

SULTAN KHAN
Advocate

Office:- Opposite Bar Association Hall
Court Compound, Dehradun,
Mob. No. 9758890909

Date- 13-09-2018

CERTIFICATE

Annexure-V

Reference No.

Entry Serial No. / Regd. No. ----- of Year 2018.

To,

The Chief Manager,
Punjab National Bank,
Tilak Road,
Dehradun.

Reg: Opinion on investigation of title and obtaining of search report in respect of all that commercial property a shop bearing part of Property No. 35 Shivaji Marg, Kanwali Road, Dehradun measuring area 8.58 sq.mtrs., totally covered without roof rights is belonging to Smt. Kamini W/o Sh. Manoj Sharma R/o 35, Kanwali Road, Dehradun.

As requested, I have conducted the legal investigation of the title and made a search 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 particular – 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 the Sub Registrar / Registrar of Assurances as well as with certified copy of the title deed which was obtained by me is enclosed with the certificate.

I further certified 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.

Encl:

- 1- Chain of Title
- 2- Search Report
- 3- Special Report on Title
- 4- Title verification report
- 5- Certified copy of title and link deeds.

SULTAN KHAN
Advocate
Enroll.No. UP. 3506/94
UA-2577/04

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

(a) Original & Certified copy of Sale deed dated 03-10-2006 Document no. 7373 executed by 1- Sh. Chetan Prakash Sharma 2- Sh. Mahendra Prakash Sharma 3- Sh. Virendra Kumar Sharma & 4- Sh. Ravindra Kumar Sharma in favour of Smt. Kamini Sharma, which is duly registered in the office of Sub-Registrar Dehradun in Book no. 1, vol. 1547, page 402, ADFBNo. 1, vol. 1653, pages 583 to 598 at Sr. No. 7373 on 03-10-2006.

(b) Photocopy of Notarized will dt. 31-01-1986.

(c) Certified copy of assessment year 1999 to 2004.

(d) Photocopy of Nagar Nigam tax receipt.

(e) Affidavit of present owner Smt. Kamini Sharma.

I have verified, detailed and compare the documents from the record of the office of Sub-Registrar/Registrar assurances and also from the records of other appropriate authorities

1. District Collectorate record office, Dehradun
2. Tehsil Record, Dehradun
3. Sub-Registrar, Dehradun

The search report of which is annexed hereto, conducted by me, for the period from 01.01.2001 to 13-09-2018 (more than 13 years) does not disclose any encumbrances/disclosed encumbrances as stated therein

I have not given/have given opinion earlier on investigation of title relation to the same land / property as detailed hereunder :-

- | | | |
|---|---|-----|
| a) Name of Lender | - | Nil |
| b) Date of Opinion and reference No. (if any) | - | Nil |
| c) Remarks | - | Nil |

I find following No Defects in the title of the person offering mortgage.

SULTAN KHAN
Advocate
Enroll. No. UP-3506/94
UA-2577/04

I hereby certify that Smt. Kamini Sharma has a clear, valid and marketable title over the above said property and she is competent to create the mortgage / to deal with her property in any manner she may like.

The valid mortgage can be created by depositing the following title deed. The said title deed are genuinely registered and are not duplicate or fake as observed by me :-

The valid mortgaged can be created by deposited the following title deed.

- (a) Original & Certified copy of Sale deed dated 03-10-2006 Document no. 7373 executed by 1- Sh. Chetan Prakash Sharma 2- Sh. Mahendra Prakash Sharma 3- Sh. Virendra Kumar Sharma & 4- Sh. Ravindra Kumar Sharma in favour of Smt. Kamini Sharma, which is duly registered in the office of Sub-Registrar Dehradun in Book no. 1, vol. 1547, page 402, ADFBNo. 1, vol. 1653, pages 583 to 598 at Sr. No. 7373 on 03-10-2006.
- (b) Photocopy of Notarized will dt. 31-01-1986.
- (c) Certified copy of assessment year 1999 to 2004.
- (d) Photocopy of Nagar Nigam tax receipt.
- (e) Affidavit of present owner Smt. Kamini Sharma.

Yours Faithfully,


SULTAN KHAN
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Enroll. No. UP/2605/194
UA-2577/04

Search Report

Account :

B.O. :

Search Report relates to Searches made in:-

- a) Sub Registrar Office : Sub Registrar, Dehradun
- b) Registrar of Companies : N.A.
- c) Courts : No.
- d) Other offices : Revenue records
From Tehsil & collectrate
record office, Dehradun

i) Office of the Co-operative Society : N.A.

ii) _____ Development Authority : N.A.
(DDA/HUDA/and the like

e) Any other documents

i) Receipts for payment of Municipal
Taxes etc. : N.A.

1. Sub – Registrar / Registrar of Assurance Office

The encumbrances certificate was obtained from the Sub Registrar, Dehradun for the period from Nil to Nil and the same disclosed following encumbrances (Certificated enclosed) :

No Certificate of search has been obtained from Sub – Registrar office, Dehradun as there is no such procedure to obtain such certificate directly from the office.

SULTAN KHAN
Advocate
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UA-2577/04

2-

Besides obtaining encumbrance certificate from the Sub Registrar (no such certificate in present is being issued by the Sub Registrar Office, Dehradun) personal search was carried out by me for the purpose. Inspection was made on 13-09-2018 for the period of 01-01-2001 to 13-09-2018 i.e. more than last 13 years at the following Sub Registrar Office:-
Sub Registrar, Dehradun.

The search report disclosed the following encumbrances:- No charges found.

3. The ownership for the property / land being a company, search was conducted in the following offices of the Registrar of companies :- N.A.

The search made out in the office of Registrar of Companies disclosed :-

ROC	Information
N.A.	N.A.

4- Inspection of court records disclosed :-

(This may detail suit pending, Decree, Attachment before Judgment, Injunction, Appointment of Receiver, Appointment of Liquidator).

Name of Court	Date of Order	Nature of Order
No litigation is pending in respect to said property as per the affidavit of the mortgagor.		

5- Searches made / inspections carried out in the following offices disclosed :-

Office Sub Registrar	Date of Search	Information
Dehradun	13-09-2018	No charges found.

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5- A study of the following documents disclosed:-

Details of documents perused	Information
<p>(a) Original & Certified copy of Sale deed dated 03-10-2006 Document no. 7373 executed by 1- Sh. Chetan Prakash Sharma 2- Sh. Mahendra Prakash Sharma 3- Sh. Virendra Kumar Sharma & 4- Sh. Ravindra Kumar Sharma in favour of Smt. Kamini Sharma, which is duly registered in the office of Sub-Registrar Dehradun in Book no. 1, vol. 1547, page 402, ADFBNo. 1, vol. 1653, pages 583 to 598 at Sr. No. 7373 on 03-10-2006.</p> <p>(b) Photocopy of Notarized will dt. 31-01-1986.</p> <p>(c) Certified copy of assessment year 1999 to 2004.</p> <p>(d) Photocopy of Nagar Nigam tax receipt.</p> <p>(e) Affidavit of present owner Smt. Kamini Sharma.</p>	

Defects notices are indicated in the certificate given by me : No Defect

Yours Faithfully,
SULTAN KHAN
 Advocate
 eSULTAN-1616154
 UA-2873108

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Advocate

Office:- Opposite Bar Association Hall
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Date- 13-09-2018

To,
The Chief Manager,
Punjab National Bank,
Tilak Road,
Dehradun.

Reg: Opinion on investigation of title and obtaining of search report in respect of all that commercial property a shop bearing part of Property No. 35 Shivaji Marg, Kanwali Road, Dehradun measuring area 8.58 sq.mtrs., totally covered without roof rights is belonging to Smt. Kamini W/o Sh. Manoj Sharma R/o 35, Kanwali Road, Dehradun.

It is certified that on careful inspection of the available index register, as indexed upon the date in the office of Sub Registrar, Dehradun for the last more than 13 years till date, no recorded encumbrances has been found in respect of the property mentioned herein – in – below.

Description of the Property

All that commercial property a shop bearing part of Property No. 35 Shivaji Marg, Kanwali Road, Dehradun measuring area 8.58 sq.mtrs., totally covered without roof rights, which is bounded and butted as under:-

East: 6.3ft wide road, S.M. 14ft.

West: shop of Sh. Chetan Prakash Sharma, S.M. 14ft.

North: 30ft. wide road, S.M. 6ft. 6inch

South: Property of Chetan Prakash Sharma, S.M. 6ft. 6inch

(The above said description of the property is as per Sale Deed dated 03-10-2006)

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UA-2577/04

Name and Address of the present owner:

Smt. Kamini W/o Sh. Manoj Sharma R/o 35, Kanwali Road, Dehradun.

Title Verification:

Sir,

I have inspected and verified the record relating to the land mentioned in scheduled property in the office of Sub Registrar, Dehradun and records lying the revenue records Nagar Nigam Dehradun and on the basis of records since more than last 13 years as made available to me, without prejudicing my rights, because the index register of Sub Registrar Office Dehradun is in the ruined and turned condition, the following search report is being submitted :-

Whereas one time the property described in schedule along with other property was belonged to Sh. Jamnadas Sharma S/o Late. Sh. Bhagwan Das and his name was duly recorded in Nagar Nigam records since before 1986.

And Whereas Sh. Jamnadas Sharma executed a notarized will dt. 31-01-1986 in favour of his sons 1- Sh. Chetan Prakash Sharma 2- Sh. Surendra Prakash Sharma & 3- Sh. Mahendra Prakash Sharma and after the death of Sh. Jamnadas Sharma they became the joint owners of the entire property left by Sh. Jamnadas Sharma.

And Whereas Sh. Surendra Prakash Sharma expired and his share of entire property were devolved to his legal heirs his sons 1- Sh. Virendra Kumar Sharma & 2- Sh. Ravindra Kumar Sharma and they became the joint owners of the entire share of the property left by Sh. Surendra Prakash.

And Whereas 1- Sh. Chetan Prakash Sharma 2- Sh. Mahendra Prakash Sharma 3- Sh. Virendra Kumar Sharma & 4- Sh. Ravindra Kumar Sharma sold the property described in schedule bearing Property No. 35, measuring area 8.58 sq.mtrs., to Smt. Kamini Sharma S/o Sh. Manoj Sharma, by virtue of sale deed dt. 03-10-2006, which is duly registered in the office of Sub-Registrar,

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Dehradun in 1, vol. 1547, page 402, ADFBNo. 1, vol. 1653, pages 583 to 598 at Sr. No. 7373 on 03-10-2006.

And Whereas the name of Smt. Kamini Sharma has been duly recorded in Nagar Nigam Records Dehradun.

Hence, the title of Smt. Kamini Sharma is clear, marketable and free from all recorded, encumbrances, liens, charges etc. and the chain of documents is complete during the minimum required period.

Regarding encumbrance:-

I have personally and carefully inspected the legible index registers as indexed upto the date in the office of Sub Registrar, Dehradun. On inspection of these registers as indexed upon the date, no encumbrance has been found in respect of the above said property. In addition to this the present owner has given his affidavit that he has not created any charge over scheduled property.

This affidavit is being filed herewith.

I hereby confirm and certify that :-

- 1- I have searched the relevant available records with regards to the immovable land which is intended to be mortgaged in the office of the Sub Registrar Dehradun and I further verify the marketable title of the present owner on the basis of inspection of records.
- 2- I have searched the relevant records and on the basis of such search, the mortgagor have clear, legal and marketable title over the scheduled property.
- 3- I further certify that the documents tendered by the borrower / mortgagor, for the purpose of creation of mortgage / charge is genuine and original documents of title to the scheduled property.

Conclusion & Opinion:

Thus on the basis of all the documents referred to hereinabove & further on the basis of information derived from inspection of the available index registers as

SULTAN KHAN
Advocate
Enroll.No.UP-3506/94
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indexed upto the date & on the basis of affidavit of the present owners, the scheduled property owned by them is free from any recorded encumbrances and his title regarding the above property is perfectly lawful, clear and marketable and in my opinion, the same may be accepted by Punjab National Bank as security by way of equitable mortgage to secure the loan and it will be a good security for the bank and the property/land is covered under SARFAESI ACT.

Yours Sincerely,
SULTAN KHAN
Advocate
(SULTAN KHAN)
UP-3506/94

Encl:

- 1- Receipt No. 267/13 dt. 13-09-2018
- 2- Receipt No. 89/45 dt. 13-09-2018
- 3- Certified copy of sale deed dated 03-10-2006
- 4- Photocopy of notarized will dt. 31-01-1986.
- 5- Certified copy of assessment year 1999 to 2004 .
- 6- Photocopy of Nagar Nigam tax receipt.
- 7- Affidavit of present owner/borrower Smt. Kamini Sharma.

SULTAN KHAN
(SULTAN KHAN)
Enroll.No. UP-3506/94
UP-2577/94

SPECIAL REPORT ON TITLE

Reg: Opinion on investigation of title and obtaining of search report in respect of all that commercial property a shop bearing part of Property No. 35 Shivaji Marg, Kanwali Road, Dehradun measuring area 8.58 sq.mtrs., totally covered without roof rights is belonging to Smt. Kamini W/o Sh. Manoj Sharma R/o 35, Kanwali Road, Dehradun.

Aspects to be considered		Counsel's Statement
A.	PARTICULARS	
1	Name of the borrower with address	<u>Smt. Kamini W/o Sh. Manoj Sharma</u> <u>R/o 35, Kanwali Road, Dehradun.</u>
2	Name of the person-offering mortgage with parentage/ constitution & address.	<u>Smt. Kamini W/o Sh. Manoj Sharma</u> <u>R/o 35, Kanwali Road, Dehradun.</u>
3	Details of the plot of property to be mortgaged: As per Title Deed As per present Position	All that commercial property a shop bearing part of Property No. 35 Shivaji Marg, Kanwali Road, Dehradun measuring area 8.58 sq.mtrs., totally covered without roof rights, which is bounded and butted as under:- East: 6.3ft wide road, S.M. 14ft. West: shop of Sh. Chetan Prakash Sharma, S.M. 14ft. North: 30ft. wide road, S.M. 6ft. 6inch South: Property of Chetan Prakash Sharma, S.M. 6ft. 6inch
B	INVESTIGATION	
1	Details of the title deeds/documents (including Link Deeds/ Parents Deeds) to be deposited for creation of the mortgaged (with full particulars regarding Nature of	(a) Original & Certified copy of Sale deed dated 03-10-2006 Document no. 7373 executed by 1- Sh. Chetan Prakash Sharma 2- Sh. Mahendra Prakash Sharma 3-

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	documents, date of execution and details of registration.)		<p>Sh. Virendra Kumar Sharma & 4- Sh. Ravindra Kumar Sharma in favour of Smt. Kamini Sharma, which is duly registered in the office of Sub-Registrar Dehradun in Book no. 1, vol. 1547, page 402, ADFBNo. 1, vol. 1653, pages 583 to 598 at Sr. No. 7373 on 03-10-2006.</p> <p>(b) Photocopy of Notarized will dt. 31-01-1986.</p> <p>(c) Certified copy of assessment year 1999 to 2004.</p> <p>(d) Photocopy of Nagar Nigam tax receipt.</p> <p>(e) Affidavit of present owner Smt. Kamini Sharma.</p>
2	Whether documents given to the counsel are original one or more copies of documents? (Counsel should examine original documents only and if any of the documents in original is not shown, the details of the documents be given with reasons thereof).	:	I have obtained certified copy of sale deed dt. 03-10-2006 doc no. 7373 is examined.
3	Whether Certified copies have been obtained from Registrar's Office.	:	Yes
4	Whether the documents in hand are compared with the certified copy and whether the documents given raise any doubt or suspicion?	:	Yes, the document sale deed dt. 03-10-2006 doc no. 7373 _is compared with the certified copy and there is no doubt or suspicion raised.
5	Whether the registration particulars no and rate and page particulars as given in the title deed shown to the counsel tally with the particulars as stated in the records of the	:	Yes.

SULTAN KHAN
 Advocate
 Enroll.No.UP-3506/94
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	Registrar's office.		
6	Whether the registration particular 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's office.	:	Yes
7	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
8	Whether contents of the as given in the title deed tally verbatim with the contents as stated in the certified copy obtained from the registrar's office? If not, variations be specified. What is its effect?	:	Yes
9	Whether the property has been mutated in the name of the person offering the mortgage.	:	Yes
10	Whether equitable mortgage can be created at the place where the branch disbursing the loan is situated.	:	Yes
11	Where 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	:	No.

SULTAN KHAN
 Advocate
 Enroll.No.UP-3506/94
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12	mortgage of agricultural property for non agricultural purpose). Where 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 because the title holder is absolute owner in possession with transferable right.
13	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.	: Yes
14	Whether the property is ancestral / or under joint ownership or the minor is having interest in the property? If so, its effect thereof.	: No
15	Whether the property to be mortgaged has been acquired under Land Acquisition Act 1894?	: No
16	Whether urban Land Ceiling Act is applicable in the State, where the property is located?	: No
17	In case of lease hold property, whether permission / NOC from the Lessor is required for creation of mortgage ? whether permission of the Lessor / NOC is obtained ?	: N.A.
18	What is the rate of sharing of unearned income with Lessor, in the	: N.A.

SULTAN KHAN
 Advocate
 Enroll.No.UP-3506/94
 UA-2577/04

	event of the sale of the property?	
19	Whether the copy of the title deed favouring lessor (other than Govt.) is made available to examine the validity of the lease?	N.A.
20	Whether terms & conditions given in the lease deed have been complied with? If any condition is violated, effect thereof.	N.A.
21	Whether any permission of Income Tax Authorities / Assessing Officer is required under the provisions of Income Tax Act for creation of mortgage or any certificate is to be submitted to the Bank to show that no dues are outstanding to the Income Tax Department?	: As per the affidavit given by the owner / mortgagor no outstanding regarding income tax is against title holder.
22	In respect of agriculture land, whether land is declared surplus or under consolidation of holding?	: No
23	Whether certified copies of Revenue/ Nagar nigam Records has been obtained and examined to confirm that no dues are outstanding towards the mortgagor?	: Yes

Date: 13-09-2018
Place: Dehradun.

SULTAN KHAN
(SULTAN KHAN)
Advocate
Enroll.No. 131306/94
UA-2577/04