A. K. Chowdhary & Co.

Advocates

10, Old Post Office Street Room No 21, First Floor, Kolkata-700 001.

Phone: 22430723, 22437668 E-mail: <u>akcco2015@</u>outlook.com <u>chowdharyanil01@gmail.com</u>,

Dated: 10.05.2016

REPORT ON TITLE

I. PROJECT:-

"BALAJI RESIDENCY"

II. NAME OF THE PRESENT OWNER:

Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal

III. NAME AND ADDRESS OF THE DEVELOPER:

Shree Balaji Construction.

113, Benaras Road, P.O. Salkia, P.S. Golabari, Howrah- 711106.

IV. DESCRIPTION OF THE PROPERTY:

ALL THAT piece and parcel of land admeasuring 2 Bighas, 13 Cottahs, 8 Chittacks and 1 Sq. ft. more or less lying and situated at Premises nos. 115 & 113 (old), 113 (new), Benaras Road, P.S. Golabari, District-Howrah.

V. DOCUMENTS PERUSED:

- 1. Photocopy of Sale Deed dated 28.06.1938 between Hukum Chand Budhia and Atmaram Budhia and Raghunath Prosad Budhia alias Rukhnath Budhia and Rupchand Budhia and Dharam Chand Dhiman, Meher Chand Dhiman, Keherchand Dhiman, Kishenchand Dhiman, duly registered with office of Sadar Joint Sub Registrar at Howrah and recorded in Book no. I, Volume no. 20, Pages no. 267 to 274, Being no. 1372 for the year 1938.
- 2. Photocopy of certified copy of Sale dated 16.05.1949 between Mahadeo Orasad & others and Dharam Chand Dhiman, Méher Chand Dhiman, Keherchand Dhiman, Kishenchand Dhiman, duly registered with office of Joint Sub Registrar at Howrah and recorded in Book no. I, Volume no. 18, Pages no. 250 to 262, Being no. 1098 for the year 1949.
- 3. Photocopy of Sale Deed dated 31.08.1984 between The official Assignee of Calcutta and Usha Dhiman, Bawi Dhiman, Perminder Dhiman, duly registered and recorded as Book no. I, Volume no. 191, Pages no. 220 to 229, Being no. 11868 for the year 1984.
- 4. Photocopy of Sale Deed dated 09.09.1987 between The official Assignee of Calcutta and Usha Dhiman, Bawi Dhiman, Perminder Dhiman, was duly registered with office of Registrar of Assurances at Calcutta and recorded in Book no. 1, Volume no. 210, Pages no. 400 to 410, Being no. 9364 for the year 1987.
- 5. Photocopy of Deed of Relinquishment dated 06.12.1988 between Kaushalya Sharma and Gurudev Dhiman.
- Photocopy of Deed of Relinquishment dated 06.12.1988 between Vidya Sharma and Gurudev Dhiman.
- 7. Photocopy of Sale Deed dated 09.07.2010 between Usha Dhiman, Bawi Dhiman and Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction, duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 17, Pages no. 75 to 95, Being no. 3704 for the year 2010.
- Photocopy of Sale Deed dated 09.07.2010 between Jyotsna Mehta, Anupam Khosla and Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction, duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 17, Pages no. 56 to 74, Being no. 3703 for the year 2010.

9. Photocopy of Sale Deed dated 12.11.2010 between Madan Lal Dhiman and Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumawangarwal, Neelam Agarwal partners of Shree Balaji Construction, duly registered of the officer of Additional District Sub Registrar at Howrah and recorded in Book no (A-CD Volumer) to 26, Pages no. 2017 to 2045, Being no. 5858 for the year 2010.

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10. Photocopy of Sale Deed dated 27.07.2010 between Jeeti Dhiman and Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction, duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 18, Pages no. 1937 to 1964, Being no. 4030 for the year 2010.

11. Photocopy of Sale Deed dated 22.07.2010 between Gurudev Dhiman and Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction, duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. 1, CD Volume no. 18, Pages no. 514 to 540, Being no.

3969 for the year 2010.

12. Photocopy of Sale Deed dated 27.07.2010 between Balwant Rai Dhiman, Chaman Kaur alias Sushma Dhiman, Geetanjali Dhiman, Vishal Dhiman, Jyotika Dhiman, Abhinandan Rai Dhiman and Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction, duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 18, Pages no. 1965 to 1993, Being no. 4029 for the year 2010.

Photocopy of Order dated 15.03.2010 passed by Hon'ble High Court at Calcutta in C.A. no. 51/2010, C.A. no. 52/2010, C.A. no. 683/2008 connected with C.P. no. 2/1965.

- Photocopy of Order dated 07.04.2010 passed by Hon'ble High Court at Calcutta in C.A. no. 51/2010, C.A. no. 52/2010 connected with C.P. no. 2/1965.
- 15. Photocopy of Deed of Partnership dated 01.07.2010 between Rajesh Agarwal and Sushil Kumar Agarwal and Arun Kumar Agarwal and Neelam Agarwal.
- 16. Photocopy of Sanction of Amalgamation issued by Howrah Municipal Corporation.

17. Photocopy of Khajna Dakhila.

- 18. Photocopy of extract copy of assessment issued by Howrah Municipal Corpporation.
- 19. Draft Agreement for Sale.

VI. DEVOLUTION OF TITLE:

Whereas Hukum Chand Budhia for self and as Karta of the joint hindu Mitakshara family and Atmaram Budhia, Raghunath Prosad Budhia alias Ruknath Budhia, Rup Chand Budhia being the family member sold, transferred and conveyed all that piece and parcel of land admeasuring 1 Bigha, 5 Cottahs and 10 Chittacks lying and situated at Premises no. 115, Benares Road unto and in favour of Dharam Chand Dhiman, Meherchand Dhiman, Keharchand Dhiman, Kishenchand Dhiman by way of a Sale Deed dated 28.06.1938 and the same was duly registered with office of Sadar Joint Sub Registrar at Howrah and recorded in Book no. I, Volume no. 20, Pages no. 267 to 274, Being no. 1372 for the year 1938.

And whereas Mahadeo Prasad and others sold, transferred and conveyed another piece and parcel of land admeasuring 1 Bigha, 8 Cottahs and 15 Chittacks lying and situated at Premises no. 113, Benaras Road unto and in favour of Dharam Chand Dhiman, Meherchand Dhiman, Keharchand Dhiman, Kishenchand Dhiman by way of a Sale Deed dated 16.05.1949 and the same was duly registered with office of Joint Sub Registrar at Howrah and recorded in Book no. I, Volume no. 18, Pages no. 250 to 262, Being no. 1098 for the year 1949.

And whereas said Dharam Chand Dhiman, Meherchand Dhiman, Keharchand Dhiman, Kishenchand Dhiman became the joint owners of the said two premises or became the owner of undivided 1/4th share each.

And whereas said Dharam Chand Dhiman, Meherchand Dhiman, Keharchand Dhiman, Kishenchand Dhiman used to carry on their business under the name of M/s. D.C. Dhiman & Brothers Pvt. Ltd.

And whereas by an Order dated 27.05.1964 passed by Hon'ble High Court at Calcutta in Insolvency Jurisdiction, said Dharam Chand Dhiman was declared as insolvent on the petition of creditor and the said Dharam Chand Dhiman filed his schedule of affairs before the Hon'ble High Court at Calcutta and all the assets of said Dharam Chand Dhiman including his 1/4th share of Premises 113 and 115, Benaras Road were vested in official Assignee.

And whereas the Hon'ble High Court at Calcutta passed an Order dated 07.09.1965 in C.P. no. 2/1965 whereby and where under the said company was directed to be wound up and official liquidator was directed to take charge of the assets of the said company.

And whereas Dharam Chand Dhiman died on 11.10.1976 as an undischarged insolvent.

And whereas by an Order dated 05.12.1979 of Hon'ble High Court at Calcutta, The official Assignee was directed to sell the undivided 1/4th share of the said Dharam Chand Dhiman in Premises no. 113 and 155, Benaras Road.

And whereas said The Official Assignce of Calcutta and as such assignce of the Estate and effects of Late Dharam Chand Dhiman sold, transferred and conveyed undivided 1/4th share of land out of 1 Bigha, 5 Cottahs and 10 Chittacks lying and situated at Premises no. 115, Benaras Road unto and in favour of Usha Dhiman, Bawi Dhiman, Perminder Dhiman by way of a Sale Deed dated 31.08.1984 and the same was duly registered and recorded as Book no. I, Volume no. 191, Pages no. 220 to 229, Being no. 11868.

And whereas said The Official Assignee of Calcutta and as such assignee of the Estate and effects of Late Dharam Chand Dhiman sold, transferred and conveyed another undivided 1/4th share of land out of 1 Bigha, 8 Cottahs and 15 Chittacks lying and situated at Premises no. 113, Benaras Road unto and in favour of Usha Dhiman, Bawi Dhiman, Perminder Dhiman by way of a Sale Deed dated 09.09.1987 and the same was duly registered with office of Registrar of Assurances at Calcutta and recorded in Book no. I, Volume no. 210, Pages no. 400 to 410, Being no. 9364.

And whereas said Usha Dhiman, Bawi Dhiman sold, transferred and conveyed their undivided 1/6th share of land out of 1 Bigha, 5 Cottahs and 10 Chittacks lying and situated at Premises no. 115, Benaras Road and their another undivided 1/6th share of land out of 1 Bigha, 8 Cottahs and 15 Chittacks lying and situated at 113 Benaras Road unto and in favour of Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction by way of a Sale Deed dated 09.07.2010 and the same was duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. 1, CD Volume no. 17, Pages no. 75 to 95, Being no. 3704 for the year 2010.

And whereas said Perminder Dhiman died intestate on 07.01.1989 leaving behind her two daughters namely Jyotsna Mehta, Anupam Khosla as her legal heiress and successors.

And whereas said Jyotsna Mehta, Anupam Khosla sold, transferred and conveyed their undivided 1/12th share of land out of 1 Bigha, 5 Cottahs and 10 Chittacks lying and situated at Premises no. 115, Benaras Road and another undivided 1/12th share of land out of 1 Bigha, 8 Cottahs and 15 Chittacks lying and situated at Premises no. 113, Benaras Road unto and in favour of Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction by way of a Sale Deed dated 09.07.2010 and the same was duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 17, Pages no. 56 to 74, Being no. 3703 for the year 2010

Whereas said Meher Chand Dhiman, Keher Chand Dhiman, Kishan Chand Dhiman remained the owners of all that 3/4th undivided share of the Premises no. 113 & 115, Benaras Road.

And whereas Meher Chand Dhiman died intestate on 25.04.1985 leaving behind Gurudev Dhiman, Vidya Sharma, Kaushlya Sharma as his legal heirs, successors and representatives.

And whereas said Vidya Sharma and Kaushalya Sharma relinquished and transferred their undivided share out of the said Premises no. 113 and 115, Benaras Road unto and in favour of Gurudev Dhiman by way of two Deeds of Relinquishment dated 06.12.1988.

And whereas Kehar Chand Dhiman died intestate on 09.02.1991 leaving behind Madan Lal Dhiman, Prem Dhiman as his legal heirs, successors and representatives.

And whereas Prem Dhiman died intestate on 03.05.1998 leaving behind Jeeti Dhiman as his legal heir, successor and representative.

And whereas Kishan Chand Dhiman died intestate on 04.04.1999 leaving behind Balwant Rai Dhiman, Jaswant Rai Dhiman, Kulwant Rai Dhiman, Sushma alias Chandan Kaur as his legal heirs, successors and representatives.

And whereas Jaswant Rai Dhiman died intestate on 24.01.2008 leaving behind Jyotika Dhiman, Abhinandan Rai Dhiman as his legal heirs, successors and representatives.

And whereas Kulwant Rai Dhiman died intestate on 26.06.1997 leaving behind Geetanjali Dhiman, Vishal Dhiman as his legal heirs, successors and representatives.

And whereas in course of time different legal proceeding were instituted.

And whereas by an Order dated 15.03.2010 and further order dated 07.04,2010 in C.A. no. 51/2010, 52/2010 and C.A. no. 683/2008 connected with C.P. no. 2/1965 Hon'ble Hight Court at Calcutta directed to pay an amount of Rs. 62 Lacs to the official liquidator for releasing the said 3/4th share of the properties at Premises paid to the official Liquidator. As swall the said 3/4th share of the said properties at Premises

no. 113 & 115, Benaras Road stood released unto and in favour of legal heirs of Meher Chand Dhiman, Keher Chand Dhiman, Kishan Chand Dhiman.

And whereas said Gurudev Dhiman sold, transferred and conveyed all that his undivided 1/4th share upon the said Premises nos. 113 & 115, Benaras Road unto and in favour of Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction by a Sale Deed dated 22.07.2010 and the same was duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 18, Pages no. 514 to 540, Being no. 3969 for the year 2010.

And whereas Madan Lal Dhiman sold, transferred and conveyed all that his undivided 1/8th share out of the premises nos. 113 & 115, Benaras Road unto and in favour of Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal partners of Shree Balaji Construction by a Sale Deed dated 12.11.2010 and the same was duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 26, Pages no. 2017 to 2045, Being no. 5858 for the year 2010.

And whereas Jeeti Dhiman sold, transferred and conveyed all that her undivided $1/8^{th}$ share out of the Premises no. 113 & 115, Benaras Road unto and in favour of Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal being the partners of Shree Balaji Construction by a Sale Deed dated 27.07.2010 and the same was duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 18, Pages no. 1937 to 1964, Being no. 4030 for the year 2010.

And whereas said Balwant Rai Dhiman, Chaman Kaur alias Sushma Dhiman, Geetanjali Dhiman, Vishal Dhiman, Jyotika Dhiman, Abhinandan Rai Dhiman sold, transferred and conveyed their undivided 1/4th share of land at the said Premises no. 113 and 115, Benaras Road unto and in favour of Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal being the partners of Shree Balaji Construction by way of a Sale Deed dated 27.07.2010 and the same was duly registered with office of Additional District Sub Registrar at Howrah and recorded in Book no. I, CD Volume no. 18, Pages no. 1965 to 1993, Being no. 4029.

And whereas said Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal amalgamated the said two Premises into one single Premises being no. 113, Benaras Road.

And whereas said Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal became the owners of the said land total admeasuring 2 Bighas, 13 Chittacks, 8 Chittacks and 1 Sq. ft. more or less.

And whereas being the partners of Shree Balaji Construction said Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal developed the said land and constructed multi storied building upon the said land.

VII. SEARCHES CONDUCTED:

We have caused searching through searcher in the records available with the offices of the District Registrar & Additional District Sub-Registrar at Howrah for the period of 1985 to 2016 and Registrar of Assurances at Kolkata for the period of 1985 to 2016 as is maintained and made available. During the period of searching with the aforesaid registration offices, no adverse entries have been found in Index. The original search receipts are annexed hereto.

We have also conducted necessary court searching before the Learned 2nd Civil Judge (Sr. Division) at Howrah in connection with any Title Suit and Money Suit against Arun Kumar Agarwal, Rajesh Agarwal, Sushil Kumar Agarwal, Neelam Agarwal but as per the records of the Learned Court, no suits and/or litigations is pending from 2005 to till the date.

VIII. OPINION ON TITLE:

We are of the opinion that the title of the aforesaid property is free from all sorts of encumbrances, charges, demands, claims, hindrances, attachments, debts, dues, acquisitions and requisitions whatsoever without any interference, disturbance and obstruction whatever from any person whomsoever and corner and manner whatever and also clear, marketable, mortgagable.

Xdvocate

BARADI RESIDENCY. 5 103

West Bengal Form No. 1556

[New Rule Form No. 19 (Appendix-I)]

No. REGN V 901222

Receipt for Fees Deposited for Search or Inspection

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