

S. J. F. Bhatt
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Date : 27.04.2015

LEGAL OPINION

Legal Opinion sought for by Karnataka Bank Ltd., Overseas Branch, Kolkata in respect of the immovable property of Milestone Industries, a partnership firm of Vikash Sharma and Preetam Sharma having its office at Arihant Enclave, Block 'A1', Ground Floor, 493/B/57A, G.T. Road (South), Shibpur, Howrah - 711102 (A/c. Goutam Trading).

SCHEDULE/DESCRIPTION OF THE PROPERTY

i) **ALL THAT** piece and parcel of 2 cottabs 9 chittacks and 33 square feet of land together with structure thereon at Premises No.34B, Chetla Road, Police Station - Alipore, Kolkata - 700027 and the same is butted and bounded by on the -

Sushil Kumar

- North : 34C, Chetla Road;
- South : 2.51 meter common passage;
- East : By Chetla Road;
- West : 34A, Chetla Road;

Sushil Kumar

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- 2 -

II) **ALL THAT** piece and parcel of 2 cottahs 8 chittacks and 39 square feet of land with structure at Premises No.34C, Chetla Road, Police Station - Alipore, Kolkata - 700027 and the same is butted and bounded by on the -

North : Common Passage & Premises No.35 & 37,
Chetla Road;

South : 34B, Chetla Road;

East : By Chetla Road;

West : 34A, Chetla Road;

AFTER AMALGAMATION

ALL THAT piece and parcel of 8130 square feet of land with old structure thereon at amalgamated Premises No.34B, Chetla Road, Police Station - Alipore, A.D.S.R. Alipore, Kolkata - 700027 and the land is butted and bounded by on the -

North : Common Passage & 35 & 37A, Chetla Road;

South : 2.51 meter common passage;

East : Chetla Road;

West : 34A, Chetla Road;

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A.L.

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- 3 -

DOCUMENTS PRODUCED FOR PERUSAL

1. Deed of Conveyance dated 01.01.2012 (Deed No.8707 of 2012).
2. Deed of Sale dated 26.09.2012 (Deed No.7964 of 2012).
3. Boundary Declaration dated 01.11.2012 (Deed No.8670 of 2012).
4. Municipal Assessment Book after amalgamation dated 30.06.2014.
5. Municipal Assessment Book recording mutation and amalgamation.
6. Letter of approval of mutation and amalgamation dated 13.03.2013 (2 sets).
7. General Power of Attorney dated 26.07.2012 (Deed No.711 of 2012).
8. Mutation Certificates of Premises No.34B, Chetla Road dated 10.10.2012.
9. Mutation Certificates of Premises No.34C, Chetla Road dated 10.10.2012.
10. Property Tax Receipt.
11. Certified copy of Deed No.581 of 1938.

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AG

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- 4 -

REMARKS

I. DEED NO.8707 OF 2012

It appears from the deeds and other documents under scrutiny that one Rabindranath Deb and Chunilal Burman were the owner of All That piece and parcel of 6 cottahs 14 chittacks and 5 square feet of land with two storied building thereon being Premises No.34B and 34C, Chetla Road, Calcutta. While seized and possessed as such said owner sold out the said landed property in favour of Srijukta Brojo Behari Chakraborty, Sri Ramesh Chakraborty and Sri Sreesh Chakraborty. After such purchase they became co-owners thereof. Later on said Ramesh Chakraborty and Sreesh Chakraborty had constructed one two storied building thereon over the land measuring about 5 cottahs and 14 chittacks of land after the demise of Brojo Behari Chakraborty. Accordingly in the absence of any successor said Broja Behari Chakraborty aforesaid Remash Chakraborty and Shreesh Chakraborty became owner of 34B & 34C, Chetla

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~ 5, -

Road, Calcutta. Subsequently said Ramesh Chakraborty had sold out his right, title and interest over the said property in favour of Shreesh Chakraborty. After such purchase he has become sole and absolute owner thereof at Premises No.34B as well as 34C, Chetla Road, Calcutta. On or about 15.02.1938 said Shreesh Chakraborty had sold out his right, title and interest thereon in favour of are Bomkesh Chakraborty by a Deed of Sale registered in the office of D.R. at Alipore in its Book No.I, Volume No.13, Pages 85 to 89 being No.581 of 1938. After such purchase of two Premises being No.34B and 34C, Chetla Road, Bomkesh Chakraborty sold out Premises No.34B, Chetla Road, Calcutta in favour of Gouranga Chandra Chakraborty.

Accordingly Gouranga Chandra Chakraborty has become sole and absolute owner thereof and mutated his name in the records of Kolkata Municipal Corporation and paid rates and taxes. Late on said owner had appointed one Bikash

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Bikash

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- 6 -

Chakraborty as his lawful attorney to do such acts and things as fully described thereon including the right to transfer the said property. On the basis of such power the constituted attorney of said owner by executing a Deed of Conveyance dated 01.11.2012 registered in the office of A.D.S.R. Alipore on 11.11.2012 in its Book No.I under Deed No.8707 of 2012 sold, conveyed and transferred the said Premises No.34B, Chetla Road, Kolkata - 700027 in favour of the present owner.

II. DEED NO.7964 OF 2012

It appears from the deeds and other documents under scrutiny that one Rabindranath Deb and Chunilal Burman were the owner of All That piece and parcel of 6 cottahs 14 chittacks and 5 square feet of land with two storied building thereon being Premises No.34B and 34C, Chetla Road, Calcutta. While seized and possessed as such said owner sold out the said landed property in favour of Srijukta Brojo Behari Chakraborty, Sri Ramesh Chakraborty and Sri

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- 7 -

Sreesh Chakraborty. After such purchase they became co-owners thereof. Later on said Ramesh Chakraborty and Sreesh Chakraborty had constructed one two storied building thereon over the land measuring about 5 cottahs and 14 chittacks of land after the demise of Brojo Behari Chakraborty. Accordingly in the absence of any successor of said Broja Behari Chakraborty abovenamed Remash Chakraborty and Shreesh Chakraborty became owner of 34B & 34C, Chetla Road, Calcutta. Subsequently said Ramesh Chakraborty had sold out his right, title and interest over the said property in favour of Shreesh Chakraborty. After such purchase he has become sole and absolute owner thereof at Premises No.34B as well as 34C, Chetla Road, Calcutta. On or about 15.02.1938 said Shreesh Chakraborty had sold out his right, title and interest thereon in favour of one Bomkesh Chakraborty by a Deed of Sale registered in the office of D.R. at Alipore in its Book No.1, Volume No.13, Pages 85 to 89 being No.581 of 1938. After such purchase of two Premises being No.34B and 34C, Chetla Road,

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- 8 -

Bomkesh Chakraborty sold out Premises No.34B, Chetla Road, Calcutta in favour of Gouranga Chandra Chakraborty.

After such transfer as aforesaid Bomkesh Chakraborty remained sole and absolute owner of Premises No.34C, Chetla Road, having an area of 2 cottahs 8 chittacks and 39 square feet without having any hindrance or claim whatsoever. While seized and possessed as such said Bomkesh Chakraborty died intestate on 01.10.1978 leaving behind his two daughters namely Smt. Rina Chakraborty and Rita Chakraborty his wife Rani Chakraborty and one son namely Bikash Chakraborty as his heiresses, heir and legal representatives. Accordingly all of them became co-owners of said Premises No.34C, Chetla Road, Kolkata by inheritance having 1/4th share each and recorded their names in the records of Kolkata Municipal Corporation under assessee No.110820400653. Later on aforesaid Rani Chakraborty died intestate on 12.05.1995 leaving behind her two daughters and one son as named above and accordingly all of them inherited their mother's 1/4th share

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~ 9 ~

therein and after such devolution of title they became co-owners having 1/3rd share each. Abovenamed owners have inducted several tenants therein and are enjoying the usufructs therefrom. On or about 26.09.2012 all of them jointly by executing a sale deed registered in the office of A.D.S.R. Alipore in its Book No.1, Volume No.35, Pages 3160 to 3185 being No.07964 for 2012 sold, conveyed and transferred the said immovable property in favour of said Milestone Industries.

Mutation & Amalgamation

After such purchases as aforesaid by two separate title deeds abovenamed Milestone Industries has become sole and absolute owner of 34B and 34C, Chetla Road, Police Station - Alipore, Kolkata - 700027 and mutated its name in the records of Kolkata Municipal Corporation Assessee No.1108204000641 and 110820400653. Thereafter said owner by making necessary application has amalgamated both the premises into a single premises being No.34B, Chetla Road, Kolkata under Assessee No.110820400641 and paying rates and taxes.

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I am satisfied after scrutiny of title for 20th years that said Milestone Industries has a good, clear and marketable title over the said property. It is also certified after inspection of the available records of index-II in the office of A.D.S.R. as well as D.R. Alipore and R.A. Calcutta for 30 years from 1985 to 2015 in respect of both the Premises prior to 2012 and thereafter of the amalgamated premises but no encumbrance has been found. Thus the same is free from encumbrances and fit for equitable mortgage.

I have also obtained certified copy of Deed No.8707 and 7964 both for 2012 from the office of A.D.S.R. Alipore and upon comparison of that Deed with the Deeds under scrutiny it is certified that the deeds are genuine one and enforceable.

DOCUMENTS SUGGESTED TO BE TAKEN BY THE BANK

1. Original Deed of Conveyance dated 01.01.2012 (Deed No.8707 of 2012).
2. Original Deed of Sale dated 26.09.2012 (Deed No.7964 of 2012).
3. Boundary Declaration dated 01.11.2012 (Deed No.8670 of 2012).

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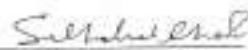
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- 11 -

4. Municipal Assessment Book after amalgamation dated 30.06.2014.
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9. Mutation Certificates of Premises No.34C, Chetla Road dated 10.10.2012.
10. Property Tax Receipt.
11. Certified copy of Deed No.581 of 1938.


Advocate

Enclosed : (1) Registration Office search receipts in original

(2) Certified copy of
Deed No.8707 & 7964
both for 2012