

MANISH JAIN
ADVOCATE (B.com., LL.B.)

Ref. No. BOB/2022/17

Dated -21.09.2022

LEGAL OPINION REPORT

The Manager
Rera, Lucknow,

Dear Sir,

Sub: Title Opinion Report certifying non encumbrance of the property

Commercial Cinema Plot situated at Kamla Nagar Yojna, Tehsil & Dist. Agra, belonging to M/s S.D. Sons Pvt. Ltd. through its Director

I refer to your letter No. dated 15.09.2022 requesting me to furnish non- encumbrance 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(s) granted/proposed to be granted to M/s S.D. Sons Pvt. Ltd. through its Director

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

Commercial Cinema Plot situated at Kamla Nagar Yojna, Tehsil & Distt. Agra (Measuring area 3045.46 Sq. Mtrs.)

Boundaries

East - Road 80' wide

West - Commercial Plot No. 2/17, 2/18 to 2/23

North - Building of Awaz Vikas

South - Service Road

2. Nature of Property (Whether Agricultural, Non Agricultural, Commercial, Residential, Industrial, if Non Agricultural the reference and date of conversion order from Competent Authority should also be mentioned.

Commercial Cinema Plot

3. Name of the Mortgagor/owner and status in the Account i.e. Borrower or Guarantor and whether individual. Sole Proprietor, Partner, Director, Karta or Trustee. In case the Mortgagor is partner/Director/Trustee. In case the mortgagor is partner/trustee/Director who is mortgaging the property on behalf of Partnership/Company/Trust, whether he/she has the authority Copy of the Resolution/Memorandum and Article of the Association/Trust Deed etc. whether examined and verified.

Present Property Owner M/s S.D. Sons Pvt. Ltd. through its Director

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

A. No, There is no minor, lunatic or un-discharged insolvent is involved.

B. Yes mortgagor has sufficient capacity to contract.

5. Whether the property is freehold or Leasehold. If Leasehold then period of lease and if freehold whether urban Land Ceiling Act applies and permission to be obtained.

Property is Freehold



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6. Source of the property i.e. self acquired or Ancestral. If Ancestral then mode of succession and whether Original will/ probate is available.
Property is Self acquired through a Registered Sale deed.
7. Whether the Mortgagor is Co-owner/joint owner and or any Partnership of the property is made between the members of the family through family Deed. If yes, whether original Registered Partnership deed is available or it is only a family settlement.
Mortgagor is the Sole Owner of the property.
8. Whether the Mortgagor is in exclusive possession of the property or it is Leased/Ranted out to Third Party.
Mortgagor has exclusive possession of the property.
9. Whether the property is mutated in municipal/revenue records and mortgagor's name is reflecting and if not, the reason thereof.
Yes.
10. Whether any restriction for creation of Mortgage is imposed under 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 document are available. Please give detailed list.

S. No.	Type/ Nature Document	Date of Execution	No. & Date of Registration / Lien in revenue records / society's records.	Parties
1.	Lease deed	11.05.1984	Bahi No. I, Jild No. 66/65 Pages- 285-295/46-47, Serial No. 10/11/12/13 dated 22.05.1984	Executed by: Uttar Pradesh Awasth Evam Vikas Parishad in favour of M/s S.D. Sons's (Partnership Firm) through its Partners Sh. Bhagwan Das S/o Sh. Deomal, Sh. Mukesh Kumar S/o Sh. Shantivrat Agarwal & Sh. Danesh Kumar S/o Sh. Shantivrat Agarwal
2.	Freehold deed	29.06.2001	Bahi No. I, Jild No. 398 Pages- 331-342, Serial No. 2519 dated 29.06.2001	Executed by: Uttar Pradesh Awasth Evam Vikas Parishad in favour of M/s S.D. Sons Pvt. Ltd. through its Director Sh. Dinesh Kumar Agarwal S/o Late Sh. Shantivrat Agarwal
3.	Partnership deed	12.09.1983	NA	Of M/s S.D. Sons
4.	Dissolution deed	18.12.1985	NA	Of M/s S.D. Sons

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. Yes
Search is being made for the period of 13 Years 16.09.2009 to 16.09.2022

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14. Details of documents examined/scrutinized (this should be in Chronological order will serial numbers, type nature of document, date of execution parties, date of registration details including the details of revenue/ society records etc.)

1. Xerox & Certified Copy of Regd. Freehold deed executed by Uttar Pradesh Awas Evam Vikas Parishad in favour of M/s S.D. Sons Pvt. Ltd. through its Director Sh. Dinesh Kumar Agarwal S/o Late Sh. Shantivrat Agarwal dt. 29.06.2001 (S. No. 2519)
2. Xerox of Regd. Lease deed executed by Uttar Pradesh Awas Evam Vikas Parishad in favour of M/s S.D. Sons's (Partnership Firm) through its Partners Sh. Bhagwan Das S/o Sh. Deomal, Sh. Mukesh Kumar S/o Sh. Shantivrat Agarwal & Sh. Danesh Kumar S/o Sh. Shantivrat Agarwal dt. 22.05.1984 (S. No. 10/11/12/13)
3. Xerox of Partnership deed of M/s S.D. Sons
4. Xerox of Dissolution deed of M/s S.D. Sons

15. Tracing of the Chain of title in favour of Mortgagor/owner starting from the 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.

That initially on Uttar Pradesh Awas Evam Vikas Parishad, a statutory body of State of UP developed is residential scheme under the name & Style as "Kamla Nagar Yojna" House Housing Scheme and carved out different residential plots the same includes the underneath land of the subject Commercial Cinema Plot bearing having an area of 3045.46 Sq. Mtrs. the said authority as lessor leased out the said plot in favour of M/s S.D. Sons (Partnership Firm) through its Partners Sh. Bhagwan Das S/o Sh. Deomal, Sh. Mukesh Kumar S/o Sh. Shantivrat Agarwal & Sh. Danesh Kumar S/o Sh. Shantivrat Agarwal, vide regd. lease deed 11.05.1984, regd. on 22.05.1984 per book No. 1, vol. No. 66/65 on pages 285-295/46-47 at S. No. 10/11/12/13 for a period of 90 yrs., thus after having acquired the same on regd. lease for a period of 90 yrs said M/s S.D. Sons (Partnership Firm) became lawful lessee.

After that said Dissolution deed executed in between M/s S.D. Sons (Partnership Firm) through its Sh. Bhagwan Das S/o Sh. Deomal, Sh. Mukesh Kumar S/o Sh. Shantivrat Agarwal & Sh. Danesh Kumar S/o Sh. Shantivrat Agarwal, vide on dt. 18.12.1985, and firm converted into the Company named as M/s S.D. Sons Pvt. Ltd.

Thereafter aforesaid Parishad had transferred the same above mention property with execution of regd. Freehold deed in favour of M/s S.D. Sons Pvt. Ltd. through its Director Sh. Dinesh Kumar Agarwal S/o Late Sh. Shantivrat Agarwal, vide regd. freehold deed executed on dt. 29.06.2001 entered in Book No. 01, Vol. No. 398 at Pages No. 331-342, Manual No. 2519, dated 29.06.2001 at office of Sub Registrar Agra.

Now aforesaid of M/s S.D. Sons Pvt. Ltd. through its Director is bonafide owner of the aforesaid property in question and he is competent to create the equitable mortgage in favour of the Bank by deposit of original title deed.

16. Whether there is any doubt/suspicion about the genuineness of the original documents. If yes the specify. No

17. The final certificate of the Advocate confirming that title of the property (s) to be mortgaged is examined by him and the same is/are clear and marketable.

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I personally visited the Sub-Registrar office searched the records and ensured the correctness of the entries in the Register and there is no omission of any encumbrances in the Encumbrance Certificate. This is to certify that the title to the property of the owners is clear and marketable without any further act on the part of owner.

18. List of documents to be deposited for creation of Mortgage by the Mortgagor including any addition document required in addition to the document available.

1. Original & Certified Copy of Regd. Freehold deed executed by Uttar Pradesh Awas Evam Vikas Parishad in favour of M/s S.D. Sons Pvt. Ltd. through its Director Sh. Dinesh Kumar Agarwal S/o Late Sh. Shantivrat Agarwal dt. 29.06.2001 (S. No. 2519)
2. Original Regd. Lease deed executed by Uttar Pradesh Awas Evam Vikas Parishad in favour of M/s S.D. Sons's (Partnership Firm) through its Partners Sh. Bhagwan Das S/o Sh. Deomal, Sh. Mukesh Kumar S/o Sh. Shantivrat Agarwal & Sh. Danesh Kumar S/o Sh. Shantivrat Agarwal dt. 22.05.1984 (S. No. 10/11/12/13)
3. Xerox of Allotment & Possession Letter
4. Xerox of Partnership deed of M/s S.D. Sons
5. Xerox of Dissolution deed of M/s S.D. Sons
6. Memorandum and Article of Association & Resolution of Board

19. Comment on Enforceability of SARFAESI Act 2002 over the proposed security.
SARFAESI Act 2002 is enforceable

20. Whether any additional formalities to be completed by the proposed Mortgagor. If yes, state specifically in case of flat(s)/property(s) in Co-operative Society, whether allotment letter, possession letter, share certificate, affidavit, power of attorney is required.
No Additional formalities required

Remark -

Signature

Manish Jain Advocate

List of enclosures

1. Receipt dated No. 2202200102830, 56 dt. 16.09.2022 issued by Sub Registrar, Agra regarding fee for search.
2. Certificate of Search No. 22022001002479, 6769 issued by Sub Registrar, Agra

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(भाग 1)

(प्रस्तुतकर्ता अथवा प्रार्थी द्वारा रक्खा जाने वाला)

क्रम संख्या

56

या प्रार्थना-पत्र प्रस्तुत करने का दिनांक 16/9/22

कर्ता या प्रार्थी का नाम श्री चमक 108

का प्रकार

मूल की धन राशि

जस्टीकरण शुल्क 20 जून 12/11

तैलपिकरण शुल्क 10/

रीक्षण या तलाश शुल्क

खतारनामा के अधिप्रमाणीकरण के लिये शुल्क

मीशन शुल्क

विविध

पत्रिक भत्ता

6 तक को योग 10/

वसूल करने का दिनांक 16/9/22

क जब लेख्य प्रतिलिपि या तलाश

ग-पत्र वापिस करने के लिये तैयार होगा।

ट्रीकरण अधिकारी के हस्ताक्षर

SEARCH CERTIFICATE

Application No. 7710 of 20 22 Certificate No. 769 of 20 22

Applicant 27/10/2020 having applied to me for certificate giving particulars of the Registered Acts and encumbrances, if any in respect of unencumbered property

(1) As Stated in Application Property Owner:-

(1) As Stated in Application Property Owner: 1512 N. W. 10th St. Miami, FL 33136
Mr. & Mrs. J. W. Smith, Jr. & Mrs. J. W. Smith, Jr.

(2) Property Details:

(2) Property Details: प्लॉट (कॉलोन) सार्वजनिक सुविधा स्थिति में है। प्लॉट नंबर 3045-48 पंचायत
पार्क कर्मचारी निवास योजना तहत निर्माणाधीन है।

(3) Boundaries: East

West

North

South

(4) Situated At:

I hereby certify that a search has been made in the book I into the indexes regulating there to from
 15-9-08 to 15-9-12 of acts and encumbrances
 effecting the said property and that each the following acts encumbrances appears.

No.	Description of Properties given in the Document	Date of Execution	Name & Value of her Document	Execute Claimant	Entry No.	Year
1	2	3	4	5	6	7

As Stated in Application and Present Available Record No encumbrances has been Found

I also certify that save be aforesaid acts and encumbrances other acts and encumbrances effecting the said property have been found.

Search made certificate prepared by
search made/verified/and certified
signed by

Signature of
Registering
Officer, Agra,
Distt. Agra

NOTE:-

1. The act and encumbrances shown in the certify of those discovered with reference of the description of Properties furnished by the applicant if the name of properties have been described in the registered documents in manner different from the way which the applicant has described the transactions evidence by such documents was not included in certificate.
2. The requisite search has been made as carefully as possible by the officer but the department will not on result of the search in this certificates.
3. This certificate does not include such document if any which have been presented have not been registered and indexed up to date.

आवेदन संख्या : 2202200102830

प्रमाण संख्या : 22022001002479

भार मुक्त प्रमाण-पत्र
(रजि० मैनुअल के नियम 328)

श्री- मनीष जैन एडवोकेट पुत्र- जवाहर लाल जैन तहसील आगरा जिला आगरा ने निम्नलिखित सम्पत्ति से सम्बन्धित प्रपत्रों/द्वारा प्रस्तुत भार मुद्रित प्रमाण पत्र हेतु प्राथना पत्र प्रस्तुत किया है।

सम्पत्ति का विवरण : ग्राम/मोहल्ला - कमला नगर ब्लाक बी०सी०डी, वार्ड/परगना- हरी पर्वत , आवासीय- दिनेश कुमार अग्रवाल , कमला नगर योजना आगरा ,

मै एतद्वारा प्रमाणित करता हू कि इंडेक्स सं 02 तथा उससे सम्बन्धित सूची प्रपत्रों की तलाश दिनांक 16/09/2010 से दिनांक 16/09/2022 तक उक्त सम्पत्ति के सम्बन्ध में की गयी जिसमें निम्नलिखित भार पाये गये

कोई भार नहीं पाया गया

दिनांक : 20-09-2022

नोट - 1. इस प्रमाण-पत्र के समस्त विवरण आवेदक द्वारा दिए गए संपत्ति के ब्यौरे के आधार पर दूँडे गए हैं। यदि रजिस्ट्रीकृत लेखपत्र में संपत्ति को आवेदक द्वारा

आवेदन में दिये गए वर्णन से किसी दूसरे ढंग से वर्णित किया गया हो तो ऐसे लेखपत्रों से प्राप्त सूचना को प्रमाण पत्र में दर्ज नहीं किया जायेगा।

2. वांछित तलाश कार्यालय द्वारा यथासंभव सावधानी के साथ किया गया है, और विभाग प्रमाणपत्र में शामिल सूचना के लिए उत्तरदायी नहीं होगा।

3. इस प्रमाण-पत्र में उन लेखपत्रों से सम्बन्धित सूचना शामिल नहीं है जो प्रस्तुत हो चुके हैं, परन्तु जिनका आज की तारीख तक रजिस्ट्रीकरण नहीं हुआ है।

4. यह प्रमाण-पत्र किसी संपत्ति के स्वत्व का प्रमाण नहीं है।

तलाशकर्ता एवं प्रमाण पत्र बनाने वाले निबन्धन लिपिक : संदीप सक्सैना नि०लि०

मिलान करने वाले निबन्धन लिपिक : संदीप सक्सैना नि०लि०

प्रिंट करें

उपनिबन्धक सदर प्रथम
आगरा

भुगतान पावती
उत्तर प्रदेश सरकार
निबन्धन कार्यालय - भुगतान पावती

आवेदन संख्या :	2202200102830
आवेदन तिथि :	20/09/2022
आवेदक का नाम :	मनीष जैन एडवोकेट
मोबाइल संख्या :	9997106664

भुगतान का विवरण

भुगतान विधि :	ई भुगतान
पंजीकरण राशि :	100
चालान संख्या :	NIB220614285
भुगतान तिथि :	20/09/2022
भुगतान पावती संख्या :	202200102415
प्राप्तकर्ता का नाम :	संदीप सकसैना .