

December 26, 2024

To,

**Arvind Homes Private Limited**  
Having its office at 24,  
Government Servant Society,  
N.R. Municipal Market, C.G. Road, Ahmedabad,  
Gujarat, 380009.

Hereunder referred to as ‘**the Client**’

**Dear Sir /Madam,**

Under your instructions, we have undertaken scrutiny of various title deeds, title documents and other revenue documents in respect of the property more fully described in the Schedule below and drawn a Report on Title. Please find below Report on Title issued based on the copies of the documents furnished to us.

**Report on Title**

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**I. SCHEDULE PROPERTY**

**Item No. 1**

All that piece and parcel of the land bearing Survey No. 63/1, measuring 26 Guntas, exclusive of 02 ½ Guntas of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District, converted from agricultural to non-agricultural Layout-Residential purposes *vide* Official Memorandum dated 28.11.2022, bearing No.416176, issued by the Deputy Commissioner, Bangalore Rural District and bounded on the:

|                 |                               |
|-----------------|-------------------------------|
| <b>East by</b>  | Survey No. 63/3;              |
| <b>West by</b>  | Sulikunte Village Boundary;   |
| <b>North by</b> | Road and Survey No. 63/2; and |
| <b>South by</b> | Survey No. 62.                |

*[Boundaries mentioned herein are as per the Official Memorandum dated 28.11.2022].*

**Item No. 2**

All that piece and parcel of the land bearing Survey No. 63/3, measuring 26 Guntas, exclusive of ¾ Gunta of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District, converted from agricultural to non-agricultural Layout-Residential purposes *vide* Official Memorandum dated 23.11.2022, bearing No. 416172, issued by the Deputy Commissioner, Bangalore Rural District and bounded on the:

|                 |                  |
|-----------------|------------------|
| <b>East by</b>  | Survey No. 63/4; |
| <b>West by</b>  | Survey No. 63/3; |
| <b>North by</b> | Road; and        |
| <b>South by</b> | Survey No. 62/3; |

*[Boundaries mentioned herein are as per the Official Memorandum dated 23.11.2022].*

**Item No. 3**

All that piece and parcel of the land bearing Survey No. 63/4, measuring 26 Guntas, exclusive of ¾ Gunta of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District, converted from agricultural to non-agricultural Layout-Residential purposes *vide* Official Memorandum dated 23.11.2022, bearing No. 416177, issued by the Deputy Commissioner, Bangalore Rural District and bounded on the:

|                 |                  |
|-----------------|------------------|
| <b>East by</b>  | Survey No. 63/5; |
| <b>West by</b>  | Survey No. 63/3; |
| <b>North by</b> | Road; and        |
| <b>South by</b> | Survey No. 62/4; |

*[Boundaries mentioned herein are as per the Official Memorandum dated 23.11.2022].*

**Item No. 4**

All that piece and parcel of the land bearing Survey No. 63/5, measuring 27 Guntas, exclusive of  $\frac{3}{4}$  Gunta of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District, converted from agricultural to non-agricultural Layout-Residential purposes *vide* Official Memorandum dated 23.11.2022, bearing No. 416180, issued by the Deputy Commissioner, Bangalore Rural District and bounded on the:

|                 |                  |
|-----------------|------------------|
| <b>East by</b>  | Survey No. 63/6; |
| <b>West by</b>  | Survey No. 63/4; |
| <b>North by</b> | Road; and        |
| <b>South by</b> | Survey No. 62/5; |

*[Boundaries mentioned herein are as per the Official Memorandum dated 23.11.2022].*

**Item No. 5**

All that piece and parcel of the land bearing Survey No. 63/6, measuring 02 Acres 26 Guntas, exclusive of 03 Guntas of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District, converted from agricultural to non-agricultural Layout-Residential purposes *vide* Official Memorandum dated 23.11.2022, bearing No. 416178, issued by the Deputy Commissioner, Bangalore Rural District and bounded on the:

|                 |                                |
|-----------------|--------------------------------|
| <b>East by</b>  | Lingadheeragollahalli Village; |
| <b>West by</b>  | Survey No. 63/5;               |
| <b>North by</b> | Road; and                      |
| <b>South by</b> | Survey No. 62/6;               |

*[Boundaries mentioned herein are as per the Official Memorandum dated 23.11.2022].*

Item No. 1 to Item No. 5 are hereinafter collectively referred to as the “**Schedule Property**”.

**II. COPIES OF THE DOCUMENTS FURNISHED FOR SCRUTINY**

| Serial No. | Description of Documents  |
|------------|---|
| 1.         | Inam Order dated 15.07.1961 in Case No. 19/1961 passed by the Special Deputy Commissioner for Abolition of Inams, Bangalore with respect to a portion measuring 02 Acres 28 Guntas in Survey No. 63 and another land;   |
| 2.         | Endorsement dated 21.08.1961 in Case No. 19/1961 issued by Office of the Special Deputy Commissioner for Abolition of Inams, Bangalore with respect to a portion measuring 02 Acres 28 Guntas in Survey No. 63 and another land;  |
| 3.         | Register VIII Extract issued by the Tahsildar, Grade-2, Devanahalli Taluka with respect to a portion measuring 02 Acres 28 Guntas in Survey No. 63 and other lands;   |
| 4.         | Record of Rights bearing RR Nos. 234, 298 and 299 issued by the Tahsildar Grade-2, Devanahalli Taluk;   |
| 5.         | Genealogical tree/family trees of Late Siddappa: (i) dated 22.06.2004 issued by the Village Accountant, Kundana Range, Kundana Hobli, Devanahalli Taluk; and (ii) by way of an Affidavit dated 02.08.2022 deposed by Nagaraju s/o Late Nanjundaiah;   |
| 6.         | Sale Deed dated 07.06.1965 executed by Shiddappa <i>alias</i> Siddappa s/o Nanjundappa in favour of Chikkabasappa s/o Chikkananjundappa, registered as Document No. 690/1965-66 in Book-I, Volume No. 932, at Pages 101 to 103, in the Office of the Sub-Registrar, Devanahalli;  |
| 7.         | Mutation Register Extract bearing MR No. 6/1986-87;   |
| 8.         | Notarised Genealogical tree/Family tree of Late Chikkabasappa dated 21.06.2016 deposed by his son, C. Nanjundaiah;  |
| 9.         | Regrant Order dated 29.09.1981 in Case bearing No. HOA: 82/1978-79 passed by the Tahsildar, Devanahalli Taluk with respect to Survey No. 63 and other lands;  |
| 10.        | Settlement Agreement/Deed dated 18.08.1987 executed by Patel Chikkabasappa s/o late Chikkananjundappa in favour of S. Shivanna s/o Siddappa (and son-in-law of Patel Chikkabasappa), registered as Document No. 547/1987-88 in Book-I, Volume No. 1344, at Pages 92 to 94, in the Office of the Sub-Registrar, Devanahalli; |
| 11.        | RTP No. 7/1987-88 issued by the Tahsildar, Devanahalli Taluk;   |
| 12.        | No Due Certificate dated 05.12.2004 bearing No. 38 issued by the Vyavasaya Seva Sahakara Bank Limited, Devanahalli Taluk;   |
| 13.        | Sale Deed dated 26.02.1996 S. Shivanna s/o Siddappa in favour of S. Nagabhusan  |



|     |   |
|-----|---|
|     | s/o late Rachappa, registered on 26.11.1997 as Document No. 2806/1995-96 in Book-I, Volume No. 1654, at Pages 182 to 187, in the Office of the Sub-Registrar, Devanahalli;  |
| 14. | Partition Deed dated 11.10.1996 executed between (i) S. Shivanna s/o Siddappa, (ii) S. Nanjundaiah s/o Siddappa, (iii) Veeresh s/o late Veerabhadraiah (and grandson of Siddappa) and (iv) S. Basavaraj s/o Siddappa, registered as Document No. 1423/1996-97 in Book-I, Volume No. 1672, at Pages 228 to 233, in the Office of the Sub-Registrar, Devanahalli;     |
| 15. | Mutation Register Extract bearing MR No. 4/2004-05;   |
| 16. | Mutation Register Extract bearing MR No. 5/2004-05;   |
| 17. | Sale Deed dated 10.12.2004 executed by N. Veerabhadraiah s/o late S. Nanjundaiah (for himself and as father and natural guardian of his minor son, Siddesh) in favour of Sharadmma w/o Jagannathappa, registered as Document No. DNH-1-03518/2004-05 in Book-I, stored in CD No. DNHD30, in the Office of the Sub-Registrar, Devanahalli;                           |
| 18. | Mutation Register Extract bearing MR No. 17/2004-05;  |
| 19. | Sale Deed dated 10.12.2004 executed by B. Veerabhadraiah s/o late S. Basavaraj (for himself and as natural guardian of his minor brother, Ravikumar and his minor daughter, Nischita) in favour of Sharadmma w/o Jagannathappa, registered as Document No. DNH-1-03519/2004-05 in Book-I, stored in CD No. DNHD30, in the Office of the Sub-Registrar, Devanahalli; |
| 20. | Mutation Register Extract bearing MR No. 18/2004-05;  |
| 21. | Sale Deed dated 10.12.2004 executed by V. Veeresh s/o late S. Veerabhadraiah (for himself and as father and natural guardian of his minor daughter, Veena) in favour of Sharadmma w/o Jagannathappa, registered as Document No. DNH-1-03521/2004-05 in Book-I, stored in CD No. DNHD30, in the Office of the Sub-Registrar, Devanahalli;                            |
| 22. | Mutation Register Extract bearing MR No. 19/2004-05;  |
| 23. | Sale Deed dated 10.12.2004 executed by S. Shivanna s/o late Siddappa in favour of Sharadmma w/o Jagannathappa, registered as Document No. DNH-1-03522/2004-05 in Book-I, stored in CD No. DNHD30, in the Office of the Sub-Registrar, Devanahalli;  |
| 24. | Mutation Register Extract bearing MR No. 20/2004-05;  |
| 25. | Mutation Register Extract bearing MR No. 10/2005-06;  |
| 26. | Sale Deed dated 11.11.2005 executed by Krishnamurthy s/o late Anantharamaiah and his sons, B.K. Nataraj and B.K. Lakshmi pathi in favour of Sharadmma w/o Jagannathappa, registered as Document No. DNH-1-03927/2005-06 in Book-I,  |

|     |   |
|-----|---|
|     | stored in CD No. DNHD67, in the Office of the Sub-Registrar, Devanahalli;   |
| 27. | Mutation Register Extract bearing MR No. 18/2005-06;  |
| 28. | Affidavit dated 13.04.2018 deposed by H.G. Manjunath s/o Jagannath H.M. with respect to the Genealogical tree/Family tree of Jagannath H.M.;  |
| 29. | Mutation Register Extract bearing MR No. T22/2021-22;   |
| 30. | Sale Deed dated 23.02.2022 executed by (i) Sharadamma w/o H.M. Jagannath, (ii) H.M. Jagannath s/o Munishamappa <i>alias</i> Motappa (wrongfully recorded as Jagannath s/o Jagannath) and their children, (iii) H.J. Manjunath s/o H.M. Jagannath, (iv) Shweta R w/o H.J. Manjunath, (v) H.J. Bharathi d/o H.M. Jagannath and (vi) H.J. Bhavya <i>alias</i> J. Bhavya d/o H.M. Jagannath (as "Sellers"), (a) Narayanaswamy V s/o Venkateshappa, (b) M/s. SMS Builders and Developers, represented by its Authorised Signatory, Mr. Shanthakumar, (c) M/s. Hoysala Projects Private Limited, represented by its Authorised Signatory, Mr. Hanumath Inamdar and (d) Subramani s/o late Marappa (as "Confirming Parties") in favour of M/s. Arvind Homes Private Limited represented by its authorised signatory, Mr. Saurabh Agarwal, registered on 24.02.2022 as Document No. DNH-1-11719/2021-22 in Book-I, stored in CD No.DNHD1475, in the Office of the Sub-Registrar, Devanahalli; |
| 31. | Mutation Register Extract bearing MR No. H39/2021-22;   |
| 32. | Official Memorandum dated 28.11.2022 bearing No. 416176 issued by the Deputy Commissioner, Bangalore Rural District with respect to Survey No.63/1;   |
| 33. | Mutation Register Extract bearing MR No. T34/2022-23;   |
| 34. | Official Memorandum dated 23.11.2022 bearing No. 416172 issued by the Deputy Commissioner, Bangalore Rural District with respect to Survey No.63/3;   |
| 35. | Mutation Register Extract bearing MR No. T18/2022-23;   |
| 36. | Official Memorandum dated 23.11.2022 bearing No. 416177 issued by the Deputy Commissioner, Bangalore Rural District with respect to Survey No.63/4;   |
| 37. | Mutation Register Extract bearing MR No. T27/2022-23;   |
| 38. | Official Memorandum dated 23.11.2022 bearing No. 416180 issued by the Deputy Commissioner, Bangalore Rural District with respect to Survey No.63/5;   |
| 39. | Mutation Register Extract bearing MR No. T20/2022-23;   |
| 40. | Official Memorandum dated 23.11.2022 bearing No. 416178 issued by the Deputy Commissioner, Bangalore Rural District with respect to Survey No.63/6;   |
| 41. | Mutation Register Extract bearing MR No. T21/2022-23;   |



| <b>Litigations:</b>  |   |
|--|---|
| 42.  | Amended Plaint in suit bearing O.S. No. 148/1997 filed before the Court of Munsiff, Devanahalli;  |
| 43.  | Decree dated 20.11.2008 passed in suit bearing O.S. No. 62/2006 by the Court of the Civil Judge, (Senior Division) and JMFC, Devanahalli;   |
| 44.  | Decree dated 17.09.2011 passed in appeal bearing R.A. No. 45/2009 by the Court of the II Additional District and Sessions Judge, Bangalore Rural District;  |
| 45.  | Decree dated 08.11.2012 passed in appeal bearing R.S.A No. 2797/2011 by the High Court of Karnataka, Bangalore;   |
| 46.  | Amended Plaint in suit bearing O.S. No. 488/2013 filed before the Court of the Senior Civil Judge, Devanahalli;   |
| 47.  | Compromise Petition filed in suit bearing O.S. No. 488/2013 filed before the Court of the II Additional Senior Civil Judge, Devanahalli;  |
| 48.  | Order dated 20.11.2021 passed by the Court of the Senior Civil Judge and JMFC, Devanahalli in suit bearing O.S. No. 488/2013;   |
| 49.  | Plaint in suit bearing O.S. No. 489/2013 filed before the Court of the Senior Civil Judge, Devanahalli;   |
| 50.  | Compromise Petition filed in suit bearing O.S. No. 489/2013 before the Court of the II Additional Senior Civil Judge, Devanahalli;  |
| 51.  | Order dated 20.11.2021 passed by the Court of the Senior Civil Judge and JMFC, Devanahalli in suit bearing O.S. No. 489/2013;   |
| 52.  | Plaint in suit bearing O.S. No. 514/2013 filed before the Court of the Principal Civil Judge and JMFC, Devanahalli;   |
| 53.  | Memo filed on 26.11.2021 in suit bearing O.S. No. 514/2013 before the Court of the II Additional Senior Civil Judge, Devanahalli;   |
| 54.  | Order dated 26.11.2021 passed by the Court of the Senior Civil Judge and JMFC, Devanahalli in suit bearing O.S. No. 514/2013;   |
| <b>Revenue records, Endorsements and Survey documents:</b> |   |
| 55.  | Record of Rights, Tenancy and Crops Certificates (RTCs) for the periods 1968-69 to 1992-93, 1994-95, 1996-97, 1997-98, 1999-2000 to 2001-02 to 2010-11 and 2012-13 to 2014-15 with regard to Survey No. 63; |
| 56.  | RTCs for the periods 2015-16 to 2022-23 with regard to Survey No.63/1;  |
| 57.  | RTCs for the periods 2022-23 to 2024-25 with regard to Survey No. 63/3;   |

|                                  |   |
|----------------------------------|---|
| 58.                              | RTCs for the periods 2022-23 to 2024-25 with regard to Survey No. 63/4;   |
| 59.                              | RTCs for the periods 2022-23 to 2024-25 with regard to Survey No. 63/5;   |
| 60.                              | RTCs for the periods 2022-23 to 2024-25 with regard to Survey No. 63/6;   |
| 61.                              | Endorsement dated 02.12.2021 bearing No. RK.CR: 6086/2021-22 issued by the Tahsildar, Devanahalli Taluk with respect to non-availability of MR No. 5/1996-97 and Order in RRT CR: 464/2005-06;        |
| 62.                              | Endorsement dated 21.12.2012 bearing No. LRF(D)CR(E): 400/2012-13 issued by the Assistant Commissioner, Doddaballapur Sub-Division, Bangalore with respect to Survey No. 63;                          |
| 63.                              | Endorsement bearing No. LRF.CR: 719/2012-13 issued by the Tahsildar, Devanahalli Taluk with respect to Survey No. 63;   |
| 64.                              | Tippani Nakal with respect to Survey No. 63;  |
| 65.                              | Village Map of Lingadheeragollahalli Village;   |
| 66.                              | Hissa Tippani with respect to Survey No. 63;  |
| 67.                              | RR Pakka Book Nakal respect to Survey No. 63;   |
| 68.                              | Karnataka Revision Settlement Akarband issued by the Superintendent, Office of the Assistant Director of Land Records, Devanahalli Taluk with respect to Survey Nos. 63/1, 63/3, 63/4, 63/5 and 63/6; |
| <b>Encumbrance Certificates:</b> |   |
| 69.                              | Encumbrance Certificate for the period 01.04.1920 to 31.03.2004 issued by Office of the Senior Sub-Registrar, Devanahalli with regard to Survey No. 63;   |
| 70.                              | Encumbrance Certificate for the period 01.04.2004 to 29.09.2021 issued by Office of the Senior Sub-Registrar, Devanahalli with regard to Survey No. 63;   |
| 71.                              | Nil Encumbrance Certificate for the period 30.09.2021 to 24.11.2021 issued by Office of the Senior Sub-Registrar, Devanahalli with regard to Survey No. 63;   |

*[This space is left blank intentionally]*

**II. TRACING OF TITLE**

Upon perusal of the documents furnished to us, our observations are as hereunder:

1. The entire Lingadheeragollahalli Village was notified as an Inam village under Section 1 (4) of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (“Act”) *vide* Notification dated 04.01.1960 bearing No. RD 15 MIN 57. On an application made by Siddappa s/o Nanjundappa seeking occupancy rights with respect to the agricultural land being a portion of land in Survey No. 63, measuring 02 Acres 28 Guntas, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District along with another land, an enquiry was conducted in Case No. 19/1961 by the Special Deputy Commissioner for Abolition of Inams, Bangalore and accordingly, Siddappa s/o Nanjundappa was recorded as the occupant with respect to the said portion of land measuring 02 Acres 28 Guntas in Survey No. 63 and another land under the provisions of Section 5 of the Act *vide* an Inam Order dated 15.07.1961 in Case No.19/1961 passed by the Special Deputy Commissioner for Abolition of Inams, Bangalore. The same is recorded in the Record of Rights bearing RR No. 234 issued by the Tahsildar Grade-2, Devanahalli Taluk.
2. Subsequently, Endorsement dated 21.08.1961 was issued by Office of the Special Deputy Commissioner for Abolition of Inams, Bangalore in Case No. 19/1961, registering the name of Siddappa s/o Nanjundappa as the occupant with respect to the said portion of land measuring 02 Acres 28 Guntas in Survey No. 63 and another land. Further, Register VIII Extract issued by the Tahsildar, Grade-2, Devanahalli Taluk also discloses Case No.19/1959-60 wherein Siddappa s/o Nanjundappa was registered as the occupant with respect to land measuring 02 Acres 28 Guntas in Survey No. 63 and another land.
3. Genealogical tree/family trees of Late Siddappa: (i) dated 22.06.2004 issued by the Village Accountant, Kundana Range, Kundana Hobli, Devanahalli Taluk; and (ii) by way of an Affidavit dated 02.08.2022 deposed by Nagaraju s/o Late Nanjundaiah discloses the lineage Siddappa (demised) and his wife Mari Basamma (Demised) and their six children as on 02.08.2022 as follows:
  - 3.1. S. Nanjundaiah (demised) and his wife Gowramma had seven children namely, (i) N. Veerabhadraiah, (ii) Rathnamma, (ii) Jagadeesh was married to Mangala, (iv) Nagaraj was married to Bhagyamma, (v) Basavaraju, (vi) Rudramma and (vii) Manjula;
  - 3.2. S. Veerabhadraiah (demised) and his wife Puttabasamma (demised) had two children namely, (i) Vereesh was married to Gayathri and (ii) Girijamma;
  - 3.3. S. Basavaraju (demised) and his wife Kamma six children namely, (i) B. Veerabhadraiah was married to Basamma, (ii) Shanthamma, (iii) Rathnamma, (iv) Siddalingesha, (v) Nagarathnamma and (vii) Ravikumar;
  - 3.4. Rathnamma (married);
  - 3.5. Annapoorna (married);

- 3.6. S. Shivanna (demised) and his wife Basamma had four children namely, (i) Gowramma, (ii) Dakshayini was married to Veerabhadraiah, (iii) Siddalingesha and (iv) Shashikumar.

We note that the names of (i) Siddesh s/o N. Nanjundaiah and (iii) Veena d/o S. Veerabhadraiah are missing from the aforementioned family tree of Siddappa and hence had sought for a complete family tree recording the same. However, we have been given to understand that the same is not available for our perusal.

4. Thereafter, Shiddappa *alias* Siddappa s/o Nanjundappa conveyed the aforementioned portion of land measuring 02 Acres 28 Guntas in Survey No. 63 along with another land in favour of Chikkabasappa s/o Chikkananjundappa under the Sale Deed dated 07.06.1965, registered as Document No. 690/1965-66 in Book-I, Volume No. 932, at Pages 101 to 103, in the Office of the Sub-Registrar, Devanahalli. Subsequent thereto, Chikkabasappa s/o Chikkananjundappa was recorded as the owner/khatedar in the revenue records of the said portion of land measuring 02 Acres 28 Guntas in Survey No.63 along with another land *vide* Mutation Register Extract bearing MR No.6/1986-87. The same is recorded in the Record of Rights bearing RR No. 298 issued by the Tahsildar Grade-2, Devanahalli Taluk.
5. The Notarised Genealogical tree/Family tree of Late Chikkabasappa dated 21.06.2016 deposed by his son, C. Nanjundaiah discloses the lineage of Late Chikkabasappa, his wife Late Gowramma and their nine children as follows:
- 5.1. C. Puttaswamaiah and his wife Puttarudramma had four children namely, (i) Girijamma, (ii) Basavaraju, (iii) Channabasavaraju and (iv) Savitha;
- 5.2. Basamma (married);
- 5.3. Marriamma (deceased);
- 5.4. Soubhagyamma (married);
- 5.5. C. Nanjundaiah and his wife Manjula V had a son named Bhanuprakash N;
- 5.6. C. Basavaraju and his wife Gowramma had two children namely, (i) Bharathi and (ii) Chidananda;
- 5.7. Puttamma (married);
- 5.8. Puttabasamma (married);
- 5.9. Rathnamma (married).
6. Pursuant to the above, (i) Anantharamaiah s/o Mangala, since deceased, represented by his son Krishnamurthy, (ii) Chikkanarayanappa and (iii) Jayalakshamma w/o Doddanarayanappa filed an application before the Tahsildar, Devanahalli Taluk for regrant of the agricultural land in Survey No. 63, measuring 05 Acres 12 Guntas, exclusive of 08 Guntas of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District along with other lands in proceedings

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bearing No. HOA: 82/1978-79. Accordingly, Survey No. 63 measuring 05 Acres 12 Guntas, exclusive of 08 Guntas of kharab along with other lands was granted in favour of Krishnamurthy s/o late Anantharamaiah under the provisions of Section 5 of the Karnataka Village Offices Abolition Act, 1961, subject to non-alienation of the said lands for a period of 15 years *vide* Regrant Order dated 29.09.1981 in Case bearing No.HOA:82/1978-79 passed by the Tahsildar, Devanahalli Taluk. *It is pertinent to note that the aforementioned Siddappa s/o Nanjundappa nor Chikkabasappa s/o Chikkananjundappa were parties to the foregoing proceedings. Further, the Order dated 29.09.1981 does not mention the name of the owner at the time i.e., Chikkabasappa s/o Chikkananjundappa in the proceedings. Pursuant to the foregoing order, the name of Krishnamurthy was also not mutated in any of the revenue records pertaining to Survey No. 63.*

7. Thereafter, Patel Chikkabasappa alias Chikkabasappa s/o Chikka Nanjundappa conveyed the said portion measuring 02 Acres 28 Guntas in Survey No. 63 in favour of his son-in-law, S. Shivanna s/o Siddappa under the Settlement Agreement dated 18.08.1987, registered as Document No. 547/1987-88 in Book-I, Volume No. 1344, at Pages 92 to 94, in the Office of the Sub-Registrar, Devanahalli. Subsequent thereto, S. Shivanna s/o Siddappa was registered as the khatedar/owner with respect to the said portion measuring 02 Acres 28 Guntas in Survey No. 63 *vide* RTP No. 7/1987-88. The same is recorded in the Record of Rights bearing RR No. 299 issued by the Tahsildar, Grade-2, Devanahalli Taluk.
8. It is thereafter gathered from Column No. 11 of the Record of Rights, Tenancy and Crops Certificates (RTCs) for the period 1996-97 to 2004-05 that S. Shivanna s/o Siddappa availed a loan from Vyavasaya Seva Sahakara Bank Limited, Devanahalli Taluk and as security for the same, his portion of land measuring 02 Acres 28 Guntas in Survey No. 63 along with another land were mortgaged which was recorded in Mutation Register Extract bearing MR No. 19/1995-96. We had sought a copy of MR No. 19/1995-96, however, the same has not been made available for our perusal. Further, we have not perused the document discharging the said mortgage. However, since we have been furnished with the No Due Certificate dated 05.12.2004 bearing No. 38 issued by the Vyavasaya Seva Sahakara Bank Limited, Devanahalli Taluk indicating that there were no pending dues pertaining to the portion of land measuring 02 Acres 28 Guntas in Survey No. 63 along with another land as on 05.12.2004, we have not insisted on furnishing the same.
9. Later, S. Shivanna s/o Siddappa conveyed the portion of land measuring 01 Gunta in the Survey No. 63 along with another land in favour of S. Nagabhushan s/o late Rachappa under the Sale Deed dated 26.02.1996, registered on 26.11.1997 as Document No.2806/1995-96 in Book-I, Volume No. 1654, at Pages 182 to 187, in the Office of the Sub-Registrar, Devanahalli.
10. Pursuantly, (i) S. Shivanna s/o Siddappa, (ii) S. Nanjundaiah s/o Siddappa, (iii) S. Veeresh s/o late Veerabhadraiah (and grandson of Siddappa) and (iv) S. Basavaraj s/o Siddappa executed a partition amongst themselves of their family properties, *inter alia* including a portion land measuring 02 Acres 25 Guntas in Survey No. 63 under the

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Partition Deed dated 11.10.1996, registered as Document No. 1423/1996-97 in Book-I, Volume No.1672, at Pages 228 to 233, in the Office of the Sub-Registrar, Devanahalli in the manner as detailed in the table hereinbelow:

| SI No. | Extent allotted in Sy No. 63 | Land allotted to the share of                                 | Schedule |
|--------|------------------------------|---|----------|
| 1.     | 27 Guntas                    | S. Shivanna s/o Siddappa                                      | 'A'      |
| 2.     | 26 Guntas                    | S. Nanjundaiah s/o Siddappa                                   | 'B'      |
| 3.     | 26 Guntas                    | S. Veeresh s/o late Veerabhadraiah (and grandson of Siddappa) | 'C'      |
| 4.     | 26 Guntas                    | S. Basavaraj s/o Siddappa                                     | 'D'      |

11. We had sought for Genealogical tree of Veerabhadraiah s/o Siddappa, disclosing the names of his spouse/s, children and grandchildren along with his Death Certificate and we have been given to understand that the same is not available.
12. Pursuant to the demise of S. Nanjundaiah s/o Siddappa, the khata with respect to his properties including a portion of land measuring 26 Guntas in Survey No. 63 was transferred to his son, N. Veerabhadraiah vide Mutation Register Extract bearing MR No.4/2004-05. *We had sought for the Genealogical tree/family tree of S. Nanjundaiah s/o Siddappa, disclosing the names of his spouse/s, children and grandchildren and his death certificate and we are given to understand that the same are not available for our perusal.*
13. Further, pursuant to the demise of S. Basavaraj s/o Siddappa, the khata with respect to his properties including a portion of land measuring 26 Guntas in Survey No. 63 was transferred to his son, B. Veerabhadraiah vide Mutation Register Extract bearing MR No.5/2004-05. *We had sought for the Genealogical tree/family tree of S. Basavaraju s/o Siddappa, disclosing the names of his spouse/s, children and grandchildren and his death certificate and we are given to understand that the same is not available.*
14. Thereafter, Sharadmma w/o Jagannathappa acquired various portions in Survey No. 63 from their respective vendors under different sale deeds as detailed in the table hereinbelow:

| SI No. | Sale Deed dated | Document No. | Extent conveyed in Sy No.63 | Vendors  | MR No.     |
|--------|-----------------|--------------|-----------------------------|--|------------|
| 1.     | 10.12.2004      | 3518/2004-05 | 26 Guntas                   | N. Veerabhadraiah s/o late S. Nanjundaiah (for himself and as father and natural | 17/2004-05 |

|    |            |              |           |  |            |
|----|------------|--------------|-----------|--|------------|
|    |            |              |           | guardian of his minor son, Siddesh)  |            |
| 2. | 10.12.2004 | 3519/2004-05 | 26 Guntas | B. Veerabhadraiah s/o late S. Basavaraj (for himself and as natural guardian of his minor brother, Ravikumar and his minor daughter, Nischita) | 18/2004-05 |
| 3. | 10.12.2004 | 3521/2004-05 | 26 Guntas | V. Veeresh s/o late S. Veerabhadraiah (for himself and as father and natural guardian of his minor daughter, Veena)                            | 19/2004-05 |
| 4. | 10.12.2004 | 3522/2004    | 27 Guntas | S. Shivanna s/o late Siddappa  | 20/2004-05 |

15. It is thereafter gathered from the Mutation Register Extract bearing MR No. 10/2005-06 that the name of Chikkabasappa s/o Chikkananjundappa was deleted from the revenue records with respect to a portion of land measuring 02 Acres 26 Guntas in Survey No. 63 and in his place, Mr. Krishnamurthy was directed to be recorded as the owner/khatedar in the revenue records with respect to the said portion of land measuring 02 Acres 26 Guntas in Survey No. 63 *vide* an Order dated 24.10.2005 in proceedings bearing No. RRT CR: 464/2005-06 passed by the Deputy Tahsildar, Kundana Hobli. Accordingly, Mr. Krishnamurthy was recorded as the owner/khatedar in the revenue records with respect to the said portion of land measuring 02 Acres 26 Guntas in Survey No. 63 *vide* Mutation Register Extract bearing MR No. 10/2005-06. *We had sought for the Order dated 24.10.2005 in proceedings bearing No. RRT CR: 464/2005-06 passed by the Deputy Tahsildar, Kundana Hobli, however, we have been furnished with the Endorsement dated 02.12.2021 bearing No. RK.CR: 6086/2021-22 issued by the Tahsildar, Devanahalli Taluk, indicating that the said Order dated 24.10.2005 is not available on records and hence, cannot be furnished. It is pertinent to note that though Chikkabasappa s/o Chikkananjundappa conveyed his extent of land in Survey No. 63 in favour of Mr. Shivanna, the RTCs continue to reflect the name of Chikkabasappa against the extent of 02 Acres 26 Guntas alongside the name of Mr. Shivanna against his respective extent of 02 Acres 26 Guntas. We note that though Survey No. 63 measuring 05 Acres 12 Guntas, exclusive of 08 Guntas of kharab was re-granted in favour of Krishnamurthy s/o late Anantharamaiah *vide* Regrant Order dated 29.09.1981 in Case bearing No. HOA: 82/1978-79, we are given to understand that his name was mutated only against the extent of 02 Acres 26 Guntas in Survey No. 63 *vide* the foregoing Mutation.*

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16. Pursuantly, Krishnamurthy s/o late Anantharamaiah and his sons, B.K. Nataraj and B.K. Lakshmi pathi conveyed a portion of land measuring 02 Acres 26 Guntas in Survey No. 63 in favour of Sharadmma w/o Jagannathappa under the Sale Deed dated 11.11.2005, registered as Document No. DNH-1-03927/2005-06 in Book-I, stored in CD No. DNHD67, in the Office of the Sub-Registrar, Devanahalli. Subsequent thereto, Sharadmma w/o Jagannathappa was recorded as the owner/khatedar in the revenue records with respect to a portion of land measuring 02 Acres 26 Guntas in Survey No. 63 vide Mutation Register Extract bearing MR No. 18/2005-06.

17. Further, the Hissa Tippani and RR Pakka Book Nakal furnished with respect to Survey No. 63 indicates that Survey No. 63 measuring 05 Acres 20 Guntas, inclusive of 08 Guntas of kharab was bifurcated/sub-divided into two portions i.e., Survey Nos. 63/1 and 63/2 in the following manner – (a) a portion measuring 05 Acres 18  $\frac{3}{4}$  Guntas, inclusive of 07  $\frac{3}{4}$  Guntas of kharab was assigned with new Survey No. 63/1 and Sharadamma was recorded as hissedar of the same and (b) the remaining portion measuring 01  $\frac{1}{4}$  Guntas, inclusive of  $\frac{1}{4}$  Gunta of kharab was assigned with new Survey No. 63/2 and Munishamappa s/o late Pillaiiah was recorded as hissedar of the same.

Survey No. 63/2 measuring 01  $\frac{1}{4}$  Guntas, inclusive of  $\frac{1}{4}$  Gunta of kharab is not a part of this Report on Title.

18. Affidavit dated 13.04.2018 deposed by H.G. Manjunath s/o Jagannath H.M. with respect to the Genealogical tree/Family tree of Jagannath H.M. indicates that Munishamappa *alias* Sonnamma had a son named Jagannath H.M. The family tree further discloses Jagannath H.M's lineage as on 13.04.2018 as follows:

18.1. Jagannath H.M. and his wife Sharadamma have three children namely, (i) H.G. Bharathi (married), (ii) H.G. Manjunath and (iii) H.G. Bhavya (married);

18.1.1. H.G. Manjunath and his wife Shwetha R have two children namely, (a) Monisha H.M. and (b) Mahesh H.M.

The said family tree further discloses that Munishamappa and Sonnamma were deceased as on 13.04.2018.

19. It is thereafter learnt from Mutation Register Extract bearing MR No. T22/2021-22 that Survey No. 63/1 measuring 05 Acres 18  $\frac{3}{4}$  Guntas, inclusive of 07  $\frac{3}{4}$  Guntas of kharab was bifurcated/sub-divided into five portions in the following manner – (a) a portion measuring 28  $\frac{1}{2}$  Guntas, inclusive of 02  $\frac{1}{2}$  Guntas of kharab was retained as Survey No.63/1, (b) a portion measuring 26  $\frac{3}{4}$  Guntas, inclusive of  $\frac{3}{4}$  Gunta of kharab was assigned with new Survey No. 63/3, (c) a portion measuring 26  $\frac{3}{4}$  Guntas, inclusive of  $\frac{3}{4}$  Gunta of kharab was assigned with new Survey No. 63/4, (d) a portion measuring 27  $\frac{3}{4}$  Guntas, inclusive of  $\frac{3}{4}$  Gunta of kharab was assigned with new Survey No. 63/3 and (e) the remaining portion measuring 02 Acres 29 Guntas, inclusive of 03 Guntas of kharab was assigned with new Survey No.63/6.

20. Pursuantly, Sharadamma w/o H.M. Jagannath agreed to convey Survey No. 63/1 measuring 26 Guntas, exclusive of 02 Guntas of kharab, Survey No. 63/3 measuring 26 Guntas, exclusive of  $\frac{3}{4}$  Guntas of kharab, Survey No. 63/4 measuring 26 Guntas, exclusive of  $\frac{3}{4}$  Guntas of kharab, Survey No. 63/5 measuring 27 Guntas, exclusive of  $\frac{3}{4}$  Guntas of kharab, Survey No. 63/6 measuring 02 Acres 26 Guntas, exclusive of 03 Guntas of kharab and other lands in favour of (a) Narayanaswamy V s/o Venkateshappa, (b) M/s. SMS Builders and Developers, represented by its Authorised Signatory, Mr. Shanthakumar, (c) M/s. Hoysala Projects Private Limited, represented by its Authorised Signatory, Mr. Hanumath Inamdar and (d) Subramani s/o late Marappa under an agreement of sale. However, the said agreement holders were no longer desirous of purchasing the said lands. Thereafter, (i) Sharadamma w/o H.M. Jagannath, (ii) H.M. Jagannath s/o Munishamappa *alias* Motappa and their children (wrongfully recorded as Jagannath s/o Jagannath), (iii) H.J. Manjunath s/o H.M. Jagannath, (iv) Shweta R w/o H.J. Manjunath, (v) H.J. Bharathi d/o H.M. Jagannath and (vi) H.J. Bhavya *alias* J. Bhavya d/o H.M. Jagannath (as "Sellers"), (a) Narayanaswamy V s/o Venkateshappa, (b) M/s. SMS Builders and Developers, represented by its Authorised Signatory, Mr. Shanthakumar, (c) M/s. Hoysala Projects Private Limited, represented by its Authorised Signatory, Mr. Hanumath Inamdar and (d) Subramani s/o late Marappa (as "Confirming Parties") conveyed Survey No. 63/1 measuring 26 Guntas, exclusive of 02 Guntas of kharab, Survey No. 63/3 measuring 26 Guntas, exclusive of  $\frac{3}{4}$  Guntas of kharab, Survey No. 63/4 measuring 26 Guntas, exclusive of  $\frac{3}{4}$  Guntas of kharab, Survey No. 63/5 measuring 27 Guntas, exclusive of  $\frac{3}{4}$  Guntas of kharab, Survey No. 63/6 measuring 02 Acres 26 Guntas, exclusive of 03 Guntas of kharab and other lands in favour of M/s. Arvind Homes Private Limited represented by its authorised signatory, Mr. Saurabh Agarwal under the Sale Deed dated 23.02.2022, registered on 24.02.2022 as Document No. DNH-1-11719/2021-22 in Book-I, stored in CD No.DNHD1475, in the Office of the Sub-Registrar, Devanahalli. Subsequent thereto, the name of M/s. Arvind Homes Private Limited was recorded as the owner/khatedar in the revenue records of Survey Nos. 63/1, 63/3, 63/4, 63/5 and 63/6 *vide* Mutation Register Extract bearing MR No. H39/2021-22. We had sought for the foregoing agreement of sale executed in favour of Mr. Narayanaswamy, M/s. SMS Builders and Developers, M/s. Hoysala Projects Private Limited and Subramani and we have been given to understand that the same is not available for our perusal. However, considering the fact that the aforementioned agreement holders have joined the execution of the Sale Deed dated 23.02.2022 as Confirming Parties, we have dispensed with the requisition for the same.
21. Further, on multiple applications filed by M/s. Arvind Homes Private Limited, represented by its authorised signatory, Mr. Saurabh Agarwal for conversion of lands bearing Survey Nos. 63/1, 63/3, 63/4, 63/5 and 63/6 and upon payment of necessary conversion fee/fine, the Deputy Commissioner, Bangalore Rural District sanctioned the conversion of the said lands from agricultural purposes to non-agricultural Layout-Residential purposes *vide* Official Memoranda bearing the details as mentioned in the table herein below:

| Sl No. | Survey No. | Converted Extent      | OM bearing No. | OM dated   | MR No.      | Hereinafter referred to as |
|--------|------------|-----------------------|----------------|------------|-------------|----------------------------|
| 1.     | 63/1       | 26 Guntas             | 416176         | 28.11.2021 | T34/2022-23 | "Item No.1"                |
| 2.     | 63/3       | 26 Guntas             | 416172         | 23.11.2022 | T18/2022-23 | "Item No.2"                |
| 3.     | 63/4       | 26 Guntas             | 416177         | 23.11.2022 | T27/2022-23 | "Item No.3"                |
| 4.     | 63/5       | 27 Guntas             | 416180         | 23.11.2022 | T20/2022-23 | "Item No.4"                |
| 5.     | 63/6       | 02 Acres<br>26 Guntas | 416178         | 23.11.2022 | T21/2022-23 | "Item No.5"                |

**Litigations:**

22. We have been furnished with copy of the Amended Plaint in suit bearing O.S. No. 148/1997 and upon perusal of the same, it is learnt that the same was initiated pursuant to the demise of Chikkabasappa, by C. Puttashamaiah s/o late Chikkabasappa against (i) C. Nanjundaiah s/o late Chikkabasappa, (ii) C. Basavaraju s/o late Chikkabasappa, (iii) Deveerappa s/o late Chikkananjundappa, (iv) Siddamma w/o late Mariyappa, (v) Gowramma w/o late Chikkabasappa and (vi) Vishalakshi w/o Basaiah before the Court of Munsiff, Devanahalli, seeking partition and separate possession of the plaintiff's 1/3 share in the suit schedule properties *inter alia* including a portion measuring 02 Acres 26 Guntas in Survey No. 63. *We had sought for the death Certificate of Chikkabasappa s/o Nanjundappa, however, we have been given to understand that the same is not available and hence cannot be furnished.*
23. Further, we have been furnished with copy of the Decree dated 20.11.2008 passed in suit bearing O.S. No. 62/2006 and upon perusal of the same, it is learnt that the said suit was initiated by Deveerappa s/o late Chikkananjundappa against (i) Siddamma w/o late Mariyappa, (ii) C. Puttashamaiah, (iii) C. Nanjundaiah and (iv) C. Basavaraju, all s/o late Chikkabasappa before the Court of the Civil Judge, (Senior Division) and JMFC, Devanahalli, seeking (a) seeking partition and separate possession of the plaintiff's 1/3 share in the suit schedule properties *inter alia* including a portion measuring 02 Acres 26 Guntas in Survey No. 63 and (b) seeking to restrain Defendant Nos. 2 to 4 from alienating the plaintiff's 1/3 share in the suit schedule properties *inter alia* including a portion measuring 02 Acres 26 Guntas in Survey No. 63 by granting an order of permanent injunction. However, the Court of the Civil Judge, (Senior Division) and JMFC, Devanahalli dismissed the said suit bearing O.S. No.62/2006 with costs *vide* Decree dated 20.11.2008.
24. Aggrieved by the same, Deveerappa, since deceased, represented by his legal heirs being his wife (a) Basamma and their children, (b) Gowramma, (c) Basaiah and (d) Parvathamma preferred an appeal over the Judgement passed in suit bearing O.S. No.62/2006 under an appeal bearing RA No. 45/2009 before the Court of the

II Additional District and Sessions Judge, Bangalore Rural District. The Court of the II Additional District and Sessions Judge, Bangalore Rural District *vide* a Decree dated 17.09.2011 allowed the said appeal, thereby setting aside the Decree dated 20.11.2008 passed in suit bearing O.S. No.62/2006. The Hon'ble Court further ordered and decreed that (i) The appellants are entitled to equal shares in the plaintiff's 1/3 share in the suit schedule properties *inter alia* including a portion measuring 02 Acres 26 Guntas in Survey No. 63, (ii) Defendant No. 1 (i.e., Siddamma) is entitled to 1/3 share in the suit schedule properties *inter alia* including a portion measuring 02 Acres 26 Guntas in Survey No. 63 and (iii) Defendant Nos. 2 to 4 (i.e., C. Puttashamaiah, C. Nanjundaiah and C. Basavaraju) are together entitled to 1/3 share in the suit schedule properties *inter alia* including a portion measuring 02 Acres 26 Guntas in Survey No. 63. *We had sought for the genealogical tree/family tree of Deveerappa s/o late Chikkananjundappa, disclosing the names of his spouse/s and children to ascertain that there is no non-joinder of necessary parties in appeal bearing RA No. 45/2009, however, we have been given to understand that the same is not available and hence cannot be furnished.*

25. Pursuantly, C. Puttashamaiah preferred an appeal against the Decree dated 17.09.2011 passed in appeal bearing RA No. 45/2009 against the appellants and the remaining respondents in RA No. 45/2009 before the High Court of Karnataka, Bangalore under an appeal bearing RSA No. 2797/2011, seeking to set aside the Decree dated 20.11.2008 passed in suit bearing O.S. No.62/2006. Subsequent thereto, the parties to the said appeal amicably arrived at a compromise amongst themselves and presented the terms of such compromise before the Hon'ble High Court of Karnataka. Further, C. Puttashamaiah agreed to withdraw the suits filed by him in (a) O.S. No. 2077/2006 before the Senior Civil Judge and JMFC, Devanahalli and (b) O.S. No. 885/2011 before the Principal Civil Judge and JMFC, Devanahalli. A decree was thereafter drawn on 08.11.2012 by the Hon'ble High Court of Karnataka as per the said terms of compromise in the appeal bearing RSA No. 2797/2011, wherein, (i) a portion measuring 26 ½ Guntas in Survey No.63 was allotted to the share of C. Puttashamaiah *alias* Puttaswamaiah under Schedule 'A', (ii) a portion measuring 26 ½ Guntas in Survey No. 63 was allotted to the share of D. Basaiah under Schedule 'D', (iii) a portion measuring 26 ½ Guntas in Survey No. 63 was allotted to the share of C. Nanjundaiah under Schedule 'G' and (iv) a portion measuring 26 ½ Guntas in Survey No. 63 was allotted to the share of C. Basavaraju under Schedule 'H'.
26. Thereafter, we have been furnished with copy of the Amended Plaint in suit bearing O.S. No. 488/2013 and upon perusal of the same, it is learnt that the same was initiated by (i) Gowramma d/o Shivanna (and w/o Basavaraju) and (ii) Dakshayini w/o Shivanna against Shivanna, since dead, represented by his legal heirs being his sons, Siddalingeshwar and Shashikumar and Sharadamma w/o Jagannathappa before the Court of the Senior Civil Judge, Devanahalli, seeking (i) partition and separate possession of the plaintiff's 1/5 share in the suit schedule properties *inter alia* including Shivanna's portion measuring 27 Guntas in Survey No. 63 and (ii) for declaration of Sale Deed dated 10.12.2004, registered as Document No. DNH-1-03522/2004-05 as not binding on the plaintiffs. However, the parties to the said suit amicably arrived at a compromise amongst themselves and relinquished their right, title and interest over their respective shares in the suit schedule properties *inter alia* including Shivanna's portion measuring 27 Guntas



in Survey No. 63 upon receiving a consideration. Accordingly, the said compromise petition was allowed by the Court of the Senior Civil Judge and JMFC, Devanahalli in suit bearing O.S. No. 488/2013 and the suit was accordingly dismissed *vide* an Order dated 20.11.2021.

27. Similarly, we have been furnished with copy of the Complaint in suit bearing O.S. No. 489/2013 and upon perusal of the same, it is learnt that the same was initiated by (i) Shanthamma (ii) Vijayalakshmi, (iii) Siddalingesh and (iv) Ravikumar, children of Late Basavaraju against Veerabhadraiah and Nagarathamma, children of Late Basavaraju and Sharadamma w/o Jagannathappa before the Court of the Senior Civil Judge, Devanahalli, seeking (i) partition and separate possession of the plaintiff's 1/6 share in the suit schedule properties *inter alia* including Basavaraju's portion measuring 26 Guntas in Survey No. 63 and (ii) for declaration of Sale Deed dated 10.12.2004, registered as Document No. DNH-1-03519/2004-05 as not binding on the plaintiffs. However, the parties to the said suit amicably arrived at a compromise amongst themselves and relinquished their right, title and interest over their respective shares in the suit schedule properties *inter alia* including Basavaraju's portion measuring 26 Guntas in Survey No. 63 upon receiving a consideration. Accordingly, the said compromise petition was allowed by the Court of the Senior Civil Judge and JMFC, Devanahalli in suit bearing O.S. No. 489/2013 and the suit was accordingly dismissed *vide* an Order dated 20.11.2021.

28. Further, we have been furnished with copy of the Complaint in suit bearing O.S. No. 514/2013 and upon perusal of the same, it is learnt that the same was initiated by Girijamma d/o Late Veerabhadraiah against Veeresh s/o Late Veerabhadraiah and Sharadamma w/o Jagannathappa before the Court of the Principal Civil Judge and JMFC, Devanahalli, seeking partition and separate possession of the plaintiff's 1/2 share in the suit schedule properties *inter alia* including Veerabhadraiah's portion measuring 26 Guntas in Survey No. 63. However, the parties later decided to amicably settle the matter out of court and in lieu of the same, Girijamma filed a memo on 26.11.2021 in suit bearing O.S. No. 514/2013 before the Court of the II Additional Senior Civil Judge, Devanahalli. Accordingly, the suit bearing O.S. No. 514/2013 was dismissed by the Court of the Senior Civil Judge and JMFC, Devanahalli *vide* an Order dated 26.11.2021.

29. We have perused the Record of Rights, Tenancy and Crops Certificates (RTCs) for the following periods with respect to Survey No. 63, measuring 05 Acres 20 Guntas, inclusive of 08 Guntas of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District and our observations are as follows:

| Sl.No. | Period of RTCs     | Name of the Owner  |
|--------|--------------------|--|
| 1.     | 1968-69 to 1985-86 | Shanbhog Sthala Inamti   |
| 2.     | 1986-87            | Siddappa s/o Nanjundappa – 2A 28G<br>Chikkabasappa s/o Chikkananjundappa - |

|    |                                |   |
|----|--------------------------------|---|
|    |                                | 2A 28G <i>vide</i> MR No. 6/1986-87   |
| 3. | 1987-88 to 1992-93 and 1994-95 | Chikkabasappa s/o Chikkananjundappa -<br>2A 28G <i>vide</i> MR No. 6/1986-87<br><br>S. Shivana s/o Siddappa – 2A 26G<br><i>vide</i> RTP No. 7/1987-88   |
| 4. | 1996-97                        | Chikkabasappa s/o Chikka Nanjundappa –<br>2A 26G <i>vide</i> MR No. 6/1986-87<br><br>N. Nagabhushan s/o Rachappa – 01G<br><i>vide</i> MR No. 5/1996-97<br><br>S. Shivana s/o Siddappa – 27G<br>V. Veeresh s/o Veerabhadraiah – 26G<br><i>vide</i> MR No. 11/1996-97   |
| 5. | 1997-98, 1999-2000 and 2000-01 | Chikkabasappa s/o Chikka Nanjundappa –<br>2A 26G<br><br>N. Nagabhushan s/o Rachappa – 01G<br><i>vide</i> MR No. 5/1996-97<br><br>S. Shivana s/o Siddappa – 27G<br>V. Veeresh s/o Veerabhadraiah – 26G<br>S. Nanjundaiah s/o Siddappa – 26 G<br>S. Basavaraju s/o Siddappa – 26 G<br><i>vide</i> MR No. 11/1996-97                                   |
| 6. | 2001-02 to 2003-04             | S. Nanjundaiah s/o Siddappa – 26 G<br><i>vide</i> MR No. RTP No. 7/1987-88<br><br>S. Shivnna s/o Siddappa – 27 G<br>MR No. 5/1996-97<br><br>Chikkabasappa s/o Chikka Nanjundappa –<br>02 A 26 G<br>N. Nagabhushan s/o Rachappa – 01 G<br>V. Veeresh s/o Veerabhadraiah – 26 G<br>S. Basavaraju s/o Siddappa – 26 G<br><i>vide</i> MR No. 11/1996-97 |
| 7. | 2004-05                        | S. Shivnna s/o Siddappa – 27 G<br>MR No. 5/1996-97<br><br>Chikkabasappa s/o Chikka Nanjundappa – 2<br>A 26 G<br>N. Nagabhushan s/o Rachappa – 01 G<br>V. Veeresh s/o Veerabhadraiah – 26 G  |

|    |                    |   |
|----|--------------------|---|
|    |                    | S. Basavaraju s/o Siddappa – 26 G<br><i>vide</i> MR No. 11/1996-97<br><br>N. Veerabhadrappaiah s/o late S. Nanjundaiah<br>– 26 G <i>vide</i> MR No. 4/2004-05   |
| 8. | 2005-06 to 2014-15 | N. Nagabhushan s/o Rachappa – 01 G<br><i>vide</i> MR No. 11/1996-97<br><br>Sharadamma w/o Jagannathappa – 26 G<br><i>vide</i> MR No. 17/2004-05<br><br>Sharadamma w/o Jagannathappa – 26 G<br><i>vide</i> MR No. 18/2004-05<br><br>Sharadamma w/o Jagannathappa – 26 G<br><i>vide</i> MR No. 19/2004-05<br><br>Sharadamma w/o Jagannathappa – 27 G<br><i>vide</i> MR No. 20/2004-05<br><br>Sharadamma w/o Jagannathappa – 2 A 26 G<br><i>vide</i> MR No. 18/2005-06 |

30. We had sought for MR No. 5/1996-97, however, we have been furnished with the Endorsement dated 02.12.2021 bearing No. RK.CR: 6086/2021-22 issued by the Tahsildar, Devanahalli Taluk indicating that MR No. 5/1996-97 is not available on records and hence, cannot be furnished.

31. We have perused the RTCs for the following periods with respect to Survey No. 63/1, measuring 05 Acres 20 Guntas, inclusive of 08 Guntas of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District and our observations are as follows:

| Sl.No. | Period of RTCs     | Name of the Owner   |
|--------|--------------------|---|
| 1.     | 2015-16 to 2021-22 | Sharadamma w/o Jagannathappa – 26 G<br><i>vide</i> MR No. 17/2004-05<br><br>Sharadamma w/o Jagannathappa – 26 G<br><i>vide</i> MR No. 18/2004-05<br><br>Sharadamma w/o Jagannathappa – 26 G<br><i>vide</i> MR No. 19/2004-05<br><br>Sharadamma w/o Jagannathappa – 27 G<br><i>vide</i> MR No. 20/2004-05<br><br>Sharadamma w/o Jagannathappa – 2 A 26 G |

|    |         |   |
|----|---------|---|
|    |         | vide MR No. 18/2005-06<br>R. Nagabhushan s/o Rachappa – 01 G<br>vide MR No. H25/2014-15 |
| 2. | 2022-23 | M/s. Arvind Homes Private Limited<br>vide MR No. T34/2022-23                            |

32. We have perused the RTCs for the following periods with respect to Survey No. 63/3, measuring 26  $\frac{3}{4}$  Guntas, inclusive of  $\frac{3}{4}$  Gunta of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District and our observations are as follows:

| Sl.No. | Period of RTCs     | Name of the Owner  |
|--------|--------------------|--|
| 1.     | 2022-23 to 2024-25 | M/s. Arvind Homes Private Limited<br>vide MR No. T18/2022-23 |

33. We have perused the RTCs for the following periods with respect to Survey No. 63/4, measuring 26  $\frac{3}{4}$  Guntas, inclusive of  $\frac{3}{4}$  Gunta of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District and our observations are as follows:

| Sl.No. | Period of RTCs     | Name of the Owner  |
|--------|--------------------|--|
| 1.     | 2022-23 to 2024-25 | M/s. Arvind Homes Private Limited<br>vide MR No. T27/2022-23 |

34. We have perused the RTCs for the following periods with respect to Survey No. 63/5, measuring 27  $\frac{3}{4}$  Guntas, inclusive of  $\frac{3}{4}$  Gunta of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District and our observations are as follows:

| Sl.No. | Period of RTCs     | Name of the Owner  |
|--------|--------------------|--|
| 1.     | 2022-23 to 2024-25 | M/s. Arvind Homes Private Limited<br>vide MR No. T20/2022-23 |

35. We have perused the RTCs for the following periods with respect to Survey No. 63/6, measuring 02 Acres 29 Guntas, inclusive of 03 Guntas of kharab, situated at Lingadheeragollahalli Village, Kundana Hobli, Devanahalli Taluk, Bangalore Rural District and our observations are as follows:



| Sl.No. | Period of RTCs     | Name of the Owner  |
|--------|--------------------|--|
| 1.     | 2022-23 to 2024-25 | M/s. Arvind Homes Private Limited<br>vide MR No. T21/2022-23 |

**Endorsements:**

36. Endorsement dated 21.12.2012 bearing No. LRF(D)CR(E): 400/2012-13 issued by the Assistant Commissioner, Doddaballapur Sub-Division, Bangalore indicates that no proceeding was pending or initiated by the foregoing authority under the provisions of Sections 79(A) and (B) of the Karnataka Land Reforms Act, 1961 with regard to Survey No. 63 as on 21.12.2012.
37. Endorsement bearing No. LRF.CR: 719/2012-13 issued by the Tahsildar, Devanahalli Taluk indicates that no proceeding was pending or initiated by the foregoing authority under the provisions of Section 48 A and Section 77 A of the Karnataka Land Reforms Act, 1961 with regard to Survey No. 63 as on the date of issue of the said endorsement.

**Survey records:**

38. Tippani Nakal with respect to Survey No. 63 discloses the shape, and the Village Map of Lingadheeragollahalli Village discloses the shape and boundaries of Survey No. 63. As per the Village Map, Survey No. 63 is bounded on the East by Ooru and Survey No. 61, on the West by Sulikunte Village boundary, on the North by Survey No. 64 and on the South by Survey No. 62.

*Note: It is observed from the Village Map of Lingadheeragollahalli Village that a pathway passes through Survey No. 63. It is further observed that a portion of the land in Survey No. 63 is covered by Gudde.*

39. The Hissa Tippani and RR Pakka Book Nakal furnished with respect to Survey No. 63 indicates that Survey No. 63 measuring 05 Acres 20 Guntas, inclusive of 08 Guntas of kharab was bifurcated/sub-divided into two portions i.e., Survey Nos. 63/1 and 63/2 in the following manner – (a) a portion measuring 05 Acres 18  $\frac{3}{4}$  Guntas, inclusive of 07  $\frac{3}{4}$  Guntas of kharab was assigned with new Survey No. 63/1 and Sharadamma was recorded as hissedar of the same and (b) the remaining portion measuring 01  $\frac{1}{4}$  Guntas, inclusive of  $\frac{1}{4}$  Gunta of kharab was assigned with new Survey No. 63/2 and Munihsamappa s/o late Pillaiah was recorded as hissedar of the same.
40. Karnataka Revision Settlement Akarband issued by the Superintendent, Office of the Assistant Director of Land Records, Devanahalli Taluk with respect to Survey Nos. 63/1, 63/3, 63/4, 63/5 and 63/6 furnished to us disclose their respective extents as mentioned herein below:

| Survey No. | Total Extent |        | Kharab Extent |        | Actual Extent |        |
|------------|--------------|--------|---------------|--------|---------------|--------|
|            | Acres        | Guntas | Acres         | Guntas | Acres         | Guntas |
| 63/1       | 00           | 28 ½   | 00            | 02 ½   | 00            | 00     |
| 63/3       | 00           | 26 ¾   | 00            | ¾      | 00            | 26     |
| 63/4       | 00           | 26 ¾   | 00            | ¾      | 00            | 26     |
| 63/5       | 00           | 27 ¾   | 00            | ¾      | 00            | 27     |
| 63/6       | 02           | 29     | 00            | 03     | 02            | 26     |

**Encumbrance Certificates:**

41. Encumbrance Certificates have been furnished for the following periods with respect to Survey No. 63 and their respective entries are as follows:

| Sl. No. | Period                   | Issued by                                       | Transactions   |
|---------|--------------------------|---|--|
| 1.      | 01.04.1920 to 31.03.2004 | Office of the Senior Sub-Registrar, Devanahalli | <ul style="list-style-type: none"> <li>• Settlement Agreement dated 18.08.1987, registered as Document No. 547/1987-88,</li> <li>• Sale Deed dated 30.03.1996, registered as Document No. 2806/1995-96,</li> <li>• Partition Deed dated 11.10.1996, registered as Document No. 1423/1996-97.</li> </ul>  |
| 2.      | 01.04.2004 to 29.09.2021 | Office of the Senior Sub-Registrar, Devanahalli | <ul style="list-style-type: none"> <li>• Sale Deed dated 10.12.2004, registered as Document No. 3518/2004-05,</li> <li>• Sale Deed dated 10.12.2004, registered as Document No. 3519/2004-05,</li> <li>• Sale Deed dated 10.12.2004, registered as Document No. 3521/2004-05,</li> <li>• Sale Deed dated 10.12.2004, registered as Document No. 3522/2004-05,</li> </ul> |

|    |                          |   |   |
|----|--------------------------|---|---|
|    |                          |   | <ul style="list-style-type: none"><li>• Sale Deed dated 11.11.2005, registered as Document No. 3927/2005-06,</li><li>• Sale Deed dated 18.06.2014, registered as Document No. 1610/2014-15.</li></ul> |
| 3. | 30.09.2021 to 24.11.2021 | Office of the Senior Sub-Registrar, Devanahalli | <ul style="list-style-type: none"><li>• Nil.</li></ul>  |

*Note: The Encumbrance Certificate issued for the period 01.04.1920 to 31.03.2004 does not reflect the Sale Deed dated 07.06.1965, registered as Document No. 690/1965-66 in Book-I, Volume No. 932, at Pages 101 to 103, in the Office of the Sub-Registrar, Devanahalli.*

#### **REPRESENTATIONS BY THE OWNER:**

42. We had sought for and have received the following representations from the owner with respect to the Schedule Property:

- (i) That no Memorandum of Understanding / Agreement is entered with any person/s.
- (ii) That no litigation is pending/decided on the Schedule Property other than the litigations mentioned hereinabove.
- (iii) That no other mortgage/s is/are created on the Schedule Property.

*[This space is left blank intentionally]*



**IV. OPINION**

Upon review and scrutiny of the documents furnished to us, we are of the opinion that **M/s. Arvind Homes Private Limited is the owner of the Schedule Property** and has marketable title over the same subject to furnishing of the following documents/information/clarifications and recommendations:

1. Case status of the suit bearing O.S. No. 148/1997;
2. Complete copy of the Complaint in suit bearing O.S. No.498/1998 filed before the Court of the Civil Judge (Senior Division), Bangalore Rural District to verify whether Survey No.63 or any portion of the same was a part of the sit schedule properties;
3. Record of Rights, Tenancy and Crops Certificate (RTCs) for the period 1993-94 and 1998-99 with respect to Survey No. 63 measuring 05 Acres 20 Guntas;
4. Legible copy of RTC for the period 1995-96 with respect to Survey No. 63 measuring 05 Acres 20 Guntas;
5. Latest tax paid receipts with respect to Survey Nos. 63/1, 63/3, 63/4, 63/5 and 63/6;
6. Hissa Tippani and RR Pakka Book Nakal with respect to further phodi of Survey No.63/1 into Survey Nos. 63/1, 63/3, 63/4, 63/5 and 63/6;
7. Rectified Encumbrance Certificate for the period from 15.07.1961 to 31.03.2004 reflecting Sale Deed dated 07.06.1965, registered as Document No. 690/1965-66 in Book-I, Volume No. 932, at Pages 101 to 103, in the Office of the Sub-Registrar, Devanahalli along with other transactions with respect to Survey No. 63/1 measuring 05 Acres 20 Guntas;
8. Encumbrance Certificate for the period from 01.04.2021 to till date with respect to Survey No. 63/1 measuring 28 ½ Guntas;
9. Encumbrance Certificate for the period from 01.04.2021 to till date with respect to Survey No. 63/3 measuring 26 ¾ Guntas;
10. Encumbrance Certificate for the period from 01.04.2021 to till date with respect to Survey No. 63/4 measuring 26 ¾ Guntas;
11. Encumbrance Certificate for the period from 01.04.2021 to till date with respect to Survey No. 63/5 measuring 27 ¾ Guntas;
12. Encumbrance Certificate for the period from 01.04.2021 to till date with respect to Survey No. 63/6 measuring 02 Acres 29 Guntas;
13. Latest Endorsements from the Assistant Commissioner confirming that the Schedule Property does not fall under the purview of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (PTCL Act);
14. Latest Endorsements from the Acquisition Offices - BIAAPA, KHB, KIADB stating that the Schedule Property has not been acquired or notified for any of the developmental purposes;
15. Endorsement from the National Highway Authority of India and State Highway Authority stating that no acquisition proceedings have been initiated in respect of the Schedule Property, if the Schedule Property is abutting to any of the highway roads;
16. Line drawing joint Survey to be conducted, superimposing with Village Map and Survey documents, indicating nala/kaluve if any, disclosing the actual extent, along with boundaries;



17. Production of original documents for verification.

## V. OUR UNDERSTANDING

We understand that **Arvind Homes Private Limited** intends to know the marketable title of the Schedule Property and accordingly has instructed us to conduct legal due diligence on the Schedule Property and provide our report on the same.

### IMPORTANT:

The Report on Title (**Report**) prepared by us and submitted herewith is based on review of the records and documents in respect of the above Schedule Property as made available to us during the review, and the said Report must be read in conjunction with and subject to the recommendations, limitations, restrictions, conditions, and disclaimers mentioned at the appropriate places in this Report.

## VI. MANDATE: OBJECTIVE, SCOPE OF WORK AND METHODOLOGY ADOPTED

With a view to check, verify the encumbrances and liens thereon and to provide the Report on the Schedule Property, the Client instructed Fox Mandal & Associates ('**FM**') to carry out a due diligence exercise, based exclusively on the records/information made available to FM by Client.

The Methodology adopted for carrying out the legal due diligence was as under:

1. The legal due diligence has been restricted and kept limited to and based entirely and exclusively on the documents, records, files and registers as was made available to FM by Client (hereinafter collectively referred to as '**Documents**').
2. We have perused the copies of the Documents and records and other papers and information made available to us by Client and have issued this Report on the basis of the available documents, records and information.
3. We have not undertaken any litigation search on the Schedule Property. Therefore, the Report is subject to the specific case details, if any that have been provided by the Client.
4. We assume no responsibility/liability for any adverse claims or charges on the property that could not be inferred from the documents provided to us.
5. The Report is valid as on the date of issue of the endorsement/document by the respective statutory authority.

**VII. APPLICABLE ASSUMPTIONS AND DISCLAIMERS**

**ASSUMPTIONS**

All information, opinion and conclusion in this Report are prepared as instructed by the Client from time to time and as we have understood the scope and requirements and subject to certain assumptions, including but not limited to the assumption that:

- (a) All signatures appearing on the reviewed documents are genuine;
- (b) The Documents perused by us as copies are complete and conform to the original documents (which are assumed as authentic);
- (c) The Documents on which the Report relies remain accurate;
- (d) The Documents on which the Report relies are the only documents and there are no other papers, documents or information available or no other papers, documents or information have been suppressed or withheld from us.

**DISCLAIMERS**

1. This Report has been prepared exclusively in connection with the transaction and for no other purposes. This Report is for the use of the Client only and it is not to be provided to or relied upon by, nor is any responsibility, duty or liability accepted to, any third party without our prior written consent.
2. We disclaim all and any liability and responsibility and shall not be liable or responsible in any manner nor entertain any claim in respect of any cost, charges, loss, penalty or damage etc. resulting from or incurred or suffered by any unauthorized person using our Report in any unauthorized manner or basing any action on it notwithstanding the cautions and limitations stated herein and at the appropriate places in the Report. We must also make it clear that we will not accept any responsibility or liability to the Client for any information obtained under disclaimer of responsibility for which we were not able to obtain independent verification.
3. This Report has been prepared pursuant to a diligence exercise carried out from the year 1961. As instructed, the scope of our assignment does not extend to updating the report for events and circumstances occurring after the date of Report.
4. We have retained the units of measurement as it appears in the different title deeds.
5. The Report gives only a gist of certain issues and matters considered as important from the viewpoint of the present purposes and in the manner as mentioned above. The Report lists down all the issues which came to our notice during the due diligence exercise as aforesaid, which has to be read in conjunction with and subject to the stated limitations, restrictions, conditions, cautions and disclaimers.



**VIII. CONTACT DETAILS**

If any clarification in relation to this Report is required, please contact:

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For Fox Mandal & Associates

*W. C. Srinivas Reddy*  
Fox Senior Partner

