

Sudhir P. Chitale,

B.A., LL.B.
ADVOCATE, HIGH COURT

"PRABHU PAKHAR" WAD NAKA, CHIPLUN-415605.
DIST. RATNAGIRI. TEL. : (02355) 252246, M - 9423047646

15/2/2008

To
The Manager,
Bank of India,
Abloli Branch,
Taluka Guhagar

Title Search &
Gat. No - 1713/11

Dear Sir,

Subject : Title Opinion on the property situated at Village
Jamsut, Taluka Guhagar, District Ratnagiri.

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 titleholder-cum-proposed
mortgagor :

Mrs. Akanksha Ajay Salvi,
R/O. Village Jamsut, Taluka Guhagar, District : Ratnagiri

2) Title Deeds in original seen by me :

- 1) Sale Deed, dated 21/9/2007 (Gat No. 1713/1)
- 2) Agreement for Sale, dated 30/5/2007 (Gat No.
1713/1)
- 3) Sale Deed, dated 11/9/2007 (Gat No. 1713/2)

Description of immovable property :

Sr. No.	Gat No.	Sub-Division	Area H.-R.-P.	Assessment Rs.Ps.
1)	1713	1	2-09-0	1.95
2)	1713	2	0-15-2	0.45
3)	1709	-	0-82-0	0.85

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The landed property comprised in Gat No. 1713/1 is bounded as follows :

On the East	:	Gat No. 1914
On the West	:	Gat No. 1715, 1716, 1717, 1712 & 1711
On the South	:	Gat No. 1709 & 1713/2
On the North	:	Gat No. 1714 & 1770

Landed property comprised in Gat No. 1713/2 is bounded as under :

On the East	:	Gat No. 1914
On the West	:	Part of Gat No. 1713(1)
On the South	:	Part of Gat No. 1713(1)
On the North	:	River

Landed property comprised in Gat No. 1709 is bounded as under :

On the East	:	River & Gat No. 1713(2)
On the West	:	River
On the South	:	River
On the North	:	Gat No. 1710, 1711 & 1713(1)

It is within the limits of Village Jamsut, Taluka Guhagar, District Ratnagiri.

DOCUMENTS RELIED UPON :

All the relevant documents of title were placed before me for my consideration. They were in the form of original/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 :

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Sr. No.	Type and nature of documents	Original/ Certified copy
I)	7x12 extract of the concerned land	True Copy
II)	Relevant Mutation Entries	True Copy
III)	Khata Extract	True Copy
IV)	Map from revenue record	True Copy
V)	Sale Deed, dated 21/9/2007 (Gat No. 1713/1)	True Copy
VI)	Agreement for Sale, dated 30/5/2007 (Gat No. 1713/1)	Original
VII)	Sale Deed, dated 21/9/2007 (Gat No. 1713/2)	Original
VIII)	Sale Deed, dated 21/9/2007 (Gat No. 1709)	Original
IX)	Agreement for Sale, dated 30/5/2007 (Gat No. 1709)	Original
X)	Extract from Consolidation Office in the form of 9(3) & 9(4)	Certified copy

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

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by the concerned party. It primarily and mainly covers the period of 30 years and the period after promulgation of Consolidation Scheme.

I have personally inspected the original documents submitted to me. They are properly executed and stamped. They are legal and valid documents.

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 thirty years by paying necessary search fee of Rs. 2,250/-, vide receipts Nos. 137, 136 & 135, dated 1/2/2008. The original search fee receipts are enclosed herewith.

Nothing objectionable has transpired or revealed during Search operation.

JOURNEY OF TITLE AND ITS MODE OF ACQUISITION :

Gat No. 1713(1) :

At the outset it is necessary & relevant to mention that, Gat No. 1713(1) is formed of Survey No. 118, Hissa No. 3.

The concerned revenue record makes us to know that, the landed property comprised in Survey No. 118, Hissa No. 3 was owned by Vichare & Desai family. The record further reveals that, the said landed property was in actual possession & cultivation of one Mr. Atmaram Balwant Salvi as a Tenant. Mutation Entry No.

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448 is relevant on this point. He was a Tenant on 1/4/1957 i.e. on "Tiller's Day". Consequently, he became "Deemed Purchaser" under the Provisions of Bombay Tenancy & Agricultural Lands Act 1948. Proceeding under Section 32-G was conducted. The price was fixed. It was paid by Mr. Salvi. Mutation Entry No. 832 & 824 is relevant on this point. After having paid the price Mr. Salvi got the certificate under Section 32-M of Bombay Tenancy & Agricultural Lands Act 1948.

At the time Consolidation Scheme was made applicable to village Jamsut, the name of Atmaram Balwant Salvi was recorded as owner & occupant of the landed property under consideration. The Gat was formed in his name.

Mr. Atmaram Balwant Salvi was having only one son namely Ramakant, who had expired in year 1977 i.e. during the lifetime of Atmaram Balwant Salvi.

2) Gat No. 1713 (2):

The concerned revenue record makes us to know that, the said Gat Number is formed of Survey No. 88, Hissa No. 0. This aspect is reflected in the extract from Consolidation Office in 9(3) & 9(4) form. The concerned revenue record reveals that, the said landed property was owned & possessed by Atmaram Balwant Salvi. His title is traceable to long standing, continuous & uninterrupted possession technically called as "Possessory Title". Mutation Entry No. 27 is relevant from this angle.

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The certificate issued by competent authority under Consolidation Scheme supports & substantiate this aspect.

Common Development :

The observations under this caption are pertaining to the landed property comprised in Gat No. 1713(1) & 1713(2).

Atmaram Balwant Salvi died intestate on 22/12/1987. The heirship enquiry was conducted by revenue authority. He was survived by the legal heirs of his predeceased son Ramakant, as under :

- 1) Rajesh (Son)
- 2) Mangesh (Son)
- 3) Rashmi Ramakant Salvi (Daughter)
- 4) Ratnaprabha R. Salvi (Daughter)
- 5) Surekha Suresh Kadam (Married Daughter)
- 6) Lalita (Wife of deceased Ramakant)

Thus, on the strength of inheritance these legal heirs became the joint owners of the estate of deceased Atmaram Balwant Salvi, which included the landed property comprised in Gat No. 1713(1) & 1713(2). Mutation Entry No. 58 is relevant from this angle.

Rajesh Ramakant Salvi & other co-sharers entered into an Agreement for Sale with Mrs. Akanksha Salvi on 3/5/2007. The agreement was duly executed & registered. The requisite permission for sale under the provisions of Bombay Tenancy &

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Agricultural Lands Act 1948 was obtained on 12/9/2007. It was granted by S.D.O., Chiplun. It is bearing No. Tenancy/SR/47/2007. Thereafter, Mr. Rajesh Ramakant Salvi & other co-sharers executed a Sale Deed in favour of Mrs. Akanksha Ajay Salvi on 21/9/2007. It was in consonance with the Agreement for Sale. It was duly executed & registered. It was properly stamped. Thus, on the strength of this legal & valid Sale Deed Mrs. Akanksha Ajay Salvi became owner & occupant of the same. Her name as titleholder came to be introduced in the revenue record vide Mutation Entry No. 437. The said Mutation Entry is duly certified by competent revenue authority on 18/10/2007.

Mr. Rajesh Ramakant Salvi and other co-sharers sold out the landed property comprised in Gat No. 1713 (2) to Mrs. Akanksha Ajay Salvi by registered deed on 21/9/2007. The Sale Deed was duly executed & registered. Thus, on the strength of this legal & valid Sale Deed Mrs. Akanksha Ajay Salvi became the owner & occupant of the same. Her name as titleholder came to be introduced in the revenue record vide Mutation Entry No. 436.

3) Gat No. 1709 :

At the outset, it is necessary & relevant to mention that this Gat is formed of 2 parcels of land comprised in Survey No. 118, Hissa No. 1+2 & Survey No. 132, Hissa No. 38.

The concerned revenue record reveals that, out of these 2 parcels of land the landed property comprised in Survey No. 132, Hissa No. 38 was jointly owned by Vichare, Chougule, Desai &

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Salvi. Similarly, the landed property comprised in Survey No. 118, Hissa No. 1+2 was owned by the same persons.

The revenue record reveals that, both these parcels of land were in actual cultivation & possession of one Mr. Daji Krishna Pagade as a Tenant. He was a Tenant on 1/4/1957. Consequently, he became deemed purchaser under the provisions of Bombay Tenancy & Agricultural Lands Act 1948. The proceeding under Section 32-G of Bombay Tenancy & Agricultural Lands Act 1948 was conducted by the A.L.T. It resulted in fixing the purchase price. Accordingly, it was paid by Mr. Pagade. Certificate under Section 32-M was issued in his favour. The certificate is proof of his title & possession.

Daji Krishna Pagade died intestate in year 1970. The heirship enquiry was conducted by revenue authority. He was survived by the sole legal heir his married daughter Indira Bhagoji Bole. Thus, on the strength of inheritance, she succeeded to the estate of deceased Daji Krishna Pagade, which included the landed property under consideration. Mutation Entry No. 1239 is relevant on this aspect. Mrs. Indira Bhagoji Bole obtained permission for sale from Sub-Divisional Officer, Chiplun on 12/9/2007. It is bearing No. Tenancy/SR/45/2007. Thereafter she sold out the said landed property to Mrs. Akanksha Ajay Salvi by registered deed on 21/9/2007. The Sale Deed was duly executed & registered. It was properly stamped. Thus, on the strength of this legal & valid Sale Deed Mrs. Akanksha Ajay Salvi

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became owner & occupant of the same. Her name as titleholder came to be introduced in the revenue record vide Mutation Entry No. 435.

FINDINGS AND OBSERVATIONS :

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

- I) I am satisfied that the landed property under consideration is heritable.
- II) The purchaser of the landed property under consideration or her predecessor-in-title has not entered into or executed any agreement or writing for the benefit of the Government, the Grampanchayat or any Public or Private Body or Corporate affecting property or any interests therein. There is no claim against the landed property under consideration. There is no restrictive covenant affecting the landed property. The purchaser of the landed property has not at any time before this entered into any agreement of sale, mortgage or lease of the property or any part thereof.
- III) No notice has been issued so far or served upon the purchaser of the landed property or his predecessor-in-title for acquisition, requisition or otherwise for any purpose whatsoever in respect of the property under consideration. There is no claim, which may adversely

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affect the property under consideration. The property under consideration is not similarly subject to any attachment. I have also confirmed from Government and Public Land Acquisition Authorities that the property under consideration is not the subject matter of any acquisition.

IV) 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, watercourses or other rights or servitude affecting the landed property. There are no circumstances indicating or even suggesting any cloud on the title of the purchaser of the landed property & occupants of the landed property.

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

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- I) 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.
- VII) There is no proceeding pending in the Court of Executive Magistrate under Section 145 of Criminal Procedure Code involving the property under consideration or any order under Section 146 attaching the property under consideration.
- VIII) There is no proceeding pending in the office of Tahasildar or A.L.T. pertaining to the property in question.
- IX) There are no Government dues. There is complete payment of land revenue and other charges.

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X) The landed property under consideration does not fall within the clutches of Agricultural Land (Ceiling on Holdings) 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 & Interest and also includes an important aspect of reimbursement clause.
- 3) No encumbering transaction 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) Mrs. Akanksha Ajay Salvi has acquired clear & marketable title to the landed property under consideration.
- 6) Her title to the respective parcels of landed property under consideration is not susceptible to or prone to any legal defect or flaw. It is clear, unambiguous. The property is saleable.

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- 7) There is no charge or encumbrance of any kind and in any nature on the same. It is free from all encumbrances.
- 8) Mrs. Akanksha Ajay Salvi can create valid legal mortgage by way of equitable mortgage as security for repayment of loan.
- 9) The owner of the property under consideration has sufficient title and legal capacity to contract for creation of mortgage with respective parcels of land.
- 10) The owner of the property under consideration is in exclusive possession of the property proposed to be mortgaged.
- 11) Investigation under Income Tax Act 1961 - No permission under the said Act is required for creation of equitable mortgage.
- 12) The original deeds were made available to me. They are scrutinized by me. They are duly executed/stamped and registered. There is no doubt/suspicion as to their 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,

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Mrs. Akanksha Ajay Salvi has got a valid, clear, absolute and marketable title over landed property shown above. Mrs. Akanksha Ajay Salvi personally present and deposit the following title deeds in original with intention to create equitable mortgage, it will satisfy the requirements of creation of equitable mortgage. The following persons should be present personally to deposit the original title-deed with your Branch for creation of equitable mortgage :

Mrs. Akanksha Ajay Salvi, Resident of Jamsut, Taluka Guhagar, District : Ratnagiri

I hereby return the original documents forwarded to us vide your above said letter. The following documents in original have to be obtained for creation of valid mortgage by deposit of title deeds.

- 1) Sale Deed, dated 21/9/2007
- 2) Receipt issued by Sub-Registrar in connection with the same.
- 3) Agreement for Sale, dated 30/5/2007
- 4) Receipt issued by Sub-Registrar in connection with the same.
- 5) Sale Deed, dated 21/9/2007
- 6) Receipt issued by Sub-Registrar in connection with the same.
- 7) Sale Deed, dated 21/9/2007

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- 8) Receipt issued by Sub-Registrar in connection with the same.
- 9) Agreement for Sale, dated 30/5/2006
- 10) Receipt issued by Sub-Registrar in connection with the same.

(S.P. Chitale)

(S.P. Chitale)
Advocate,
Chiplun

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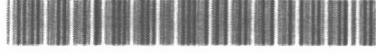
- 8) Receipt issued by Sub-Registrar in connection with the same.
- 9) Agreement for Sale, dated 30/5/2006
- 10) Receipt issued by Sub-Registrar in connection with the same.

(S.P. Chitale)

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Advocate,
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'Prabhu Pakhar' Vadnaka, CHIPLUN.
Dist. Ratnagiri, Pin - 415 605.
☎ : (02355) 252246



Friday, February 01, 2008

5:50:45 PM

ORIGINAL

नोंदणी 39 म.

Regn. 39 M

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पावती क्र. : 137

गावाचे नाव जामसूद

दिनांक 01/02/2008

दस्तऐवजाचा अनुक्रमांक

चपल - 00000 -

दस्ता ऐवजाचा प्रकार

अभिस्वीकृती/मरणा पावती

सादर करणाराचे नाव: संजय गोपिनाथ मोहिते, चिपळूण, शोध अर्ज- गट नं. 1713 उपविभाग 2
सन- 1979 ते जानेवारी 2008 पर्यंत एकूण 30 वर्षे.

शोध व निरीक्षणे

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आपणास हा दस्त अंदाजे 6:05PM ह्या वेळेस मिळेल


दुय्यम निबंधक
चिपळूण