

Sudhir P. Chitale

B. A., LL.B.

ADVOCATE, HIGH COURT

"PRABHU PAKHAR" WAD NAKA, CHIPLUN - 415 605.
DIST. RATNAGIRI. TEL.: (02355) 252246, M - 9423047646

6/4/2015

TO WHOM SO IT MAY CONCERN

Subject : Title Opinion on the property situated at Village Dalwatne, Taluka Chiplun, Dist. Ratnagiri. It is located within the territorial limits of Dalwatne Grampanchayat.

With reference to your letter No. - dated ---, I, on the basis of the Original Title Deeds forwarded to me pertaining to the said immovable property and the information submitted by you, have conducted a detailed search and investigation & submit my report as under:

1. Name and address of the Title Holder :

Mr. Manohar Ramchandra Shinde
R/o Village Moravane, Taluka Chiplun.

2. Title Deed in original seen by me :

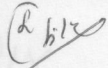
Registered Sale Deed dated 11/12/2014, registered at Sr. No. 4782/2014 in the office of Sub-Registrar, Chiplun.

Description of immovable property :

Gat No.	Area H. - R. - P.	Assessment Rs. Ps.
1323	5-95-0	01 - 81

Along with all Rights, Title and Interest therein.

The landed Property is bounded as under :


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On the East	:	Gat No. 1569(1), 1570, 1571
On the West	:	Gat No. 1325, 1324, 1328, 1329
On the South	:	Gat No. 1322, 1321
On the North	:	Gat No. 1553

It is within the limit of Dalwatne Grampanchayat, Tahasil Chiplun, District Ratnagiri.

DOCUMENTS RELIED UPON AND SCRUTINIZED :

All the relevant documents of title and other relevant documents were placed before me for my consideration. They were in the form of original/certified copies/true copies documents. I have verified and tallied these documents from the Records of Registrar of documents or from the records of appropriate authority. They are as under :

Sr. No.	Type and nature of Documents	Original/ certified copy
01.	7 x 12 extracts of the concerned lands	True Copy
02.	Relevant Mutation Entries	True Copy
03.	Khata Extracts	True Copy
04.	Map from TILR	True copy
05.	9(3), 9(4) extract from TILR	True Copy
06.	Extract of the Heir Ship enquiry register number	True Copy

RESULT OF THE SEARCH :

I have taken the search of records of Sub-Registrar's office at Chiplun from Inspection Book No. I, Index No. II and other relevant records from last thirty years by paying the necessary search fee of Rs. 750/- vide

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ORAL INFORMATION :

The requisite and necessary information was collected and gathered from the interrogatories administered to the concerned party.

SPECIAL OBSERVATIONS :

The observations and findings contained in the report are based on the documents supplied to me and the information given by the concerned party. It primarily and mainly covers the period of 30 years.

I have personally inspected the original document submitted to me. It is properly executed and stamped. It is a legal and valid document.

The landed property under consideration was originally located & situated outside the territorial limits of Chiplun Municipality. It was in year 1974, that the said area was brought within the territorial fold of Chiplun Municipality as result of the notification issued by Government of Maharashtra.

The provisions of Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sell, Management and Transfer) Act, 1963 and Maharashtra Apartment Ownership Act 1970 are applicable to the area under consideration.

RESULT OF THE SEARCH :

I have taken the search of records of Sub-Registrar's office at Chiplun from Inspection Book No. I, Index No. II and other relevant records from last thirty years by paying the necessary search fee of Rs. 750/- vide

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receipt No. 0347132. The original search fee receipt is enclosed herewith. It is dated 6/4/2015.

Nothing objectionable has transpired or revealed during Search operation.

HISTORY AND JOURNEY OF TITLE :

At the outset, it is necessary & relevant to mention that Gat No. 1323 is formed of following piece of land -

Survey No.	Hissa No.
134	2

The Consolidation Scheme was made applicable to village Dalwatne in year 1968.

The concerned revenue record makes us to know that the landed property under consideration was ancestral property of Joshi Family. Oral partition of the joint Family property was affected. In this process of partition the landed property was allotted to the share of Dattatray Kashinath Joshi. Thus, on the strength of this oral partition Mr. Dattatray Kashinath Joshi became owner & occupant of the same. 9(3), 9(4) extract support this aspect.

Dattatray Kashinath Joshi died intestate on 30/10/1986. He was survived by the following legal heirs-

1. Sunita Madhusudhan Phadake (Married Daughter)
2. Sharayu Dattatray Palande (Married Daughter)

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Thus, on the strength of inheritance these legal heirs became joint owners of the same. Their names as title holder came to be introduced in the revenue record vide Mutation Entry No. 806. Heir ship inquiry registered No. 161 is relevant on this point.

Latest Deal :

Mrs. Sunita Madhusudhan Phadake & Mrs. Sharayu alias Vasanti Dattatray Palande through their duly constituted P.O.A. holders sold out the landed property under consideration to Mr. Manohar Ramchandra Shinde on 11/12/2014. The Sale-Deed is duly executed & registered. It is properly stamped. Thus, on the strength of this legal & valid Sale Deed Mr. Manohar Ramchandra Shinde became owner & occupant of the same. His name as title holder came to be introduced in the revenue record vide Mutation Entry No. 1538. The said Mutation Entry is duly certified by competent revenue authority on 06/01/2015.

FINDINGS AND OBSERVATIONS :

My findings and observations are based on the available information and documents supplied to me. They are as under :

- 1) I am satisfied that the landed property is heritable and transferable and the transferors had right to transfer.
- 2) The purchaser of the landed property or his predecessor-in-title have not entered into or executed any agreement or writing for the benefit of the Government, the Grampanmchayat or any

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Public or Private Body or Corporation affecting the property or any interests therein. There is no claim against the property under consideration for right of way, right of occupation, right of maintenance, right of residence or right of easement. There is no restrictive covenant affecting the property. The purchaser of the landed property has not any time before this entered into any agreement of sale, mortgage or lease of the property or any part thereof.

3) No notice has been issued so far or served upon the purchasers of the landed property for acquisition, requisition or otherwise for any purpose whatsoever in respect of the landed property under consideration. There is no claim which may adversely affect the landed property under consideration. The landed property under consideration is not similarly subject to any attachment or process of Court. I have also confirmed from Government and Public Land Acquisition Authorities that the property under consideration is not the subject matter of any acquisition.

4) No drainage, sewer, water pipe or gas pipe of any adjoining landed property passes through or under the landed property which is the subject matter of the present Search Report. The property under consideration is not subject to any nuisance. There are no easements, quasa easements, restrictive covenants, water courses or other rights or servitude affecting the property. There are no circumstances indicating or even

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7) suggesting any cloud on the title of the purchasers of the landed property.

5) The Purchaser of the landed property has not received any notice under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961. The property under consideration has not been reserved for public purpose by State Government or Central Government. The property under consideration or any portion thereof has not been notified under the Land Acquisition Act for public purpose.

6) It has been ascertained from the Civil Court having pecuniary and territorial jurisdiction that:

A) No receiver has been appointed with respect to the property under consideration.

B) There is no injunction order in connection with the property or against the owner.

C) There is no money suit pending, affecting the title of the owner.

D) There is no proceeding pending in any Court or before any authority for realization of arrears of revenue, rent, local dues etc. in respect of the property or against the owner.

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7) There is no proceeding pending in the Court of Execution Magistrate under Section 145 of Criminal Procedure Code involving the property under consideration or any order under Section 146 attaching the property under consideration.

8) There is no proceeding pending in the office of Tahasildar or A.L.T. pertaining to the property in question.

9) There are no Government dues. There is complete payment of land Revenue and other charges.

10) The landed property under consideration does not fall within the clutches of Agricultural Land (Ceiling on Holding) Act 1961.

CONCLUSION :

Having regard to the discussion above, I, hereby, opine that :

1) Revenue Record discloses proper effect of change of ownership in sequence.

2) Each of the conveyance under consideration contains all the necessary and requisite recitals to convey the Right, Title and Interest and also includes an important aspect of reimbursement clauses.

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- 3) No encumbrance transaction in any nature, is found to have been registered during the search period in the record of registration Authority.
- 4) No third party claim, right, interest, easement, charge were found in the Revenue Record.
- 5) Mr. Manohar Ramchandra Shinde has acquired clear & marketable title to the landed property.
- 6) His title to the landed property under consideration is not susceptible to or prone to any legal defect or flaw. It is clear, unambiguous.
- 7) There is no charge or encumbrance of any kind and in any form on the same. It is free from all encumbrances.
- 8) The owner of the landed property under consideration has sufficient title and legal capacity to contract for creation of mortgage.
- 9) The owners of the property under consideration is in exclusive possession of the property proposes to be mortgaged.


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- 10) The original deed was made available to me. It is scrutinized by me. It is duly executed/stamped and registered. There is no doubt/suspicion as to its existence and genuineness.

CERTIFICATE

I hereby certify that, I have personally searched and verified the information furnished in this report. The statements and other information given in the report are correct and true. I certify that Mr. Manohar Ramchandra Shinde has got a valid, clear, absolute and marketable title over the property shown above.

Mr. Manohar Ramchandra Shinde
R/o Village Moravane, Taluka Chiplun.

S. P. Chitale

(S.P.Chitale)

Advocate,
Chiplun

Description of immovable property:

Gal No.	Area H - R - P	Assessment Rs Ps
1323	5-95-0	01 - 81

Along with all Rights, Title and Interest therein

The landed Property is bounded as under

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Advocate
S. P. Chitale

पावती क्र.

नोंदणी ३९ म.
Regn. 39 m.

दस्तऐवजाचा/अर्जाचा अनुक्रमांक ५९०

दिनांक ६/८/ सन २०१५

दस्तऐवजाचा प्रकार-

सादर करणाराचे नाव-

खालीलप्रमाणे फी मिळाली:-

नोंदणी फी

नक्कल फी (फोलिओ

पृष्ठांकनाची नक्कल फी

टपालखर्च

नकला किंवा जापने (कलम ६४ ते ६७)

शोध किंवा निरीक्षण

दंड-कलम २५ अन्वये

कलम ३४ अन्वये

प्रमाणित नकला (कलम ५७) (फोलिओ

इतर फी (मागील पानावरील) बाब क्र.

" सन १९८६ ते २०१५

" एकूण ३० वर्षे

शोध अर्ज

अ. एस. पी. पितळे

चिपखण

मौख - दळवटणे

ना-चिपखण

भाट नं. १३२३

एकूण ..

रु.	पे.
७५०/-	
७५०/-	

दस्तऐवज

नक्कल

रोजी तयार होईल व

नोंदणीकृत डाकेने पाठवली जाईल.

या कार्यालयात देण्यात येईल.

दुय्यम निबंधक.

दस्तऐवज खाली नाव दिलेल्या व्यक्तीच्या

नावे नोंदणीकृत डाकेने पाठवावा.

हवाली करावा.

निबंधक

श्रेणी - १ चिपखणकर्ता

ये.का.मु.-५,००० पु. (१०० पानी)-१९-२०१३-पीए ४*- (ईए) १५९