

ANIL GUPTA**ADVOCATE**Ch.No-705, Distt. & Session Court,
Roshnabad, Haridwar (Uk)**Office/Residence:**Near-Shiv Mandir, Hazaribagh,
Kankhal, Haridwar-249408 (UK)
Email- anilguptag009@gmail.com**-1-**

Date-25-01-2022

ANNEXURE-IV**SPECIAL REPORT ON TITLE**

Reg: A South facing Residential House constructed on part of Plot No-6, land measuring 25 feet X 38 feet, having total area 950 square feet, constructed with 3 Rooms, Kitchen, Latrine, Bathroom, Stairs on Ground floor & 2 Room Latrine, Bathroom, Kitchen on First floor, having total covered area 1168.5 square feet, boundaries in East-Property of Hari Singh, West-Property of K.B. Kair, North-Gali 6 feet wide, South-Way 12 feet wide, Situated at **Arya Nagar Jwalapur** Pargana Jwalapur, Tehsil & Distt. Haridwar within the limits of Nagar Nigam Haridwar.

Belonging to: Shri Kishanlal Arora S/o Shri Ramsharan Arora R/o Govindpuri, Haridwar Tehsil & Distt. Haridwar.

SL.No.	ASPECTS TO BE CONSIDERED	COUNSEL'S STATEMENT
A	<u>PARTICULARS</u>	
1.	Name of the Borrower with address :	Shri Kishanlal Arora S/o Shri Ramsharan Arora R/o Govindpuri, Haridwar Tehsil & Distt. Haridwar.
2.	Name of the person offering Mortgage with parentage/ constitution and address.	Shri Kishanlal Arora S/o Shri Ramsharan Arora R/o Govindpuri, Haridwar Tehsil & Distt. Haridwar.
3.	Details of the property to be mortgaged: As per title deed – As per present position –	A South facing Residential House constructed on part of Plot No-6, land measuring 25 feet X 38 feet, having total area 950 square feet, constructed with 3 Rooms, Kitchen, Latrine, Bathroom, Stairs on Ground floor & 2 Room Latrine, Bathroom, Kitchen on First floor, having total covered area 1168.5 square feet, boundaries in East-Property of Hari Singh, West-Property of K.B. Kair, North-Gali 6 feet wide, South-Way 12 feet wide, Situated at Arya Nagar Jwalapur Pargana Jwalapur, Tehsil & Distt. Haridwar within the limits of Nagar Nigam Haridwar. As per the approved valuer report.
1.	<u>B INVESTIGATIONS</u> Details of the title deeds/documents (including Link Deeds/Parent deeds) to be deposited for creation of the	1. Copy of sale deed dated 13.08.1989 registered in bahi No-1 zild 280 pages 607-614 serial No-1528 in the office of Sub Registrar Haridwar executed by Shri Bhagwan Singh S/o Shri Dhugal Singh R/o Arya Nagar Jwalapur Tehsil & Distt. Haridwar in favour of Shri Boolchand

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Date-25-01-2022

	mortgage (with full particulars regarding nature of document, date of execution and details of registration).	Dhiman S/o Shri Hukam Chand Dhiman R/o Arya Nagar Jwalapur Tehsil & Distt. Haridwar. 2. Copy of sale deed dated 02.05.1995 registered in bahi No-1, zild 42 pages 1653/1700 serial No-1354 in the office of Sub Registrar Haridwar executed by Shri Boolchand Dhiman S/o Shri Hukam Chand Dhiman R/o Arya Nagar Jwalapur Tehsil & Distt. Haridwar in favour of present owner Shri Kishanlal Arora S/o Shri Ramsharan Arora R/o Govindpuri Haridwar Tehsil & Distt. Haridwar.
2.	Whether certified copies have been obtained from the Registrar's office.	Yes.
3.	Whether the documents in hand are compared with the certified copies and whether the documents given raise any doubt or suspicion?	No.
4.	Whether the registration particulars number & date and page particulars as given in the title deed shown to the counsel tally with the particulars as stated in the records of the registrar's office?	Yes.
5.	Whether the registration particulars number & date and page particulars as given in the title deed tally with the particulars as stated in the certified copy as obtained from the registrar Office?	Yes.
6.	Whether the photographs of parties as affixed in conveyance deed/title deed tally with the photograph seen in the certified copy as obtained from the registrar's Office?	Yes.
7.	Whether the contents of the as given in the title deed tally verbatim with the contents as stated in the certified copy	Yes.

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-3-

Date-25-01-2022

	obtained from registrar's office? if not, variations be specified. What is its effect?	
8.	Whether the property has been mutated in the name of the person offering the mortgage?	No.
9.	Whether equitable mortgage can be created at the place where the branch disbursing the loan is situated?	<u>This property already mortgage in Punjab National Bank, by way of equitable mortgage.</u>
10.	Whether there is any bar under any local law for creation of the mortgage of the property to be mortgaged? (In some States, there are legal restrictions on creation of the mortgage of agricultural property for non agricultural purposes).	No, In Uttarakhand there is no restriction on sale of residential/Commercial property.
11.	Whether there are any restrictions regarding sale of the property to be mortgaged? (In some States, there are restrictions for sale of property to residents outside the State).	No.
12.	Whether all the approvals, clearance/sanctions required for creation of the mortgage have been obtained? If not obtained, what are such sanctions, approvals and clearances yet to be obtained?	No.
13.	Whether the property is ancestral/ or under joint ownership or the minor is having interest in the property? If so, it effect thereof.	N.A.
14.	Whether the property to be mortgaged has been acquired under LAND Acquisition Act, 1984?	No.
15.	Whether Urban Land Ceiling Act is applicable in the State Where the property is located?	Urban Land (Ceiling and Regulation) Act 1976 is not yet enforced at Distt. Haridwar.

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-4-

Date-25-01-2022

16.	In case of leasehold property whether permission/NOC from the lesser is required for creation of mortgage? Whether permission of the Lessor/NOC is obtained.	N.A. it is freehold property.
17.	What is the rate of sharing of unnamed income with Lessor in the event of sale of the Property?	N.A.
18.	Whether copy of title deed favoring Lessor (other than Govt.) is made available to examine the validity of the lease?	N.A.
19.	Whether terms & conditions given in the lease deed have been complied with? If any condition is violated, effect thereof.	N.A.
20.	Whether any permission of income Tax Authorities/ Assessing Officer is required under the provisions of Income Tax Act for creation of mortgaged or any certificate is to be submitted to the Bank to show that no dues are outstanding to the Income Tax Department?	Affidavit is taken for no proceedings under income tax are pending at the time of mortgage.
21.	In respect of agriculture land, whether land is declared surplus or under consolidation of holdings?	This property is Non-Agriculture property and situated in the limits of Nagar Nigam Haridwar.
22.	Whether certified copies of Revenue Records has been obtained and examined to confirm that no dues are outstanding towards the mortgager? (Copies of revenue record be submitted to the Bank while submitted the Certificate of Title Investigation)	No.
23.	Whether the provisions of the Securitization and Reconstruction of Financial	Yes.

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-5-

Date-25-01-2022

	Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 are applicable to this property?	
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Dated-25.01.2022

Anil Gupta

Place- Haridwar

Advocate

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-6-

Date-25-01-2022

Annexure-V

CERTIFICATE

Reference No. Loan Entry Serial No-268 Register No. PNB of Year 2021-22,

To,
The Chief Manager
Punjab National Bank,
Recovery Center Sec-4 Haridwar.

Reg.: Opinion on investigation of title and obtaining of search report in respect of property:-

A South facing Residential House constructed on part of Plot No-6, land measuring 25 feet X 38 feet, having total area 950 square feet, constructed with 3 Rooms, Kitchen, Latrine, Bathroom, Stairs on Ground floor & 2 Room Latrine, Bathroom, Kitchen on First floor, having total covered area 1168.5 square feet, boundaries in East-Property of Hari Singh, West-Property of K.B. Kair, North-Gali 6 feet wide, South-Way 12 feet wide, Situated at **Arya Nagar Jwalapur** Pargana Jwalapur, Tehsil & Distt. Haridwar within the limits of Nagar Nigam Haridwar.

As requested, I have conducted the legal investigation of the title and made a search of records in the registration office and other offices as required in the matter.

I have answered all the queries in the Special Report which is enclosed.

I hereby certify that the registration particulars number, date and page particulars etc., as shown in the original title deed and contents thereof tally with the information as stated in the records of office of Sub-Registrar/Registrar of assurances as well as with certified copy of the title deed, which was obtained by me is enclosed with this certificate.

I further certify that the photograph of previous owner and of intending mortgagor affixed/seen in the title deed tally with records of registration office as well as certified copy of the title deed.

Chain of title relating to the property is complete as given in the Annexure hereto.

I have verified, tallied and compared these documents from the record of the office of Sub-Registrar/Registrar of assurances and also from the records of other appropriate authorities.

1. Sub-Registrar Haridwar.

I shall be liable/responsible, if any loss is caused to the Bank due to negligence on my part in making the search and Bank has the unqualified right to publish my name for including in the caution list being maintained by the INDIAN BANKS ASSOCIATION OR RESERVE BANK OF INDIA OR ANY OTHER SUCH BODY for circulation amongst Banks/Financial Institutions.

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-7-

Date-25-01-2022

The search report of which is annexed here to, conducted by me, for the period from 01.01.1995 to 22.01.2022 does not disclose any encumbrances/disclose encumbrances as stated therein.

I have not given/have given opinion earlier on investigation of title relating to the same property as detailed hereunder:- **No.**

- (a) Name of lender-**No.**
- (b) Date of opinion & reference no. (if any)-**No.**
- (c) Remarks

I find following defects/no defects in the title of the person offering mortgage:- No defect.

I hereby certify that **Shri Kishanlal Arora** S/o Shri Ramsharan Arora R/o Govindpuri Haridwar Tehsil & Distt. Haridwar is clear, valid and marketable title over the above said property except the earlier charge by way of Equitable Mortgage in favor of PNB.

(Give hereunder details of title deeds which are required to be deposited to create equitable mortgage)

- 1. Original sale deed dated 13.08.1989 registered in bahi No-1 zild 280 pages 607-614 serial No-1528.**
- 2. Original sale deed dated 02.05.1995 registered in bahi No-1 serial No-1354.**
- 3. Affidavit of borrower.**
- 4. Copy of receipt if house tax in the name of present owner.**
- 5. Copy of Map approved by H.D.A. Haridwar.**
- 6. 0.5% stamp duty on a loan amount with a maximum of Rs. 10,000/- only.**
- 7. The borrower should personally appear with ID proof & execute loan documents as per law**

This property already mortgage in Punjab National Bank, by way of equitable mortgage.

Chain of Title

1. The property in question was the personal property of Shri Bhagwan Singh S/o Shri Dhugal Singh since calendar year 1989.
2. Later on Shri Bhagwan Singh S/o Shri Dhugal Singh transferred this property by way of sale deed dated 13.08.1989 in favour of Shri Boolchand Dhiman S/o Shri Hukam Chand Dhiman.

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-8-

Date-25-01-2022

3. Lastly Shri Bool Chand Dhiman S/o Shri Hukam Chand Dhiman transferred this property by way of sale deed dated 02.05.1995 in favour of present owner **Shri Kishanlal Arora** S/o Shri Ramsharan Arora R/o Govindpuri Haridwar Tehsil & Distt. Haridwar.

Encl:

1. Special Report
2. Chain of Title
3. Search Report
4. Inspection Receipt No-6/47 & 14/7 dated 24.01.2022 of Sub Registrar Haridwar.

Anil Gupta

Advocate

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-9-

Date-25-01-2022

Annexure V-A

SEARCH REPORT

ACCOUNT -**Shri Kishanlal Arora** S/o Shri Ramsharan Arora R/o Govindpuri Haridwar Tehsil & Distt. Haridwar.

Search Report relates to searches made in:-

- a) Sub registrar office Haridwar.
- b) Registrar of companies N/A
- c) Courts N/A
- d) Other offices N/A
 - i) Office of the Co-operative Society
 - ii) H. R. D. A/ UPAVP Development Authority- **N.A.**

e) Any other documents

- i) Receipt of payment of Municipal-**N.A.**

1. Sub Registrar/ Registrar of Assurance office.

The encumbrance certificate was obtained from the Sub Registrar/Registrar, Haridwar for the period from 01.01.1995 to 22.01.2022 up to date and the same disclosed following encumbrances.

There is no system of issue of encumbrance's certificate in the office of Sub Registrar. Hence personal search was carried out for the purpose, inspection was made on 24.01.2022 for the period from 01.01.1995 to 22.01.2022 at the following sub registrar/offices:-

a) **Sub-Registrar Haridwar.**

The search report disclosed the followings encumbrances:- **This property already mortgage in Punjab National Bank, by way of equitable mortgage.**

Remarks: From the inspection of the above records. The property constitutes valid security to the bank and the bank may at its own option create charge by way of equitable mortgage by depositing title deeds with the bank. The flow of title for **last 27 years** is complete in all respect.

Inspection of Court records disclosed:- N.A.

(This may detail suit pending, Decrees, Attachments before judgments, Injunction, Appointment of receiver, Appointment of liquidator)

Name Of Court	Date Of Order	Nature Of Order
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-10-

Date-25-01-2022

N.A.	N.A.	N.A.
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2. Searches made / Inspections carried out in the following offices disclosed:-

Office	Date of search/ Inspection	Information
Sub-Registrar Haridwar.	24.01.2022	Do not Find any recorded encumbrance.

3. A study of the following documents disclosed :-

Details of documents perused	Information
1. Copy of sale deed dated 13.08.1989 registered in bahi No-1 zild 280 pages 607-614 serial No-1528.	Found in order <u>This property already mortgage in Punjab National Bank, by way of equitable mortgage.</u>
2. Copy of sale deed dated 02.05.1995 registered in bahi No-1 serial No-1354.	

Defects if any are indicated in the Certificate given by me.

Anil Gupta

Advocate

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-11-

Date-25-01-2022

BILL No-268

To,

The Chief Manager
Punjab National Bank,
Recovery Center Sec-4 Haridwar.

1	Professional fees of Legal Opinion/NEC in account of Shri Kishanlal Arora S/o Shri Ramsharan Arora R/o Govindpuri Haridwar Tehsil & Distt. Haridwar.	3000/-
	Total	3000/-

Rs. Three Thousand Only.

Please credit in my **A/c No-1829000101138604**
Branch Gurudwara Road Jwalapur Haridwar.

Submitted by

Anil Gupta

Advocate