

RAJIV KAKKAR

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ADVOCATE

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LEGAL OPINION

The Cluster Head,
Retail Asset Group
Oriental Bank of Commerce,
Rajpur Road, Dehradun
(Branch : Subhash Nagar, Dehradun)

Dear Sir,

Reg : **Title Opinion on the residential property (Non Agricultural) bearing Khata Khatauni No. 872 (1416 to 1421 fasli) forming part of Khasra No. 566Ka-Min., having a total area of 39.08 Sq. Mtrs. + 6.68 Sq. Mtrs., total area 45.76 Sq. Mtrs., out of which the covered area is 110 Sq. Ft. or 102.19 Sq. Mtrs., situated in Mauza Dehrakhas, Pargana Pachhwa Doon District Dehradun, presently known as House No. 7, Ashirwad Enclave, THDC Colony, Dehrakhas, Dehradun (Already Mortgaged with India Bulls, Housing Finance Ltd., Dehradun)**

With reference to your letter No. _____ dated _____, I, on the basis of the copies of title deeds forwarded to me pertaining to the said immovable property and the other information submitted by you, have conducted a detailed search and investigation and submit my report as under:

1. Name(s) and Address(es) of the Mortgagor(s)/Title holder(s) : **Smt. Manoj Devi wife of Shri Shambhu Kushwaha resident of House No. 7, Ashirwad Enclave, THDC Colony, Dehrakhas, Dehradun.**
2. Description of immovable property :

Plot No./ Property No.	Area (in sq. yds./sq. mtrs/sq. ft./acres/hectares)	Location	Boundaries (As per sale deed) dt. 5.2.2018.
residential property (Non Agricultural) bearing Khata Khatauni No. 872 (1416 to 1421 fasli) forming part of Khasra No.	having a total area of 39.08 Sq. Mtrs., out of which the covered area is 110 Sq. Ft. or 102.19 Sq. Mtrs.,	situated in Mauza Dehrakhas, Pargana Pachhwa Doon District Dehradun, presently known as House No. 7, Ashirwad Enclave, THDC Colony,	As per Sale Deed dated 05.02.2018 area 39.08 Sq. Mtrs. :- East : 20 ft. (6.09 Mtrs.) wide Road, side 14.5 ft., West :

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Ka-Min.,		Dehrakhas, Dehradun	Property of others, side 14.5 ft., North : Property of Ayushi Goyal, side 29 ft. and South : Property of others, side 29 ft. As per Sale Deed dated 08.05.2018 :- East : 20 ft. (6.09 Mtrs.) wide Road, side 8 inch., West : Land of others, side 4 ft. 4 inch, North : Property of Purchaser, side 29 ft. and South : Land of others, side 29 ft.
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1. The Chain of title deeds scrutinized by me i) Search in Sub-Registrar's Office (Location of property of the sub-district within which the property is located and the address of the registering officer. In case the property is situated in more than one sub-districts/districts, the particulars of all the concerned sub-districts/districts and address of the registering offices to be given)	As per details enclosed herewith Sub Registrar, Dehradun
ii) Search and Investigation (The search in the records such as index No.1, Index No.2, Book No.1/Supplementary Book No.1 should be made atleast for the past 13 years to trace any encumbrance is created on the property. A brief narration may be given on the route and chain of title to the extent of complete chain and how the title is conferred on the mortgagor. The details of the books/indexes searched by Advocate to be stated. In the event of any break in the chain of title, the details thereof specifying how the break in the chain of title took place to be stated and opinion as to whether it would vitiate Bank's creation of mortgage over the property be given. In case of any mortgage, charge or encumbrance subsists over the property, the same may be highlighted so that	The above total property was purchased by the present owner Smt. Manoj Devi wife of Shri Shambhu Kushwaha resident of House No. 7, Ashirwad Enclave, THDC Colony, Dehrakhas, Dehradun vide Two Sale Deeds. The First Sale Deed dated 05.02.2018 in respect of residential property (Non Agricultural) bearing Khata Khatauni No. 872 (1416 to 1421 fasli) forming part of Khasra No. 566Ka-Min., having a total area of 39.08 Sq. Mtrs., out of which the covered area is 1100Sq. Ft. or 102.19 Sq. Mtrs., situated in Mauza Dehrakhas, Pargana Pachhwa Doon District Dehradun, presently known as House No. 7, Ashirwad Enclave, THDC

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Bank shall avoid the said property. Confirm and state that the original title deeds submitted are originals registered before the Registrar of Assurance) and proper stamp duty has been paid.

Colony, Dehrakhas, Dehradun was duly executed by Smt. Priya Bansal wife of Shri Sachin Bansal resident of Vidya Vihar, Phase-II, Kargi Road, Dehradun through attorney, her husband Shri Sachin Bansal son of Shri Ishwar Chand Bansal resident of Vidya Vihar, Phase-II, Kargi Road, Dehradun (duly appointed vide Power of Attorney dated 07.12.2016 duly registered in the office of Sub Registrar, Dehradun in Book No. 4, Vol. 534 Pages 321 to 336 at Serial No. 636 on 07.12.2016), by virtue of a sale deed dated 05.02.2018, duly registered in the office of Sub Registrar, Dehradun in Book No. 1 Vol. 3876 Pages 75 to 98 at Serial No. 1151 on 05.02.2018. The previous owner Smt. Priya Bansal had in turn purchased total property as a plot of land measuring 80.82 Sq. Mtrs., from Shri Jaipal and Shri Akesh Kumar, both sons of Shri Prem Chand both resident of 52-A, Pathri Bagh, Dehradun with the other co-owner Shri Rakesh Kumar son of Shri Prem Chand signing as consenting party, by virtue of a sale deed dated 17.01.2017, duly registered in the office of Sub Registrar, Dehradun in Book No. 1 Vol. 3251 Pages 273 to 296 at Serial No. 963 on 18.02.2017. The previous owners Shri Jaipal, Shri Akesh Kumar and Shri Rakesh Kumar has in turn purchased/acquired total land measuring 0.1360 Hect. from Mahant Devendra Daas Sajjada Nashin, Darbar Shri Guru Ram Rai Sahab Ji Maharaj, Jhanda Bazar, Dehradun, vide Perpetual Lease Deed dated 10.01.2003 duly registered in the office of Sub Registrar, Dehradun in Book No. 1 Vol. 963 Page 24 Add. File Book No. 1 Vol. 1269 Pages 889 to 900 as document No. 196 with Musanna No. 219 on 10.01.2003. As per the said lease deed, the perpetual lessees Shri Jaipal and others had absolute transferable rights in respect of the above land and in case of any transfer no objection from Shri Guru Ram Rai Sahab Ji had to be obtained, which was duly obtained vide NOC dated 14.03.2016. However the names of Shri Jaipal and others, were duly recorded as bhumidhars with absolute transferable rights in the revenue records. Mahant Devendra Daas Sajjada Nashin, Darbar Shri Guru Ram Rai Sahab Ji Maharaj was the recorded bhumidhar of the above land alongwith other land since 1372 fasli i.e. since the year 1965.

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The Second Sale Deed dated 08.05.2018 in respect of Vacant land measuring 8 Sq. Yards or 6.68 Sq. Mtrs., was duly executed by Shri Jaipal and Shri Akesh Kumar, both sons of Shri Prem Chand both resident of 52-A, Pathri Bagh, Dehradun both through their attorney Shri Praveen Kumar son of Shri Harpal Singh resident of Shamli Uttar Pradesh (duly appointed vide Power of Attorney dated 24.08.2017 duly registered in the office of Sub Registrar, Dehradun in Book No. 4 Vol. 550 Pages 221 to 236 as document No. 319 on 04.09.2017), the said sale deed being duly registered in the office of Sub Registrar, Dehradun in Book No. 1 Vol. 4076 Pages 155 to 178 as document No. 4477 on 05.05.2018. The previous owners Shri Jaipal and Shri Akesh Kumar alongwith other Rakesh Kumar has in turn purchased/acquired total land measuring 0.1360 Hect. from Mahant Devendra Daas Sajjada Nashin, Darbar Shri Guru Ram Rai Sahab Ji Maharaj, Jhanda Bazar, Dehradun, vide Perpetual Lease Deed dated 10.01.2003 duly registered in the office of Sub Registrar, Dehradun in Book No. 1 Vol. 963 Page 24 Add. File Book No. 1 Vol. 1269 Pages 889 to 900 as document No. 196 with Musanna No. 219 on 10.01.2003. Mahant Devendra Daas Sajjada Nashin, Darbar Shri Guru Ram Rai Sahab Ji Maharaj was the recorded bhumidhar of the above land alongwith other land since 1372 fasli i.e. since the year 1965. As such the chain of title in respect of the above property is complete.

The name of the previous Shri Jaipal and others were recorded as joint owners in the revenue records in respect of the total land measuring 0.1360 Hect. Vide Orders of the Asstt. Collector, First Class, Dehradun in Case No. 33 of 2010-11, U/S 143 of the UPZA & LR Act, the above total land was declared as Non Agricultural. However the above property comes within the purview of Nagar Nigam, Dehradun and shall be duly assessed by it in due course.

The construction on the above property has been duly sanctioned by the MDDA, Dehradun vide compounded sanction plan No. CR-0058/17-18, vide orders dated 27.05.2017.

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<p>Whether the property is ancestral and/or under joint ownership. so, details of the co-parceners /Karta and/or the co-owners. The respective shares should be incorporated specifically</p>	No
<p>IV) Minor's delinquent, unsound, untraced person's 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 the mortgage over the property).</p>	No minor's interest is involved.
<p>V) Documents pending for registration (The enquiry 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. of charge holders' should be specified)</p>	N/A
<p>5. Whether Urban Land (Ceiling and Regulation) Act 1976 is applicable in 'State where the property is located. 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 and 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 to be attached with the report.</p>	N/A
<p>6. Whether the property is acquired under the Land Acquisition Act, 1894 and applicability of other State Legislations.</p>	N/A
<p>7. Leasehold immovable Property (where land / building is leasehold, please verify the terms of lease, whether any permission/NOC from the lessors / competent authority is required for creation of mortgage of such leasehold property and advice the precautions to be taken obtaining such property in mortgage)</p>	N/A
<p>8. Investigation under Income Tax Act 1961(Any permission of the concerned Assessing Officer under any of the provisions of Act is required for creating mortgage or any Certificate to be submitted to the Bank to show that no dues are outstanding to Income Tax Deptt.</p>	N/A
<p>9. Investigation in regard to agricultural land (Investigate and search the necessary records etc. with specific reference to the land if it is surplus, self-cultivated, if consolidation of holdings / acquisition proceedings etc. is in progress in the area, whether Government loan / any loan raised against the land and details about the charges /</p>	N/A

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encumbrances may be specified, specifically with reference to the Agricultural Land Laws.	
The details of the certified copies of the revenue records obtained to confirm that the property in question has been mutated and no dues are outstanding against the Mortgagor.	Copy of the Khatauni enclosed.
11. Any other special enactment which is applicable to the property proposed to be mortgaged and affects the title.	N/A
12. If it is a property owned by the Company the additional safeguards like search before the Registrar of Companies to be obtained be stated.	N/A
13. Whether documents given as chain of title deeds inspire any doubt / suspicion. Is it curable - how?	No
14. Reason as to why equitable mortgage is not being created with the branch, where the property is situated?	N/A
15. Whether any bar to create mortgage as in case of agricultural land in Delhi? Any CLU / house tax / notification of land vesting in municipal authority?	N/A
16. Whether any restriction on sale of property? e.g. J & K, Uttaranchal & HP etc.	No
17. Whether any approvals / clearances required or obtained, detail?	Upon, redemption of the existing mortgage with India Bulls, Housing Finance Ltd., Dehradun

The following documents in addition to documents mentioned in Chain of documents in original as well as copies as the case may be alongwith additional documents mentioned above, varying from case to case may also be obtained for creation of valid equitable mortgage by deposit of the title deeds (varying from case to case).

Particulars	Comments of Advocate
1. House Tax assessment order pertaining to property to be mortgaged.	No
2. Site Plan (sanctioned)	Yes
3. House Tax receipt pertaining to property to be mortgaged	No
4. Self assessment return form	
5. Electricity / Water Bill	Yes
6. Copy of PAN Card / Driving License / Passport etc.	Yes
7. Income Tax returns	N/A
8. Affidavit of mortgagor as to how he/she is connected with the account in which he / she is furnishing his / her property as security.	Yes
9. In case of property of Builders, in addition to the GPA / SPA, Collaboration / Builders Agreement, the PAN No. & ITCC of Builder, his history, copy of some regd. Documents and endorsement on the original sale deed (if retained by original owner / builder) be made, if possible, so that previous document even if retained by the Owner / Builder cannot be misused.	N/A
10. In case the property to be mortgaged is related to the	N/A

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company, then relevant Resolutions along with copy of the minutes, MOA / AOA and ROC record may be obtained	
In any case where ever the previous original title deed is missing or retained by 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
12. Affidavit that mortgagor deposited title deeds with intention, has deposited all documents, would not misuse any document to detriment of bank etc., may also be obtained.	Yes
13. The stamp duty payable on Oral Assent (if applicable)	N/A
14. NOC / No Dues certificate from lessor / land authority.	N/A
15. In case of leasehold property, the remaining period of lease, any provision for further renewal of lease etc. shall be sepecifically mentioned. The receipt for upto date payment of lease rent shall be obtained.	N/A
16. 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
17. In case of flat belonging to Cooperative Housing Society, necessary further documents i.e. Share Certificate, No Objection Certificate from Society after verifying the related records and receipt for the payment of upto date dues to the Society be obtained.	N/A
18. Since Central Registry u/s 20 of the SARFAESI Act has been created and notification No.F-56/5/2007-BO-11 dated 31 st March 2011 has been issued, inspection of records of central register through the website of the Central Registry shall also be made by the advocate concerned and the same shall be stated in the opinion.	N/A

CERTIFICATE

I hereby certify that I have personally visited the Office of Registrar / Sub-Registrar / Revenue Authorities and personally searched and verified the information furnished in this report. I have compared the Sale Deed dated 05.02.2018 given to me with the copy of it available in the Office of Sub-Registrar and have found that both are tallying with each other. I also certify that the title deeds in respect of the captioned properties are genuine, original and properly executed. The statement and other information given in the report are correct and true. The above security interest created in favour of the bank as such is enforceable under the SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT 2002 (As Amended by the Enforcement of Security Interest and Recovery of Debt Laws Amendment Act, 2004), if the need so arises. I certify that **Smt. Manoj Devi** has got a valid, clear, absolute and marketable title over the property shown above **except the existing mortgage**

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the India Bulls, Housing Finance Ltd., Dehradun. If Smt. Manoj Devi personally present (alongwith identity proof) and deposits the title deeds in original along with documents mentioned hereunder, with intention to create equitable mortgage, it will satisfy the requirements of creation of equitable mortgage. The following person/s should be present personally (alongwith identity proof) to deposit the original title deeds with your Bank / Branch for creation of equitable mortgage :

(1) Smt. Manoj Devi

The following documents shall be obtained at the time of creation of mortgage.

1. Original Sale Deed dated 05.02.2018 bearing document no. 1151
2. Original Sale Deed dated 17.01.2017 bearing document no. 963
3. Original Sale Deed dated 08.05.2018 bearing document no. 4477 ✓
4. Approved and sanctioned Map MDDA, Dehradun.

Encls. :-

1. Search Receipt dated 27.12.2018 Sub Registrar, Dehradun
2. Certified copy of the Sale Deed dated 05.02.2018 bearing document no. 1151 ✓
3. Certified copy of the Sale Deed dated 08.05.2018 bearing document no. 4477
4. Certified copy of the Sale Deed dated 17.01.2017 bearing document no. 963 ✓
5. Certified copy of the Power of Attorney dated 07.12.2016 ✓
6. Certified copy of the Perpetual Lease Deed dated 10.01.2003 ✓
7. Certified copy of the Power of Attorney dated 24.08.2017
8. Copy of the Letter of Deposit of India Bulls ✓
9. Copy of the NOC of Shri Guru Ram Rai Darbar Sahib, dated 14.03.2016
10. Copy of the Electricity Bill ✓
11. Copy of the sanctioned map ✓
12. Copy of the Khatauni (1416 to 1421 fasli) dated 28.12.2018
13. Copy of the I.D. of the Borrower
14. Affidavit of the Mortgagor.

Yours faithfully

(RAJIV KAKKAR)

Advocate
Signature of the Empanelled Advocate
Place : Dehradun
Date : 29.12.2018

(प्रस्तुतकर्ता अथवा प्रार्थी द्वारा रखा जाने वाला)

या प्रार्थना-पत्र प्रस्तुत करने का दिनांक

27-Dec-2018

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प्रस्तुतकर्ता या प्रार्थी का नाम

RAJEEV KAKKAR

मुआयना

14 वर्ष

(2,005 - 2,018)

का प्रकार

1 सफल की धनराशि

0.00

2 रजिस्ट्रीकरण शुल्क

0.00

3 प्रतिलिपि करण शुल्क

0.00

4 इलैक्ट्रॉनिक शुल्क

0.00

5 निरीक्षण या तलाश शुल्क

70.00

6 मुख्तारनामा के अभिप्रणालोकरण के लिए शुल्क

0.00

7 कमीशन शुल्क

0.00

8 नकल शुल्क

0.00

9 विविध

5.00

10 यात्रिक भत्ता

0.00

11 कम रजिस्ट्रीकरण शुल्क

0.00

योग

75.00

शुल्क वसूल करने की दिनांक

27-Dec-2018

Application No 20,049

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर उपनिबंधक, देहरादून, प्रथम

Sub Registrar-1
Dehradun