

MRS. N. R. PRABHUSALGAONKAR MOB: 8454847482

B. A. (Spl.), LL.M., C.A.I.I.B. RES: 25430631

ADVOCATE, HIGH COURT

OFF: 6, DNS Towers, Kelkar Compound, Court Naka, Thane (W) 400 601.

RES: F-3/501 & 504, Rutu Park, Nr. Vrindavan Soc., Thane (W) 400 601.

The Branch Manager,  
Dena Bank,  
VASHI Branch  
Navi Mumbai

Date: 12/02/2015

### SEARCH REPORT

Ref. : Gala No. H-571 in Block 'H', A.P.M.C. Fruit Market, Sector-19, Turbhe-Vashi, Navi Mumbai admeasuring 42.00 Sq. Mtrs. i.e. 450 Sq. Ft. consisting of 300 Sq. Ft. or thereabout on Ground Floor and 150 Sq. Ft. on the First Floor of the Building lying, being and situate on Plot of land bearing Sector-19, Turbhe-Vashi, Navi Mumbai, Taluka and District Thane and bounded as follows:-

North	:	Gala No. H-570
South	:	Gala No. H-572
East	:	Gala No. H-580
West	:	Gala No. H-558

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I have taken search in respect of the above mentioned property and I have gone through the available Index II Registers kept in the Office/s of Sub-Registrar, Thane Offices. My observations are as under:-

1986-1999 : There are no transactions.

Year 2000 : Agreement to Sub-lease dated 09/11/2000 executed between Agricultural Produce Market Committee and Rafique & Company.

2001 – 2012 : There is no Transaction.

Year 2013 : Agreement for Sale dated 04/03/2013 executed between Mr. Sayed A. Rafique and Mr. Salman N. M. Topala.

Registration Receipt No. TNN3/1783/2013 dated 04/03/2013.

Deed of Assignment dated 20/09/2013 executed between Mr. Sayed A. Rafique and Mr. Salman N. M. Topala.

Registration Receipt No. TNN1/7879/2013 dated 20/09/2013.

The search taken in respect of the above **Gala** does not disclose any defect in the title of the said Original Assignors with respect to the said **Gala**.

Date : 12/02/2015

  
(N. R. PRABHUSLAGAONKAR)  
ADVOCATE

THE COURT OF DISTRICT MAGISTRATE THANE,  
AT THANE.  
SECURITISATION APPLICATION NO.346/2017

**Dena Bank**  
Vashi Sector 6 Branch, Shopping Centre,  
Sector No.6, Vashi, Navi Mumbai,  
Dist.Thane 400 703

..... Applicant

V/s

- 1) Mr. Salman Topalal (Borrower)
- 2) Mr. Mohd. Sufyan Noor Mohammed Topalal (Guarantor)  
Gala No.H-571, H Block, APMC Fruit Market,  
Sector 19, Vashi, Navi Mumbai,  
Dist.Thane 400 703
- 3) Mr. Fardeen Quareshi (Guarantor)  
306, 3<sup>rd</sup> Floor, Virani House,  
Hazrat Abbas Road, Chinch Bunder,  
Mumbai 400 009

..... Respondents

**ORDER BELOW APPLICATION UNDER SECTION 14 OF THE SECURITISATION AND  
RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY  
INTEREST ACT-2002.**

This application u/s 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of securities Interest Act-2002, presented before this Court for taking possession of the secured assets. Applicant has sanctioned a Loan of Rs.80,00,000/- (**Rs. Eighty Lac Only**) into the respondent. It is further contended by applicant that the Respondent failed to repay the said loan amount granted to him. However, the respondent has for the Security of said loan created equitable registered mortgage by depositing title deed of **Gala No.H-571, H Block, APMC Fruit Market, Sector 19, Vashi, Navi Mumbai, Dist.Thane 400 703** and bounded as under :-

East :-	NIL
West :-	NIL
North :-	NIL
South :-	NIL

It is contended further by the Applicant that the Respondent has committed default and therefore his loan account is classified and transferred to Non Performing Asset, (N.P.A.). The Outstanding amount is **Rs.90,22,219/- (Rs. Ninety Lac Twenty Two Thousand Two Hundred Nineteen Only)** Therefore, the applicant initiated the proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of securities Act-2002, and issued Demand Notice u/sec. 13(2) of SARFAESI ACT 2002 on **28.02.2017**. Despite of this notice the Respondent failed to repay the outstanding amount within stipulated time therefore the present applicant has filed the present Application u/sec.14 of SARFAESI Act -2002 for the possession of the secured property.

I have gone through the papers on the record such as Application, copies of Notice, Acknowledgment receipt & Deed etc. It appears to me that the Applicant has filed the present Application u/sec.14 of SARFAESI Act -2002 for the possession of the secured property.

Act was issued to the respondent which is duly served but respondent failed to comply with the notice, So far as section 14 of SARFAESI Act is concerned District Magistrate's Court has jurisdiction to entertain the application. Therefore, considering the documents on records, submission of the applicant, it is proper to pass the following Order.

**ORDER**

Application is allowed. **Tahsildar Thane** is hereby appointed to take possession of the secured assets viz. of **Gala No.H-571, H Block, APMC Fruit Market, Sector 19, Vashi, Navi Mumbai, Dist.Thane 400 703** and to take further steps in the matter. After taking possession of the above said property and the documents relating there to from the respondent, **Tahsildar Thane** shall prepare inventory of the articles in the property therein and handover the articles to the Authorised Officer of the applicant along with possession of secured Assets.

In case if the respondents failed to handover peaceful possession of the secured assets within in stipulated period or any other person found in possession of the secured assets, the **Tahsildar Thane** is permitted to take the legal steps as well as to take the assistance of the concerned Police Station, for taking possession of the property i.e. secured assets.



*(Signature)*  
(Rajesh J. Narvekar) IAS  
District Magistrate, Thane

Place: Thane

Dated :- 04/10/2018

Copy forwarded to **Tahsildar Thane** for necessary action and report.



**MRS. N. R. PRABHUSALGAONKAR**  
B. A. (Spl.), LL.M., C.A.I.L.B.

**MOB: 8454847482**

**RES: 25430631**

**ADVOCATE, HIGH COURT**

**OFF: 6, DNS Towers, Kelkar Compound, Court Naka, Thane (W) 400 601.**  
**RES: F-3/501 & 504, Rutu Park, Nr. Vrindavan Soc., Thane (W) 400 601.**

The Branch Manager,  
Dena Bank,  
VASHI Branch,  
Navi Mumbai

Date: 12/02/2015

### **OPINION ON THE TITLE OF PROPERTY**

#### **1. FULL DESCRIPTION OF THE PROPERTY TO BE MORTGAGED:**

- Name of the Owner/Seller(s) : Mr. Sayed Abdul Rafique
- Name/s of the Purchaser/s : Mr. Salman Abdul M. Topala
- Address of the Property Investigated : Gala No. H-571,  
A.P.M.C. Fruit Market,  
Sector-19, Turbhe,  
Vashi, Navi Mumbai.
- Area ( in sq.ft.) : 450 Sq. Ft.
- Any Land Mark : None specific
2. Name of the Person in whose Name Bills are raised : -
3. Date of Visit to Sub-Registrar and Name in whose Office search taken : 06/02/2015 - Sub Reg., Thane-3  
-“- Thane-1, 2 & 5  
(Three Offices)
4. Receipt No. and Amount (Original Receipt to be enclosed) : No. 2085/2015 – Rs.750/-  
(Original Receipt enclosed)
5. Period for which record Searched. : 1986 to 2015

6. List with details of title Deeds scrutinized by the Advocate.

- a) Original Agreement for Sale dated 04/03/2012 executed between Mr. Sayed A. Rafique and Mr. Salman N. M. Topala.
- b) Original Registration Receipt No. TNN3/1783/2013 dated 04/03/2013.
- c) General Power of Attorney dated 04/03/2013 executed between Mr. Sayed A. Rafique and Mr. Salman N. M. Topala.
- e) Deed of Assignment dated 20/09/2013 executed between Mr. Sayed A. Rafique and Mr. Salman N. M. Topala.
- f) Registration Receipt No. TNN1 /7879/2013 dated 20/09/2013.
- g) Indenture of Agreement to sub-lease dated 09/11/2000 executed between Agricultural Produce Market Committee and Rafique & Company.
- h) Allotment Letter bearing No. APMC/DEV/248/98 dated 26/10/1998.
- i) Typical Plan of Fruit Market.

7. Source and history of title:

From the documents submitted before me it appears that **MR. SAYED ABDUL RAFIQUE, PROPRIETOR OF M/S. RAFIQUE & COMPANY** was absolutely seized and possessed of or otherwise will and sufficiently entitled to all right, title and interest in respect of **Gala No. H-**

**571 in Block 'H', A.P.M.C. Fruit Market, Sector-19, Turbhe-Vashi, Navi Mumbai** admeasuring 42.00 Sq. Mtrs. i.e. 450 Sq. Ft. consisting of 300 Sq. Ft. or thereabout on Ground Floor and 150 Sq. Ft. on the First Floor of the Building lying, being and situate on Plot of land bearing Sector-19, Turbhe-Vashi, Navi Mumbai, Taluka and District Thane.

MR. SAYED ABDUL RAFIQUE, PROPRIETOR OF M/S. RAFIQUE & COMPANY was registered member of the said Committee and had applied for a Gala in the Fruit Market Premises and APMC had allotted the said **Gala No. H-571 in Block 'H', A.P.M.C. Fruit Market, Sector-19, Turbhe-Vashi, Navi Mumbai** admeasuring 42.00 Sq. Mtrs. i.e. 450 Sq. Ft. consisting of 300 Sq. Ft. or thereabout on Ground Floor and 150 Sq. Ft. on the First Floor of the Building lying, being and situate on Plot of land bearing Sector-19, Turbhe-Vashi, Navi Mumbai, Taluka and District Thane vide their Allotment Letter bearing No. APMC/DEV/248/98 dated 26/10/1998.

MR. SAYED ABDUL RAFIQUE, PROPRIETOR OF M/S. RAFIQUE & COMPANY had acquired the said Gala under Sub-Lease executed on 09/11/2000 and registered under Sr. No. 1302/2000 with the Sub-Registrar of Assurances, Vashi, Thane-3, Navi Mumbai by and between APMC Market of the One Part and the MR. SAYED ABDUL RAFIQUE being the Sub-Lessee of the Other Part and all the licences, permits, deeds and documents in respect of said Gala stand in the name of MR. SAYED ABDUL RAFIQUE and he has continued to carry on the business in the name and style of MR. SAYED ABDUL RAFIQUE, PROPRIETOR OF M/S. RAFIQUE & COMPANY under the valid licence issued by APMC. That the said Gala is his self-acquired property.

By Registered Agreement for Sale dated 04/03/2013 executed between Mr. Sayed A. Rafique and Mr. Salman N. A. Topala, the said **Gala No. H-571 in Block 'H', A.P.M.C. Fruit Market, Sector-19, Turbhe-Vashi, Navi**

**Mumbai** admeasuring 42.00 Sq. Mtrs. i.e. 450 Sq. Ft. consisting of 300 Sq. Ft. or thereabout on Ground Floor and 150 Sq. Ft. on the First Floor of the Building lying, being and situate on Plot of land bearing Sector-19, Turbhe-Vashi, Navi Mumbai, Taluka and District Thane has been sold to Mr. Salman Noor Mohammed Topala.

The search taken in respect of the above **Gala** does not disclose any defect in the title of the said Original Assignor with respect to the said **Gala**.

8. Whether any permission of  
of any Authority or person is : From the A.P.M.C. Fruit Market  
required to be obtained before  
creation of mortgage, if so, give  
complete details, if any.
9. Whether construction (if any) is in : Construction is in accordance with  
accordance with the approve plan? the approved plan.  
If not, mention the details of  
deviation and its effects.
10. Whether original prior title deeds/  
original previous title deeds have : Original prior title deeds/original  
been perused and are being made : prior title deeds have been perused  
available to the bank, If not : and are being made available to  
justification for non-submission of : the bank.  
original prior title deeds/ original  
previous title deeds be given.
11. Comments : Whether Equitable : Yes  
Mortgage can be created.
- (a) If no, give reasons : N.A.
- (b) If yes, the documents to be : a) Original Agreement for Sale  
taken by the branch and the : dated 04/03/2013 between  
Stamp Duty payable, if any : Mr. Sayed A. Rafique and  
Deeds scrutinized by the : Mr. Salman N. M. Topala..  
Advocate.





- b) Original Registration Receipt  
No. TNN3/1783/2013 dated  
04/03/2013.
- c) General Power of Attorney dated  
04/03/2013 executed between  
Mr. Sayed A. Rafique and Mr.  
Salman N. M. Topala.
- e) Deed of Assignment dated  
20/09/2013 executed between  
Mr. Sayed A. Rafique and Mr.  
Salman N. M. Topala.
- f) Registration Receipt No. TNN1  
/7879/2013 dated 20/09/2013.
- g) Indenture of Agreement to sub-  
lease dated 09/11/2000 executed  
between Agricultural Produce  
Market Committee and Rafique &  
Company.
- h) Allotment Letter bearing No.  
APMC/DEV/248/98 dated  
26/10/1998.
- i) Typical Plan of Fruit Market.
- j) "No Objection" from A.P.M.C.  
Fruit Market for mortgaging the  
said Gala with the Bank along  
with Undertaking stating that no  
lien is created on the said Plot of  
land/Gala and they would mark  
lien of Bank in their records.
- k) Search Report

12. Any safeguard to be observed : None specific.  
by the Bank.

13. Based on the search of Public Records of property in question made by me, I hereby certify that title of the seller/borrower is clear, marketable and free from all encumbrances and is valid and enforceable in the Courts of Law.

14. It is also certified that certified true copy of the document has been obtained from the Sub-Registrar and the same has been verified with the original document submitted to the bank and found to be genuine and that there are no variances between the document submitted to the Bank and document obtained from the Sub-Registrar.

Place : Thane  
Date : 12/02/2015

  
( N. R. PRABHUSALGAONKAR )  
ADVOCATE.

Encl. : Search Report