

A. K. JAIN
ADVOCATE

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LEGAL SCRUTINY REPORT

To:
The Branch Manager,
Vijaya Bank
Mazra
Dehradun

Dated 13.03.2018

Dear Sir,

With reference to your letter No. dated , I submit my scrutiny report as hereunder:-

**1. Name & Address of Mortgagor/
Title holder** :

Mr. Narendra kumar Jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun.

2. Details / Description of document scrutinized:

Sl. No	Docume nt No. & Date	Name of Office of Registrar where registered	Description of Document	Name of the Executants Executed by whom and in whose favour or issued by which office	Name of Beneficiary in whose favour the document is executed	Original / certified copy
1	3305 21.06.1 995	Registered in the office of sub Registrar Dehradun at book no1Volume 03pages 19adf no 1volume 461page 83-90 serial no	Sale deed	Mr Devesh Agarwal s/o Mr Jagdish Prasad r/o 15 Sarswati Soni Marg, Lachman Chowk, Dehradun .	Narendra kumar jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun .	Original

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		3305 on 15.07.1995				
2	-	1420-1425	Khatoni	-	-	-

3. Details/description of property / properties:

S.no.	Document No. & Date	Survey No/Khata No/House No/Site No.	Extent/ Areas of Land	Location/Sub District/Distt. Village/ Municipalité,	Boundary
Nil	3305 21.06.1995	Property of land bearing khasra no 152Min (new khasra no. 187kha fasli year 1420-1425) having an area of 0.295 Acre or 1202.00 Square Meter situated at Mouza Sewla Khurd ,Paragna Central Doon District Dehradun	an area of 0.295 Acre or 1202.00 Square Meter	Mouza Sewla Khurd Paragna Central Doon, District Dehradun	North-Land of Mr Om Prakash and Mr Devesh Agarwal (Seller) South-Land of others East-Road West- Land of Gajey Singh and Mr Jaipal Singh

4. Brief History of the property and how the owner/mortgagor has derived title?

It is evident that present title holders namely Mr Narendra kumar jain s/o Mr Sumer Chand jain & Shri Rajesh kumar jain s/o Shri Narendra kumar jain both r/o village Mazra, Paragna central Doon, Tehsil Dehradun purchased the land under scrutiny Mr Devesh Agarwal s/o Mr Jagdish Prasad r/o 15 Sarswati Soni Marg, Lachman Chowk, Dehradun on Dated 21 June 1995 which is duly registered in the office of sub-registrar dehradun at

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book no1 Volume 03 pages 19 adf no 1 volume 4619 page 83-90 serial no 3305 on 15.07.1995 .

The name of the present title holder are duly recorded in the relevant khatoni of the fasli year 1420-1425.

It is further evident that aforementioned sale deed dated 21 June 1995 further states that Mr Devesh Agarwal in his turn had purchased the said land by way of two different sale deed .

By way of sale deed dated 29.11.1988 an area of 0.105 acre was purchased from one Shrimati Kartari devi and which sale deed is registered in the office of sub-registrar dehradun at book no. 1 volume 1715 page 63 adf book no. 1 vol 3262 page 391 to 392 serial no. 11479 on dated 30 Nov 1988 .

By way of registered sale deed 29.11.1988 an area of 0.19 acre was purchased from Kumari Gita Singh and which sale deed is registered in the office of sub-registered Dehradun at book no. 1 volume 2715 page 63 adf book no. 1 vol 3263 page 349 to 370 serial no. 11478 on dated 30 November 1988 .

In my opinion the chain of title is complete for a period of about 30 years. I have further perused the original immediate sale deed which is genuine and original . In my opinion the title of the present title holders is transparent and equitable mortgage in favour of the bank may be safely made by taking the title deeds as mentioned in my report and after observing the formalities as required by law.

5.00	Search and investigation	
	(a) The persons who is/are the present Owner/s of the property/ies	Mr. Narendra kumar jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun.
	(b) Whether the party has absolute, clear and marketable title over the property/ies proposed to be mortgaged & can create a valid charge on the property?	yes
	(c) What is the nature of title of the owner, i.e. tenancy right, full owner ship occupancy right, possessory right, minor's right or any other type of right? Clarify.	Full ownership
	(d) Leasehold immovable property; where the land/building/s is / are leasehold, please verify the terms of the lease(s) the name and address/es of the Lessor(s) and whether any permission / NOC from the Lessor(s) authority is	NA

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	required for transfer (such as mortgage sale, etc., of the property/ies), and unexpired period of the Lease.	
(e)	Whether there is any restriction / prohibition under personal law of the owner / mortgagor to hold the property under the title deed through which he has derived the title.	No
(f)	Whether the latest title deed and the immediately previous title deeds are available in original	Yes . Immediate title deed is available
(g)	Whether building tax/land revenue has been paid up to date	NA
(h)	Whether any dues recoverable as Land Revenues are outstanding	NA
(i)	In case the loan facility sanctioned requires the conversion of land under the land Revenue Law, if yes give the details of conversion: if not required. Give reasons	NO
(j)	Whether the land is affected by any revenue and tenancy legislations? If so, how and to what extent and the remedy, if any	NO
(k)	Whether the permission under the Urban Land (Ceiling & Regulation) Act 1976 is necessary or not?	NO
(l)	Is there any other special enactment like Land Acquisition and other State Legislations, the provisions of which are applicable to the property and affecting the title?	NO
(m)	Is the property free from encumbrance?	yes
(n)	Please give detailed account of creation of charge or redemption for a minimum period of 13 years and also state the subsisting charge, if any, mentioned in the encumbrance certificate for the last 13 years	NA
(o)	Whether equitable mortgage by deposit of title deeds is possible? If so, what are the documents to be deposited? If deposit is not possible, can there be a simple mortgage of a Registered Memorandum or any other mode of mortgage?	Yes. 1. Sale deed Dated 21 June 1995 document no. 3305 2. Sale deed dated 29.11.1988 document no. 11479 3. Sale deed dated 29.11.1988 document no.

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		11478 4. Latest khatoni of the land under scrutiny
	(p) Whether the property is freehold or lease hold or self occupied or tenanted? If tenanted, whether the property can be taken as mortgage and what precautions to be taken?	Free Hold
	(q) If owner is Company, Partnership firm, Trust, temple, Wakf or other legal person, how title is affected by its Memorandum and Articles of Association, Partnership deed or Rules of bye laws and what are the precautions to be taken under rules or bye-laws.	Title is not affected.
	(r) If property to be mortgaged is a flat /apartment, in residential or commercial complex, how far, independent title is ensured and how the enjoyment of common areas and facilities are ensured to the flat-owner (mortgagor), what are the documents / records to be taken from builders/owners/their bankers.	Not Applicable.
	(s) Flats owned /controlled by societies special requirements to be taken if society refuses to note bank lien / interest.	NO
	(t) Please state the names of the persons who should join the creation of charge / mortgage of property either by deposit of title deeds or by registered mortgage, etc.,	Narendra kumar jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun
	(u) Any additional documents required to be taken.	no
	(v) Investigation under Income Tax Act, 1961:- (Please investigate whether provisions of S-230-A and Chapter XX-C of the IT Act 1961 have been complied with and whether any acquisition proceedings under Section 222, Chapter XX-C have been initiated against the immovable property. If any acquisition proceedings are pending have been finalized, please give full details thereof along with the necessary documentary evidence.	NA

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	Please also advise whether any prior permission of the concerned Assessing Officer under Sec. 281(1) is required for any transfer (by way of sale, mortgage, gift, exchange or any other mode of transfer whatsoever) of the immovable property.	
6.00	<u>Search in respect of companies registered under the Companies Act:</u> I/We have conducted search in the index and the Register of charges/file (or folder containing forms-13) and provide information as under;	
	(a) charge subsisting on the property and undertaking of the company and the brief particulars of the documents creating the charge	NA
	(b) dates of creation, nature (mortgage / hypothecation, etc.)	NA
	(c) Whether first or second charge and the specific property/ies on which any charge exists	NA
	(d) the particulars of each charge holder	NA
	(e) modifications if any, in each charge and the dates thereof	NA
	(f) satisfaction of charge, if any, recorded during the previous six months	NA
	(g) Whether any debentures have been created by the Company and nature and value of the charge securing them as well as the details of the property on which such charge has been created. Please obtain certified copies of the relevant documents. Also please investigate whether any form 8/13 along with relevant documents have been received in the ROC's Office, which is pending registration, if so, full particulars thereof should be provided. Further, please verify whether any application is pending registration. If so, full particulars thereof should be provided. Further, please verify whether any application is pending with the Registrar of Companies seeking his condonation of delay for filing the charge.	NA
7.00	<u>Investigation in regard to Agricultural Land -</u>	
	(a) Whether land is surplus. If so, give specific details.	NA

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(b) Whether the land is under self-cultivation.	NA
(c) If and is owned in different Khatas or is under joint share, give specific share in each khata.	NA
(d) If consolidation of holdings / acquisition proceedings, etc., is in progress in the area whether transfer of land is possible under State enactments.	NA
(e) Whether any prior/hidden charge exists against the Land, Non-encumbrance should be or a period of 12 years preceding the date of this nil-encumbrance certificate.	NA
(f) Whether mutation has been completed in case of existing charges / pending charges.	NA
g) Inspection of land on the spot in regard to quality of land (such as irrigated /non-irrigated /water logged, etc.,) in order to enable the bank to determine its value. h) Whether any Government loan / Co-op. Loan, etc. have been raised against the land - details about the charges / encumbrances may be specified.	NA

C E R T I F I C A T E

- (1) I have gone through the copies of original deed and that the documents of title referred to above are perfect evidence of title and that if aforementioned deeds are deposited and equitable mortgage/simple mortgage is created in the manner required by law, it will satisfy the requirements of creation of equitable mortgage / simple mortgage. I further certify that:-
- 2) I further certify having verified the title deed submitted for legal scrutiny with the records maintained at Sub-Registrar's Office and I hereby opine that to the best of my knowledge, the copies title deed/s submitted for verification are genuine. There are no prior mortgages/charges whatsoever as could be seen from the encumbrance certificate for the period from 2005 to 2017 pertaining to the immovable property/ies covered by the above said title deeds.
- (3) There are claims from minor/s and his/their interest in the property / ies is to the extent of (specify the share of minors with names, if any).
- (4) The undivided share of the minor/s is/are NIL (Specify the share of minor/s, if any).

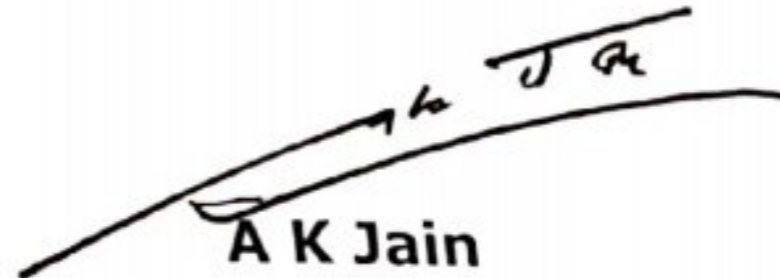
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- (5) The Property /ies is/are subject to the payment of Rs NIL(specify the liability that is fastened or could be fastened on the property/ies).
- (6) Provisions of Urban Land (Ceiling & Regulation) Act are not applicable. If applicable, whether permission obtained? NA
- (7) Holding / acquisition is in accordance with the provisions of the Reforms Act.

(1) The mortgage, if created will be perfect and available to the bank for the liability of intending borrower, Mr Mohan Singh Rana son of late Mr Khem Singh Rana house number 19, Lane Number 4, Mahima Enclave, village Kheri, Prem Nagar Dehradun.

I, hereby Certify Mr. Narendra kumar jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun, has/have a Clear, Valid and Marketable title in the properties shown above and in the flat under scrutiny and the Bank will get a valid charge if the mortgage is created in the manner

Place: Dehradun
Date: 13.03.2018


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To,
The Branch Manager
Vijaya Bank
Mazra ,
Dehradun- 248001.

Dated 13.03.2018

NON-ENCUMBRANCE CERTIFICATE

1 Name and address of the title holder :

Mr. Narendra kumar jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar Jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun .

2 Description and detail of property:

S. no .	Docu ment No. & Date	Survey No/Khata No/House No/Site No.	Exten t/ Areas of Land	Location/Su b District/Dist t. Village/ Municipality	Boundary
1	3305 21.06 .1995	Registered in the office of sub Registrar Dehradun at book no1Volume 03pages 19adf no 1volume 4619page 83-90serial no 3305 on 15.07.1995	Sale deed	Mr Devesh Agarwal s/o Mr jagdish Prasad r/o 15 Sarswati Soni Marg, Lachman Chowk, Dehradun .	Narendra kumar jain s/o Sh Sumer Chand Jain and Mr Rajesh Kumar jain s/o Mr Narendra Kumar jain both r/o Village Mazra, Dehradun .


3 Period of search in the office of sub-registrar Dehradun of available index registers area wise from 1.1.2005 to till the date of Scrutiny

4 Search receipt no and date 13.03.2018

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I, hereby certify that during my search **No** En-cumbrance or charge over the afore mentioned property could be traced and therefore it can be safely said that the property aforementioned is free from En-cumbrance and the aforesaid title holder enjoy a good marketable title over the said property.


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