

no- 43

Geeta Mehta

Advocate

Office: Chamber No. 53
First Floor Hall, Opp. Bar Association
District Court, Dehradun.
Mob.: 9410776142

Ref. No.

Date : 06-09-2021

To,

The Branch Manager,
NAINITAL BANK LIMITED,
Haridwar Road Branch
Dehradun

Dear Sir,

With reference to your letter dated, I submit my Legal Scrutiny Report as hereunder-

1. **Name and Address of the Title Holder (s) :** - Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh R/o Pulyanshu Via Dwari Khal, Pauri Garhwal, presently residing at Ekta Enclave, Nehru Colony, Dehradun
2. **Name and Address of the Mortgagor (s) :** - Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh R/o Pulyanshu Via Dwari Khal, Pauri Garhwal, presently residing at Ekta Enclave, Nehru Colony, Dehradun
3. **Details & Description of the Documents scrutinized:**

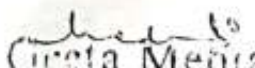
S.N.	Date Document	Nature of document	Whether Original/ Certified/True Copy/Photostat Copy	Description of Registration
1	20-02-1995	Sale Deed	Copy	Sr. No. 318 on dated 20-02-1995
2	Copy of khatauni of Khata No. 736 (Fasli year 1417-1422) of Mauza Natthanpur			

4. **Details/Description of the Property/Properties:**

Plot/s No	Survey No., Plot No., Site No.	Is/ area of Land / Building in Sq. Mtrs. / Sq. Yards. Other measurements	Location/ Pargana / Tehsil- Sub-District/ District. / P.S	Boundary/ ies
All that Property/land described in khatauni of Khata No. 736 (Fasli year 1417-1422) bearing Khasra no. 786 Chha having land area 384 Sq. Mtrs. Situated at Mauza Natthanpur, Pargana Parwa Doon, Tehsil Sadar, Distt. Dehradun.			North: Property of Sh. Samar Sain South: 18 Ft. wide Road(Common Passage) East : Property of Meenakshi Rawat West: Property of Seller	

3. Brief history and How the owner has acquired / derived the Title in Land i.e. By Purchase / Through Succession/

That the present owner Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh purchased the above property from Shri Akshar


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S. No. 10, 11A-5208/02

	<p>Singh S/o Shri Amar Singh through his Attorney Holder Shri Mukesh Chhetri S/o Shri Tej Bahadur Chhetri vide Sale deed dated 20-02-1995 which is duly registered in the office of Sub-Registrar, Dehradun in book no. 1 Vol. 4 Page 328 A.D.F.B.No. 1 Vol. 320 Page 21 to 37 at Sr. no. 318 on dated 20-02-1995 and the name of present owner is inserted in the revenue records and at present going on as main khatedar as per khatauni of Khata No. 736 (Fasli year 1417-1422) of Mauza Natthanpur.</p> <p>That the present owner Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh has clear, absolute, marketable and transferable rights and title over the aforesaid property.</p> <p><i>Other relevant chain of title described in the main NEC issued by Mr. K.P. Joshi dated 20-11-2017.</i></p>
4.1 Whether Chain of Title of Owner is Complete, If So How?	In this regard NEC issued by Panel Advocate earlier which is in the file of above loan account
5. Search and Investigation	This Supplementary N.E.C. is being issued in continuance to the main NEC issued by Panel Advocate in year 2017 regarding the verification of title, one account of below mentioned property. I have inspected the concerned record in the office of Sub-Registrar Dehradun for further period from 20-11-2017 to till dated 06-09-2021.
5.1. The persons who is present owner/s of the property.	Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh R/o Pulyanshu Via Dwari Khal, Pauri Garhwal, presently residing at Ekta Enclave, Nehru Colony, Dehradun
5.2 Whether the Owner of Property has absolute, clear and marketable Title over the property proposed to be Mortgaged and can create to valid Mortgage on the property.	Yes, the Present Owner has absolute, clear and marketable Title over the property proposed to be Mortgaged and the present owner is eligible to Mortgage the property.
5.3 (a) What is the nature of Title of the owner i.e. tenancy right, full ownership, occupancy right, possessory right, minor's right or any other type of right? CLARIFY	Full Ownership
b Leasehold immovable property	No
5.4 Whether there is any restriction / Prohibition under personal laws of the owner/ mortgagor to hold the property under the Title Deed/s through which he has derived the Title	No
5.6 Whether the Building Tax/ Land Revenue has been paid, upto date	Yes
5.7 Whether any dues recoverable as Land Revenue has been paid, upto date	No
5.8 In case the facility is sought for construction	The Property situated within the limits of Nagar

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purpose- Whether the Land has been converted under the Land Revenue laws ? If not required to be converted, give reasons	Nigam, Dehradun and is residential hence there is no need to convert the land.
5.9 Whether the permission under the Urban Land (ceiling and Regulation) Act, 1976 is necessary or not	Not required
5.10 Is there any other special enactments like Land Acquisition Act and other State Legislations/Provisions of which is/ are applicable to the property/ies and affecting the Title	N.A.
5.11 (a) Is/ are the property/ies free from encumbrances	As per above documents and as per search /inspection made, by me, the property is free from all type of encumbrances EXCEPT ALREADY MORTGAGE IN NAINITAL BANK HARIDWAR ROAD BRANCH DEHRADUN.
(b) Please give details account of creation of charge/Mortgage or redemptions for minimum period of 30 years and also state the subsisting charge /Mortgage if any, mentioned in the encumbrance certificate for the last 13 years in case of Priority sector advance and for the last 30 years in all other cases	THE PROPERTY IS ALREADY MORTGAGE IN NAINITAL BANK HARIDWAR ROAD BRANCH DEHRADUN.
5.12 Whether the proposed Mortgage by deposit of Title Deed/s is possible? If so, what is/ are the documents to be deposited? If deposit is not possible, can there be a simple Mortgage or by a Registered Mortgage or by any other mode of Mortgage	<p>THE PROPERTY IS ALREADY MORTGAGE IN NAINITAL BANK HARIDWAR ROAD BRANCH DEHRADUN and Equitable Mortgage can be create after depositing the following documents / title deeds :-</p> <ol style="list-style-type: none"> 1. Original Sale deed dated 20-02-1995 which is duly registered in the office of Sub-Registrar, Dehradun in book no. 1 Vol. 4 Page 328 A.D.F.B.No. 1 Vol. 320 Page 21 to 37 at Sr. no. 318 on dated 20-02-1995 executed in favour of Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh 2. Copy of khatauni of Khata No. 736 (Fasli year 1417-1422) of Mauza Nathanpur. <p>Other relevant documents described in the main NEC issued by Mr. K.P. Joshi dated 20-11-2017</p>
5.13 Whether the property/ies is / are free hold or leasehold or self occupied or tenanted? If tenanted whether the property/ies can be taken as Mortgage and what precautions to be taken	The Property is free hold property and can be taken as Mortgage.
5.14 If owner is a company, Partnership firm, Trust, Temple, Wakf or other legal persons, how the Title is affected by its Memorandum and Articles of Association, Partnership deed, Trust deed or rules or bye-laws and what is/ are the precautions to be taken under rules or bye-laws and also how the right to create Mortgage is	NA

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affected by Hindu Religious and Endowments Laws and/or Wakf Deed or Wakf Act, as the case may be	
5.15 If property/ies to be Mortgaged is/ are flat/apartment in residential or commercial complex, how far independent Title is ensured and how the; enjoyment of common is/ areas and facilities is/ are ensured to the owner (Mortgagor) what is/ are the documents of Title available for creating Mortgage? Documents records to be taken from builder/owners and their Bankers	NA
5.16 Flats owned/ controlled by societies – Special requirements to be taken if society refuses to note Bank lien/interest	NA
5.17 Please state the names of the persons who should join in the creation of Mortgage of the property/ies either by deposit of Title Deed/s or by registered Mortgage, etc	Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh R/o Pulyanshu Via Dwari Khal, Pauri Garhwal, presently residing at Ekta Enclave, Nehru Colony, Dehradun
5.18 Any additional documents/ precautions required to be taken	No
5.19. Investigation under Income Tax Act 1961	Bank Should investigate the same itself.
6 Search in respect of companies registered under the companies Act. 1956- (i) Search in respect of companies registered under the Companies Act, 1956. (Please search the index and the register of charges/file or folder containing Form 8 and 13) and provide information on charges subsisting on the property and undertaking of the company, and the brief particulars of the documents creating the charge. (ii) The date/s of creation, nature (Mortgage/ Hypothecation etc. whether first/second or Paripasu charge) and the extent (i.e. the amount (covered) of each charge (iii) The specific property/ ies on which any charge subsists. (iv) Search in respect of companies registered under the Companies Act, 1956. (Please search the index and the register of charges/file or folder containing Form 8 and 13) and provide information on charges subsisting on the property and undertaking of the company, and the brief particulars of the documents creating the charge. (v) The date/s of creation, nature (Mortgage/ Hypothecation etc. whether first/second or Paripasu charge) and the extent (i.e. the amount (covered) of each charge (vi) The specific property/ies on which any charge subsists. (vii) The particulars for each charges Holder. (viii) Modifications (if any) in each charge and the dates there of (ix) Satisfaction of charge, if any, recorded	NA

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give details thereof

(x) Whether any Receiver or Manager of the company has been appointed under section 137 of the Companies Act 1956 and

(xi) Whether any debentures have been issued by the company and the nature and value of the charge securing them as well as the details the property/ies on which such charge has been created. Please obtain certified copies of the relevant documents, also please investigate whether any, Form 8/13 alongwith the relevant documents have been received in the ROC's office which is pending for registration. If so, full particulars thereof should be proved. Further, please verify whether any application is pending with the ROC seeking his Condonation of delay for delay for filing the charges

CERTIFICATE:

I have scrutinized the Title Deed/s intended to be deposited relating to the property/ies to be offered as security by way of equitable Mortgage/registered Mortgage etc., and that the documents of Title referred to above is/ are perfect evidence of Title and that if the said documents is/ are deposited and equitable Mortgage/registered Mortgage etc., is created in the manner required by law, it will satisfy the requirements of creation of equitable Mortgage/registered Mortgage etc. and I further certify that :-

There is/ are not prior Mortgages/charges whatsoever as could be seen from the encumbrance record for the period from 20-11-2017 to 06-09-2021 pertaining to the immovable property/ies covered by the said Sale Deed EXCEPT THE CHARGE OF NAINITAL BANK HARIDWAR ROAD BRANCH, DEHRADUN.

There is/ are prior Mortgages/charges to the extent of which is liable to be cleared or satisfied by complying with the following;

THE PROPERTY IS ALREADY MORTGAGE IN NAINITAL BANK HARIDWAR ROAD BRANCH, DEHRADUN,

The Mortgage if created will be perfect and available to the Bank for the liability of the intending borrower, Shri Chandra Mohan Singh Negi S/o Shri Girdhari Singh R/o Pulyanshu Via Dwari Khal, Pauri Garhwal, presently residing at Ekta Enclave, Nehru Colony, Dehradun has a valid, clear and marketable Title to the property shown above.

THE PROPERTY IS GOVERNED UNDER SARFAESI ACT 2002.

Place: Dehradun
Date- 06-09-2021

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Advocate
Reg. No. A/2008/08

Enclosures :-

1. Copy of Search Receipt issued by Sub-Registrar Dehradun.
2. Copy of NEC issued by Mr. K.P. Joshi dated 20-11-2017