

Mahendra P. Bhatt

B.Com., LL.B.

ADVOCATE HIGH COURT

TELE. : OFF. 2265 40 67
RESI. 2894 80 07

6, CRESCENT CHAMBERS, 1ST FLOOR,
TAMARIND STREET, FORT, MUMBAI - 400 023.

Ref. _____

Date _____

To,

M/S. A.K DEVELOPERS,

Re: Property bearing Cadastral Survey No.1/1215 of Girgaon Division situate at Chunam Lane, Lamington Road, Mumbai 400007 together with building standing thereon known as "Shri Pushpadant Niwas"

SMT. KUSUM CHARUDUTTA UPADHYE & 9 ORS.

.. OWNERS

M/S. A.K DEVELOPERS

.. DEVELOPERS

Under instructions of you, **M/S. A.K DEVELOPERS** I have investigated your title to the above captioned property more particularly described in the Schedule hereunder written and report as under:

- 1.(a) By a Deed of Conveyance dated 8th May, 1957 registered with the Sub-Registrar of Assurances at Bombay under Sr. No.3457 of 1957 made between one Shri Vasudev Pancharinath Mhambre, as the Vendor therein and one Shri Charudatta Bharamappa Upadhye, as the Purchaser therein, the said Vendor did thereby sell, transfer and convey unto the Purchaser therein property lying, being and situate at Chunam Lane, Lamington Road, bearing Cadastral Survey No.1/1215 of Girgaum Division, admeasuring 450 sq. yards equivalent to 376.26 sq. mtrs. or thereabouts and more particularly described in the Schedule hereunder written.
- (b) The said Shri Charudutta Bharamappa Upadhye died intestate on 12th October, 1961 leaving behind his widow 1) Smt. Kusum

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Charudutta Upadhye, sons being (2) Shri Chandrakant C. Upadhye, (3) Shri Arvind C. Upadhye, (4) Shri Mahavir C. Upadhye and his married daughters (5) Smt Vijaya S. Patil and (6) Smt Pushpa A. Bharamgonda as his only heirs and legal representatives by the law by which he was governed at the time of his death.

- (c) The said Shri Chandrakant Charudutta Upadhye died intestate on 14th December, 2004, and his his wife Mrs. Aruna C. Upadhye who died on 10th August, 2001 leaving behind daughters viz. 1) Mrs. Pratibha Jaykumar Magdum and 2) Mrs. Seema Mahavir Jugle, and one son 3) Mr. Prasanna C. Uphadhye, as his only heirs and legal representatives by the law by which he was governed at the time of his death and who became entitled to the one-sixth undivided share, right, title, interest of Late Chandrakant Charudutta Upadhye.
- (d) The said Shri Mahavir Charudutta Upadhye died intestate on 17th July, 2008 leaving behind his wife 1) Mrs. Kanchan M. Upadhye, and his daughters, 2) Mrs. Pratiksha Shirish Patil, and 3) Mrs. Varsha Rahul Savle as his only heirs and legal representatives by the law by which he was governed at the time of his death and who became entitled to his one-sixth undivided share, right, title, interest in the said property.
- (e) In the premises the said (1) Smt. Kusum Charudutta Upadhye (2) Shri Arvind C. Upadhye (3) Smt Vijaya S. Patil (4) Smt Pushpa A. Bharamgonda (5) Mrs. Pratibha Jaykumar Magdum (6) Mrs. Seema Mahavir Jugle (7) Mr. Prasanna C. Upadhye (8) Mrs. Kanchan M. Upadhye (9) Mrs. Pratiksha Shirish Patil and

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(10) Smt Varsha Rahul Savle, as Co-Owners became seized and possessed of or otherwise well and sufficiently entitled to the said property alongwith building standing thereon known as "Shri. Pushpadani Niwas" lying, being and situate at Chunam Lane, Lamington Road, bearing Cadastral Survey No. 1/1215 of Girgaum Division, admeasuring 450 sq. yards equivalent to 376.26 sq. mtrs. or thereabouts and more particularly described in the Schedule hereunder written and hereinafter referred to as '**the said property.**'

f) By an Agreement for Development registered with Sub-Registrar of Bombay under Sr. No.BBE-1/12089 of 2015 on 6th day of November, 2015 made between the said Smt. Kusum Charudutta Upadhye and Ors. as the Owners therein and you, **M/s. A.K Developers** as the Developers therein being the Developers herein, the said Owners did thereby grant unto you, **M/s. A.K Developers** development cum sale rights in respect of the said property bearing Cadastral Survey No.1/1215 of Girgaum Division, admeasuring 450 sq. yards equivalent to 376.26 sq. mtrs. or thereabouts alongwith building standing thereon known as "Shri. Pushpadani Niwas" lying, being and situate at Chunam Lane, Lamington Road and more particularly described in the Schedule thereunder written which corresponds with the Schedule hereunder written;

2. In the premises, you **M/s. A.K Developers** have become entitled to the development cum sale rights in respect of the said property bearing Cadastral Survey No.1/1215 of Girgaum Division, admeasuring 450 sq. yards equivalent to 376.26 sq. mtrs. or thereabouts alongwith building standing thereon known as "Shri.

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Pushpadani Niwas" lying, being and situate at Chunam Lane, Lamington Road and more particularly described in the Schedule hereunder written and are entitled to develop the said property pursuant to the development permissions received from the Concerned Authorities.

3. The said property described in the Schedule hereunder written comprises of building known as "Shri. Pushpadani Niwas", consisting of ground plus 4 upper floors, and is in use and occupation of the monthly Tenants.

4. I have perused search notes taken at the office of the Sub-Registrar of Assurances at Mumbai as well as the revenue record, the title deeds pertaining to the said property and on the basis thereof and subject to what is stated hereinabove I am of the opinion that the Owners, **Smt. Kusum Charudutta Upadhye and Ors.** have a clear marketable title free of encumbrances and of reasonable doubts to the under mentioned property described in the Schedule hereunder written and you, **M/s. A.K Developers** as appointed Developers and are entitled to develop the said property in accordance with the Development permissions as may be obtained from and granted by the Concerned Authorities.

THE SCHEDULE HEREINABOVE REFERRED TO:

All those pieces or parcels of lands or grounds partly of Fores Tenure and partly of Pension and Tax Tenure (cess whereof is redeemed) admeasuring 450 sq. yards or there abouts including the road in front situate at Chunam Lane off Lamington Road in the town and registration Sub-District of Bombay and registered with the Collector of

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Land Revenue under Old Nos.93 and 459, Old Survey Nos.190 and 199 Collector's New Nos.13583-13977 and 1326, Laughton's Survey No.1/7363 and Cadastral Survey No.1/1215 of Girgaum Division together with the messuasges tenements and dwelling houses standing thereon and assessed by the Assessors and Collector of Municipal Rates and Taxes under 'D' Ward No.1798 (2) as follows:- that is to say on or towards the East by the property bearing C.S. No.1215 of the said Division belonging to Vaman Ramkrishna Kulkarni on or towards the West by the property bearing C.S. No.1216-7 of the said Division formerly belonging to Merwanji Manekji Mistry and now to Savitribai Tulsidas Hirji and Tulsidas Hirji on or towards the North by the property of the Government occupied by the Lamington Road Police Station and on or towards the South by the said Chunam Lane.

Dated this 27th day of October, 2016.



(Mahendra P. Bhatt)
Advocate