

January 30, 2014

M/s. Pride and Expert Properties Private Limited,
G-2, Pride Elite,
10, Museum Road,
Bangalore – 560 001

Dear Sir,

Kind Attn: Mr. Mahesh Goyal

Our opinion is sought on title and marketability of **Property No. 320** (bearing P-I-D No. 41-1-320) and **Property No.320/5** (bearing P-I-D No. 41-1-320/5), Mysore Road, Bangalore 560 026 (both earlier forming part of Survey No. 11/2, Deevitigeramanahalli Village, Kengeri Hobli, Bangalore South Taluk), together measuring an extent of 199351.4 sq. feet (4 acre 23 guntas), subsequently amalgamated and the amalgamated property bearing **Property No. 320** (bearing P-I-D No. 41-1-320). We are furnished with the photocopies of documents relating to same as listed in the Annexure to this note. On examination of the same we find as follows:

1. Description of Property(Subject Property):

All that piece and parcel of **Property No. 320** (bearing P-I-D No. 41-1-320) and **Property No.320/5** (bearing P-I-D No. 41-1-320/5), Mysore Road, Bangalore 560 026 (both earlier forming part of Survey No. 11/2, Deevitigeramanahalli Village, Kengeri Hobli, Bangalore South Taluk), together measuring an extent of 199351.4 sq. feet (4 acre 23 guntas), subsequently amalgamated and the amalgamated property bearing **Property No. 320** (bearing P-I-D No. 41-1-320) and bound on the:

East : Survey No. 7
West : Road and thereafter Survey No. 12
North : Sy No. 11/1 and Bangalore – Mysore Highway
South : Sy. No. 10

2. Title:

2.1. Agricultural land measuring about 600 feet long and 150 feet wide in Survey No. 4, situated in Deevitigeramanahalli Village, Kengeri Hobli, Bangalore South Taluk, diverted and used for non-agricultural purposes was conveyed by Sri. Chikka Hanumaiah, son of Sri. Bore Gowda and his son Sri. Marappa in favour (1)Sri. Kishnidas s/o Sri Radhakishindas, (2) Smt Mohiney w/o Sri Girdharaidas, (3) Sri Ramchand S/o Sri Bolumal and (4) Sri Bansimal S/o Bolumal, all partners of Sri Rama Metal Works vide Sale deed dated 30-10-1958 registered as Document no. 2929, Book I, Volume 81 at pages 140 -146 in the Office of Sub Registrar, Bangalore South Taluk (**Document No.1**).

2.2. On an application made on 02-01-1959, an extent of 1 acre 20 guntas of the abovementioned land was formally converted from agricultural to industrial purposes. The notice for remittance of the conversion fees and the Conversion Certificate both issued by the office of the Tahsildhar, Bangalore South Taluk are annexed hereto as **Document No.2** and **Document No. 3**.

- 2.3. Subsequently Deevitigeramanahalli Village vested with the government as per the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954, free from all encumbrances. However as per Section 13 of the Act the holder of converted land was entitled to keep the same, provided the conversion is effected, according to law. The abovementioned purchasers were thus entitled to keep the abovesaid land.
- 2.4. The extract of the Moola prathi book, reflects that portion of Sy. No. 4 was renumbered as Sy. No. 11 (**Document No.4**).
- 2.5. Srimathi Tholasamma and others conveyed an extent of 3 acres in Deevitigeramanahalli Village, Kengeri Hobli, Bangalore South Taluk, Bangalore, which had been diverted to non-agricultural purposes in favour of Sri Rama Metal Works, represented by Sri. G. B. Belani vide Sale Deed dated 20-06-1960, registered as Document No. 1591, Book I, Volume 191, pages 14 to 19, in the Office of Sub Registrar, Bangalore South Taluk (**Document No.5**). There is no mention of the Survey number in the Sale Deed. The Order bearing No. A1.O.R.210/75-76 dated 31-01-1976, passed by the office of the Special Deputy Commissioner for Abolition of Inams, (Document No. 7 hereunder) reflects the land purchased under the abovementioned sale deed bears Sy. No. 11/2.
- 2.6. The Hissa Survey Tippani reflects that Sy. No. 11 was divided into sub numbers and the portion held by Sri Rama Metal Works was assigned Sy. No. 11/2 (**Document No.6**).
- 2.7. Since the village had vested with the Government as per the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954, an application was made by Sri G. B. Belani, Managing Partner of the Sri Rama Metal Works, requesting occupancy right. Sri Rama Metal Works was registered as an Occupant under Section 5 of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954, as per Order bearing No. A1.O.R.210/75-76 dated 31-01-1976, passed by the Special Deputy Commissioner for Abolition of Inams, with respect to an extent of 3 acres 3 guntas in Deevitigeramanahalli, Kengeri Hobli, Bangalore South Taluk (**Document No. 7**) and an endorsement dated 01-03-1976 was also issued by the office of the Special Deputy Commissioner for Abolition of Inams reflecting the same (**Document No. 8**). It may be noted that under Section 13 of the Act, they are entitled to these lands and this order was merely an affirmation of an existing right.
- 2.8. Sri Rama Metal Works, thereafter obtained a formal conversion of the extent of 3 acres 3 guntas vide Official memorandum bearing No. B.DIS ALN.SR(S0276/83-84 (No. ALN.CR80/87-88 dated 17-12-1987 issued by the Office of the Deputy Commissioner, Bangalore District (**Document No. 9**).
- 2.9. The partners have by various partnership and reconstitution deeds recognised that the partnership firm Sri Rama Metal Works is the owner of the abovesaid properties.
- 2.10. Sri Rama Metal Works, represented by its partners has entered into the Joint Venture Agreement dated 27-07-2012 registered as Document No. CMP-1-03256-2012-13 of Book I, stored in C.D. No. CMPD60, in the office of the Sub-Registrar, Chamarajapet, Bangalore (**Document No. 10**) with M/s. Pride and Expert Properties Private Limited (Developers). On perusal of the said Joint Venture Agreement, it is observed that the Owners and the Developers are entitled to become joint owners of the subject property and the development, with the Owner's share being 36% and the Developers share being 64%.

2.11. In pursuance of the afore-mentioned Joint Venture Agreement, Sri Rama Metal Works has executed a General Power of Attorney on 27-07-2012 registered as Document No. CMP-4-00248-2012-13 stored in CD No. CMPD60 in the office of the Sub Registrar, Chamarajapet, Bangalore (**Document No. 11**), empowering the Developers to develop the Subject Property, including the power to alienate the subject property alongwith the development.

3. Partnership Details (Document No. 12 to 25):

3.1.	30-10-1959	A partnership under the name Sri Rama Metal Works was formed vide Partnership Agreement dated entered into by (1) Sri. Kishnidas Radhakishnidas Lulla (2) Sri. Giridhardas Belani, son of Bolumal, (3) Sri. Ramchand Belani, son of Bolumal (4) Bansilal Belani, son of Bolumal and (5) Mohiney, daughter of Jaikishnidas.
3.2.	24.8.1963	An Agreement dated 24.8.1963 was entered into by Kishnidas Radhakishnidas, G. B. Belani, R. B. Belani, Bansilal B Belani and Smt. Mohiney, wherein Smt. Mohiney retired from the Firm.
3.3.	29.9.1967	A partnership agreement dated 29.9.1967 was entered into by Giridharidas, Ramchand, and Bansilal, wherein it is stated that Sri. Kishnidas Radhakishnidas retired as per Deed of Dissolution dated 29-09-1967.
3.4.	03-07-1971	A deed of dissolution of Partnership dated 03-07-1971 was entered into by Giridharidas, Ramchand, and Bansilal, wherein Bansilal retired from the Partnership.
3.5.	03-07-1971	The Partnership was reconstituted vide partnership Agreement dated 03-07-1971. Two new partners, Jagdish son of Giridharidas and Chand, son of Ramchand were inducted as partners.
3.6.	21-04-1977	Deed of Partnership dated 21-04-1977 was entered into by Giridharidas, Ramchand, Suresh son of Sri. Giridharidas, Sri. Chand wherein Sri. Jagdish, son of Sri. Giridharidas retired from the partnership and Sri. Suresh, son of Sri. Giridharidas was inducted into the Firm.
3.7.	23-06-1979	Deed of Partnership dated 23-06-1979 was entered into by Sri. R. B. Belani and Sri. Chand Belani wherein Giridharidas and Suresh retired from the partnership
3.8.	15-12-1992	Giridhardas Belani and Suresh filed case against R. B. Belani and Chand Belani bearing No. O. S. 8227/1980 before the II Additional City Civil Judge, seeking dissolution of the Partnership firm, "Sri Rama Metal Works", a direction to the Defendants to pay their shares, amongst other reliefs. The suit was decreed on 15-12-1992, as per Joint Memo dated 15-12-1992, wherein it was agreed that the Subject Property shall belong to R. B. Belani and Chand Belani.

3.9.	01-04-1992	The Partnership was reconstituted in 01-04-1992, wherein Mrs. Godavari Bai was inducted as a Partner of the firm.
3.10.	27-03-1993	The Partnership was reconstituted again on 27-03-1993 upon the demise of R. B. Belani (Death Certificate of Mr. R. B. Belani is attached as Document No.21). Mr. Chand Belani and Godavari Bai. Continued with the firm and Archana Belani was admitted to the benefits of the firm.
3.11.	10-02-1993	After the demise of Godavari Bai on 10-02-1993 (Death Certificate of Mr. Godavari Bai is attached as Document No.23), the Partnership was reconstituted on 02-12-2002 wherein Prakash R.Belani and Sunder R Belani were inducted into the firm and Archana Belani retired from the firm.
3.12.	31-01-2007	The firm was reconstituted on 31-01-2007, as per which the sharing ratio was changed.

The partnership Firm, Sri Rama Metal Works at present comprises of Mr. Chand R. Belani, Mr. Prakash R Belani and Mr. Sunder R. Belani.

4. Khata and Property Tax:

4.1. It can be gathered from the Deed of Dissolution of Deed dated 03-07-1971 and the Joint Memo as per which the Decree was passed in A. C. No. 15/88, that Sy. No. 11/2 Deevatigeramanahalli, Kengeri Hobli, Bangalore South Taluk, has been assigned No. 320 and 321, and later 320/1 and 320/5 by the Corporation of the City of Bangalore.

4.2. Thereafter upon an application made by the owners, the khata of Property No. 320 and Property No. 320/5 was amalgamated and assigned Property No. 320 as per Special notice dated 27-07-2013 issued by the Bruhat Bangalore Mahanagar Palike(BBMP) (**Document No. 26**).

4.3. The Khata Certificate issued by the BBMP is in the name of Sri Rama Metal Works (**Document No. 27**).

4.4. The tax paid receipts reflect the name of Sri Rama Metal Works (**Document No. 28**).

5. Survey Records:

5.1. The Index of Land and Record of Rights reflect Sri Rama Metal works as owner of Sy. No. 11/2 (**Document No. 29**).

5.2. The RTC furnished for the period 1974-77 reflect the total extent of Sy. No. 11/2 as 4 acres 23 gunats and the name Khatedar as Sri Rama Metal works (**Document No. 30**).

5.3. The Akarband reflects the total extent of land in Survey No. 11/2 as 4 Acres 23 guntas (**Document No. 31**).

6. Encumbrance Certificates:

Sy. No. 4: (Document Nos. 32-43).

- 6.1. 01-02-1957 to 27-02-1963: Sale Deed dated 30-10-1958 and Mortgage deed in favour of Mysore State financial Corporation
- 6.2. 1-06-1960 to 31-12-1960: Sale Deed dated 20-06-1960
- 6.3. 1-02-1963 to 2-07-1963 and 02-03-1965 to 02-03-1968: Mortgage dated 30-03-1963 executed by Kishindas and others in favour of The Canara Industrial and Banking Syndicate Limited
- 6.4. 01-10-1966 to 18-01-1974: Receipt dated 19-8-1971 executed by the Mysore State financial Corporation in favour of Sri Rama Metal works and Release Dated 08-01-1973 by Syndicate bank.

- 6.5. 01-04-1973 to 31-03-1974 (3 acres): Nil encumbrances
- 6.6. 01-04-1976 to 06-09-1988 (3 acres): Nil encumbrances
- 6.7. 08-09-1988 to 31-05-1989(3 acres): Nil encumbrances
- 6.8. 01-06-1989 to 19-01-1998(3 acres): Nil encumbrances
- 6.9. 01-04-1997 to 31-03-1998(3 acres): Nil encumbrances
- 6.10. 01-04-1998 to 31-03-2005(3 acres): Nil encumbrances
- 6.11. 01-04-2005 to 15-02-2006(3 acres): Nil encumbrances

Sy. No. 4: (1 acre 32 guntas) (Document Nos. 44-49).

- 6.12. 23-06-1960 to 10-01-1974 (1 acre 23 guntas): Nil encumbrances
- 6.13. 01-04-1974 to 06-02-1978(1 acre 23 guntas): Nil encumbrances
- 6.14. 01-04-1976 to 06-09-1988 (1 acre 23 guntas): Nil encumbrances
- 6.15. 08-09-1988 to 31-05-1989(1 acre 23 guntas): Nil encumbrances
- 6.16. 01-06-1989 to 31-03-2005 (1 acre 23 guntas): Nil encumbrances
- 6.17. 01-04-2005 to 15-02-2006 (1 acre 23 guntas): Nil encumbrances

Sy. No. 11/2 (Old No. 4) (Document Nos. 50-53)

- 6.18. 01-01-1970 to 31-05-1989: Nil encumbrances
- 6.19. 01-06-1989 to 31-03-2004: Nil encumbrances
- 6.20. 01-04-2004 to 04-11-2011: Nil encumbrances
- 6.21. 04-11-2011 to 09-01-2014: Joint Development Agreement dated 27-07-2012

7. Litigation:

- 7.1. A proceeding under Section 79 B of the Karnataka Land Reforms Act, 1961 was held before the Special Tahsildhar, Bangalore South Taluk, vide Case No. L. R. F. D-45/74-75 against Sri Rama Metal Works. It was held that as per Section 79B (1) (b) (iii) of the Act, there was no prohibition for a joint family to hold agricultural property, and accordingly, the Special Tahsildhar, Bangalore South Taluk vide Order dated 02-03-1979 held that Sri Rama Metal works was entitled to hold land in Sy. No. 11/2 and the said proceedings were dropped (Document No. 54).
- 7.2. The Tahsildhar, Bangalore South Taluk, vide Endorsement No. RRT ILCR 546/82-83 dated 17-12-1982 has stated that Case No. L. R. F. D-45/74-75 against Sri Rama Metal Works were closed (Document No. 55).
- 7.3. Suo Moto proceedings were initiated under Section 118A of the Karnataka Land Reforms Act, 1961, to review the above mentioned order of the Special Tahsildhar, Bangalore South Taluk

under Case No. LRF CR 33/1984-85. It was observed that the said land had lost its agricultural character long ago and the order of the Special Tahsildhar, dated 02-03-1979 was upheld and the said proceedings were dropped vide order dated 12-10-1987 (**Document No. 56**).

7.4. An endorsement dated 14-10-1987 was also issued by the office of the Divisional Commissioner, informing that the Review Proceedings had been dropped (**Document No. 57**).

We have been informed that apart from what has been stated above, there are no litigations pending with respect to the Subject Property.

8. **Land Acquisition Proceedings:**

On verification at the offices of the Bangalore Development Authority, Karnataka Industrial Areas Development Board and the National Highways Authority of India, we have been informed that the Subject Property is not notified for acquisition. The RTCs also do not disclose any such notifications.

9. **Inspection Of Originals:**

We have inspected the originals of the documents as indicated in the Annexure.

10. **Public Notice:**

No objections have been received to the paper advertisement issued on 16-11-2011 in The Hindu and Udayavani respectively (**Document No. 58**).

11. **Conclusion:**

Based on the documents and information furnished above and subject to our observations made above, we are of the opinion that as on 09-01-2014, Sri Rama Metal Works, the partnership firm is the owner of the Subject Property.

Sri Rama Metal Works has entered into the Joint Venture Agreement dated 27-07-2012 with M/s. Pride and Expert Properties Private Limited (Developers), as per which it is observed that the Owner and the Developers are entitled to become joint owners of the subject property and the development, with the Owners share being 36% and the Developers share being 64%.

In pursuance of the afore-mentioned Joint Venture Agreement, Sri Rama Metal Works has executed a General Power of Attorney on 27-07-2012, empowering the Developers to develop the Subject Property, including the power to alienate the subject property alongwith the development, subject to the terms contained therein.



G. Sridhar
Advocate

Doc. No.	Description of documents	Original/ photocopy
1.	Sale deed dated 30-10-1958 registered as Document no. 2929, Book I, Volume 81 at pages 140 -146 in the Office of Sub Registrar, Bangalore South Taluk.	Original
2.	The notice issued by the Office of the Tahsildhar dated 03-04-1959 for remittance of the conversion fees.	Photocopy
3.	Conversion Certificate dated 06-04-1959 issued by the office of the Tahsildhar, Bangalore South Taluk	Original
4.	Extract of the Moola Prathi	Certified Copy
5.	Sale Deed dated 20-06-1960 registered as Document No. 1591, Book I, Volume 191, pages 14 to 19, in the Office of Sub Registrar, Bangalore South Taluk)	Original
6.	Hissa Survey Tippani	Certified Copy
7.	Order bearing No. A1.O.R.210/75-76 dated 31-01-1976	Certified copy
8.	Endorsement dated 01-03-1976 issued by the office of the Special Deputy Commissioner for Abolition of Inams.	Original
9.	Official memorandum bearing No. B.DJS ALN.SR(S0276/83-84 (No. ALN.CR80/87-88 dated 17-12-1987 issued by the Office of the Deputy Commissioner, Bangalore District	Original
10.	Joint Venture Agreement dated 27-07-2012 registered as Document No. CMP-1-03256-2012-13 of Book I, stored in C.D. No. CMPD60, in the office of the Sub-Registrar, Chamarajapet, Bangalore.	Original
11.	General Power of Attorney on 27-07-2012 registered as Document No. CMP-4-00248-2012-13 stored in CD No. CMPD60 in the office of the Sub Registrar, Chamarajapet, Bangalore	Original
12.	Partnership agreement dated 30-10-1959 entered into by (1)Sri. Kishnidas Radhakishnidas Lulla, (2)Sri. Giridhardas Belani, son of Bolumal, (3) Sri. Ramchand Belani, son of Bolumal (4) Bansilal Belani, son of Bolumal and Mohiney, daughter of Jaikishnidas	Original
13.	Agreement dated 24.8.1963 entered into by Sri. Kishnidas Radhakishnidas, Sri. G. B. Belani, 3. R. B. Belani, Bansilal B Belani and Smt. Mohiney	Original
14.	Partnership agreement dated 29.9.1967 entered into by Sri. Giridhari, son of Bolumal Belani, Ramchand, son of Bolumal Belani and	Original

Doc. No.	Description of documents	Original/ photocopy
	Bansilal, son of Bolumal Belani	
15.	Deed of dissolution of Partnership dated 03-07-1971 entered into by Sri. Girdhari, son of Bolumal Belani, Ramchand, son of Bolumal Belani and Bansilal, son of Bolumal Belani.	Original
16.	Partnership Agreement dated 03-07-1971	Original
17.	Deed of Partnership dated 21-04-1977.	Original
18.	Deed of Partnership dated 23-06-1979	Original
19.	Decree passed in A. C. No. 15/88 along with Joint Memo	Certified Copy
20.	Re constituted Partnership Deed dated 01-04-1992	Original
21.	Death Certificate of Mr. R. B. Belani.	Original
22.	Reconstituted Partnership Deed 27-03-1993.	Original
23.	Death Certificate of Godavari Bai	Photocopy
24.	Reconstituted Partnership Deed dated 02-12-2002.	Original
25.	Reconstituted Partnership Deed dated 31-01-2007	Original
26.	Special Notice issued by the Bangalore Mahanagara Palike	Original
27.	Khata Certificate of Property No. 320 issued by the Bangalore Mahanagara Palike	Original
28.	Tax Paid Receipts	Original
29.	Index of Land and Record of Rights	Certified copy
30.	RTC for the period 1974-77.	Photocopy
31.	Akarband	Photocopy
	Encumbrance Certificates:	
	Sy. No. 4: (3 acres 3 guntas)	
32.	01-02-1957 to 27-02-1963	Original
33.	1-06-1960 to 31-12-1960	Original
34.	1-02-1963 to 2-07-1963	Photocopy

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Doc. No.	Description of documents	Original/ photocopy
35.	02-03-1965 to 02-03-1968	Original
36.	01-10-1966 to 18-01-1974	Photocopy
37.	01-04-1973 to 31-03-1974	Photocopy
38.	01-04-1976 to 06-09-1988	Original
39.	08-09-1988 to 31-05-1989	Original
40.	01-06-1989 to 19-01-1998	Original
41.	01-04-1997 to 31-03-1998	Original
42.	01-04-1998 to 31-03-2005	Original
43.	01-04-2005 to 15-02-2006	Original
	Sy. No. 4: (1 acre 32 guntas)	
44.	23-06-1960 to 10-01-1974	Original
45.	01-04-1974 to 06-02-1978	Original
46.	02-04-1976 to 06-09-1988	Photocopy
47.	08-09-1988 to 31-05-1989	Original
48.	01-06-1989 to 31-03-2005	Original
49.	01-04-2005 to 15-02-2006	Original
	Sy. No. 11/2 (Old No. 4) – 4 acres 23 guntas	
50.	01-01-1970 to 31-05-1989	Original
51.	01-06-1989 to 31-03-2004	Original
52.	01-04-2004 to 04-11-2011	Original
53.	04-11-2011 to 09-01-2014	Original
54.	Order dated 02-03-1979 in Case No. L. R. F. D-45/74-75 against Sri Rama Metal Works issued by the Special Tahsildhar, Bangalore South Taluk	Certified copy
55.	Endorsement No. RRT II.CR 546/82-83 dated 17-12-1982 issued by the Tahsildhar, Bangalore South Taluk.	Original

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Doc. No.	Description of documents	Original/ photocopy
56.	Order dated 12-10-1987 in suo moto proceedings in Case No. LRF CR 33/1984-85.	Certified copy
57.	Endorsement dated 14-10-1987 issued by the office of the Divisional Commissioner.	Original
58.	Public Notice	Original

