

Kuldeep Singh Bhandari

Advocate

ANNEXURE - IV

Office: Chamber No. 77,
New Building, First Floor,
Opp. Barr Association,
Court Compound, Dehradun.
Contact No. : 9412030689

21/12/2016


Date: 20-12-2016

The Chief Manager,
Punjab National Bank,
Retail Branch,
Dehradun

SPECIAL REPORT ON TITLE

REGARDING: SEARCH REPORT / NON-CUMBRANCE CERTIFICATE IN RESPECT OF All that land forming part of Khata no. 75 (Fasli year 1416-1421) khasra no. 99 & 100 (Society Plot no. 15) having area 188.03 Sq. Mtrs. Situated at Mauza Chidowali, Pargana Parwa Doon, Distt. Dehradun (Uttarakhand).

ASPECT TO BE CONSIDERED	COUNSEL'S STATEMENT
A- PARTICULARS	
1. Name of the borrowers with address	Smt. Chhaya Mittal W/o Shri Sanjay Mittal R/o 57-Dispensary Road, Dehradun
2. Name of the owner with parentage/constitution and address.	Smt. Chhaya Mittal W/o Shri Sanjay Mittal R/o 57-Dispensary Road, Dehradun
3. Details of the property to be mortgaged : As per title deed - As per present position -	All that land forming part of Khata no. 75 (Fasli year 1416-1421) khasra no. 99 & 100 (Society Plot no. 15) having area 188.03 Sq. Mtrs. Situated at Mauza Chidowali, Pargana Parwa Doon, Distt. Dehradun bounded and butted as under: East: Land of Shri Sanjeev Mittal West: Land of others North: 9 Mtrs. wide Road South: Land of others.
B - INVESTIGATIONS	
1. Brief Details of the Title deeds/ documents scrutinized	1. Original Gift deed registered at Sr. no. 1702 on dated 09-04-2013 executed in favour of Shri Sanjay Mittal on dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702 on dated 09-04-2013 <i>with certified copy of the same.</i> 2. Certified copy of Sale deed registered at Sr. no. 1702 on dated 09-04-2013 executed in favour of Shri Sanjay Mittal on dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702


Kuldeep Singh Bhandari
Advocate

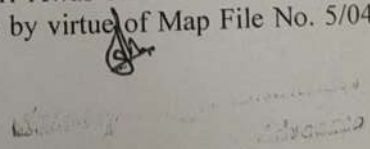
- (309)
- on dated 09-04-2013
3. Certified Copy of attorney executed by Shri Sanjay Sharma in favour of Shri Raj Kumar Sharma on dated 08-04-2013 duly registered in the office of Sub-Registrar Dehradun in book no. 4 Vol. 45 Page 71 to 80 at Sr. no. 170 on dated 08-04-2013.
 4. Certified copy of sale deed registered at Sr. no. 7256 on dated 01-11-2004 executed in favour Shri P.S. Dangwal on dated 01-11-2004 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1337 Page 523 A.D.F.B.No. 1 Vol. 1439 Page 955 to 964 at Sr. no. 7256 on dated 01-11-2004
 5. Certified copy of sale deed registered at Sr. no. 5718 on dated 30-05-2007 executed in favour Shri P.S. Dangwal on dated 30-05-2007 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1937 Page 243 to 260 at Sr. no. 5718 on dated 30-05-2007
 6. Certified copy of sale deed registered at Sr. no. 8095 on dated 23-08-2007 executed in favour (1) Shri Raj Kumar Sharma (2) Shri Sanjay Sharma on dated 23-08-2007 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 2061 Page 105 to 124 at Sr. no. 8095 on dated 23-08-2007
 7. Copy of khatauni
 8. Copy of letter issued by Secretary of Gangotri Awas Nirmal Sahkari Samiti Ltd. Dehradun regarding the rights of transfer of the aforesaid land by the original allottee.

History of the Title based on Documents mentioned in Clause No.

All that aforesaid property acquired by Smt. Chhaya Mittal W/o Shri Sanjay Mittal from Shri Sanjay Mittal S/o Shri T.D. Mittal by virtue of Gift deed dated 21-03-2016 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1217 Page 267 to 294 at Sr. no. 1454 on dated 21-03-2016.

And whereas above named Shri Sanjay Mittal S/o Shri T.D. Mittal purchased the aforesaid property/land with other part of the land from (1) Shri Raj Kumar Sharma S/o Shri V.D. Sharma himself as and attorney holder of (2) Shri Sanjay Sharma S/o Late Shri P.C. Sharma R/o 5/2 Associate Apartment, IP Extension, Delhi by virtue of Sale deed dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702 on dated 09-04-2013. The aforesaid attorney was executed by Shri Sanjay Sharma in favour of Shri Raj Kumar Sharma on dated 08-04-2013 duly registered in the office of Sub-Registrar Dehradun in book no. 4 Vol. 45 Page 71 to 80 at Sr. no. 170 on dated 08-04-2013.

And whereas initially the aforesaid land with other huge part of the property belonged to Gangotri Awas Nirmal Sahkari Samiti Ltd. Dehradun having its registered office at 286-Phase I, Vasant Vihar, Dehradun having registration No. 1135/19-05-2000 having acquired the same from different persons and later the aforesaid Gangotri Awas Nirmal Sahkari Samiti Ltd. Dehradun got approved the layout plan from MDDA Dehradun by virtue of Map File No. 5/04-05-B and letter no.



1980 dated 29-09-2004 (revised date 17-05-2006).

And whereas Gangotri Awas Nirmal Sahkari Samiti Ltd. through Shri Rakesh Mangain S/o Shri Sugam Lal (duly authorized vide Resolution No. 3 dated 10-10-2014) sold the part of the Plot no. 15 area 359.22 Sq. Mtrs. to its member Shri P.S. Dangwal S/o Late Shri Padam Singh Dangwal R/o R-14, Yamuna Colony, Dehradun vide sale deed dated 01-11-2004 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1337 Page 523 A.D.F.B.No. 1 Vol. 1439 Page 955 to 964 at Sr. no. 7256 on dated 01-11-2004.

And whereas further Gangotri Awas Nirmal Sahkari Samiti Ltd. through Shri Bipin Mohan Uniyal S/o Shri Chandra Mohan Uniyal (duly authorized vide Resolution No. 2 dated 13-05-2007) sold the remaining part of the Society Plot no. 15 area 16.84 Sq. Mtrs. to its member Shri P.S. Dangwal S/o Late Shri Padam Singh Dangwal vide sale deed dated 30-05-2007 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1937 Page 243 to 260 at Sr. no. 5718 on dated 30-05-2007.

And whereas later the aforesaid Shri P.S. Dangwal S/o Late Shri Padam Singh Dangwal sold the aforesaid to above named prior owner (1) Shri Raj Kumar Sharma S/o Shri V.D. Sharma R/o T-8, Shivalik Apartment, Canal Road, Jakhan Dehradun (2) Shri Sanjay Sharma S/o Late Shri P.C. Sharma R/o 5/2 Associate Apartment, IP Extension, Delhi by virtue of sale deed dated 23-08-2007 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 2061 Page 105 to 124 at Sr. no. 8095 on dated 23-08-2007.

And whereas the name of present owner has not been duly mutated in the Revenue records because the aforesaid property/land is the part of approved plotting of MDDA dehradun and the mutation is not mandatory and the aforesaid land is situated within the limits of Nagar Nigam Dehradun.

2. Whether documents given to the counsel are original one or more copies of documents ?
3. Whether documents given as original title deeds raise any doubt or suspicious?

Yes


4. Whether the particulars of registration also given in the title deed shown to the counsel tally with the particulars as stated in records of the registrar's office/
5. Whether the registration particulars and dated and page particulars as given in the title deed tally with the particulars as stated in records of the registrar's office?
6. Whether the photographs of the parties affixed in the conveyance deed/title deed tally with the photograph seen in the certified copy as obtained from the registrar's office?

Xerox are verified from concerned Sub-Registrar Office and Serch has been conducted there and after obtaining the certified copy of the latest Sale deed, undersigned came to the conclusion that the Xerox copy of the Title Deed given raises no doubt or suspicion.


Yes, the registration particulars number & date and page particulars as given in the title deed shown to undersigned with the particulars as stated in the records of the registrar's office.

Yes, the registration particulars number & date and page particulars as given in the title deed tally with the particulars as stated in the Second copy kept in the registrar's office.

Yes, the photographs of parties as affixed in title deed tally with the photograph seen in the Second copy kept in registrar's office.

7.	Whether the contents of the 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, contents as give in the title deed tally verbatim with the contents as stated in the Second copy kept in the registrar's office.
8.	Whether the property has been mutated in the name of the person offering the mortgage?	And whereas the name of present owner has not been duly mutated in the Revenue records because the aforesaid property/land is the part of approved plotting of MDDA dehradun and the mutation is not mandatory and the aforesaid land is situated within the limits of Nagar Nigam Dehradun
9.	Whether equitable mortgage can be created at the place where the branch disbursing the loan is situated.	THAT THE TOTAL PROPERTY OF AREA 376.06 SQ. MTRS. WAS MORTGAGED BY THE HUSBAND OF PRESENT OWNER NAMED SHRI SANJAY MITTAL AND PRESENT OWNER SMT. CHHAYA MITTAL IS THE CO-BORROWER IN THE ABOVE LOAN. SHRI SANJAY MITTAL TRANSFER THE HALF SHARE OF HIS PROEPRTY TO THE PRESENT OWNER/CO-BORROWER IN THIS WAY THE TOTAL PROPERTY IS ALREADY MORTGAGED IN PNB, DEHRADUN AND THE LOAN SHOULD BE CONTINUE AFTER DEPOSITING THE ABOVE ORIGINAL GIFT DEED IN THE BANK.
10.	Whether there is any bar under any local law for creation of mortgage of the property to be mortgaged?	No
11.	Where there are restrictions regarding sale of the property to be mortgaged ?	No
12.	Whether all the approvals, clerance/sanctioned required for creation of the mortgage have been obtained ? If not obtained, what are such sanction/ approvals and clearances yet to be obtained.	Not Applicable
13.	Whether the property is ancestral/or under joint ownership or the minor is having interest in the property. If so it effect thereof.	Not Applicable
14.	Whether the property to be mortgaged has been acquired under Land Acquisition Act, 1894.	Not Applicable
15.	Whether Urbal Land Ceiling Act is applicable in the State where the property is located.	Not Applicable
16.	In case of lease hold property whether permission/NOC from the Lessor is required for creation of	Not Applicable 

mortgage. Whether permission of the Lessor/NOC is obtained.	
17. What is the rate of sharing unearned income with Lessor in the event of the sale of the property?	Confirmed from the Borrower.
18. Whether copy of the title deed favouring Lessor is made available to examine the validity of the lease.	Not Applicable
19. Whether terms and conditions given in the lease deed have been complied with? If any condition is violated, effect thereof.	Not Applicable
20. Whether the permission of the Income Tax Authorities/ Assessing Officer is required under the provisions of the 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 physical Verification of the property, nothing evident as such.
21. In respect of the agricultural land whether land is declared surplus or under consolidation of holdings.	Not Applicable
22. Whether certified copies of revenue records has been obtained and examined to confirm that no dues are outstanding towards the mortgagor.	THE PROPERTY IS ALREADY MORTGAGED IN PNB, DEHRADUN


 (K.S. Bhandari)
 Advocate

(265)
Kuldeep Singh Bhandari
Advocate

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Opp. Barr Association,
Court Compound, Dehradun.
Contact No. : 9412030689

The Chief Manager,
Punjab National Bank,
Retail Branch, Dehradun

Date: 20-12-2016

CERTIFICATE

Reg: All that land forming part of Khata no. 75 (Fasli year 1416-1421) khasra no. 99 & 100 (Society Plot no. 15) having area 188.03 Sq. Mtrs. Situated at Mauza Chidowali, Pargana Parwa Doon, Distt. Dehradun

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 the Sub-Registrar **Dehradun**.

I further certify that the photographs of previous owner, affixed/seen in the title deed tally with records of Sub-Registrar, **Dehradun**.

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 Sub-registrar **Dehradun** :-

1. Original Gift deed registered at Sr. no. 1702 on dated 09-04-2013 executed in favour of Shri Sanjay Mittal on dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702 on dated 09-04-2013 *with certified copy of the same*.
2. Certified copy of Sale deed registered at Sr. no. 1702 on dated 09-04-2013 executed in favour of Shri Sanjay Mittal on dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702 on dated 09-04-2013
3. Certified Copy of attorney executed by Shri Sanjay Sharma in favour of Shri Raj Kumar Sharma on dated 08-04-2013 duly registered in the office of Sub-Registrar Dehradun in book no. 4 Vol. 45 Page 71 to 80 at Sr. no. 170 on dated 08-04-2013.
4. Certified copy of sale deed registered at Sr. no. 7256 on dated 01-11-2004 executed in favour of Shri P.S. Dangwal on dated 01-11-2004 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1337 Page 523 A.D.F.B.No. 1 Vol. 1439 Page 955 to 964 at Sr. no. 7256 on dated 01-11-2004
5. Certified copy of sale deed registered at Sr. no. 5718 on dated 30-05-2007 executed in favour of Shri P.S. Dangwal on dated 30-05-2007 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 1937 Page 243 to 260 at Sr. no. 5718 on dated 30-05-2007

6. Certified copy of sale deed registered at Sr. no. 8095 on dated 23-08-2007 executed in favour (1) Shri Raj Kumar Sharma (2) Shri Sanjay Sharma on dated 23-08-2007 duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 2061 Page 105 to 124 at Sr. no. 8095 on dated 23-08-2007
7. Copy of khatauni
8. Copy of letter issued by Secretary of Gangotri Awas Nirmal Sahkari Samiti Ltd. Dehradun regarding the rights of transfer of the aforesaid land by the original allottee..

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.

As per your instructions and pursuant to my search conducted in the office of Sub-Registrar Dehradun from the period **01-03-2003 TO 16-12-2016** vide receipt attached with the report. Certified copy of the Transfer Deed is enclosed herewith and thereby undersigned came to the conclusion that No Encumbrance has been found in respect of the above mentioned property.

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

- a) Name of Lender: **Smt. Chhaya Mittal W/o Shri Sanjay Mittal R/o 57-Dispensary Road, Dehradun**
- b) Date of Opinion: **20-12-2016**
- c) Remarks: **THAT THE TOTAL PROPERTY OF AREA 376.06 SQ. MTRS. WAS MORTGAGED BY THE HUSBAND OF PRESENT OWNER NAMED SHRI SANJAY MITTAL AND PRESENT OWNER SMT. CHHAYA MITTAL IS THE CO-BORROWER IN THE ABOVE LOAN**

SHRI SANJAY MITTAL TRANSFER THE HALF SHARE OF HIS PROEPRTY TO THE PRESENT OWNER/CO-BORROWER IN THIS WAY THE TOTAL PROPERTY IS ALREADY MORTGAGED IN PNB, DEHRADUN AND THE LOAN SHOULD BE CONTINUE AFTER DEPOSITING THE ABOVE ORIGINAL GIFT DEED IN THE BANK. AND THE SCHEDULE PROPERTY IS GOVERNED TO THE SARFACI ACT.

I hereby certify that **Smt. Chhaya Mittal W/o Shri Sanjay Mittal R/o 57-Dispensary Road, Dehradun** has a clear, valid and marketable title over the above said property and he is competent to mortgage the same in Bank after following the list as mentioned below.

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

1. Original Gift deed registered at Sr. no. 1702 on dated 09-04-2013 executed in favour of Shri Sanjay Mittal on dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702 on dated 09-04-2013 *with certified copy of the same.*

2. Certified copy of Sale deed registered at Sr. no. 1702 on dated 09-04-2013 executed in favour of Shri Sanjay Mittal on dated 09-04-2013 which is duly registered in the office of Sub-Registrar Dehradun in book no. 1 Vol. 767 Page 83 to 142 at Sr. no. 1702 on dated 09-04-2013
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7. Copy of khatauni
8. Copy of letter issued by Secretary of Gangotri Awas Nirmal Sahkari Samiti Ltd. Dehradun regarding the rights of transfer of the aforesaid land by the original allottee..

Yours faithfully,



(K.S. Bhandari)
Advocate

- Enclosures :
1. Special report
 2. Chain of Title
 3. Search Receipt issued by Sub-Registrar, Dehradun.
 4. Certificate
 5. Certified copy
 6. Affidavit.

(362)

Kuldeep Singh Bhandari
Advocate

Office: Chamber No. 77,
New Building, First Floor,
Opp. Barr Association,
Court Compound, Dehradun.
Contact No. : 9412030689

The Chief Manager,
Punjab National Bank,
Retail Branch,
Dehradun

Date: 20-12-2016

SEARCH CERTIFICATE

Reg: All that land forming part of Khata no. 75 (Fasli year 1416-1421) khasra no. 99 & 100 (Society Plot no. 15) having area 188.03 Sq. Mtrs. Situated at Mauza Chidowali, Pargana Parwa Doon, Distt. Dehradun).

1. **Sub-Registrar Office**

Personal search was carried out for the purpose of inspection conducted by me in the office of Sub-Registrar, **Dehradun**, from the period of **01-03-2003 TO 16-12-2016** vide receipt enclosed with the report, Certified copy of the Transfer Deed is enclosed herewith and thereby undersigned came to the conclusion that No Encumbrance has been found in respect of the above mentioned property

2. **The Search report disclosed following:**

Search Report discloses that the present owner acquired the property vide gift deed.

3. Registrar of Companies : N.A.

4. Courts : No.

5. Other offices :

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

ii) _____ Development Authority : N.A.

6. Any other documents

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


7. The Search made in ROC:- N.A.

8. Inspection of Court records:- N.A.

9. Search Made / Inspections carried out in the following office disclosed:

Office	Date of Search / Inspection	Information
Sub-Registrar Dehradun	16-12-2016	All the documents were property registered over there

Yours faithfully,

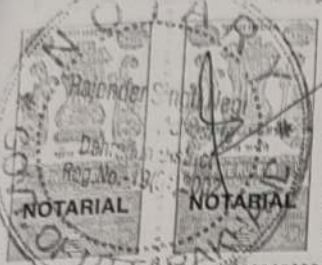

(K.S. Bhandari)
Advocate

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TEN
RUPEES

Rs.10



INDIA NON JUDICIAL

AFFIDAVIT

32AA 760640

BEFORE THE MANAGER, PUNJAB NATIONAL BANK, DEHRADUN.

Affidavit of Smt. Chhaya Mittal W/o Shri Sanjay Mittal R/o 57-Dispensary Road, Dehradun.

.....Deponent

I, the above named Deponent, do hereby solemnly affirm and state on oath as under:-

That the Deponent's name and address as mentioned herein above is correct.

That the Deponent are the absolute owner and in possession of all that property more-fully shown in the schedule of this affidavit hereinafter called the said land and no other person has any share right, title or interest of any kind or nature whatsoever in the said land till date.

That the Deponent has not created any mortgage, charge or encumbrance of any kind or nature whatsoever on or in respect of the said land **EXCEPT ALREADY MORTGAGE IN PNB DEHRADUN**. The said land is free from all sort of encumbrances, claims or demand of any kind of nature whatsoever. No adverse claim of any kind exists against the said land.

That the Deponent has not any time deposited any of the title deeds relating to the said land with any person or persons whomsoever, as and by way of security, equitable mortgage by deposit of title deeds, charge, lien or trust or any manner whatsoever and that the said land is free from all encumbrances, claims and demands. No claim has ever been made against the Deponent or against the said land on the ground of any deposit of all or any of the title deeds, documents or writings or any one or more of them as security or on other ground whatsoever.

That Deponent assure to the bank that till date no litigation is pending in respect of the scheduled land nor any decree for attachment before judgment, after judgment, injunction, appointment of Receiver, appointment of Liquidator has been passed by any court or board or authority or tribunal.

That there are no land revenue assessment, income tax, wealth tax, expenditure tax or any other taxes, cesses, dues, assessments due and payable by the Deponent for which the said land is liable to be attached nor the Deponent have received any notice under The Payment of Taxes Act, The Transfer of Land (Amendment) Act, The Income Tax Act, The Wealth Tax Act, The Expenditure

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Tax Act, The Gift Tax Act or any other Act issued or pending against the Deponent over the said land.

7. That the said land is not subject matter of any suit or legal proceedings nor any attachments before or after judgment nor has any trust secret or otherwise, been created in respect of the said land.
8. That the Deponent has not availed any loan from any Bank or Financial Institution against the said land. That the Deponent are not in any arrears of any liability of payment towards principal loan amount or interest thereon.
9. That the Deponent has not avail any loan of any amount for any purpose from any other Bank, any nationalized or private bank or any other Financial Institution or leasing company, engaged in providing loans.
10. That the Deponent has agreed and undertaken to indemnify and keep indemnified the Bank fully and effectually against all claims, demands, charges and expenses whatsoever in respect of her said land.
11. That the Deponent has not done or cause to be done any such work, acts or things regarding her said land, which may directly or indirectly effect the bank's valuable right and interest, adversely.
12. That the Deponent assured to the Bank that he has personally verified and checked the title chain of Scheduled land, which is found to be clear, but if in future any type of defect is found regarding Deponent's land mentioned in schedule of declaration in that circumstances the whole liability would be of Deponent and Deponent would not have a right to file any type of claim/compensation against the bank, its employees, workers or panel advocates. Besides it, in that circumstances the Deponent would be under obligation to repay the total principal loan amount alongwith interest and other incidental charges to the bank.

SCHEDULE PROPERTY

All that land forming part of Khata no. 75 (Fasli year 1416-1421) khasra no. 99 & 100 (Society Plot no. 15) having area 188.03 Sq. Mtrs. Situated at Mauza Chidowali, Pargana Parwa Doon, Distt. Dehradun bounded and butted as under:

East: Land of Shri Sanjay Mittal
West: Land of others
North: 9 Mtrs. wide Road
South: Land of others.

Deponent

Verification : I, the above named Deponent, do hereby verify that the contents of paras 1 to 13 of this affidavit are true to my personal knowledge and belief.

Verified at Dehradun on

Deponent

This affidavit is sworn before me by

Shri. *Shri. Oh Laxmi*

who is identified by *12/20/14/16*

at Dehradun on *12/20/14/16*

Advocate & Solicitor