

392 Ga (Auraiya)

1.	Name of the Branch / Business Unit/Office seeking opinion	Assistant General Manager, AMT-1, State Bank of India, Branch- Overseas, Kanpur
	Name of the Borrower	Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi
2.	a)Name of the unit / concern / company / person offering the property(ies) as security b)Constitution of the unit/concern/person/body /authority offering the property for creation of charge c)State as to under what capacity is security offered (whether as joint applicant or borrower or as guarantor etc.)	Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi Individual Borrower
3	Complete or full description of the immovable property/(ies) offered as security including the following details	Arazi No. 392 Ga situated at Mauja Paigamberpur Auraia admeasuring 0.768 Hectare
A	Survey No.	Arazi No. 392 Ga situated at Mauja Paigamberpur Auraia
B	Door/House No.(in case of house property)	Arazi No. 392 Ga situated at Mauja Paigamberpur Auraia
C	Extent/area including plinth/built up area in case of house property	0.678 Hectare
D	Locations like name of the place, village, city, registration, sub-district etc Boundaries	Arazi No. 392 Ga situated at Mauja Paigamberpur Auraia
E	Boundaries	North by:Field no. 351,354 South by: Field No. 393 East by:Road Auraia Khanpur by pass West by: Field no. 388,394
4.	Particulars of the	Sale deed dated 07.06.2007 executed in favour



Sajjan Singh Tomar
Advocate

Office Chamber No. S-1 (2nd Floor) New
Chambers Civil Court Compound, Kanpur
Mobile – 9415735701, 8948441199

documents scrutinized serially and chronologically	of Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi

SL No	Date	Name/Nature of the Document	Original or certified copy	In case of copies, whether the original was scrutinized
1.	07.06.2007	Sale deed	Original	Yes
5	Whether certified copy of all title documents are obtained from the relevant sub-registrar office and compared with the documents made available by the proposed mortgagor?		No	
6A	Whether the records of registrar office or revenue authorities relevant to the property in question are available for verification through any online portal or computer system?		No	
B	If such online record is available, whether any verification or cross checking is made and the comments/findings in this regard.		No	
C	Whether the genuineness of the stamp paper is possible to be got verified from any online portal and if so whether such verification was made?		No	
7A	Property offered as security falls within the jurisdiction of which sub-registrar office?		Sub-Registrar, Auraia	
B	Whether it is possible to have registration of documents in respect of the property in question, at more than one office of sub-registrar/district registrar/registrar-general, if so, please name all such		No	



	offices?	
8	Chain of title tracing title from the oldest title deed to the latest title deed establishing title of the property in question from the predecessors in title/interest to the current title holder. And wherever Minor's interest or other clog on title is involved, search should be made for a further period, depending on the need for clearance of such clog on the Title?	As per Annexure-A enclosed.
9.	Nature of title of intended mortgagor over the property (whether full ownership rights, Leasehold Right, Occupancy/ Possessory Rights or Inam Holder or Government Grantee/ Allottee etc.)	Free Hold Rights
10.	<p>If leasehold, whether</p> <p>a)lease deed is duly stamped and registered</p> <p>b)lessee is permitted to mortgage the Leasehold right,</p> <p>c)duration of the Lease/unexpired period of lease,</p> <p>d)if, a sub-lease, check the lease deed in favour of Lessee as to whether Lease deed permits sub-leasing and mortgage by Sub-Lessee also.</p> <p>e)Whether the leasehold rights permits for the creation of any superstructure (if</p>	<p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Yes</p>



	applicable)?	
11.	If Govt. grant/allotment/Lease cum Sale Agreement, whether : a) grant / agreement etc. provides for alienable rights to the mortgagor with or without conditions b) the mortgagor is competent to create charge on such property.	Not Applicable Not Applicable
12.	If occupancy right, whether a) Such right is heritable and transferable b) Mortgage can be created.	Not Applicable
13	Nature of Minor's interest, if any and if so, whether creation of mortgage could be possible-the modalities/procedure to be followed including court permission to be obtained and the reasons for coming to such conclusion.	No minor interest.
14	If the property has been transferred by way of Gift/Settlement Deed, whether	No
A	The Gift/Settlement Deed is duly stamped and registered;	Not Applicable
B	The Gift/Settlement Deed has been attested by two witnesses;	Not Applicable
C	The Gift/Settlement Deed transfers the property to Donee;	Not Applicable
D	Whether the Donee has accepted the gift by signing the Gift/Settlement Deed or by a separated writing or	Not Applicable



	by implication or by actions;	
E	Whether there is any restriction on the Donor in executing the gift/settlement deed in question;	Not Applicable
F	Whether the Donee is in possession of the gifted property;	Not Applicable
G	Whether any life interest is reserved for the Donor or any other person and whether there is a need for any other person to join the creation of mortgage;	Not Applicable
H	Any other aspect affecting the validity of the title passed through the gift/settlement deed.	Not Applicable
15	<p>a) In case of partition / settlement deeds, whether the original deed is available for deposit. If not the modality/procedure to be followed to create a valid and enforceable mortgage.</p> <p>b) Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.</p> <p>c) Whether the partition made is valid in law and the mortgagor has acquired a mortgagable title thereon.</p> <p>d) In respect of partition by a decree of court, whether such decree has become final and all other conditions/formalities are completed/complied with.</p> <p>e) Whether any of the documents in question are</p>	<p>Not Applicable</p> <p>Yes</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>



	executed in counterparts or in more than one set? If so, additional precautions to be taken for avoiding multiple mortgages?	
16	Whether the title documents include any testamentary documents /WILLS	Not Applicable.
A	In case of WILLS, whether the it is registered or unregistered	
B	Whether WILL in the matter needs a mandatory probate and if so whether the same is probated by a competent court;	Not Applicable.
	Whether the property is mutated on the basis of WILL	Not Applicable
D	Whether the original WILL is available;	Not Applicable
E	Whether the original death certificate of the testator is available?	Not Applicable
F	What are the circumstances and/or documents to establish the will in question is the last and final will of the testator?	Not Applicable
17A	Whether the property is subject to any wakf rights?	No
B	Whether the property belongs to church/temple or any religious/other institutions having any restriction in creation of charges on such properties?	Not Applicable
C	Precautions/permission if any in respect of the above cases for creation of mortgage?	Not Applicable
18	Where the property is a HUF/joint family	Not Applicable



	property, mortgage is created for family benefit/legal necessity, whether the Major Coparceners have no objection/join in execution, minor's share if any, rights of female members etc.	
19A	Whether the property belongs to any trust or is subject to the rights of any trust?	No
B	Whether the trust is a private or public trust and whether trust deed specifically authorizes the mortgage of the property?	Not Applicable
C	If so additional precautions / permissions to be obtained for creation of valid mortgage?	Not Applicable
D	Requirements, if any for creation of mortgage as per the central/state laws applicable to the trust in the matter	Not Applicable
20A	If the property is Agricultural Land, whether the local laws permit mortgage of Agricultural Land and whether there are any restrictions for creation/enforcement of mortgage.	Yes Conversion U/s 143 Agricultural to residential is required
B	In case of agricultural property other relevant records/documents as per local laws, if any are to be verified to ensure the validity of the title and right to enforce the mortgage?	Conversion U/s 143 Agricultural to residential is required
C	In the case of conversion of Agricultural Land for commercial purpose or otherwise, whether requisite procedure followed/permission	Conversion U/s 143 Agricultural to residential is required



	obtained.	
21	Whether the property is affected by any local laws or other regulations having a bearing on the creation security (viz Agricultural Laws, weaker sections, minorities, Land Laws SEZ regulations, Costal Zone Regulations, Environmental Clearance, etc.)	Not Applicable
22A	Whether the property is subject to any pending or proposed land acquisition proceedings?	No
B	Whether any search/enquiry is made with the Land Acquisition Office and the outcome of such search/enquiry.	Not Applicable
23A	Whether the property is involved in or subject matter of any litigation which is pending or concluded?	Not Applicable
B	If so, whether such litigation would adversely affect the creation of valid mortgage or have implication of its future enforcement?	Not Applicable
C	Whether the title documents have any court seal / marking which points out of any litigation / attachment / security to court in respect of the property in question? In such case please comment on such seal/marking.	No
24A	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not Applicable
B	Property belonging to partners, whether thrown on hotchpot? Whether	Not Applicable



	formalities for the same have been completed as per applicable Laws?	
C	Whether the persons(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	Not Applicable
25	Whether the property belongs to a Limited Company, check the borrowing powers, BOD resolution, Authorization to create mortgage/execution of documents, Registration of any prior charges with the Company Registrar (ROC), Articles of Association / provision for common seal etc.	Not Applicable
26	In case of Societies, Association, the required authority/power to borrower and whether the mortgage can be created, and the requisite resolutions, bye-laws	Not Applicable
27A	Whether any POA is involved in the chain of title?	No
B	Whether the POA involved is one coupled with interest, i.e. a Development Agreement-cum-Power of Attorney, If so, please clarify whether the same is a registered document and hence it has created an interest in favour of the builder/developer and as such is irrevocable as per law.	Not Applicable
C	In case the title document is executed by the POA involved is (i)one executed by the Builders viz. Companies/Firms/Individ	Not Applicable



	ual or Proprietary Concerns in favour of their Partners/Employees/Authorized Representatives to sign Flat Allotment Letters, NOCs, Agreements of Sale, Sale Deeds etc. in favour of buyers of flats/units (Builder's POA) OR (ii) other type of POA (Common POA).	
D	In case of Builder's POA, whether a certified copy of POA is available and the same has been verified/compared with the original POA.	Not Applicable
E	In case of Common POA (i.e. POA other than Builder's POA), please verify the following clauses in respect of POA.	Not Applicable
	i)Whether the original POA is verified and the title investigation is done on the basis of original POA?	Not Applicable
	ii)Whether the POA is a registered one?	Not Applicable
	iii)Whether the POA is a special or general one?	Not Applicable
	iv)Whether the POA contains a specific authority for execution of title document in question?	Not Applicable
F	Whether the POA was in force and not revoked or had become invalid on the date of execution of the document in question? (Please verify whether the same has been ascertained from the office of sub-registrar also?).	Not Applicable



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G	Please comment on the genuineness of POA?	Not Applicable
H	The unequivocal opinion on the enforceability and validity of the POA?	Not Applicable
28.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed/stamped/authenticated in terms of the Law of the place, where it is executed.	Not Applicable
29	If the property is a flat/apartment or residential /commercial complex, check and comment on the following;	Not Applicable
A	Promoter's / Land Owner's title to the land/building	Not Applicable
B	Development Agreement/Power of Attorney	Not Applicable
C	Extent of authority of the Developer/builder	Not Applicable
D	Independent title verification of the Land and/or building in question	Not Applicable
E	Agreement for Sale (duly registered)	Not Applicable
F	Payment of proper stamp duty	Not Applicable
G	Requirement of registration of sale agreement, development agreement, POA. etc.	Not Applicable
H	Approval of building plan, permission of appropriate /local authority, etc.	Not Applicable
I	Conveyance in favour of Society / Condominium concerned	Not Applicable



J	Occupancy Certificate/Allotment Letter/Letter of Possession;	Not Applicable
K	Membership details in the society etc;	Not Applicable
L	Share Certificates;	Not Applicable
M	No Objection Letter from the Society;	Not Applicable
N	All legal requirements under the local/Municipal Laws, regarding ownership offlats/Apartments/Building Regulations, Development Control Regulations etc;	Not Applicable
	Requirements, for noting the Bank charges on the records of the Housing Society, if any;	Not Applicable
P	If the property is a vacant land and constructions is yet to be made, approval of lay-out and other precautions, if any;	Not Applicable
Q	Whether the numbering pattern of the units/flats tally in all documents such as approved plan, agreement plan, etc.	Not Applicable
30	Encumbrances, Attachments, and /or claims whether of Govt. Central or State or other Local authorities or Third Party claims, Liens etc. and details thereof.	No registered lien, charge or encumbrance was found on verification of records at the office of Sub-Registrar, Auraia
31	The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfied of charge, if any.	1988 to 2018
32.	Details regarding property tax or land revenue or other statutory dues paid/ payable as on date and if	Not Applicable



	not paid, what remedy?	
33.	a. Urban Land ceiling clearance, whether required and if so, details thereon b. Whether No Objection Certificate under the Income Tax Act is required/obtained.	Not Applicable
34.	Details of RTC extracts/ mutation extracts, Khata extracts pertaining to the property in question.	Not Applicable
35	Whether the name of mortgagor is reflected as owner in the revenue/Municipal/Village records?	Yes
36	a)Whether the property offered as security is clearly demarcated? b)Whether the demarcation/partition of the property is legally valid? c)Whether the property has clear access as per documents?	Yes Yes Yes
37	Whether the property can be identified from the following documents, and discrepancy/doubtful circumstances, if any revealed on such scrutiny? a)Document in relation to electricity connection; b)Document in relation to water connection; c)Document in relation to Sales Tax Registration, if any applicable; d)Other utility bills, if any.	The required documents were not available for inspection.



38	In respect of the boundaries of the property, whether there is a difference/discrepancy in any of the title documents or any other documents (such as valuation report, utility bills, etc.) or the actual current boundary? If so please elaborate/comment on the same.	No
39	If the Valuation report and/or approved/sanctioned plans are made available, please comment on the same including the comments on the description and boundaries of the property on the said document and that in the title deeds. (If the Valuation report and/or approved plan are not available at the time of preparation of TIR, please provide these comments subsequently, on making the same available to the advocate.)	The valuation report was not available for inspection.
40.	Any bar/ restriction for creation of mortgage under any local or special enactment's details of proper registration of documents, payment of proper stamp duty etc.	No Legal restriction but the borrower is required to comply with the conditions mentioned in the report.
41	Whether the Bank will be able to enforce SARFAESI Act, if required against the property offered as security?	Yes
42.	In case of absence of original title deeds, details of legal and other requirement for creation of a proper, valid and enforceable mortgage by	The prospective borrower is required to deposit the documents described at the foot of the report.



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	deposit of certified extracts duly certified etc. as also any precaution to be taken by the bank in this regard.	
43	Whether the governing law/constitutional documents of the mortgagor (other than natural persons) permits creation of mortgage and additional precautions, if any to be taken in such cases.	Not Applicable
44	Additional aspects relevant for investigation of title as per local laws.	Not required
45	Additional suggestions, if any to safeguard the interest of Bank/ensuring the perfection of security.	Not Applicable
46	The specific persons who are required to create mortgage/to deposit documents creating mortgage.	Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi

Dated : 17.05.2018

Place : Kanpur

Sajjan Singh Tomar
Advocate



Annexure-C

CERTIFICATE OF TITLE :

I have examined the original title Deeds intended to be deposited relating to the schedule property/(ies) and offered as security by way of equitable mortgage and that the documents of title referred to in the opinion are valid evidence of Right, title and interest and that if the said equitable mortgage is created, it will satisfy the requirements of creation equitable mortgage and I further certify that

2. I have examined the documents in detail, taking into account all the Guidelines in the check list vide Annexure "B" and the other relevant factors.

3. I confirm having made a search in the Land/Revenue records. I also confirm having verified and checked the records of the relevant Government Offices/Sub-Registrar(s) Office(s), Revenue Records, Municipal/Panchayat Office, Land Acquisition Office, Registrar of companies office, Wakf Board (wherever applicable). I do not find anything adverse which would prevent the Title Holders from creating a valid mortgage. I am liable / responsible , if any loss is caused to the bank due to negligence on my part or by my agent in making search.

4. Following scrutiny of Land Records / Revenue Records, relative Title Deeds and copies of such title deeds obtained from the concerned registrar office and encumbrance certificate(EC). I hereby certify the genuineness of the title deeds. Suspicious/ Doubt , if any, has been clarified by making necessary enquiries.

5. There are no prior mortgage / charges / encumbrances whatsoever, as could be seen from the Encumbrance Certificate for the period from 1988 to 2018 pertaining to the immovable property(ies) covered by above said Title Deeds. The property is free from all encumbrances.

6. In case of second/ subsequent charge in favour of the bank, there are no other mortgages/ charges other than already stated in the Loan documents and agreed to by the Mortgagor and the Bank.

7. Minor/(s) and his/their interest in the property(ies) is to the extent of -----

8. The mortgage created, is available to the bank for the liability of the borrower-
Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi

The documents required for creation of mortgage are as under:-

1- Original Sale deed dated 07.06.2007 executed by Mahesh Dutt Pathak in favoure of Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi duly registered in the office of Sub-Registrar Auraia in book no. 1 Khand 1519 Pages 321/342 at serial No. 2203 dated 07.06.2007 in favor of Mohd Saleem Quareshi

2-Mutation/Latest Khatauni in the name of Smt. Shaheen Quareshi W/o Mohd Saleem Quareshi



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3- Conversion U/s 143 Agricultural to residential is required.

There are no legal impediments for creation of the mortgage under any applicable Law/Rules in force.

SCHEDULE OF THE PROPERTY :

**Arazi No. 392 Ga situated at Mauja Paigamberpur Auraia admeasuring 0.768
Hectare Square meter Square meter**

Bounded on -

North by:Field no. 351,354

South by: Field No. 393

East by:Road Auraia Khanpur by pass

West by: Field no. 388,394

5. I certify that **Smt. Shaheen Qureshi W/o Mohd Saleem Quareshi** has an absolute, clear and marketable title over the scheduled property. I further certify that the title deeds described are genuine and a valid mortgage can be created and the said mortgage will be enforceable.

Place : Kanpur
Dated :17.05.2018

Sajjan Singh Tomar
Advocate

