known as "Mangal Mahel" opp. BMC office but the said property was demolished therefore the question of repairs may not arise.
- 9) The said immovable property is obviously Joint Hindu family property. 1) Shri Narendrasinhji 2) Shri Lokendrasinhji 3) Shri Raghvendrasinhji and 4) Shri Shailendrasinhji have got daughters Bhavikadevi Narendrasinhji, Ambikadevi Lokendrasinhji, Vibhadevi Raghvendrasinhji, Nanditadevi Shailendrasinhji, Kamakshidevi Shailendrasinhji will all be regarded as members of the joint hindu family from September, 2005 having equal rights as sons as per amended Hindu Law and they



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| <b>Advocate-Gujarat High Court</b><br>(Reg. G/663/1987)                                                                             | <b>એડવોકેટ</b><br>(ગુજરાત હાઈકોર્ટ)                                                                      |
| Office No-302, Royal Complex, Hazur Payga Road,<br>Navapara, Bhavnagar-364001. Mo.+91-9825451915<br>Email : crpatel646566@gmail.com | ૩૦૨-રોયલ કોમ્પ્લેક્સ, હજૂર પાયગા રોડ, નવાપરા,<br>ભાવનગર - ૩૬૪ ૦૦૧ (ગુજરાત)<br>મો નં+૯૧-૯૮૨૫૪૫૧૯૧૫        |

should join in conveying the said property. The above named daughters are treated as per with the sons so far as joint hindu family property is concerned.

- 10) Thereafter the co-owners of this said property requested for Title Investigation Report to the J.S.Parikh & Co.(Advocates) and therefore the public notice was given in Saurashtra Samachar which appeared on dated 08.04.2012. In respect to the said public notice, The Bhavnagar District Co-Op. Bank acting as liquidator of the Welfare Co-operative Bank Ltd. (In liquidation) have, vide their letter dated 12.04.2012 raised objections that Shri Lokendrasinhji is one of the members of the said Bank and he had obtained overdraft of Rs. 11,65,000/- and since the said Shri Lokendrasinhji has failed to satisfy the dues of the Bank. The Bank had filled arbitration suit no. 485/2002 before nominee court for recovery of Rs. 37,59,793/- and accordingly they have a lien over his share in the said property and have requested to J.S.Parikh & Co.(Advocates) not to issue title clearance certificate. But they have not specifically stated that they got charge over the said property and have not found any charge over the said property and no any other objection have been recieved. Thus J.S.Parikh & Co.(Advocates) issued the Title Clear Certificate to the Mrs. Sushilkuvarba C. Gohil & others on dated 28.04.2012.

- 11) Thereafter Mrs. Sushilkuvarba C. Gohil & others co-owners of this said immovable property of City Survey no. 80 to 83 paiki and 85 to 109 and 110/B paiki admeasuring 1659.94 Sq.mts with construction of several rooms thereon admeasuring 55.76 Sq.mts sold to Samarpan Corporation A Partnership Firm (Reg.No.GUJ-BVN-12852/.) through its partner 1) Mohanbhai Shankarlal Solanki and 2) Chandrakant Chandulal Patel wide registered sale deed no. 1963 dated 30.04.2012. On basis of above sale deed Samarpan Corporation A Partnership Firm name was entered in the record of city survey as well as in BMC record too wide resolution no. 75 dated 03.05.2017.

- 12) Chandrakant Chandulal Patel partner of Partnership Firm Samarpan Corporation died on dated 04.08.2016 and therefore the name of his widow wife Harshaben Chandrakantbhai Patel and his son Smit Chandrakant Patel entered to the said partnership firm. The modification of partnership deed executed on dated 11.08.2016 before the notary advocate Shri C.J.Dave wide registered at Sr. No.2287/2016. The other legal hires (Dipali C. Patel and Mansi C. Patel daughter of Chandrakant C. Patel) of Late Chandrakant Chandulal Patel



Rashmin L. Patel

Advocate-Gujarat High Court  
(Reg. G/663/1987)



રશ્મીન એલ. પટેલ

એડવોકેટ  
(ગુજરાત હાઈકોર્ટ)

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ભાવનગર - ૩૬૪ ૦૦૧ (ગુજરાત)  
મો નં +૯૧-૯૮૨૫૪૫૧૯૧૫

relinquished thier right, title, interest in the said partnership firm infavor of his mother Harshaben Chandrakantbhai Patel and his brother Smit Chandrakant Patel.

- 13) Thereafter Samarpan Corporation A Partnership Firm applied for the amalgamation of the areas shown in the City Survey no. 80 to 83 paiki and 85 to 109 and 110/B and same was approved by the City Survey Superintendent and Add. Mamlatdar Bhavnagar and they merged the areas of City Survey no. 80 to 83 paiki and 85 to 109 and 110/B in with that of giving the amalgamated C.T.S. no-80 showing total area of 1970.92 Sq.Mtrs wide his order no. C.T.S.-2/Amalgamation/Ward No-7/2016-17 dated 17/04/2017 and according the said amalgamation order has been recorded in the property card.
- 14) Thereafter Samarpan Corporation A Partnership Firm desirous to make residential cum commercial complex on the said immovable property therefore they put up proposed layout plan for the approval before the Bhavnagar Municipal Corporation and same was approved on dated 14.06.2017 wide permission letter no. 93.
- 15) Thereafter Samarpan Corporation - A Partnership Firm through its partner Mohanbhai S. Solanki & others sold this said immovable property to Gujarat Developers - A Partnership Firm through its partner Inayat Abbasbhai Metar wide registered Sale Deed no. 458 dated 07.02.2018. On basis of above sale deed Gujarat Developers - A Partnership Firm name was entered in the record of city survey on dated 05.03.2018 as well as in BMC record too wide resolution no. 1279 dated 16.02.2018.



❖ Highlight on Litigations and disputes on the said immovable property.

1. Aniruddhsindh Keshubha Gohil has filled Regular Civil Suit No. 218/2017 against Samarpan Corporation – A Partnership Firm before the Principal Civil judge at Bhavnagar seeking declaration and permanent injunction who was holding a room as a tenant in this said immovable property. The said Aniruddhsindh Keshubha Gohil has already received Rs. 25,00,000/- lacs for handover the possession of the room to the owner but he has filled above suit as a Legal hires of Late Ajitsinh Keshubha Gohil and as he declare in the said suit that, his Late brother Ajitsinh Keshubha Gohil was also holding the possession of one room in the said immovable property. Thus he has right, title interest over the portion holding by his late brother. Above matter is subjudise and the application of CPC order 7 Rule 11 for dismiss the suit is pending at this stage. Honorable cotirt has not given any

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|                                                    | <b>Rashmin L. Patel</b> |                  | <b>રશ્મીન એલ .પટેલ</b> |
| Advocate-Gujarat High Court<br>(Reg. G/663/1987)                                                                                    |                         | (ગુજરાત હાઈકોર્ટ)                                                                                 |                        |
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interim order to the plaintiff over this said immovable property. Ajitsinh Keshubha Gohil unmarried died in the year of 1986 and therefore the said Aniruddhsindh Keshubha Gohil not entitled to get decree as he prayed for.

2. Jasuba Hemantsinh Sarvaiya widow of Lt. Hemantsinh Takhsinh Sarvaiya has filled Regular Civil Suit No. 369/2017 against Samarpan Corporation – A Partnership Firm before the Principal Civil judge at Bhavnagar seeking declaration and permanent injunction who was holding a room as a tenant in this said immovable property. The said civil suit under is still pending before the Hon'ble court and no interim injunction and type of other order passed by the court against Samarpan Corporation – A Partnership Firm.
3. Sureshbhai Jadavjibhai has filled Regular Civil Suit No. 490/2017 against Samarpan Corporation – A Partnership Firm before the Principal Civil judge at Bhavnagar seeking declaration and permanent injunction who has easement right in this said immovable property. Honorable court has given interim injunction order infavour of plaintiff against this order defendant party A Samarpan Corporation – A partnership firm filled appeal before the appellant court wide Misc. Appeal No.19/18. That is pending before the appellant court for the final hearing.

In view of the above, I certify that the title of M/s. Gujarat Developers - A Partnership Firm immovable property of free hold land admeasuring 1970.92 Sq.Mtrs bearing City survey ward no.7, Sheet No. 152, amalgamated city survey no. 80 (City Survey no. 80 to 83 paiki and 85 to 109 and 110/B paiki amalgamated in city survey no. 80 ) situated at area known as "Kamdar no Delo " currently known as "Mangalsinhji no Delo", Mali wali Street, Opp-Ramwadi, Bhavnagar - in question is clear and marketable subject to disposal of above civil suit mentioned in **"Highlight on Litigations and disputes on the said immovable property"**.

#### ❖ Search Report

I have carried out search from year of 1989 to 2018 i.e. 30 years wide receipt no- 2018011010395 and search certificate dated 20/09/2018 in the office of Sub-Registrar, Bhavnagar-1 and no any other charges and mortgage registered over the property in question.

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| <br><b>Rashmin L. Patel</b><br>Advocate Gujarat High Court<br>(Reg. 61663/1987) | <br><b>રશ્મીન ભેવ. પટેલ</b><br>એવોકેટ<br>(રજીસ્ટ્રેશન નંબર ૬૧૬૬૩/૧૯૮૭) |
| Office No-302, Royal Complex, Hazur Paya Road,<br>Navapara, Bhavnagar-364001. Mo. +91-9825451915<br>Email : rpatel646566@gmail.com                               | સુસાઈટી કોમ્પ્લેક્સ, હાજુર પાયો રોડ, નવપરા,<br>ભાવનગર - ૩૬૪ ૦૦૧ (ગુજરાત)<br>મો. +૯૧-૯૮૨૫૪૫૧૯૧૫                                                          |

❖ Encumbrance Certificate

This is certify that, the title of M/s. Gujarat Developers - A Partnership Firm over the said immovable property is free from any encumbrances charge and claim as its shown from Encumbrance Certificate and property search receipt mentioned hereinabove given by Sub-Registrar Bhavnagar.

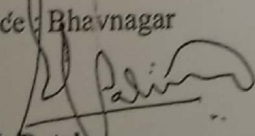
❖ Schedule of Property

Immovable property of free hold land admeasuring 1970.92 Sq.Mtrs with Residential cum commercial purpose construction standing thereon which known as "Baug E Rasul" had been constructed by M/s. Gujarat Developers - A Partnership Firm bearing City survey ward no.7, Sheet No. 152, amalgamated city survey no. 80 (City Survey no. 80 to 83 paiki and 85 to 109 and 110/B paiki amalgamated in city survey no. 80 ) situated at area known as "Kamdar no Delo " currently known as "Mangalsinhji no Delo", Mali wali Street, Opp-Ramwadi, Bhavnagar.

|       |                                                  |
|-------|--------------------------------------------------|
| EAST  | House of Dr. Sarvaiya.                           |
| WEST  | Wadi of Porvad Cast & Place known as Muni Bavas. |
| NORTH | Space/Road known as Bhuriya Bavas.               |
| SOUTH | Public Road.                                     |

Dated, 20th September, 2018

Place : Bhavnagar

  
R.L. Patel

(Advocate)

