

Avinash Sharma

Advocate

Raj High Court

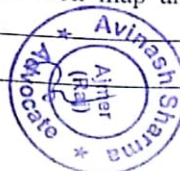
House No. 436 A, Bapu Nagar, Ajmer

Ph. No. 0145-2422304, 9414300245

Lawyer's Opinion Report for Equitable/Re-equitable Mortgage

Bank Branch	Punjab & Sindh Bank, Branch- Station Road, Ajmer
Name of the Borrower	Sardar Manjeet Singh S/o Manak Singh, Age 66 years, R/o Manak Complex, Opp. Trilok Nagar, Asha Ganj Road, Ajmer.
Name of Title Holder of the Property	Sardar Manjeet Singh S/o Manak Singh, Age 66 years, R/o Manak Complex, Opp. Trilok Nagar, Asha Ganj Road, Ajmer.
Equitable Mortgage of : (Specific description of the property to be mortgaged)	Residential Corner Plot situated at Dhani Nadi, Nai Basti Bhajan Ganj, Ajmer, part of Khasra No. 7221 of Thok Maliyan, Ajmer, Total Land area of Plot is 1000 sqr. yrd. Boundries of Property is as under : East - Property of Smt. Lalita Kanwar and Ashok Khandelwal, Mesr. 120 ft., West - Property of Bhanwar Lal and Devi Lal, Mesr. 120 ft., North - 20 ft. wide road, Mesr. 75 ft., South - 50 ft. wide road, Mers. 75 ft.

1.	Name of the applicant/Borrower status whether individual, Partnership, Company etc., name of Directors/Partners: individual mention in above para.
2.	In what capacity the Mortgagor is intending to crate Mortgage, whether as borrower/guarantor : As mortgagor.
3.	Full particulars of original documents which is/are being deposited for the purpose of creating equitable mortgage : Given in Para No. 15
(a)	Whether sale deed/partition deed/lease deed/gift deed/deed of trust. Or wakfnama/deed surrender or release deed/probate of will : Sale deeds.
(b)	The date of execution of above documents : Given in Para No. 15
(c)	Whether the documents has been registered or not, if so, the date of which the document was registered : Given in Para No. 15
(d)	Whether the document is original one ? (CARE : Normally the certified copy is not accepted) : Sale deed dated 19.05.2014 is original and Sale deed dated 22.11.68 is certified copy because part of property has been sold to mortgagor, sanction map and receipt and letter of Nagar Nigam are original.
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(c)	Who had executed the documents mentioned at Serial No. 3 and in whose favour ? Whether all the persons having title to the property are depositing title deeds. (CARE : If all the title holders are not mortgagors, equitable mortgage normally should not be accepted and such matter is required to be referred to controlling authority) : Given in Para No. 15
4.	Details of the property and its area : a) Holding no., b) Ward no., c) Circle no., d) Khasra no., f) Khatauni no., g) Nature of the property, h) Any other details : Residential Corner Plot situated at Dhani Nadi, Nai Basti Bhajan Ganj, Ajmer, part of Khasra No. 7221 of Thok Maliyan, Ajmer, Total Land area of Plot is 1000 sqr. yrd. Boundries of Property is as under : East - Property of Smt. Lalita Kanwar and Ashok Khandelwal, Mesr. 120 ft., West - Property of Bhanwar Lal and Devi Lal, Mesr. 120 ft., North - 20 ft. wide road, Mesr. 75 ft., South - 50 ft. wide road, Mesr. 75 ft.
5.	Whether non-encumbrance certificate for the immediate last 13 years showing that the property in question is unencumbered has been obtained : N/A
6.	Whether particulars of Land holdings and name of title holding in the certificate tally with details in the deed. (CARE : If there is any variation-the reason thereof should be recorded. In case of doubt the matter should be referred to controlling office.) : N/A
7.	Whether non-encumbrance certificate has been signed by the Competent Authority : N/A
8.	Whether the name of the Mortgagor is recorded in Khasra and Khatauni or the Revenue/Municipal Record. If the answer to the above question is yes, state clearly the capacity in which the above name is recorded. : N/A
9.	Rent receipts :
(a)	For how many years received ?
(b)	Whether particulars of land holding and name of the title holder in the rent receipt tally with details in the Khatauni and Deed. : N/A
10.	What is the estimated market value of property : N/A for Advocate search report.
11.	Whether the property in question is wholly/partly leased out. If so its impact on the valuation of the property : No, but an affidavit of mortgagor and title holder must be taken regarding it.
12.	Whether the equitable mortgage can be created at the centre where the loan is being granted ? If not, the name of the nearest centre where it can be created. : Yes



13.	Is there any bar or condition applicable to the creation of the mortgage ? : No.
14.	If so whether the necessary clearance has been obtained ? : N/A
15.	Brief history of the ownership of the property as how to it has been acquired by the present owner (s) : Regarding above described property initially Sh. Jagroop Gurjar S/o Jalu Gurjar alias Jala Ji, R/o Shringar Chanwari, Ajmer sold the 3 bheegha and 8 Biswa land of Khasra No. 7221 min of Thok Maliyan, Ajmer to Sh. Dr. Ramdayal Ji Bohara S/o Hardas Mal Ji Bohara and Sh. Anand Kumar Ji Bohar S/o Dr. Ramdayal Ji Bohara, jointly through registered sale deed said sale deed is registered in the office of sub registrare ajmer on dated 07.12.1968 in book no. 1, zild no. 386, sr. no. 4108, page no. 91 to 96. After the death of Sh. Dr. Ramdayal Bohara his legal heirs, Sh. Anand Kumar Bohara S/o Ramdayal Bohara and Kuldeep Bohara S/o Ramdayal Bohara, obtained ownership rights over Dr. Ramdayal Bohara's share thereafter Sh. Kuldeep Bohara, obtained ownership rights by partition with Anand Kumar Bohara on above said property as mentioned in sale deed dated 19.05.2017. Thereafter Sh. Kuldeep Bohara executed a agreement to sale in f/o mortgagor on dated 13.10.1988 but because of some dispute between Kuldeep Bohara and Mortgagor a Civil Suit has been filed by Kuldeep Bohara, Civil Suit No. 8/2003, and a Civil Suit No. 56/99, filed by mortgagor against Kuldeep Bohara thereafter during pendency of the suit and cases Kuldeep Bohara died and his legal heirs Smt. Usha Bohara W/o Kuldeep Bohara, Sangeeta Bohara D/o Kuldeep Bohara, Kavita Bohara D/o Kuldeep Bohara, Sarika Bohara D/o Kuldeep Bohara executed a sale deed regarding above said property in f/o Sh. Sardar Manjeet Singh on dated 19.05.2014 said sale deed is registered in the office of sub registrare ajmer-I on dated 19.05.2014 and book no. 1, zild no. 1833, sr. no. 2014002579, page no. 69 and in additional book no. 1, zild no. 4325, page no. 156 to 170. In Sale deed dated 19.05.2014 it has been mentioned that a Civil Suit No. 8/2003 and 56/99, pending before Civil Court and SB Civil First Appeal No. 236/05 is also pending before high court of Jiapur, an endorsement regarding dispute between the party is pending before the court also made by sub registrar Ajmer in the sale deed dated 19.05.2014 thereafter both the parties (legal heirs of Kuldeep Bohara Seller of sale deed dated 19.05.2014 and Sardar Manjeet Singh) of above mentioned cases has been executed a compromise beofore the court and solve there disputes. Now all disputes pending before the

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a.	That I have physically checked the original documents of the title deeds as well as the chain of title of property. Yes, Sale deed dated 19.05.2014 is original and Sale deed dated 22.11.68 is certified copy because part of property has been sold to mortgagor sanction map and receipt of Nagar Nigam are original.
b.	That following original documents are required to be deposited with the title in the bank. : For Creation of Mortgage (Details of title deeds, house tax receipts, affidavits etc.)
1.	Registered deed dated 22.11.1968 executed by Jagroop Gurjar in F/o Dr. Ramdayal bohra & Anand Kumar Ji bohra : - Certified Copy.
2.	Registered sale deed dated 19.05.2014 executed by legal heirs of kuldeep bohra in F/o Sardar Manjeet Singh :- Original
3.	Order/Ordership of Courts inwhich Compromise executed between sardar manjeet singh & legal heirs of Shri kuldeep bohra before civil court in case no. 12/95 (8/03) and in SB Civil First appeal no. 263/05 before hon'ble High Court Jaipur :- Certified copies
4.	Sanction Map issued by Nagar Nigam Ajmer, Letter No. 534 dt. 14.08.17 issued by Nagar Nigam Ajmer in F/o Sardar Manjeet Singh. Four original Receipt of Nagar Nigam Ajmer dt. 14.08.17 :- Original
8.	Affidavit of Mortgagor regarding that above said property is free from all court dispute, tax, levies and charges and acquisition and All documents deposited by him are original and not duplicate or fake : - Duly Stamp & Attested.
c.	That mortgage deeds/documents should be signed by the following person (s) to create valid equitable mortgage : Signature of mortgagor.
d.	That the SARFAESI Act can be enforced on the property in question. Yes.

Date : 12/10/17


Avinash Sharma
 Advocate

Enclose :

1. **Receipt of Sub Registrar, Ajmer.**
2. **Certified copy of sale deed**

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Advocate

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NON-ENCUMBRANCE CERTIFICATE

1. This is to certify that a search has been conducted by me in the office of the Registrar/Sub-Registrar of Assurance/Housing Board/Other Local Bodies (please specify) - (Place) for a period of 13 year from 2005 to 2017 of the property, the details and description of which is given in schedule 1st and has examined all the relevant documents of aforesaid property the description of which is given in Schedule 2nd. The aforesaid property belonging to **Sardar Manjeet Singh S/o Manak Singh, Age 66 years, R/o Manak Complex, Opp. Trilok Nagar, Asha Ganj Road, Ajmer** is free from all sorts of encumbrance charges, liabilities of any kind whatsoever and title of owner(s) to the said property is clear, free, marketable and chain of title is complete. The title deed (s) to the property in question is original and not duplicate or fake.
2. On the basis of declaration(s) furnished by owner(s), I certify that the said immovable property as far as I have been able to ascertain is not subject to any attachment, acquire process or any process of the court nor the same is the subject matter of any litigation pending before any court.
3. On the basis of declaration(s) furnished by owner(s), I confirm that the said property has not been notified for acquisition by the concerned authorities nor it comes with any ceiling laws.

Date : 12/10/17


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B. INVESTIGATIONS

1. Details of the title deeds/documents (including Link Deeds/Parent Deeds), House Tax Receipts, affidavits to be deposited for creation of the mortgage (with full particulars regarding nature of document, date of execution and details of registration)-
Residential Corner Plot situated at Dhani Nadi, Nai Basti Bhajan Ganj, Ajmer, part of Khasra No. 7221 of Thok Maliyan, Ajmer, Total Land area of Plot is 1000 sqr. yrd.
2. Whether counsel has physically checked the original documents of the title deeds as well as chain of title of property ? - **Yes**, Sale deed dated 19.05.2014 is original and Sale deed dated 22.11.68 is certified copy because part of property has been sold to mortgagor sanction map and receipt of Nagar Nigam are original.
3. Whether the documents given as original title deeds raise any doubt or suspicion ? - **No**
4. Whether the particulars of registration 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 certified copy obtained from registrar office has also enclosed.**
5. Whether the property has been mutated in the name of the person offering the mortgage ? - **N/A**
6. Whether equitable mortgage can be created at the place where the Branch disbursing the loan is situated ? - **Yes**
7. 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**
8. Whether SARFAESI Act can be enforced on the property(ies) in question ? - **Yes**

Date :


Avinash Sharma
Advocate