

Legal Advisor:

Allahabad Bank, Prayagraj
Corporation Bank, Prayagraj
Allahabad Development Authority, Prayagraj
Nagar Nigam, Prayagraj
Union Bank of India, Prayagraj
Oriental Bank of Commerce, Prayagraj
Bank of Baroda, Prayagraj
ICICI Bank Ltd., Prayagraj
Punjab National Bank, Prayagraj

Yashwant Maheshwari

Date: 16.07.2021

**To
The Chief Manager
Bank of Baroda
Specialized Mortgage Store
Dwarika Bhawan, 1st Floor
19A, Tagore Town
Prayagraj**

Dear Sir,

Subject: – Title Opinion Report certifying non encumbrances of the Half portion towards South of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters developed by Yashwant Maheshwari S/o Rajiv Maheshwari.

I refer to your letter no. NIL dated NIL requesting me to furnish non encumbrances and certify and submit the Title cum Opinion Report about the clear and marketable title to the above property to be mortgaged for securing the credit facility(ies) granted/proposed to be granted to Yashwant Maheshwari S/o Rajiv Maheshwari (Land owner):

- 1. Description and Area of the property proposed to be mortgaged. Specific number(s) and address of property along with boundaries and measurements:**

Half portion towards South of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters

Boundary of as per Sale Deed dated 28.10.1996:

East – Bungalow No. 5, Elgin Road, Allahabad

West – Lyall Road, Allahabad

North – Half portion of vended property sold to Shubham Maheshwari

South – Central Custom and Excise Building

- 2. Nature of property (Whether Agricultural, Non-Agricultural, Commercial, Residential or Industrial. If Non Agricultural, the reference and date of conversion order from the competent authority should be mentioned.**

The Property in question is residential property situated in densely populated area within municipal limits in the heart of city.

- 3. Name of Mortgagor/Owner and status in the account i.e. borrower or guarantor and whether Individual, Sole Proprietor, Partner, Karta or Trustee. In case the**

Mortgagor is Partner/Director/Trustee who is mortgaging the property on behalf of Partnership/Company/Trust, whether he/she has the authority. Copy of the Resolution/Memorandum & Articles of Association/Trust Deed etc. whether examined and verified:

Land Owner Yashwant Maheshwari S/o Rajiv Maheshwari R/o 2/2, Lyall Road, Pargana & Tehsil – Sadar, District - Prayagraj.

- 4. Whether any minor, lunatic or undischarged insolvent is involved. Confirm that the Mortgagor has sufficient capacity to contract. Precautionary steps be taken.**

No any minor, lunatic or undischarged insolvent is involved.

- 5. Whether the property is Freehold or Leasehold. If Leasehold then period of lease, and if Freehold whether Urban Land Ceiling Act applies and permissions to be obtained.**

Freehold property. The Urban Land Ceiling Act has been repealed in the State of U.P., hence not Applicable.

- 6. Source of property i.e. Self acquired or Ancestral. If Ancestral then mode of succession and whether original WILL/Probate is available.**

Self acquired.

- 7. Whether the Mortgagor is Co-owner/Joint Owner and/or any partition of the Property is made between the members of the family through Partition Deed. If yes, whether original Registered Partition Deed is available or it is only a family settlement.**

No.

- 8. Whether the Mortgagor is in exclusive possession of the property or it is leased/rented out to third party.**

As per documents, the present titleholder is in possession. However, the possession should be verified by the bank officials. It is advisable that prior to creation of mortgage property must be identified on spot and identity of mortgagor/borrower be also ascertained.

- 9. Whether the property is mutated in municipal/revenue records and Mortgagor's name is reflecting and if not, the reason thereof.**

Yes, the name of present titleholder is mutated in municipal records.

- 10. Whether any restriction for creation of Mortgage is imposed under the Central/State/Local Laws. If yes, then specify whose consent or permission would be required for creation of mortgage.**

No.

- 11. Whether all the original Title Deeds including antecedent Title Deeds and other relevant documents are available. Please give detailed list.**

Following documents were perused.

1. Certified copy of Sale Deed dated 28.10.1996 Deed No. 4210 and registered on 03.08.1999
2. Certified copy of Sale Deed dated 25.02.1985 Serial No. 2988 and registered on 29.03.1985

3. Certified copy of Agreement to Sale dated 25.02.1985 Serial No. 2991 and registered on 29.03.1985
 4. Certified copy of Correction Deed dated 04.01.1997 Deed No. 31 and registered on 04.01.1997
 5. Certified copy of Additional Correction Deed dated 21.04.1997 Deed No. 5408 and registered on 31.08.1999
 6. Certified copy of Freehold Deed dated 23.05.1996 Deed No. 1584 and registered on 03.06.1996
 7. Certified Special Power of Attorney dated 25.02.1985 Deed No. 345 and registered on 12.03.1985
 8. Copy of Khasra issued by Nagar Nigam, Prayagraj
- 12. Whether the Advocate has personally visited the Sub Registrar/Revenue / Municipal office and examined the records.**
Yes.
- 13. Whether the Search is being made for the period of 30 years. If no, reason thereof.**
Search Inspection for preceding 30 years (1991 to 2021) was made on 16.07.2021 in the office of Sub Registrar, Sadar, Prayagraj. The inspection was made for legible/accessible records and the Sub Registrar Sadar, Prayagraj has issued **N.E.C. Nos. 22021018001651 dated 13.07.2021** which shows that the property is free from encumbrance. Hence the opinion is given on the basis of inspection of available/untorn records only and in view of N.E.C. issued by Sub-Registrar, Sadar, Prayagraj.
- 14. Details of documents examined/scrutinized (This should be in chronological order with serial numbers, type/nature of document, date of execution, parties, date of registration details including the details of revenue/society records etc.)**

Sl. No.	Type/Nature of document(s)	Date of execution	No. & Date of Registration / Lien / Revenue Records / Builder's records/ Society records	Parties
1.	Certified copy of Sale Deed dated 28.10.1996	28.10.1996	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Book No. 1, Vol. No. 1675 on pages 393 to 568 at Serial No. 4210 and	Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad Vendor Yashwant

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			registered on 03.08.1999	Maheshwari S/o Rajiv Maheshwari Vendee
2.	Certified copy of Correction Deed dated 04.01.1997	09.12.1991	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Book No. 1, Vol. No. 926 on pages 103 to 106 at Serial No. 30 and registered on 04.01.1997	Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad Vendor Yashwant Maheshwari S/o Rajiv Maheshwari Vendee
3.	Certified copy of Additional Correction Deed dated 21.04.1997	21.04.1997	Registered in the office of Sub Registrar, Prayagraj, Sadar, (Allahabad) in <u>Book No.</u> <u>1, Vol. No.</u> <u>1743 on</u> <u>pages 25</u> <u>to 28 at</u> <u>Serial No.</u> <u>5408 and</u> <u>registered</u> <u>on</u> <u>31.08.1999</u>	Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad Vendor Yashwant Maheshwari S/o Rajiv Maheshwari Vendee
4.	Certified copy of Freehold Deed dated 23.05.1996	23.05.1996	Registered in the office of Sub Registrar, Chail/Sadar, Prayagraj (Allahabad) in Book No. 1, Vol. No. 800 on pages 107 to 192 at Serial No. 1584 and registered	Governor of U.P. through District Magistrate, Allahabad Vendor Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari

			on 03.06.1996	S/o Late Rameshwar Prasad Vendee
5.	Certified copy of Sale Deed dated 25.02.1985	25.02.1985	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Bahi No. 1, Zild No. 2358 on pages 52 to 60 at Serial No. 2988 and registered on 29.03.1985	Smt. Chandrawati Sinha W/o Late S.P. Sinha Vendor Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari Vendee
6.	Certified copy of Agreement to Sale dated 25.02.1985	25.02.1985	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Bahi No. 1, Zild No. 2349 on pages 124 to 131 at Serial No. 2991 and registered on 29.03.1985	Smt. Chandrawati Sinha W/o Late S.P. Sinha Vendor Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari Vendee
7.	Certified copy of Special Power of Attorney dated 25.02.1985	25.02.1985	Registered in the office of Sub Registrar, Prayagraj, (Allahabad) in Bahi No. 4, Zild No. 502 on	Smt. Chandrawati Sinha W/o Late S.P. Sinha POA Executant Hari Krishna Maheshwari

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			pages 37 to 40 at Serial No. 345 and registered on 12.03.1985	S/o Late Rameshwar Prasad Maheshwari POA Holder
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15. Tracing of chain of title in favour of the Mortgagor/owner starting from earliest document available. The nature of document/deed conveying the title should be mentioned with description of parties along with the type of right it creates:

To trace out chain of title, inspection and search of records was carried out by me at record room of Tehsil – Sadar, Prayagraj and it was traced out that Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards i.e. 4007.42 sq. meters was purchased by S.P. Sinha from its previous owner Radha Krishna Sinha vide registered Sale Deed dated 10.12.1954 and registered on 13.12.1954.

That later of Governor of U.P. executed Renewal Lease Deed in favour of Smt. Chandrawati Sinha W/o Late S.P. Sinha on 07.05.1990. This Lease Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in Bahi No. 1, Zild No. 170 on pages 209 to 234 at Serial No. 19552 and registered on 13.10.1990.

That Smt. Chandrawati Sinha W/o Late S.P. Sinha appointed Hari Krishna Maheshwari S/o Rameshwar Prasad as her Attorney vide Special Power of Attorney dated 25.02.1985. This Special Power of Attorney is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Bahi No. 4, Zild No. 502 on pages 37 to 40 at Serial No. 345 and registered on 12.03.1985.**

That Smt. Chandrawati Sinha W/o Late S.P. Sinha earlier entered into registered Agreement to Sale in regard to Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards with Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari on 25.02.1985. This Agreement to Sale is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Bahi No. 1, Zild No. 2349 on pages 124 to 131 at Serial No. 2991 and registered on 29.03.1985.**

That likewise, Smt. Chandrawati Sinha W/o Late S.P. Sinha also sold and transferred Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards in two equal parts in favour of Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari vide registered Sale Deed dated 25.02.1985. This Sale Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Bahi No. 1, Zild No. 2358 on pages 52 to 60 at Serial No. 2988 and registered on 29.03.1985.**

That it is relevant to state here that at the time of execution of Agreement to Sale and Sale Deed dated 25.02.1985, the permission was sale was not obtained from the authority.

That later on Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad applied for conversion of leasehold rights into

freehold rights in regard to Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards and after receipt of freehold charges and upon completion of required formalities, the Governor of U.P. through District Magistrate, Allahabad executed Freehold Deed in favour of Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad on 23.05.1996. This Freehold Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 800 on pages 107 to 192 at Serial No. 1584 and registered on 03.06.1996.**

That subsequently, Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad sold and transferred Half portion towards South of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters in favour of Yashwant Maheshwari S/o Rajiv Maheshwari vide registered Sale Deed dated 28.10.1996. This Sale Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 1675 on pages 393 to 568 at Serial No. 4210 and registered on 03.08.1999.**

That later on some typographical error was detected in regard to amount and consequently Correction Deed was executed by Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad in favour of Yashwant Maheshwari S/o Rajiv Maheshwari on 04.01.1997. This Correction Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 926 on pages 103 to 106 at Serial No. 30 and registered on 04.01.1997.**

That later on some other typographical error was also detected and consequently Correction Deed was executed by Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad in favour of Yashwant Maheshwari S/o Rajiv Maheshwari on 21.04.1997. This Additional Correction Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 1743 on pages 25 to 28 at Serial No. 5408 and registered on 31.08.1999.**

That as such Yashwant Maheshwari S/o Rajiv Maheshwari is sole and exclusive owner of Half portion towards South of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters.

That later on Yashwant Maheshwari S/o Rajiv Maheshwari desirous of developing the property as Residential Plotted Project and has deposited requisite amount in the office of Prayagraj Development Authority, Prayagraj and Permit No. Plotted Resi Development/Plotted Housing/00517/PDA/LD/20-21/0391/06042021 dated 04.06.2021 has been sanctioned.

That the Chief Engineer, Nagar Nigam, Prayagraj has granted Provisional NOC dated 29.05.2021. Likewise the Executive Engineer, Waterworks Department, Nagar Nigam, Prayagraj has also granted No Objection vide letter dated 13.04.2021



That if the Land Owner develops the Land as per approved layout plan and fulfill the required government norms, then in that case there is no legal impediment.

That moreover, the undersigned carried out search and inspection of available/unborn records related to the owner of the property in question in the office of S.R. Sadar, Prayagraj 30 years (1991 to 2021) was made on 16.07.2021 and the chain of title is in order. Further the undersigned also inspected records in the office of S.R. Sadar, Prayagraj for 12 years and it revealed that the property in question is free from all encumbrances.

Besides, the S.R. Sadar, Prayagraj has issued NEC which shows that the captioned property is free from all sorts of encumbrances. Hence this opinion is based on available records and in view of NEC issued by S.R. Sadar, Prayagraj.

That on the facts mentioned hereinabove it is opined that Project is fit for approval and there is no legal impediment.

16. Whether there is any doubt/suspicion about the genuineness of the original documents. If yes, then specify.

I have perused photocopy of title deeds and compared the same with certified copy of title deeds and evaluated the same with certified title deeds and establish that both are analogous and registered before the Registrar of Assurance.

17. Final Certificate/Opinion:

The present titleholder Yashwant Maheshwari S/o Rajiv Maheshwari holds clear, valid and marketable title over the captioned property and the captioned property is free from all encumbrances on the basis of inspection of records and in view of NEC issued by S.R. Sadar 1st, Prayagraj.

18. List of documents to be deposited for creation of mortgage by the mortgagor including any additional document required in addition to the documents available:

Enclosures

1. Certified copy of Sale Deed dated 28.10.1996 Deed No. 4210 and registered on 03.08.1999
2. Certified copy of Sale Deed dated 25.02.1985 Serial No. 2988 and registered on 29.03.1985
3. Certified copy of Agreement to Sale dated 25.02.1985 Serial No. 2991 and registered on 29.03.1985
4. Certified copy of Correction Deed dated 04.01.1997 Deed No. 30 and registered on 04.01.1997
5. Certified copy of Additional Correction Deed dated 21.04.1997 Deed No. 5408 and registered on 31.08.1999
6. Certified copy of Freehold Deed dated 23.05.1996 Deed No. 1584 and registered on 03.06.1996
7. Certified Special Power of Attorney dated 25.02.1985 Deed No. 345 and registered on 12.03.1985
8. Copy of Khasra issued by Nagar Nigam, Prayagraj
9. Copy of No Objection issued by Chief Engineer, Nagar Nigam, Prayagraj dated 29.05.2021.
10. Copy of NOC issued by the Executive Engineer, Waterworks Department, Nagar Nigam, Prayagraj dated 13.04.2021
11. NECs issued by S.R. Sadar, Prayagraj

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12. Inspection receipts (enclosed)
- 19. Whether any additional formalities to be completed by proposed mortgagor, if yes, state specifically in case of flat(s)/property(ies) in Co-op Societies, whether allotment letter, possession letter, share certificate, affidavit, power of attorney etc. is required:**

An Affidavit elaborating that property in question is free from all sorts of encumbrances, charges or litigation whatsoever and the property in question which is proposed to be mortgage by them is not subject matter to any litigation, attachment or execution before any Court of Law and owner/mortgagor will indemnify all losses to the Bank if anything adverse is found in future.

- 20. Comments on enforceability of property under SARFAESI Act, 2002:**

That the property in question is residential property situated in densely populated area within municipal limits in the heart of city, hence provisions of SARFAESI Act, 2002 are applicable.

Yours Truly


(S.C. Dwivedi)
Advocate

Legal Advisor:

Allahabad Bank, Prayagraj
Corporation Bank, Prayagraj
Allahabad Development Authority, Prayagraj
Nagar Nigam, Prayagraj
Union Bank of India, Prayagraj
Oriental Bank of Commerce, Prayagraj
Bank of Baroda, Prayagraj
ICICI Bank Ltd., Prayagraj
Punjab National Bank, Prayagraj

Shubham Maheshwari

Date: 16.07.2021

**To
The Chief Manager
Bank of Baroda
Specialized Mortgage Store
Dwarika Bhawan, 1st Floor
19A, Tagore Town
Prayagraj**

Dear Sir,

Subject: – Title Opinion Report certifying non encumbrances of the Plotted Housing being developed over Part of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters developed by Shubham Maheshwari S/o Rajiv Maheshwari.

I refer to your letter no. NIL dated NIL requesting me to furnish non encumbrances and certify and submit the Title cum Opinion Report about the clear and marketable title to the above property to be mortgaged for securing the credit facility(ies) granted/proposed to be granted to Shubham Maheshwari S/o Rajiv Maheshwari (Builder):

1. Description and Area of the property proposed to be mortgaged. Specific number(s) and address of property along with boundaries and measurements:

Plotted Housing being developed over Part of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters

Boundary of as per Sale Deed dated 28.10.1996:

East – Bungalow No. 5, Elgin Road, Allahabad

West – Lyall Road

North – Site No. 32-A, Civil Station, Allahabad

South – Remaining portion of Site No. 42-B, Civil Station, Allahabad sold to Sri Yashwant Maheshwari

2. Nature of property (Whether Agricultural, Non-Agricultural, Commercial, Residential or Industrial. If Non Agricultural, the reference and date of conversion order from the competent authority should be mentioned.

The Property in question is residential property situated in densely populated area within municipal limits in the heart of city.

3. Name of Mortgagor/Owner and status in the account i.e. borrower or guarantor and whether Individual, Sole

Proprietor, Partner, Karta or Trustee. In case the Mortgagor is Partner/Director/Trustee who is mortgaging the property on behalf of Partnership/Company/Trust, whether he/she has the authority. Copy of the Resolution/Memorandum & Articles of Association/Trust Deed etc. whether examined and verified:

This is for project approval only. Land Owner Shubham Maheshwari S/o Rajiv Maheshwari R/o 2/2, Lyall Road, Pargana & Tehsil – Sadar, District - Prayagraj.

- 4. Whether any minor, lunatic or undischarged insolvent is involved. Confirm that the Mortgagor has sufficient capacity to contract. Precautionary steps be taken.**

No any minor, lunatic or undischarged insolvent is involved.

- 5. Whether the property is Freehold or Leasehold. If Leasehold then period of lease, and if Freehold whether Urban Land Ceiling Act applies and permissions to be obtained.**

Freehold property. The Urban Land Ceiling Act has been repealed in the State of U.P., hence not Applicable.

- 6. Source of property i.e. Self acquired or Ancestral. If Ancestral then mode of succession and whether original WILL/Probate is available.**

Self acquired.

- 7. Whether the Mortgagor is Co-owner/Joint Owner and/or any partition of the Property is made between the members of the family through Partition Deed. If yes, whether original Registered Partition Deed is available or it is only a family settlement.**

No.

- 8. Whether the Mortgagor is in exclusive possession of the property or it is leased/rented out to third party.**

As per documents, the present titleholder is in possession. However, the possession should be verified by the bank officials. It is advisable that prior to creation of mortgage property must be identified on spot and identity of mortgagor/borrower be also ascertained.

- 9. Whether the property is mutated in municipal/revenue records and Mortgagor's name is reflecting and if not, the reason thereof.**

Yes, the name of present titleholder is mutated in municipal records.

- 10. Whether any restriction for creation of Mortgage is imposed under the Central/State/Local Laws. If yes, then specify whose consent or permission would be required for creation of mortgage.**

No.

- 11. Whether all the original Title Deeds including antecedent Title Deeds and other relevant documents are available. Please give detailed list.**

Following documents were perused.

1. Certified copy of Sale Deed dated 28.10.1996 Deed No. 4209 and registered on 03.08.1999

2. Certified copy of Sale Deed dated 25.02.1985 Serial No. 2988 and registered on 29.03.1985
 3. Certified copy of Agreement to Sale dated 25.02.1985 Serial No. 2991 and registered on 29.03.1985
 4. Certified copy of Correction Deed dated 04.01.1997 Deed No. 31 and registered on 04.01.1997
 5. Certified copy of Additional Correction Deed dated 21.04.1997 Deed No. 5408 and registered on 31.08.1999
 6. Certified copy of Freehold Deed dated 23.05.1996 Deed No. 1584 and registered on 03.06.1996
 7. Certified Special Power of Attorney dated 25.02.1985 Deed No. 345 and registered on 12.03.1985
 8. Copy of Khasra Issued by Nagar Nilgam, Prayagraj
- 12. Whether the Advocate has personally visited the Sub Registrar/Revenue / Municipal office and examined the records.**

Yes.

- 13. Whether the Search is being made for the period of 30 years. If no, reason thereof.**

Search Inspection for preceding 30 years (1991 to 2021) was made on 16.07.2021 in the office of Sub Registrar, Sadar, Prayagraj. The inspection was made for legible/accessible records and the Sub Registrar Sadar, Prayagraj has issued N.E.C. Nos. 22021018001652 dated 13.07.2021 which shows that the property is free from encumbrance. Hence the opinion is given on the basis of inspection of available/untorn records only and in view of N.E.C. Issued by Sub-Registrar, Sadar, Prayagraj.

- 14. Details of documents examined/scrutinized (This should be in chronological order with serial numbers, type/nature of document, date of execution, parties, date of registration details including the details of revenue/society records etc.)**

Sl. No.	Type/Nature of document(s)	Date of execution	No. & Date of Registration / Lien / Revenue Records / Builder's records/ Society records	Parties
1.	Certified copy of Sale Deed dated 28.10.1996	28.10.1996	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) In Book No. 1, Vol. No. 1675 on pages 217 to 292 at	Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad

			Serial No. 4209 and registered on 03.08.1999	Vendor Shubham Maheshwari S/o Rajiv Maheshwari Vendee
2.	Certified copy of Correction Deed dated 04.01.1997	09.12.1991	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Book No. 1, Vol. No. 926 on pages 107 to 110 at Serial No. 31 and registered on 04.01.1997	Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad Vendor Shubham Maheshwari S/o Rajiv Maheshwari Vendee
3.	Certified copy of Additional Correction Deed dated 21.04.1997	21.04.1997	Registered in the office of Sub Registrar, Prayagraj, Sadar, (Allahabad) in Book No. 1, Vol. No. 1743 on pages 25 to 28 at Serial No. 5408 and registered on 31.08.1999	Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad Vendor Shubham Maheshwari S/o Rajiv Maheshwari Vendee
4.	Certified copy of Freehold Deed dated 23.05.1996	23.05.1996	Registered in the office of Sub Registrar, Chail/Sadar, Prayagraj (Allahabad) in Book No. 1, Vol. No. 800 on pages 107 to 192 at Serial No.	Governor of U.P. through District Magistrate, Allahabad Vendor Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney

			1584 and registered on 03.06.1996	Hari Krishna Maheshwari S/o Late Rameshwar Prasad Vendee
5.	Certified copy of Sale Deed dated 25.02.1985	25.02.1985	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Bahi No. 1, Zild No. 2358 on pages 52 to 60 at Serial No. 2988 and registered on 29.03.1985	Smt. Chandrawati Sinha W/o Late S.P. Sinha Vendor Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari Vendee
6.	Certified copy of Agreement to Sale dated 25.02.1985	25.02.1985	Registered in the office of Sub Registrar, Sadar, Prayagraj (Allahabad) in Bahi No. 1, Zild No. 2349 on pages 124 to 131 at Serial No. 2991 and registered on 29.03.1985	Smt. Chandrawati Sinha W/o Late S.P. Sinha Vendor Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari Vendee
7.	Certified copy of Special Power of Attorney dated 25.02.1985	25.02.1985	Registered in the office of Sub Registrar, Prayagraj, (Allahabad) in Bahi No.	Smt. Chandrawati Sinha W/o Late S.P. Sinha POA Executant

			4, Zild No. 502 on pages 37 to 40 at Serial No. 345 and registered on 12.03.1985	Hari Krishna Maheshwari S/o Late Rameshwar Prasad Maheshwari POA Holder
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15. Tracing of chain of title in favour of the Mortgagor/owner starting from earliest document available. The nature of document/deed conveying the title should be mentioned with description of parties along with the type of right it creates:

To trace out chain of title, inspection and search of records was carried out by me at record room of Tehsil – Sadar, Prayagraj and it was traced out that Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards i.e. 4007.42 sq. meters was purchased by S.P. Sinha from its previous owner Radha Krishna Sinha vide registered Sale Deed dated 10.12.1954 and registered on 13.12.1954.

That later of Governor of U.P. executed Renewal Lease Deed in favour of Smt. Chandrawati Sinha W/o Late S.P. Sinha on 07.05.1990. This Lease Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in Bahi No. 1, Zild No. 170 on pages 209 to 234 at Serial No. 19552 and registered on 13.10.1990.

That Smt. Chandrawati Sinha W/o Late S.P. Sinha appointed Hari Krishna Maheshwari S/o Rameshwar Prasad as her Attorney vide Special Power of Attorney dated 25.02.1985. This Special Power of Attorney is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Bahi No. 4, Zild No. 502 on pages 37 to 40 at Serial No. 345 and registered on 12.03.1985.**

That Smt. Chandrawati Sinha W/o Late S.P. Sinha earlier entered into registered Agreement to Sale in regard to Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards with Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari on 25.02.1985. This Agreement to Sale is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Bahi No. 1, Zild No. 2349 on pages 124 to 131 at Serial No. 2991 and registered on 29.03.1985.**

That likewise, Smt. Chandrawati Sinha W/o Late S.P. Sinha also sold and transferred Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards in two equal parts in favour of Yashwant Maheshwari and Shubham Maheshwari minor sons of Rajiv Maheshwari under guardianship of Rajiv Maheshwari S/o H.K. Maheshwari vide registered Sale Deed dated 25.02.1985. This Sale Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Bahi No. 1, Zild No. 2358 on pages 52 to 60 at Serial No. 2988 and registered on 29.03.1985.**

That it is relevant to state here that at the time of execution of Agreement to Sale and Sale Deed dated 25.02.1985, the permission was sale was not obtained from the authority.

Qr

That later on Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad applied for conversion of leasehold rights into freehold rights in regard to Nazul Bhukhand No. 42-B, Civil Station, Allahabad measuring 4793 sq. yards and after receipt of freehold charges and upon completion of required formalities, the Governor of U.P. through District Magistrate, Allahabad executed Freehold Deed in favour of Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad on 23.05.1996. This Freehold Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 800 on pages 107 to 192 at Serial No. 1584 and registered on 03.06.1996.**

That subsequently, Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad sold and transferred Part of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters in favour of Shubham Maheshwari S/o Rajiv Maheshwari vide registered Sale Deed dated 28.10.1996. This Sale Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 1675 on pages 217 to 292 at Serial No. 4209 and registered on 03.08.1999.**

That later on some typographical error was detected in regard to amount and consequently Correction Deed was executed by Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad in favour of Shubham Maheshwari S/o Rajiv Maheshwari on 04.01.1997. This Correction Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 926 on pages 107 to 110 at Serial No. 31 and registered on 04.01.1997.**

That later on some other typographical error was also detected and consequently Correction Deed was executed by Smt. Chandrawati Sinha W/o Late S.P. Sinha through her Attorney Hari Krishna Maheshwari S/o Late Rameshwar Prasad in favour of Shubham Maheshwari S/o Rajiv Maheshwari on 21.04.1997. This Additional Correction Deed is registered in the office of S.R. Chail/Sadar, Prayagraj (Allahabad) in **Book No. 1, Vol. No. 1743 on pages 25 to 28 at Serial No. 5408 and registered on 31.08.1999.**

That as such Shubham Maheshwari S/o Rajiv Maheshwari is sole and exclusive owner of Part of Freehold Nazul Plot No. 42-B, Civil Station bearing Nagar Nigam House No. 2/2, Lyall Road, Patrika Marg, Civil Lines, Pargana & Tehsil - Sadar, District - Prayagraj measuring 2004.5 sq. meters.

That later on Shubham Maheshwari S/o Rajiv Maheshwari desirous of developing the property as Residential Plotted Project and has deposited requisite amount in the office of Prayagraj Development Authority, Prayagraj and Permit No. Plotted Resi Development/Plotted Housing/00517/PDA/LD/20-21/0391/06042021 dated 04.06.2021 has been sanctioned.

That the Chief Engineer, Nagar Nigam, Prayagraj has granted Provisional NOC dated 29.05.2021. Likewise the Executive



Engineer, Waterworks Department, Nagar Nigam, Prayagraj has also granted No Objection vide letter dated 13.04.2021

That if the Land Owner develops the Land as per approved layout plan and fulfill the required government norms, then in that case there is no legal impediment.

That moreover, the undersigned carried out search and inspection of available/untorn records related to the owner of the property in question in the office of S.R. Sadar, Prayagraj 30 years (1991 to 2021) was made on 16.07.2021 and the chain of title is in order. Further the undersigned also inspected records in the office of S.R. Sadar, Prayagraj for 12 years and it revealed that the property in question is free from all encumbrances.

Besides, the S.R. Sadar, Prayagraj has issued NEC which shows that the captioned property is free from all sorts of encumbrances. Hence this opinion is based on available records and in view of NEC issued by S.R. Sadar, Prayagraj.

That on the facts mentioned hereinabove it is opined that Project is fit for approval and there is no legal impediment.

16. Whether there is any doubt/suspicion about the genuineness of the original documents. If yes, then specify.

I have perused photocopy of title deeds and compared the same with certified copy of title deeds and evaluated the same with certified title deeds and establish that both are analogous and registered before the Registrar of Assurance.

17. Final Certificate/Opinion:

The present titleholder Shubham Maheshwari S/o Rajiv Maheshwari holds clear, valid and marketable title over the captioned property and the Plotted Project developed by Shubham Maheshwari S/o Rajiv Maheshwari can be accepted for approval.

18. List of documents to be deposited for creation of mortgage by the mortgagor including any additional document required in addition to the documents available:

Enclosures

1. Certified copy of Sale Deed dated 28.10.1996 Deed No. 4209 and registered on 03.08.1999
2. Certified copy of Sale Deed dated 25.02.1985 Serial No. 2988 and registered on 29.03.1985
3. Certified copy of Agreement to Sale dated 25.02.1985 Serial No. 2991 and registered on 29.03.1985
4. Certified copy of Correction Deed dated 04.01.1997 Deed No. 31 and registered on 04.01.1997
5. Certified copy of Additional Correction Deed dated 21.04.1997 Deed No. 5408 and registered on 31.08.1999
6. Certified copy of Freehold Deed dated 23.05.1996 Deed No. 1584 and registered on 03.06.1996
7. Certified Special Power of Attorney dated 25.02.1985 Deed No. 345 and registered on 12.03.1985
8. Copy of Khasra issued by Nagar Nigam, Prayagraj
9. Copy of No Objection issued by Chief Engineer, Nagar Nigam, Prayagraj dated 29.05.2021.
10. Copy of NOC issued by the Executive Engineer, Waterworks Department, Nagar Nigam, Prayagraj dated 13.04.2021

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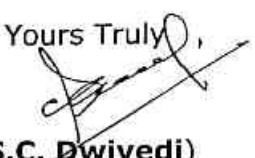
11. NECs issued by S.R. Sadar, Prayagraj
12. Inspection receipts (enclosed)
19. **Whether any additional formalities to be completed by proposed mortgagor, if yes, state specifically in case of flat(s)/property(ies) in Co-op Societies, whether allotment letter, possession letter, share certificate, affidavit, power of attorney etc. is required:**

An Affidavit elaborating that property in question is free from all sorts of encumbrances, charges or litigation whatsoever and the property in question which is proposed to be mortgage by them is not subject matter to any litigation, attachment or execution before any Court of Law and owner/mortgagor will indemnify all losses to the Bank if anything adverse is found in future.

20. **Comments on enforceability of property under SARFAESI Act, 2002:**

That the property in question is residential property situated in densely populated area within municipal limits in the heart of city, hence provisions of SARFAESI Act, 2002 are applicable.

Yours Truly,


(S.C. Dwivedi)
Advocate