



VICTOR MOSES & CO.

SOLICITORS, ADVOCATES,
PATENT & TRADEMARK ATTORNEYS.

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REPORT ON TITLE

Re: Premises No.14, Shakespeare Sarani, formerly Theatre Road (formerly No.7, Theatre Road) being part of Holding No. 60, Block No.19 in the southern division, in KMC Ward No.63, Police Station-Shakespeare Sarani, Kolkata.

- 1] **Owners:**
1. **RATANLAL PASARI,**
residing at premises No.17, Ballygunge Park Road, Kolkata-700 019.
 2. **BIMAL KUMAR PASARI,**
residing at premises No.43, Landmark, 4th floor, Carmicheal Road, Mumbai-400 026.
 3. **LALIT PASARI,**
residing at premises Old No.4 New No.9, Kasthuri Estate, 1st Street, Alwarpet, Chennai-600 018.

2] **Description:**

ALL THAT the partly two-storied and partly three-storied brick-built messuage tenement and/or dwelling house Together With the piece and parcel of land containing an area of 1 Bigha 8 Cottahs 12 Chittacks 22 Sq.ft. but on actual measurement containing an area of 1 Bigha 9 Cottahs 2 Chittacks 40 Sq.ft. be the same a little more or less situate lying at and being premises No.14, Shakespeare Sarani, formerly Theatre Road (formerly No. 7, Theatre Road) being part of Holding No. 60, Block No.19 in the southern division, in KMC Ward No.63, Police Station-Shakespeare Sarani, within the jurisdiction of the Registrar of Assurances, Kolkata in the town of Kolkata and butted and bounded as follows:-

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<u>ON THE NORTH</u>	:	By Shakespeare Sarani
<u>ON THE SOUTH</u>	:	By 12, Shakespeare Sarani
<u>ON THE EAST</u>	:	By Premises No.16, Shakespeare Sarani
<u>ON THE WEST</u>	:	By 12, Shakespeare Sarani

3] Copies of documents perused:

A) Certificate of Sale dated 2nd day of February, 1959 issued by the Registrar, High Court, Original Side, Calcutta in favour Shanti Devi Pasari pursuant to a decree passed on the 27th day of April, 1953 in Suit No.2627 of 1950 (Gunendra Kumar Roychowdhury & Ors. -Versus- Sobha Ghosh & Anr.) and the orders dated the 16th day of August, 1956 and 13th day of August, 1958.

B) Probate dated 14th day of January, 2011 issued by the Hon'ble High Court at Calcutta being PLA No.182 of 2010 in respect of the last Will and Testament of Smt. Shanti Devi Pasari dated the 5th day of March, 1987.

C) Application for obtaining the probate in respect of the Codicil dated the 14th day of January, 1988 of Smt. Shanti Devi Pasari to her Last Will and Testament dated the 5th day of March, 1987 being P.L.A. No.231 of 2013 in the Hon'ble High Court at Calcutta on the 23rd day of September, 2013

D) Mutation Certificate issued by the Kolkata Municipal Corporation favouring Moolchand Ratanlal HUF in respect of the above property.

4] Scope Of Limitation:

The scope of our report is limited by the following general parameters.

We have assumed that the copies of the documents provided to us:



- a) bear the genuine signatures, dates, stamps, seals and other markings;
- b) in connection with the above property are the only documents available with the Owners;
- c) have not been superseded by any other document not made available to us for whatever reason;
- d) are authentic and the authenticity of all copies of documents/information provided to us and the conformity of such copies or extracts submitted to us with that of the original documents.

To the extent possible, we have relied upon documents and records provided on behalf of the Owners above named and this Report is being prepared solely based on those. Valuation and physical verification of the land are not part of our scope of work as such no physical verification of the said land has been made by us.

We have taken due care for preparation of this report, however, we shall not be responsible or in any way held liable, in the event of any loss and/or damage suffered by any person on account of any statement in this report made relying upon any representation(s) made by the Owners or otherwise;

The decision of proceeding with or consummating any transaction on the basis of this report lies solely with the Client and our findings documented in this Report shall not, in any way, constitute a recommendation as to whether the Client or any other person should (or should not) consummate any transaction.

This report is addressed to and is solely for the benefit of the Client and no other person shall, except with our consent, rely on this report or any part thereof. We shall not be liable in any manner if a third party relies on this Report with or without our consent.



5) Searches Made:

- a) Index-I at the office of Registrar of Assurances, Kolkata in the name of Shanti Devi Pasari from 1981 to 2001 and in the name of Moolchand Ratanlal HUF from 2011 to 2013;
- b) Index-II at the office of Registrar of Assurances, Kolkata in respect of the Premises No.14, Theater Road from 1981 to 2013 and in respect of premises No.14, Shakespeare Sarani from 1998 to 2013;
- c) Assessment records of the Kolkata Municipal Corporation;
- d) At the office of the Thika Controller, Kolkata;
- e) At the office of the Land Acquisition Collector, Kolkata;
- f) At the office of the Kolkata Improvement Trust;
- g) At the office of the Kolkata Metropolitan Development Authority;
- h) At the office of the Competent Authority under Urban Land (Ceiling & Regulation) Act, 1976.

6) DEVOLUTION OF TITLE:

A) At a sale held by the Registrar, High Court, Original Side, Calcutta on the 20th day of September, 1958 pursuant to a decree passed on the 27th day of April, 1953 in Suit No.2627 of 1950 (Gunendra Kumar Roychowdhury & Ors. -Versus- Sobha Ghosh & Anr.) and the orders dated the 16th day of August, 1956 and 13th day of August, 1958 passed therein, one Shanti Devi Pasari purchased All That the partly two-storied and partly three-storied brick-built messuage tenement and/or dwelling house Together With the piece and parcel of land containing an area of 1 Bigha 8 Cottahs 12 Chittacks 22 Sq.ft. but on actual measurement containing an area of 1 Bigha 9 Cottahs 2 Chittacks 40 Sq.ft. be the same a little more or less situate lying at and being premises No.14, Theatre Road (formerly No.7, Theatre Road) being part of Holding No.60, Block No.19 in the southern division in the town of the then Calcutta



more fully and particularly described in the First Schedule hereunder written (hereinafter referred to as the 'said Property').

B) On the 2nd day of February, 1959, the Registrar, High Court, Original Side, Calcutta had issued the Sale Certificate in respect of the said sale in favour of the said Shanti Devi Pasari which was registered with the Registrar of Assurances, Calcutta.

C) The said Property is now known as 14, Shakespeare Sarani, Kolkata.

D) The said Shanti Devi Pasari died on the 21st day of June, 1988 after making and publishing her Last Will and Testament dated the 5th day of March, 1987, whereby and whereunder, she appointed Ratanlal Pasari being the Confirming Party herein as the Executor, and gave devised and bequeathed amongst others All That the said Property unto and in favour of Moolchand Ratanlal HUF absolutely and forever.

E) The Executor applied for and obtained Probate in respect of the said Will in P.L.A. No.182 of 2010 in the Hon'ble High Court at Calcutta on the 14th day of January, 2011.

F) Subsequent to the said Probate being granted, the Executor discovered a Codicil dated the 14th day of January, 1988 of the said deceased to the said Last Will and Testament dated the 5th day of March, 1987 whereby and whereunder she gave devised and bequeathed the said property unto and in favour of the Owners absolutely and in equal shares.

G) The Executor applied for and obtained Probate in respect of the said Codicil in P.L.A. No.231 of 2013 in the Hon'ble High Court at Calcutta on the 23rd day of September, 2013.

H) The Executor having granted his oral assent, the Owners are now thus seized and possessed of and/or otherwise well and sufficiently entitled to All That the said Property free from all encumbrances, charges, liens, lispendens, acquisitions, requisitions, attachments, trusts of whatsoever nature.



7) Result Of Searches:**a) Registration Offices:**

From the Index-I searches made against the aforesaid names during the aforementioned period at the office of Registrar of Assurances, Kolkata, no adverse entry was found.

However, it transpires that the Volume for the years 1984 and 2000 were not available; the Pages for the years 1981, 1989 and 1994 were found to be torn and/or partly torn; Hence, the searching was made on the records available.

From the Index-II searches in respect of Premises No.14, Theater Road from 1981 to 2013 made at the office of Registrar of Assurances, Kolkata no adverse entry was found.

However, it transpires that the Book for the year 1987 was not available; Hence, the searching was made on the records available.

From the Index-II searches in respect of Premises No.14, Shakespeare Sarani from 1998 to 2013 made at the office of Registrar of Assurances, Kolkata no adverse entry was found.

However, it transpires that the Pages for the years 1999 to 2001 were found to be torn and/or party torn; Hence, the searching was made on the records available.

b) Kolkata Municipal Corporation:

From the searches made at the office of the Assessor-Collector, Kolkata Municipal Corporation it appears that there is no tax due in respect of the said premises. The premises stands mutated in the name of Moolchand Ratanlal HUF.

There is no scheme of road alignment affecting the said premises.

c) Thika Controller, Kolkata:

From the searches made in the office of the Thika Controller, Kolkata, it transpires that presently, the premises is not decided as thika



property. We have already applied under the Right to Information Act, 2005 for the official information before the said authority. However, we are yet to receive any response thereto.

d) Land Acquisition Collector, Kolkata:

From the searches made in the office of the Land Acquisition Collector, Kolkata, it transpires that presently, the land is not affected by any acquisition or requisition proceedings. We have already applied under the Right to Information Act, 2005 for the official information before the said authority. However, we are yet to receive any response thereto.

e) Kolkata Improvement Trust:

From the searches made at the office of the Kolkata Improvement Trust it transpires that the premises presently has not been acquired by any scheme or project. We have made an application under the Right to Information Act, 2005 for official information. No reply has yet come.

f) Kolkata Metropolitan Development Authority:

From the searches made in the office of the Kolkata Metropolitan Development Authority, it transpires that presently, the premises is not affected by any project. We have already applied under the Right to Information Act, 2005 for the official information before the said authority. However, we are yet to receive any response thereto.

g) Urban Land Ceiling Department, Kolkata:

From the searches made at the office of the Competent Authority, Department of Urban Land Ceiling it transpires that there is no excess vacant land in the above property under the Urban Land (Ceiling & Regulation) Act, 1976. We have already applied under the Right to Information Act, 2005 for the official information before the said authority. However, we are yet to receive any response thereto.



8) **CONCLUSION:**

In view of the above and based on the aforesaid searches, we do hereby certify that the said property is free from encumbrances and the Owners have marketable title thereto.

Dated this 7th day of January, 2014.

For VICTOR MOSES & CO.
SOLICITORS & ADVOCATES


(D.N. MITTRA)
PARTNER

