

Ref. No.

451/2018

9th July 2019

Dated.

REPORT ON TITLE

Re: Municipal Premises No. 19 Dr. U.N. Brahmachari Street (formerly known as 19 Loudon Street) Kolkata 700 017 (PREMISES)

1. TITLE BACKGROUND

- 1.1** Municipal Premises No. 19 Dr. U.N. Brahmachari Street (formerly known as 19 Loudon Street) Kolkata 700 017 containing by estimation an area of 3 Bighas 5 cottahs and 32 sq.ft. (more or less) together with the buildings and structures standing thereon (PREMISES) at one time belonged to Dr. Phaindra Nath Brahmachari (since deceased) and Dr. Nirmal Kumar Brahmachari (also since deceased) (collectively referred to as the BRAHMACHARI BROTHERS) each of the said Brahmachari Brothers being entitled to undivided half share or interest therein
- 1.2** The said Dr. Phaindra Nath Brahmachari who was a Hindu governed by the Dayabhaga School of Hindu Law died on or about 2ND April 1979 leaving him surviving his widow Smt. Gopa Rani Brahmachari, three married daughters namely (1) Smt. Anjali Ghatak (since deceased) (2) Smt. Monjuri Chakravarti (since deceased) and (3) Smt. Chitrita Chatterjee and Sri Sirshendu Mookherjee son of his predeceased daughter Late SuChitrita Mookherji as his only heirs and/or legal representatives who upon his death became entitled to the entirety of his right title interest into or upon the said Premises
- 1.3** The said Dr. Phanindra Nath Brahmachari at or before his death made and published his Last Will and Testament dated 11th September 1977 followed by a Codicil dated 23rd August 1978 which were duly registered and by and under the said Will and Codicil amongst others he gave bequeathed and devised the entirety of his right title interest into or upon the said Premises unto and in favour of his widow Smt. Gopa Rani Brahmachari absolutely and forever
- 1.4** Before administration of the Estate of late Dr. Phaindra Nath Brahmachari the said Gopa Rani Brahmachari expired on or about 23rd August 1990 after having made and published her Last Will and Testament dated 17th May 1983 registered at the office of the Registrar of Assurances, Calcutta in Book No.3 Volume No.7 Pages 43 to 49 Being No. 276 for the year 1983 whereby and whereunder amongst others she gave bequeathed and devised the entirety of her right title interest into or upon the said Premises unto and in favour of her three daughters namely (1) Smt. Anjali Ghatak (since deceased) (2) Smt. Monjuri Chakravarti (also since deceased) and (3) Smt. Chitrita Chatterjee in equal shares

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- 1.5** The said Smt. Anjali Ghatak one of the Executrixes of the Will of Late Gopa Rani Brahmachari filed an application for grant of probate in the City Civil Court at Kolkata but before grant of probate the said Smt. Anjali Ghatak died on 15th November 1995 leaving her surviving her two daughters namely (1) Smt. Debasree Mukherjee and (2) Mrs. Chandrayee Donnelly and only son Sri Animitra Ghatak as her only heirs and/or legal representatives
- 1.6** The said Debasree Mukherjee also died on 25th August 2010 leaving her surviving her husband Ajit Kumar Mukherjee and her daughter Srijeeta Mukherjee as her only heirs and/or legal representatives who upon her death became entitled to her right title interest into or upon the said Premises
- 1.7** The said Ajit Kumar Mukherjee also died on 20th September 2013 leaving him surviving his only daughter Srijeeta Mukherjee as his only heir and/or legal representatives and as such the said Srijeeta Mukherjee thus inherited the share of her father into or upon the said premises
- 1.8** On the demise of the said Anjali ghatak her aforesaid three legal heirs applied for conversion of the said probate case into Letters of Administration. However, the other two Executrixes named in the said Will of Gopa Rani Brahmachari namely Monjuri Chakrabarti and Chitrita Chatterjee applied for fresh probate of the aforesaid Will of Gopa Rani Brahmachari
- 1.9** By an order dated 6th April 1997 provate of the Will of Late Gopa Rani Brahmachari was granted by the Learned Chief Judge of City Civil Court, Calcutta in favour of the Executrixes namely Monjuri Chakravarti and Chitrita Chatterjee in Probate Case No. 74 of 1996
- 1.10** The said Monjuri Chakravarti died on or about 21st July 2001 after having made and published her last Will and Testament dated 24th June 1995 leaving her surviving her husband Sri Subrata Chakraborty and her only son Sri Ranavir Chakrabaorty as her only heir and/or legal representatives
- 1.11** As per the said Will the said Monjuri Chakravarti amongst others gave bequeathed and devised the entirety of her right title interest into or upon the said Premises unto and in favour of her husband Sri Subrata Chakraborty absolute and forever and had also appointed him as the sole Executor of her Will
- 1.12** The Executor named in the Will of late Monjuri Chakravarti applied and obtained provate of the said Will from the District Delegate at Sealdah in Probate Case No. 46 of 2001 and as such the said Subrata Chakravarti thus became the absolute owner in respect of the undivided share of late Monjuri Chakravarti
- 1.13** In the events as recited above the said (1) Chitrita Chatterjee (2) Subrata Chakravarti (3) Smt. Chandrayee Donnelly (4) Animitra Ghatak and (5) Srijeeta Mukherjee thus became entitled to the right title interest of late Dr. Phanindra Nath Brachmachari into or upon the said Premises



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- 1.14** The said Dr. Nirmal Kumar Brahmachari also died intestate on 10th august 1985 leaving him surviving his widow Smt. Purnima Brahmachari and his only daughter Smt. Kawna Chatterjee as his only heirs and/or legal representatives and as such upon the death of the said Smt. Purnima Brahmachari on 15th February 1997 the said Kawna Chatterjee thus became entitled to the right title interest of the said Dr. Nirmal Kumar Brahmachari into or upon the said Premises
- 1.15** Disputes and differences having arisen between the Brahmachari heirs namely Smt. Kawna Chatterjee and (1) Chitrita Chatterjee (2) Subrata Chakravarti (3) Smt. Chandrayee Donnelly (4) Animitra Ghatak and (5) Srijeeta Mukherjee a suit for partition being Suit No.103 of 2014 was filed in the Hon'ble High Court, Calcutta (hereinafter referred to as the PARTITION SUIT)
- 1.16** Upon comprise of the said Partition Suit the following became entitled to the following undivided share into or upon the said Premises:
- | | | | |
|------|---------------------|---|----------|
| i) | Kawna Chatterjee | - | 50.26% |
| ii) | Chitrita Chatterjee | - | 16.58% |
| iii) | Subrata Chakravarti | - | 16.58% |
| iv) | Chandrayee Donnelly | - | 5.52667% |
| v) | Animitra Ghatak | - | 5.52666% |
| vi) | Srijeeta Mukherjee | - | 5.52667% |
- 1.17** By a registered Indenture of Conveyance dated 5th July 2016 and made between Chandrayee Donnelly therein referred to as the Vendor of the One Part and (1) Ezra Developers Private Limited (2) Brabourne Developers Private Limited (3) Nityanand Mercantile Limited (4) Shree Hanuman Properties and Finance Private Limited (5) Trieeye Properties Private Limited and (6) Wisecrack Towers Private Limited (hereinafter collectively referred to Ezra Developers and Others) therein collectively referred to as the Purchasers of the Other Part and registered at the office of the Additional Registrar of Assurances-II, Kolkata in Book No. I Volume No.1902-2016 Pages 95829 to 95859 Being No.190203059 for the year 2016 the said Chandrayee Donnelly for the consideration therein mentioned sold transferred and conveyed the entirety of her right title interest into or upon the said Premises unto and in favour of the said Ezra Developers and Others
- 1.18** By a registered Indenture of Conveyance also dated 5th July 2016 and made between Chitrita Chatterjee therein referred to as the Vendor of the One Part and Ezra Developers and Others therein collectively referred to as the Purchasers of the Other Part and registered at the office of the Additional Registrar of Assurances-II, Kolkata in Book No. I Volume No.1902-2016 Pages 90181 to 90212 Being No.190202898 for the year 2016 the said Chitrita Chatterjee for the consideration therein mentioned sold transferred and conveyed the entirety of her right title interest into or upon the said Premises unto and in favour of the said Ezra Developers and

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- 1.19** By a registered Indenture of Conveyance also dated 5th July 2016 and made between Subrata Chakravarti therein referred to as the Vendor of the One Part and Ezra Developers and Others therein collectively referred to as the Purchasers of the Other Part and registered at the office of the Additional Registrar of Assurances-II, Kolkata in Book No. I Volume No.1902-2016 Pages 95767 to 05797 Being No.190203055 for the year 2016 the said Subrata Chakravarti for the consideration therein mentioned sold transferred and conveyed the entirety of his right title interest into or upon the said Premises unto and in favour of the said Ezra Developers and Others
- 1.20** By a registered Indenture of Conveyance also dated 5th July 2016 and made between Anamitra Ghatak therein referred to as the Vendor of the One Part and Ezra Developers and Others therein collectively referred to as the Purchasers of the Other Part and registered at the office of the Additional Registrar of Assurances-II, Kolkata in Book No. I Volume No.1902-2016 Pages 95798 to 95828 Being No.190203052 for the year 2016 the said Anamitra Ghatak for the consideration therein mentioned sold transferred and conveyed the entirety of his right title interest into or upon the said Premises unto and in favour of the said Ezra Developers and Others
- 1.21** By a registered Indenture of Conveyance also dated 5th July 2016 and made between Srijeeta Mukherjee therein referred to as the Vendor of the One Part and Ezra Developers and Others therein collectively referred to as the Purchasers of the Other Part and registered at the office of the Additional Registrar of Assurances-II, Kolkata in Book No. I Volume No.1902-2016 Pages 95736 to 95766 Being No.190203058 for the year 2016 the said Srijeeta Mukherjee for the consideration therein mentioned sold transferred and conveyed the entirety of her right title interest into or upon the said Premises unto and in favour of the said Ezra Developers and Others
- 1.22** By virtue of the aforesaid recited Deeds of Conveyances the said Ezra Developers and Others thus became entitled to the entirety of the right title interest of the said (1) Chitrita Chatterjee (2) Subrata Chakravarti (3) Chandrayee Donnelly (4) Animitra Ghatak and (5) Srijeeta Mukherjee
- 1.23** In the events as recited hereinabove the said Kawna Chatterjee and the said Ezra Developers and Others thus became entitled to the entirety of the said Premises each one of them being entitled to an independent and distinct share or interest therein
- 1.24** The said Ezra Developers and Others and the said Kawna Chatterjee decided to jointly undertake the development of the said Premises and accordingly by a Joint Development Agreement dated 22nd July 2016 made between Smt. Kawna Chatterjee therein referred to as the Group A Owner

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of the First Part and the said Ezra Developers and Others therein collectively referred to as the Group B Owners of the Second Part and Hazelton Highrise LLP therein referred to as the Developer of the Third Part and registered at the office of the Additional Registrar of Assurances-II, Kolkata in Book No. 1 Volume No. 1902-2016 Pages 97814 to 97886 Being No. 190203132 for the year 2016 the said Owners namely Kawna Chatterjee and Ezra Developers and Others granted the exclusive right of development in respect of the said Premises unto and in favour of the said Hazelton Highrise LLP for the consideration therein mentioned

2. SEARCHES

2.1 Searches were carried out by Mr. Rathin Paul of our office. Searches were carried out at the office of the Additional Registrar of Assurances-II, Kolkata in Index I from the year 1957 to the year 2017 i.e. for a period of 60 years which is rather safe for the purposes of title in respect of the said Premises. Searches were also carried out from the year 2002 to 2017 in Index I in the name of the entities and details of such searches are as follows:

Premises no. 19, Dr. U.N. Brahmachari Street, Shakespeare Sarani					
Addl. Registrar of Assurances - II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2017	Declaration	162	1		5417 to 5428

This pertains to a Declaration given by the Owners namely Kawna Chatterjee and Ezra Developers and Others whereby they have declared that they are the joint owners of the said Premises and that no suits and/or legal proceedings are pending and that there is no dispute with regard to the boundary of the said Premises.

Ezra Developers Pvt. Ltd					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2004	Sale	274	1		1 to 49
2016	Sale	2898	1		90181 to 90212
2016	Sale	3052	1		95798 to 95828
2016	Sale	3055	1		95767 to 95797
2016	Sale	3058	1		95736-95766
2016	Sale	3059	1		95829 to 95859
2016	Sale	162	1		5417 to 5428
2016	Sale	3132	1		97814 to 97886

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Brabourne Developers Pvt. Ltd					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2004	Sale	274	1		1 to 49
2013	Sale	216739	1		2334 to 2351
2013	Sale	211925	1		3609 to 3626
2016	Sale	2898	1		90181 to 90212
2016	Sale	3052	1		95798 to 95828
2016	Sale	3055	1		95767 to 95797
2016	Sale	3058	1		95736 - 95766
2016	Sale	3059	1		95829 to 95859
2016	Development Agreement	3132	1		97814 to 97886
2017	Declaration	162	1		5417 to 5428

Nityanand Mercantile Limited					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2004	Sale	274	1		1 to 49
2016	Sale	216739	1		2334 to 2351
2016	Sale	211925	1		3609 to 3626
2016	Sale	2898	1		90181 to 90212
2016	Sale	3052	1		95798 to 95828
2016	Sale	3055	1		95767 to 95797
2016	Sale	3058	1		95736 - 95766
2016	Sale	3059	1		95829 to 95859
2016	Development Agreement	3132	1		97814 to 97886
2017	Declaration	162	1		5417 to 5428

Shree Hanuman Properties & Finance Pvt. Ltd.					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2016	Sale	2898	1		90181 to 90212
2016	Sale	3052	1		95798 to 95828
2016	Sale	3055	1		95767 to 95797
2016	Sale	3058	1		95736 - 95766
2016	Sale	3059	1		95829 to 95859
2016	Development Agreement	3132	1		97814 to 97886
2017	Declaration	162	1		5417 to 5428

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Trieve Properties Pvt. Ltd					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2004	Sale	274	1		1 to 49
2016	Sale	2898	1		90181 to 90212
2016	Sale	3052	1		95798 to 95828
2016	Sale	3055	1		95767 to 95797
2016	Sale	3058	1		95736 - 95766
2016	Sale	3059	1		95829 to 95859
2016	Development Agreement	3132	1		97814 to 97886
2017	Declaration	162	1		5417 to 5428

Wisecrack Towers Pvt Ltd					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2017	Declaration	162	1		5417 to 5428

Kawna Chatterjee					
Addl. Registrar of Assurances-II, Kolkata					
Year	Entries	Deed no	Book	Vol	Page
2016	Development Agreement	3132	1		97814 to 97886
2017	Declaration	162	1		5417 to 5428

3. COURT SEARCHES

3.1 Searches were also carried out by Mr. Rathin Paul to ascertain whether any title suit, money suit, title execution proceedings or money execution proceedings have been filed by or against the present Owners in the City Civil Court, Calcutta and from the information slips obtained it appears that no suit and/or legal proceeding has been filed from the period 2007 to 2018

3.2 HIGH COURT (ORIGINAL SIDE)

3.2.1 Mr. Paul also carried out online searches in the name of the present owners as well as the erstwhile owners and the following entries have been found:

Calcutta High Court
Kawna Chatterjee

Petitioner	Respondent	Case No.	Status
Smt. Kawna Chatterjee & Ors	K.M.C.	WP/1418/2001	Pending
Smt. Kawna Chatterjee	W.B.P.C.B.	WP/18401W/1999	Transferred
Smt. Kawna Chatterjee	Smt. Chitrita Chatterjee & Ors	CS 103/2014	Pending

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Calcutta High Court
Chitrita Chatterjee

Dated. 9/7/2018

Petitioner	Respondent	Case No.	Status
Anindya Chatterjee	Chitrita Chatterjee.	FAR/449/2010	Pending
Smt. Kawna Chatterjee	Smt. Chitrita Chatterjee	CS 103/2014	Pending

3.3 OFFICE OF THE SHERIFF, CALCUTTA HIGH COURT

Mr. Paul also carried out searches at the office of the Sheriff, Calcutta High Court in the name of the present owners as well as in the name of the erstwhile owners to ascertain whether any order or attachment has been passed and it appears no entry has been found during the period from 2007 to 2018.

4. KOLKATA MUNICIPAL CORPORATION

4.1 While carrying out searches in the Assessment Department of the above office it appears that the said Premises bears Assessee No. 110631600347 and that there is no outstanding municipal rates and taxes

4.2 REGISTRAR OF COMPANIES

Mr. Paul also caused searches to be carried out in the website of the Ministry of Corporate Affairs to ascertain whether any charges exists in the name of the owner companies but it appears no charge has been registered.

5. CERTIFICATION

5.1 After perusing the papers made available to us and based on the searches carried out we are of the opinion that the said Premises is free from all encumbrances and charges.



R.L. GAGGAR
SOLICITOR & ADVOCATE

9th July 2018
9.7.2018