

erma
ate

Off.: 1st Floor, K.C. City Centre,
Street Complex, 65-A, Ghosi Gali,
Distt. Dehradun, Uttarakhand.
Tel.: 2746181, 9412056329

Date: 30-01-2019

ANNEXURE A1

LEGAL OPINION

THE CHIEF MANAGER/ INCHARGE
CLUSTER
ORIENTAL BANK OF COMMERCE
RAJPUR ROAD,
DISTRICT DEHRA DUN

Ref: Title opinion of the property situated at
reference to your letter dated _____, I on the basis of copies for the title deeds forwarded to me
reg to the said property and other information submitted by you, have conducted a detailed search and
examination and submitted my report as under:

Names & addresses of Mortgagor(s) / title holder(s).	1-SHRI SHEKHAR BHARTI S/O LATE SHRI M.L. BHARTI 2-SMT. ASHA BHARTI W/O SHRI SHEKHAR BHARTI BOTH RESIDENTS OF B-18, /B-3, SHALIMAR GARDEN, SAHIBABAD, GHAZIABAD, UTTAR PRADESH AND 3-SHRI ROHAN BHARTI S/O SHRI SHEKHAR BHARTI R/O 124, LANE NO. 8, BHAGIRATHIPURAM, JAKHAN, DEHRADUN, UTTARAKHAND.
--	--

Description of immovable property

Plot No. / Property No.	Area (in Sq. Mts.)	Location	Boundaries
All that constructed house, constructed and erected on land khasra no. 59Kha, area 75 sq. mtrs., and 61kha area 175 sq. mtrs. and 60 sq. mtrs., total measuring 310 sq. mtrs. in which covered area 150.44 sq. mtrs., situated in Mauza Danda Dhoran, Pargana Central Doon, Distt Dehradun	area 75 sq. mtrs., and 61kha area 175 sq. mtrs. and 60 sq. mtrs., total measuring 310 sq. mtrs. in which covered area 150.44 sq. mtrs.,	situated in Mauza Danda Dhoran, Pargana Central Doon, Distt Dehradun	East- Land of others West- Property of Smt. Jeevan Parasar North- Property of Neeraj Sharma, South- 30 ft. wide Road, S.M. 34 ft.

Chain of title deeds scrutinizes by me

As per annexeure-2 attached herewith.

i) Search in Sub-Registrar Office:
Location of the property of the Sub-District within which property is located and the address of registering officer. In case property is situated in more than one Sub-District/District, the particulars of all concerned Sub-District and Districts and addresses of the registering offices to be given

situated in Mauza Danda Dhoran, Pargana Central Doon, Distt Dehradun

ii) Search and investigation
(Search in the records such as Index No. 1, index No. 2, Book No. 1,

I have inspected the following records:

1. The index registers kept in the office

Supplementary Book No. 1 should be made at least for past 13 years to trace any encumbrances is created on the property. A brief narration may be given on the root and chain of the title and extent of complete chain and how the chain is conferred on mortgagor, the details of books/indexes, and search by advocate to be stated. In the event of break in chain of the title or in case of any mortgage, charge or encumbrance, subsists over the property, the details thereof specifying how the break in the chain of title took place to be stated. Confirm and states that original title deeds submitted are originals registered before the Registrar of Assurance.) and property stamp duty has been paid

registrar, Dehradun from 2005 to 30-01-2019 last indexed up-to-date- as available & legible]

Upon inspection of the aforesaid records and records made in the sale deed following flow of title could be discovered:

- a) SHRI SHEKHAR BHARTI S/O LATE SHRI M.L. BHARTI AND SMT. ASHA BHARTI W/O SHRI SHEKHAR BHARTI BOTH RESIDENTS OF B-18, B-7, SHALIMAR GARDEN, SAHIBABAD, GHAZIABAD, UTTAR PRADESH have jointly purchased the said property vide sale deed dated 29-12-2015 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 2442 Page 21 to 36 at Sr. No. 12874 dated 29-12-2015 from SHRI RAM GOPAL SHARMA AND SMT. VEENA SHARMA.
- b) SHRI RAM GOPAL SHARMA AND SMT. VEENA SHARMA have jointly purchased the said property measuring 250 sq. mtrs., vide sale deed dated 07-09-2011 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 244 Page 241 to 258 at Sr. No. 2863 dated 07-09-2011 from SHRI SANDEEP ARORA S/O SHRI S.P. ARORA.
- c) SHRI ROHAN BHARTI the applicant no. 3 has also land Khasra No. 61Kha, area 01 sq. mtrs., in Village Danda Dhoran, Dehradun, vide sale deed dated 29-12-2015 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 2442 Page 1 to 20 at Sr. No. 12873 dated 29-12-2015 from SHRI NEERAJ SHARMA.
- d) SHRI NEERAJ SHARMA has purchased the said property vide sale deed dated 17-10-2015 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 2235 Page 110 to 137 at Sr. No. 10023 dated 19-10-2015 from SHRI SANDEEP ARORA.
- e) SHRI SANDEEP ARORA S/O SHRI S.P. ARORA has purchased the said property measuring 310 sq. mtrs., vide sale deed dated 24-06-2010 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 3444 Page 287 to 314 at Sr. No. 5713 dated 24-06-2010 from SHRI RAJESH PARASAR S/O SHRI SHIV DARSHAN PARASAR.
- f) SHRI RAJESH PARASAR S/O SHRI SHIV DARSHAN PARASAR alongwith

the legal heirs of his pre-deceased brother SHRI ASHOK PARASAR have acquired the said property after the death of their mother SMT. CHANDRAKANTA PARASAR and their name was duly recorded in the Khatauni no. 181 Fasli year 1410 to 1415 by the order of NT in case no. 2965 dated 28-08-2003.

- g) SMT. CHANDRAKANTA PARASAR had purchased the said property measuring 1550 sq. mtrs., vide sale deed dated 04-07-1988 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 2715 Page 48 ADF Book No. 1 Vol. 3147 Pages 135 to 138 at Sr. No. 6625 dated 05-07-1988 from SMT. SHAKUMBARI DEVI W/O SHRI FATEH CHAND FARASI.
- h) SMT. SHAKUMBARI DEVI W/O SHRI FATEH CHAND FARASI was the recorded bhumidhar of that land since before 1390 fasli i.e. 1983.
- i) After purchased of the said land the name of SHRI SHEKHAR BHARTI AND SMT. ASHA BHARTI AND SHRI ROHAN BHARTI has been duly recorded in the revenue records as bhumidhar with transferable right.
- j) After purchased of the said land the previous owner SHRI RAM GOPAL SHARMA and his wife SMT. VEENA SHARMA got sanctioned a map from MDDA Dehradun vide map no, R-1628/11-12, dated 13-11-2012 and constructed a house thereon.
- k) And as such the title of SHRI SHEKHAR BHARTI, SMT. ASHA BHARTI AND ROHAN BHARTI is quiet, clear, fair and marketable. The Chain of title for the last 13 years is complete.
- l) The property is residential Abadi in nature, Situated within the municipal Limit of Dehra Dun as such the provisions of 'The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002' are applicable.

Joint Owner

iii) Whether the property is ancestral and/or under joint ownership. If so details of co-parceners/karta and/or the cop-owners. The respective share should be incorporated specifically.

<p>iv) Minors delinquent, untraced persons interest (Any minor's interest, if involved in the property proposed to be mortgaged or any other claims. If minor's interest is involved, what precautions are to be taken to protect Bank's interest as a mortgagee to be stated. Please note that if the property belongs to a minor, permission of court is generally required to create mortgage of the property).</p>	
<p>v) Documents pending for registration (The inquiry is to be made whether any document creating mortgage, charge, or encumbrance is pending for registration in the concerned Sub-Registrar's/Registrar's Office are to be stated. If so, full details of such charge etc., a charge should be specified.</p>	
<p>Whether Urban Land (Ceiling & Regulation) Act, 1976 is applicable in the state where the property is liquidated. If applicable, whether the immovable property (ies) fall(s) within the purview of the Act. Verification and investigation should be made under Section 26, 27 & 28 of the Act to ensure that mortgagor(s) has/have obtained necessary permission from the competent authority under the Act. Documentary evidence showing such permission is obtained has been attached with the report.</p>	<p>The Urban Land Ceiling Act has been since repealed</p>
<p>Whether the property is acquired under Land Acquisition Act, 1894 and applicability of other State Legislation.</p>	<p>N/A</p>
<p>Leasehold immovable property (where land/building is leasehold, please verify the terms of the lease, whether any permission/NOC from lessor, competent authority is required for creation of mortgage of such leasehold property and advise the precautions to be taken obtaining such property in mortgage.</p>	<p>N/A</p>
<p>Investigating under Income Tax Act 1961 (Any permission of the concerned Assessing Officer under any of the provisions of the Act if required for creating mortgage or any certificate to be submitted to the Bank to show that no dues are outstanding to the Income Tax Department.</p>	<p>N/A</p>
<p>Investigating in regard to</p>	<p>N/A</p>

agricultural land (investigate and search the necessary records etc. with specific reference to the land, if it is self-cultivated, if surplus, consolidation of holding/acquisition proceedings etc. is in progress in the area, whether government loan/any loan raised against the land and the details about the charges/encumbrance may be specified specifically with the reference to the agricultural land laws.

Details of certified copies of revenue records obtained to confirm that no dues are outstanding by the mortgagor.

Any other special enactment, which is applicable to the property proposed to be mortgage and affects the title.

If it is the property owned by Company, the additional safeguards like search before the Registrar of Companies to be obtained are stated.

Whether documents given as chain of title deeds inspires any doubt/suspicion. Is it curable - how?

Reasons as to why equitable mortgage is not being created with the Branch where the property is situated.

Whether any bar to create mortgage as in the case of agricultural land in U.P.? Any CLU/house tax/notification of land vests in the Municipal Authority?

Whether any restriction on sale of property e.g. J&K, Uttaranchal and HP.

Whether any approvals/clearances required or obtained details?

Being documents in addition to the documents mentioned in the chain of documents in the original as the copies as the case may be along with additional documents mentioned above, varying from case to case to be obtained for the creation of valid equitable mortgage by deposit of the title deeds (varying from case to case).

Particulars	Comments of advocate
House tax assessment order pertaining to property mortgaged.	Yes
Site Plan (Sanctioned)	
House Tax receipt pertaining to property to be mortgaged	Yes
Self assessment return form	Yes
Electricity/ water bill	Yes
Copy of PAN Card/driving license/ passport etc.	Yes
Income tax returns.	Copy of PAN Card Obtained
Affidavit of mortgagor as to how	Obtained
	NO

he/she is connected with the account In which he/she is furnishing his/her property as security.	
In case the of property of builders, in addition to the GPA/SPA, Collaboration / builders agreement, the PAN No. & ITCC of the builder, his history, copy of some Regd. Documents & endorsement on the original sale deed (if retained by original owner) be made, if possible, so that previous document even if retained by the owner/ builder cannot be misused.	N/A
In case the of property to be mortgaged is related to the company, then relevant Resolutions along with copy of minutes, MOA/AOA and ROC record may be obtained.	N/A
In any case where ever the previous original title deed is missing or retained by the earlier owner, the original title deed be seen & endorsed or an affidavit be obtained from the person retaining the original title deeds that he will not misuse it.	N/A
Affidavit of mortgagor deposited title deeds with intention, has deposited all documents would not use any document to lettriment of bank etc. may be obtained.	Yes
Stamp duty payable on oral assent (if applicable)	N/A
VOC/ No dues certificate from lessor/ land authority.	
In case of leasehold property, the remaining period of lease, any provision for further renewal of lease etc. shall be specifically mentioned. Receipt for up-to-date payment of lease rent shall be obtained.	N/A
In case of HUF / Trust, appropriate Affidavit be obtained & further necessary documents be also obtained. In case of Trust properties, it should also be mentioned whether permission from Charity Commissioner or any other competent authority is required to be obtained.	N/A
In case of flat belonging to cooperative Housing Society necessary further documents i.e. No Objection Certificate, No Objection Certificate from Society after	N/A

verifying the related records and receipt for the payment of up to date dues to the Society be obtained.

Since Central Registry u/s 20 of the SARFAESI ACT has been created and notification No F - 56/5/2007/- BO-11 dated 31st March 2011 has been issued, inspection of the records of central register through website of the Central Registry shall also be made by the advocate concerned & the shall be stated in opinion.

Branch to verify itself

CERTIFICATE

I certify that I have personally visited at Dehra Dun the Office of Sub-Registrar Dehra Dun and personally searched and verified the information furnished in this report. I have compared the TWO SALE DEEDS DATED 29-12-2015 given to me with the copy of It available in the Office of Sub-Registrar and found that both are tallying with each other. I also certify that the title deeds in and of the captioned properties are genuine, original and properly executed. The content and other Information given in the report are correct and true. I certify SHRI AR BHARTI, SMT. ASHA BHARTI AND ROHAN BHARTI has got a valid, clear, and marketable title over the property shown above. The property would constitute security to the Bank and the Bank can create EQM by depositing the TWO SALE DEED DATED 29-12-2015 of the property. If SHRI SHEKHAR BHARTI, SMT. ASHA BHARTI AND ROHAN BHARTI personally present (along with identity proof) and deposits the title deed in and of as mentioned in Schedule-I along with documents mentioned hereunder with the Bank to create equitable mortgage, it will satisfy the requirements of creation of equitable mortgage. The following person/s should be present personally (along with Identity proof) to the Bank / Branch for creation of equitable mortgage.

1. THE BOUNDARIES AND PHYSICAL POSSESSION OF THE PROPERTY AND ID PROOF OF THE PARTIES MORTGAGING THE PROPERTY SHOULD BE STRICTLY VERIFIED BY THE BRANCH MANAGER/FIELD OFFICER.

SHRI SHEKHAR BHARTI, SMT. ASHA BHARTI AND ROHAN BHARTI - MORTGAGOR

- Following documents shall be obtained at the time of creation of mortgage.
- Original Sale deed dated 29-12-2015, Doc. No. 12874 alongwith Certified Copy
- Original Sale deed dated 29-12-2015, Doc. No. 12873 alongwith Certified Copy
- Original Sale Deed dated 07-09-2011, Doc. No. 2863 alongwith certified copy.
- Original Sale deed dated 19-10-2015, Doc. No. 10023 alongwith Certified Copy
- Certified Copy of Sale Deed dated 24-06-2010, Doc. No. 5713.
- Certified Copy of Sale Deed dated 04-07-1988 Doc. No.6625
- Mentioned Plan
- Test Khatauni
- Test Electricity Bill
- Test House Tax Receipt
- Proof
- Fidavit

Signature of the empaneled Advocate
(V.K. VERMA)
Advocate

Dehra Dun,
2019

6.
ANNEXURE A2
CHARTER JUDGE DEED

Registered /unregistered	Vendor /transferor	Vendee /transferee	Date	Remarks
1. vide sale deed dated 29-12-2014 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 2442 Page 21 to 36 at Sr. No. 12874 dated 29-12-2015	SHRI RAM GOPAL SHARMA AND SMT. VEENA SHARMA.	SHRI SHEKHAR BHARTI AND SMT. ASHA BHARTI	29-12-2014	Original
vide sale deed dated 29-12-2015 which is duly registered in the office of Sub-Registrar Dehradun in Book No. 1 Vol. 2442 Page 1 to 20 at Sr. No. 12873 dated 29-12-2015	SHRI NEERAJ SHARMA.	SHRI ROHAN BHARTI	29-12-2015	Original

Signature of the empanelled Advocate

(V.K. Verma)
Advocate

Place: Dehra Dun,
Date: 01-01-2019