

T. VITTAL RAO

ADVOCATE

No. 280, 5th Main, 8th Cross, S T Bed, Koramangala, Bangalore-560 034

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8.12.2015

M/s Parth Constructions Pvt. Ltd.,
No. 258, Rajani Gandha, Garden Apartment,
21, Vittal Mallya Road, Bangalore-560 001.

Sirs,

Kind attention: Mr. Gopai Shinde. Director.

I have scrutinized the following documents in respect of Converted
Property bearing Survey No.164/1 measuring 2 acres 18 guntas and 2 guntas
of Karab in all a total extent of 2 acres 20 guntas, situated at Kodigehalli
Village, Yelahanka Hobli, Bangalore North Taluk, for the purpose of scrutiny of
title:

DOCUMENTS FURNISHED

Sl. No.	Date	Particulars
1.	01.11.1961	Absolute Sale Deed executed by Smt. Akkayamma wife of late Chennakrishnappa and her children viz., K Ramegowda and Krishnappa in favour of N Ramaraju S/o Nanjappa, registered as document No.7375/61-62 of Book-I, Volume 2089 at pages 1 to 4 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore.
2.	14.07.1977	Absolute Sale Deed executed by N Ramaraju S/o Nanjappa in favour of K Ramegowda S/o Chennakrishnappa, registered as Document No. 1666/76-77 of Book-I, Volume 3028 at pages 25 to 26 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore.
3.	21.05.2013	Endorsement issued by the Tahasildar informing that the Mutation bearing M R No. 53/1981-82 cannot be issued.
4.	20.10.1982	Absolute Sale Deed executed by K Ramegowda S/o Chennakrishnappa in favour of B Lingappa and B Shankar both sons of B L Boraiah, registered as Document No.2801/82-83 of Book-I, Volume 3617 at pages 148 to 152 in the office of the Sub - Registrar, Bangalore North

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Sl. No.	Date	Particulars
		Taluk, Bangalore.
5.		Extract of the Mutation Register bearing M R No. 42 /82-83 transferring the Katha in favour of B Lingappa and B Shankar.
6.	29.12.1995	Order in LRF (S) 158/1990-91 of the Divisional Commissioner, Bangalore.
7.	27.03.2003	Partition Deed executed by and between B L Boraiah and his children viz., B Ramakrishna, B.Lingappa, B. Shankar and B Prasad, registered as document No. 4317/2003-04 of Book-I, Stored in CD No. YVK48 in the office of the Sub Registrar, Yelahanka, Bangalore.
8.		Extract of the Mutation Register bearing M R No. 8/2005-06 transferring the Katha in favour of B Lingappa.
9.		Record of Rights in respect of Survey No.164/1.
10.		Record of Rights, Tenancy and Pahani for the year 1966-67 to 1970-71, 1982-83 to 1984 -85, 1986-87 to 1987-88 to 1992-93, 1993-94 to 1996-97, 1997-98 to 2001-02, 2001-02 to 2011-12 in respect of Survey No. 164/1 of Kodigehalli Village.
11.		Karnataka Revision Settlement Akarbandh in respect of Survey No.164/1.
12.		Moola Tippani in respect of Survey No.164.
13.		Hissa Tippani in respect of Survey No.164/1.
14.		Atlas in respect of Survey No.164/1.
15.		R.R.Balabagada Nakal in respect of Survey No.164/1.
16.		Order Sheet in OS 1966/95, of the Court of City Civil Judge at Bangalore.
17.		Copy of Order Sheet in OS 5813/98 of the Court of City Civil Judge At Bangalore.
18.		Copy of Order Sheet in OS 5815/98 of the Court of City Civil Judge At Bangalore.
19.		Copy of Order Sheet in OS 5816/98. of the Court of City Civil Judge At Bangalore.

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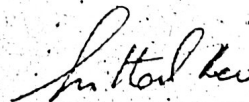
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Sr No.	Date	Particulars
20.	09.10.2006	Letter bearing No. ALNSR. 152/2006-07 issued from the office of Tahasildar Bangalore North Taluk.
21.	21.11.2006	Demand Notice No. ALN/ (NY) SR 48/2006-07 issued from the office of the Deputy Commissioner, Bangalore District.
22.	29.02.2008	Official Memorandum bearing No. ALN (NAY) SR. 48/2006-07 issued from the office of Deputy Commissioner, Bangalore District.
23.		Extract of the Mutation Register bearing M R No. 62/2008-09 recording the conversion from agricultural to non agricultural residential purposes in the name of B Lingappa.
24.	27.03.2013	The Endorsement bearing No. PTCL. CR 3290/2012-13, dated 27.03.2013 issued by Assistant Commissioner North Sub-Division, Bangalore, confirms that there is no case pending with regards to Sy No.164/1 under PTCL Act.
25.	21.03.2013	Endorsement bearing No. LRF (BNA) CR 74/2013-14 dated 21.03.2013 issued by Assistant Commissioner North Sub-Division, Bangalore, confirms that there are no proceedings pending with regard to Survey No.164/1 under Section 79A and B of the Karnataka Land reforms Act 1961.
26.	28.06.2006	Joint Development Agreement executed by and between B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha and M/s Cyma Investments Private Limited represented by its Director, registered as document No. 7681/2006-07 of Book I Stored in CD No. YAND207 in the office of Sub- Registrar, Yelahanka, Bangalore.
27.	28.06.2006	General Power of Attorney executed by B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha in favour of M/s. Cyma Investments Private Limited represented by its Director, registered as document No. 178/2006-07 of Book IV Stored in CD No. YAND207 in the office of the Sub - Registrar, Yelahanka,



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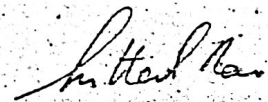
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Sl. No.	Date	Particulars
		Bangalore.
28.	17.06.2009	Addendum Agreement entered into between B. Lingappa, Prema, Chaitra and Harsha with M/s CYMA Investments Pvt. Ltd.
29.	5.02.2014	Rectification Deed to the Registered General Power of Attorney dated 28.06.2006, executed by B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha in favour of M/s. Cyma Investments Private Limited represented by its Director, registered as document No. 318/2013-14 of Book IV Stored in CD No. MLSD71 in the office of the Sub - Registrar, Malleshwaram, Bangalore.
30.	5.02.2014	Rectification Cum Confirmation Deed to the Registered Joint Development Agreement dated 28.06.2006, executed by B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha in favour of M/s. Cyma Investments Private Limited represented by its Director, registered as document No. 3023/2013-14 of Book- I Stored in CD No. MLSD71 in the office of the Sub - Registrar, Malleshwaram, Bangalore.
31.	5.02.2014	Flat Allocation Agreement executed by B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha in favour of M/s. Cyma Investments Private Limited represented by its Director.
32.	04.02.2008	Intimation issued by the Bangalore Development Authority to M/s CYMA Investments regarding payment of Rs.48,11,510/- towards land sanction processing fee and other charges in respect of Survey No.164/1.
33.	11.02.2008	Remittance Challan issued by the Bangalore Development Authority towards payment of Rs.48,11,510/- towards plan sanction processing fee and other charges.
34.	12.05.2008	Plan sanction letter issued by the Bangalore Development Authority for construction of a residential building consisting of basement, ground and six upper floors in Survey No.164/1.
35.	14.12.2012	Intimation issued by the Bangalore Development Authority



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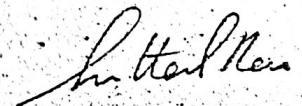
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Sl. No.	Date	Particulars
		to pay Rs.19,79,715/- towards modified plan sanction processing fee and other charges.
36.	19.12.2012	Bangalore Development Authority Remittance Challan issued to CYMA Investments towards payment of Rs.19,79,715/-.
37.	24.12.2012	Plan sanction issued by the Bangalore Development Authority bearing No.77/2012-13.
38.	21.12.2012	Memorandum of Understanding entered into between M/s. CYMA Investments Pvt. Ltd. and M/s. Parth Constructions Pvt. Ltd.
39.	3.03.2014	Compliant by Sri. G Lingappa to the Police regarding the "lost " of (1) Document No.2801/82-83 of Book-I, Volume 3617 at pages 148 to 152 in the office of the Sub - Registrar, Bangalore North, (2) Document No. 1666/76-77 of Book-I, Volume 3028 at pages 25 to 26 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore, document No.7375/61-62 of Book-I, Volume 2089 at pages 1 to 4 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore.
40.	3.03.2014	Acknowledgement of the above compliant by Seshadripuram police.
41.	20.03.2014	Public Notice issued in the daily newspaper "udayavani" regarding the loss of (1) Document No.2801/82-83 of Book-I, Volume 3617 at pages 148 to 152 in the office of the Sub - Registrar, Bangalore North, (2) Document No. 1666/76-77 of Book-I, Volume 3028 at pages 25 to 26 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore, document No.7375/61-62 of Book-I, Volume 2089 at pages 1 to 4 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore.
42.	20.03.2014	Public Notice issued in the daily newspaper "Hindu" regarding the loss of (1) Document No.2801/82-83 of Book-I, Volume 3617 at pages 148 to 152 in the office of the Sub - Registrar, Bangalore North, (2) Document No. 1666/76-77 of Book-I, Volume 3028 at pages 25 to 26 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore, document No.7375/61-62 of Book-I, Volume 2089 at pages 1 to 4 in the office of the Sub - Registrar, Bangalore North Taluk, Bangalore.
43.	10.04.2014	Letter by Mr. H Santosh regarding the paper publication.



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Sl. No.	Date	Particulars
44.	19.07.2014	Public Notice issued in the daily newspaper "Hindu" regarding the loss of document No. 4317/2003-04 of Book-I, Stored in CD No. YVK48 in the office of the Sub Registrar, Yelahanka, Bangalore.
45.	19.07.2014	Public Notice issued in the daily newspaper "Hindu" regarding the loss of document No. 4317/2003-04 of Book-I, Stored in CD No. YVK48 in the office of the Sub Registrar, Yelahanka, Bangalore.
46.	8.08.2014	Letter by Mr. H Santosh regarding the paper publication.
47.	6.03.2014	Commencement Certificate bearing No. BDA/EM/EO-2/TA-3/CCT-400/2013-14 issued by the Bangalore Development Authority in respect of Block-B (91units).
48.	6.06.2014	Katha Extract issued Bruhat Bangalore Mahanagara Palike in the Name of B Lingappa in respect of Property bearing No. 2985/164/1
49.	6.06.2014	Katha Certificate issued by the Bruhat Bangalore Mahanagara Palike in the Name of B Lingappa in respect of Property bearing No. 2985/164/1
50.		Tax paid Receipt issued by Bruhat Bangalore Mahanagara Palike in respect of property bearing Survey No.164/1 for the period 2008-09, 2009-10, 2010-11, 2011-12 and 2012-13.
51.		Encumbrance Certificate for the period from 1.04.1960-31.05.1989, 1.06.1989-31.03.2004, issued by the Sub-Registrar, Yelahanka.
52.		Encumbrance Certificate for the period from 01.04.2004 - 8.12.2015 issued by the Sub-Registrar, Gandhinagar.

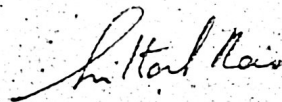
II.

SCHEDULE PROPERTY

All that piece and parcel of Residential converted immovable property bearing Survey No. 164/1, situated at Kodigehalli Village, Yelahanka Hobli, Bangalore North Taluk, Bangalore District, Bangalore in all measuring 2 Acres 18 Guntas and bounded on the:

East By : Survey No's 164/3A and 164/2A

West By : Survey No. 165



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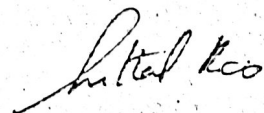
North By : Survey No. 212 and Road

South By : Survey No. 158

FLOW OF TITLE

The scrutiny of the documents listed above and the narrations made therein reveals as under;

1. Property bearing Survey No.164/1 situated at Kodigehalli Village, Yelahanka Hobli, Bangalore North Taluk, measures 2 acres 20 guntas including 02 guntas of Karab (hereinafter referred to as the "Schedule Property").
2. Earlier, Smt. Akkayamma W/o late Chennakrishnappa and her children viz., K.Ramegowda and Krishnappa, who were the absolute owners of the said property conveyed in favour of N.Ramaraju S/o Nanjappa property bearing Survey No.164/1 measuring 2 acres 20 guntas including 02 guntas of karab in terms of Sale Deed dated 1st November, 1961, registered as Document No.7375/1961-62, Book I, Vol. 2089, Pages 1-4, in the Office of the Sub-Registrar, Bangalore North Taluk.
3. Later, Sri N.Ramaraju S/o Nanjappa conveyed in favour of Sri K.Ramegowda S/o Chennakrishnappa the said property bearing Survey No.164/1 measuring 2 acres 20 guntas including 02 guntas of karab in terms of Sale Deed dated 14th July 1977 registered as Document No.1666/1976-77, Book I, Vol.3028, Pages 25 – 26, in the Office of the Sub-Registrar, Bangalore North Taluk.



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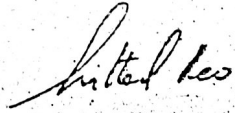
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4. The Tahasildar by an Endorsement dated 21.05.2013 has stated that the extract of the Mutation bearing M R No. 53/1981-82 is not available cannot be issued.
5. Sri K.Ramegowda S/o Chennakrishnappa conveyed the said property bearing Survey No.164/1 measuring 2 acres 20 guntas including 02 guntas of karab (Schedule Property) in favour of Sri B.Lingappa and B.Shankar, both sons of B.L.Boraiah in terms of Sale Deed dated 20.10.1982 registered as Document No.2801/1982-83, Book I, Vol.3617, Pages 148 – 152, in the Office of the Sub-Registrar, Bangalore North Taluk.
6. Subsequently, the Katha in respect of the Schedule Property was transferred in favour of Sri B.Lingappa and B.Shankar, in terms of Mutation Proceedings bearing M.R.No.42/82-83.
7. Sri Boraiah along with his children B.Ramakrishna and B.Lingappa, B.Shankar and B.Prasad entered into a Partition Deed dated 27th March 2003 registered as Document No.4317/2003-04, Book-I and stored in CD No.YNK-48 in the Office of the Sub-Registrar, Yelahanka, wherein the Schedule Property came to the share of Sri B.Lingappa. It is seen that though the property bearing Survey No.164/1 measuring 2 acres 18 guntas was purchased jointly by Sri B.Lingappa and Sri B.Shankar, (both sons of B.L.Boraiah), the said property was treated as the joint family property and Sri Boraiah and included in the Partition Deed.
8. Subsequent to the said partition, the Katha in respect of the Schedule Property was transferred in favour of Sri B.Lingappa in terms of Mutation Proceedings bearing M.R.No.8/2005-06. In this manner Sri. B.Lingappa S/o Sri. B.L.Boraiah became the absolute owner in respect of the Schedule Property.



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9. The suits bearing O S No. 1966/95, O S No. 5813/98, O S No. 5815/98 and O S No. 5816/98 regard to the Schedule Property are disposed off.
10. The Record of Rights, Tenancy and Pahani (RTC) for the year 1966-67 to 1970-71, 1982-83 to 1984 -85, 1986-87 to 1987-88 to 1992-93, 1993-94 to 1996-97, 1997-98 to 2001-02, 2001-02 to 2014-15 in respect of Survey No. 164/1 of Kodigehalli Village has been furnished. It discloses the various owners and occupant of the said property during the relevant period as narrated above.
11. The Property bearing Survey No.164/1 measuring 2 acres 18 guntas was converted from agricultural to non-agricultural residential purpose in terms of Official Memorandum bearing No.ALN.NY.SR.48/2006-07 dated 29.02.2008 issued by the Deputy Commissioner, Bangalore District. The necessary conversion fee has been paid towards the conversion of the Schedule Property to residential purpose. Subsequent thereto the fact of the conversion was recorded in the RTC pursuant to the Mutation Proceedings bearing M.R.No.62/2008-09.
12. The Endorsement bearing No. LRF (BNA) CR 74/2013-14 dated 21.03.2013 issued by Assistant Commissioner North Sub-Division, Bangalore, confirms that there are no proceedings pending with regard to Survey No.164/1 under Section 79A and B of the Karnataka Land Reforms Act, 1961.
13. The Endorsement bearing No. PTCL CR 3290/2012-13, dated 27.03.2013 issued by Assistant Commissioner, North Sub-Division, Bangalore, confirms that there is no case pending with regards to Sy No.164/1.



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14. The Moola Tippani in respect of Survey No.164 discloses the shape of Sy. No.164. The Hissa Tippani in respect of Survey No.164/1 has been furnished. The Atlas of Survey No.164/1 is also made available. The Karnataka Revision Settlement Akarbandh in respect of Survey No.164/1 has also been furnished.
15. Sri B.Lingappa along with Smt. Prema W/o B.Lingappa, Chaitra D/o B.Lingappa and Harsha S/o B.Lingappa entered into a Joint Development Agreement dated 28th July, 2006 with M/s Cyma-Investments Private Ltd., a Company incorporated under the Companies Act, 1956, and represented by its Director, Sri Gopal Shinde, in respect of the Schedule Property, wherein M/s. CYMA Investments Private Ltd., had agreed to develop the Schedule Property. In terms of the said Joint Development Agreement, M/s Cyma Investments Private Ltd., as developer, was entitled to 60% of the constructed area with proportionate undivided interest in the Land.
16. Sri B.Lingappa along with Smt. Prema W/o B.Lingappa, Chaitra D/o B.Lingappa and Harsha S/o B.Lingappa also executed a Power of Attorney in favour of M/s CYMA Investments Private Ltd., empowered them to sell their share of 60% undivided share in the Schedule Property in favour of the purchasers.
17. Sri. B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha executed in favour of M/s. Cyma Investments Private Limited represented by its Director, Mr. Sachin Vora, a 'Rectification Cum Confirmation Deed to the Registered Joint Development Agreement dated 28.06.2006' dated 5.02.2014, registered as document No. 3023/2013-14 of Book- I Stored in CD No. MLSD71 in the office of the Sub – Registrar, Malleshwaram, Bangalore, wherein the Principal Deed was corrected and

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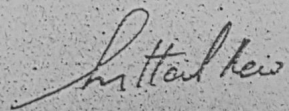
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rectified with regard to the sharing of the built up area and certain mistakes that had crept into the Principal Deed.

18. Sri. B Lingappa, Smt. Prema W/o B Lingappa and his children viz., Ms. Chaitra and Harsha executed in favour of M/s. Cyma Investments Private Limited represented by its Director, a "Rectification Deed to the Registered General Power of Attorney dated 28.06.2006" dated 5.02.2014, registered as document No. 318/2013-14 of Book IV Stored in CD No. MLSD71 in the office of the Sub – Registrar, Malleshwaram, Bangalore, wherein the Principal Deed was corrected and rectified with regard to the sharing of the built up area and certain mistakes that had crept into the Principal Deed.

19. M/s CYMA Investments applied to the Bangalore Development Authority for a building plan sanction and the Bangalore Development Authority issued an intimation dated 04.02.2008 directing M/s CYMA Investments to pay a sum of Rs.48,11,150/- towards the plan sanction charges and accordingly, the said amount of Rs.48,11,150/- was remitted by M/s CYMA Investments to the Bangalore Development Authority. Subsequently, M/s. CYMA Investments has applied for a modified plan sanction and pursuant to the said application, the Bangalore Development Authority has issued an intimation dated 14.12.2012 directing M/s CYMA Investments to pay a sum of Rs.19,79,715/- towards plan sanctioning and other charges. Accordingly, M/s CYMA Investments have remitted the said amount of Rs.19,79,715/- to the Bangalore Development Authority. The Bangalore Development Authority has issued the plan sanction letter in favour of M/s CYMA Investments sanctioning the construction of residential building consisting of basement, ground and six upper floors (182 Units) in the Schedule Property. Accordingly, the Bangalore Development Authority has also issued the sanctioned plan for construction of a residential building. The BDA has issued commencement certificate regarding



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commencement of construction of 74 apartments in Block B in the Schedule Property in terms of the Plan Sanction.

20. In terms of the Joint Development Agreement entered into between Sri B.Lingappa and M/s CYMA Investments Pvt. Ltd., (Developer), M/s CYMA Investments Pvt. Ltd., were entitled to develop the schedule property and construct therein residential apartments and were entitled to 60% of the constructed area together with proportionate undivided interest in the land. In terms of the Power of Attorney, M/s CYMA Investments Pvt. Ltd., were also empowered to dispose of their share of 60% of the constructed area together with the proportionate undivided interest in favour of intending purchasers. Sri B.Lingappa and M/s CYMA Investments Pvt. Ltd., have entered into an Addendum Agreement dated 17th June 2009, which was in continuation of the Joint Development Agreement dated 8.6.2000 entered into between the same parties, wherein the refundable deposit paid to Sri. Lingappa was converted to non refundable deposit.
21. M/s CYMA Investments Pvt. Ltd., has entered into a Memorandum of Understanding dated 21.12.2012 with M/s Parth Constructions Pvt. Ltd., wherein M/s Parth Constructions Pvt. Ltd., has undertaken to develop the schedule property and fulfill the terms and conditions agreed into between the land owner, Sri B.Lingappa and M/s CYMA Investments Pvt. Ltd.
22. Though M/s CYMA Investments Pvt. Ltd., has assigned their right of development accrued to them in terms of the Joint Development Agreement dated 8.6.2006 in favour of M/s Parth Constructions Pvt. Ltd., M/s. Cyma Investments are the Principal developers and obligated to fulfill all the conditions of the Joint Development Agreement dated 8.6.2006.



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23. The Land Owners are not in possession of the original documents relating to Schedule Property. Accordingly, Mr. G Lingappa made a police complaint regarding the Loss of original documents and later Public Notice issued in the daily newspaper "udayavani" and 'The Hindu' regarding the loss of (1) Document No.2801/82-83 of Book-I, Volume 3617 at pages 148 to 152 in the office of the Sub – Registrar, Bangalore North, (2) Document No. 1666/76-77 of Book-I, Volume 3028 at pages 25 to 26 in the office of the Sub – Registrar, Bangalore North Taluk, Bangalore, document No.7375/61-62 of Book-I, Volume 2089 at pages 1 to 4 in the office of the Sub – Registrar, Bangalore North Taluk, Bangalore. A Public Notice was also issued in the daily newspaper 'Udayavani' and "The Hindu" regarding the loss of document No. 4317/2003-04 of Book-I, Stored in CD No. YVK48 in the office of the Sub Registrar, Yelahanka, Bangalore. Mr. Santosh, Advocate had made the aforesaid publication has issued letters stating that no objection has been received from public regarding the aforesaid notice.
24. The Property bearing Survey No.164/1 having come within the administrative jurisdiction of Bruhat Bangalore Mahanagara Palike and the property tax for the period 2008-09 to 2012-13 has been paid. The Bruhat Bangalore Mahanagara Palike has transferred the Katha in favour of Mr. G Lingappa and the said Property has been assigned new Katha No. 2985/164/1. The Bruhat Bangalore Mahanagara Palike has issued Katha Extract dated 6.06.2014 in the Name of B Lingappa in respect of Property bearing No. 2985/164/1.
25. The Encumbrance Certificate has been furnished for the period from 1.4.1960 to 8.08.2015. The scrutiny of the said document reflects various transactions in respect of the schedule property including agreement of sale in respect of some apartments in the aforesaid project.



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26. From the above facts, it is clear that;

- a. Sri B.Lingappa has clear and marketable title in respect of converted property bearing Survey No.164/1 measuring 2 acres 20 guntas including 2 guntas of Karab land situated at Kodigehalli Village, Yelahanka Hobli, Bangalore North Taluk.
- b. Sri B.Lingappa has entered into a Joint Development Agreement with M/s.CYMA Investments Pvt. Ltd., for the development of the Schedule Property and are entitle to 60% of the built up area along with 60% of the undivided interest in the Schedule Property and M/s.CYMA Investments Pvt. Ltd., has assigned the right to develop to M/s.Parth Constructions Pvt. Ltd.
- c. Accordingly, M/s.Parth Constructions Pvt. Ltd. is entitled to develop the Schedule Property.



T VITTAL RAO

Advocate