

Search Report

Form No. 3 (Part 1)
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ਫੁਟਕਲ ਫੀਸ ਦੀ ਅਦਾਇਗੀ ਦੀ ਰਸੀਦ
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 ਮਿਤੀ ਅਤੇ ਮਹੀਨਾ
 ਫੀਸ ਦੇਣ ਵਾਲੇ ਵਿਅਕਤੀ ਦਾ ਨਾਂ
 ਸਥਾਨ
 ਨਿਵਾਸ
 ਫੀਸ ਦੇਣ ਵਾਲੇ ਵਿਅਕਤੀ ਦਾ ਨਾਂ
 ਮੁਕਾਬਲਾ ਨੰਬਰ
 ਫੀਸ ਦੀ ਮਾਤਰਾ
 ਫੀਸ ਦੇਣ ਵਾਲੇ ਵਿਅਕਤੀ ਦਾ ਨਾਂ
 ਮੁਕਾਬਲਾ ਨੰਬਰ
 ਫੀਸ ਦੀ ਮਾਤਰਾ

ANNEXURE-7

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Advocate
Punjab & Haryana High Court,
Chandigarh

No. HBB/VPS/012-13/8

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Dated: 02.06.2012

To,

The RMME,
State Bank of India
Sector 17, CHANDIGARH

Sir,

Sub: Legal Opinion w.r.t. to the Property land measuring 1 Bighe 4 Biswe vide detail Khewat Khatauni No. 106/144 Khasra No. 810/812/37(1-11), 38(4-0), 39(4-0), 40(4-16), 41(4-16), 42(4-0), 43(4-0), 813/44(3-15), 354(0-2), 574(3-14), 575(4-0), 892/576(3-1), 577(3-14), 893/578(3-12), 895/897/579(1-14), kite 15 Area 50 Bighe 15 Biswe its 24/1015 Share which is Area 1 Bighe 4 Biswe (land measuring 83'0" X 130'0" = 1200 sq. yds. land vide Khasra no.813/44, area 3 Bighe 15 Biswe out of which 1 Bighe 4 Biswa has been given, which is on the Patiala Road having its width of 22 gathhas, situated at village Nabha, Tehsil Dera Bassi, District SAS Nagar Mohali, "hadbast no.290" now in the name of Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula -- as per performa-

1.	Name of the Branch/BU seeking opinion.	SBI Chandigarh.
2.	Reference No. and date of letter under the cover of which the documents tendered for scrutiny are forwarded.	NIL
3.	Name of the unit/concern/person offering the property(ies) security	Property Land measuring 1 Bighe 4 Biswe, vide detail Khewat Khatauni No. 106/144 Khasra No. 810/812/37(1-11), 38(4-0), 39(4-0), 40(4-16), 41(4-16), 42(4-0), 43(4-0), 813/44(3-15), 354(0-2), 574(3-14), 575(4-0), 892/576(3-1), 577(3-14), 893/578(3-12), 895/897/579(1-14), kite 15 Area 50 Bighe 15 Biswe its 24/1015 Share which is Area 1 Bighe 4 Biswe (land measuring 83'0" X 130'0" = 1200 sq. yds. land vide Khasra no.813/44, area 3 Bighe 15 Biswe out of which 1 Bighe 4 Biswe has been given, which is on the Patiala Road having its width of 22 gathhas, situated at village Nabha, Tehsil Dera Bassi, District SAS Nagar Mohali, "hadbast no.290" now in the name of Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula
4.	Constitution of the unit/concern/person/body/authority offering the property for creation of charge.	Property of Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula

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	State as to under what capacity security is offered (whether as joint applicant or borrower or as guarantor, etc.)	Applicant/borrower
6.	Particulars of the documents scrutinized	Sale deed duly registered as registered sale deed No 16202, Book No 1 Vol No 00, Page No. 00 dated 7.3.2011 in the office of Sub-Registrar, Dera Bassi
a)	Serially and chronologically	
b)	Nature of documents verified as to whether they are original or certified copies or registration extracts duly certified	Records checked photo copies attached Original Registry attached
	Note: Only originals or certificates extracts from the registering/land/revenue/other authorities should be examined	
7.	Complete or full description of the immovable property(ies) offered as security for creation of mortgage whether equitable/registered mortgage.	Property land measuring 1 Bighe 4 Biswe, vide detail Khewat Khatauni No. 106/144, Khasra No. 810/812/37(1-11), 38(4-0), 39(4-0), 40(4-16), 41(4-16), 42(4-0), 43(4-0), 813/44(3-15), 354(0-2) 574(3-14), 575(4-0), 892/576(3-1), 577(3-14), 893/578(3-12), 895/897/579(1-16), klie 15 Area 50 Bighe 15 Biswe its 24/1015 Share which is Area 1 Bighe 4 Biswe (land measuring 83'0" X 130'0" = 1200 sq. yds. land vide Khasra no. 813/44, area 3 Bighe 15 Biswe out of which 1 Bighe 4 Biswe has been given, which is on the Panjala Road having its width of 22 gathhas, situated at village Nabha, Tehsil Dera Bassi, District SAS Nagar Mohali, "hadbast no. 290" now in the name of Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula
i)	Survey No.	N.A.
ii)	Door No. (in case of house property)	N.A.
iii)	Extent/area including plinth/plot up area in case of house property	1 Bighe 4 Biswe
iv)	Locations like name of the place, Village, city, registration, sub-district etc.	village Nabha, Tehsil Dera Bassi, District SAS Nagar Mohali, "hadbast no. 290" now in the name of Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula

(Signature)

village Nabha, Tehsil Dera Bassi, District SAS Nagar Mohali, "hadbast no.290" now in the name of Sh Harish Gupta s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula

8. Flow of titles tracing out the title of the intended mortgagor and his/her predecessors in interest from the Mother Deed to the Latest Title Deed. Wherever Mortgagor's interest or other clog on title is involved, for a further period, depending on the need for clearance of such clog on the title. (Separate Sheets may be used)

The property was earlier in the name of Santokh Singh, Tara Singh, Tarlok Singh, alias Tarek Singh, Ajit Singh, Teja Singh, s/o Sh. Ghansu, s/o Tola s/o village Nabha, Tehsil Dera Bassi, District SAS Nagar Mohali, who sold the above property detailed in para 7 to Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula as per Sale Deed duly registered as registered sale deed No. 16202, Book No. 1 Vol No. 00, Page No. 00 dated 7.3.2011 in the office of Sub-Registrar, Dera Bassi

As per the document it is found that the said land is free from all sorts of encumbrances, the jamabandi and non encumbrance certificate enclosed with the present opinion, checked and found to be correct

9. Nature of Title of the intended mortgagor over the property (whether full ownership rights, leasehold, occupancy/ possessory rights or in am holder or Govt. Guarantee/ allottee etc.)

The mortgagor has the right of ownership occupancy hence can mortgage the property in question.

10. Encumbrances, Attachments, and/or claims
(a) Whether of Government, Central or State or Other Local Authorities or Third Party claims, Liens etc and details thereof. If yes, give details thereof.

Nil

(b) The period covered under the Encumbrances Certificate and the name of the person in whose favour the encumbrance is created and if so, satisfaction of charge, if any

N.A.

11. Details regarding property tax or land revenue or other statutory dues paid/payable as on date and if not paid, what remedy?

As on date Nil

12. Details of RTC extract/mutation extracts/Katha extracts pertaining to the property in question.

N.A.

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	with or without conditions. b) the mortgagor is competent to create charge on such property	SBI
4	If occupancy right, whether, a) Such right is heritable and transferable. b) Mortgage can be created.	Yes Yes
5	a. Urban land ceiling clearance whether required and if so, details thereon. b. Whether No Objection Certificate under the Income Tax Act is required/obtained.	N.A. No
6	Nature of minor's interest, if any and if so, whether creation of mortgage could be possible-the modalities/procedure to be followed and the reasons for coming to such conclusion	Nil
7	If the property is Agricultural land, whether the local laws permit mortgage of agricultural land and whether there are any restrictions for enforcing thereon	Yes, the entire land is in the name of Sh. Harish Gupta, s/o Amrit Lal Gupta, r/o #5, Sector 9, Panchkula, who is required to create the mortgage in favour of the Bank and red entries are required to be made in the revenue records.
8	In the case of conversion of agricultural land for commercial purposes or otherwise, whether requisite procedure followed/permission obtained	Within Municipal Limit
9	Whether the property is affected by any local laws (viz. agricultural laws, weaker sections, minorities, land laws, etc.)	By Local Act
10	In case of partition/settlement deeds, whether the original deed is available for deposit, if not the modality/procedure to be followed to create a valid and enforceable mortgage	N.A.
	a.	
	b. Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share.	YES.
	c. Whether the partition made is valid in law and the mortgagor has acquired a mortgageable title thereon.	N.A.
11	In case of partnership firm, whether the property belongs to the firm and the deed is property registered.	No.
	a.	
	b. Whether the person(s) creating mortgage has/have authority to create mortgage for and on behalf of the firm.	Yes, as per para 7 as above.

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a.	Whether the property belongs to a local authority, Company, check the borrowing powers, board resolutions authorization to create mortgage/execution of documents, registration of any prior charges with the Company Registrar, articles of association/provisions for common seal etc	As per norms
b.	In case of societies, associations the required authority/power to borrow and whether the mortgage can be created, and the requisite resolutions bye-laws.	N.A
13.	Whether mortgage is being created by a POA holder, check genuineness of the Power of Attorney and the extent of the powers given therein and whether the same is properly executed & stamped /authenticated in terms of the law of the place where it is executed	No
14.	If the property is a flat/apartment or residential/commercial complex - check	Local
a.	Promoter's land owner's tie to the land/building	Ownership
b.	Development Agreement Power of Attorney	N.A
c.	Extent of authority of the developer/builder	N.A
d.	Independent title verification of the land/building in question.	Independent
e.	Sale Agreement (duly registered)	Yes
f.	Payment of proper stamp duty	Yes
g.	Conveyance in favour of Society/Condominium completed.	N.A
h.	Occupancy certificate/ allotment letter/letter of possession	Yes
i.	Membership details in the society etc.	N.A
j.	Share certificates	Yes
k.	No Objection Letter from the society	N.A.
l.	All legal requirements under the local/Municipal laws, regarding ownership of flats/apartments/building regulations, developments control regulations, cooperative societies laws etc.	N.A

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Where the property is a joint family property, mortgage is created for family benefit/legal necessity, whether the minor coparceners have no objection in execution, minor's share if any, rights of female members etc.	Individual
16. Pending litigations/Court attachment/injunction/stay orders/acquisition by Govt./local authorities etc, that could be ascertained	Nil.
17. Any other details required for the purpose.	The owner of the property is required to create the mortgage in favour of SBI and entries required in favour of the bank in the revenue records.

Annexure "D"

CERTIFICATE OF TITLE

I have examined the records required to be deposited relating to the schedule property and offered as security by way of Registered/Equitable/English Mortgage and that the documents of title referred to in the opinion are valid evidence of right, title and interest, and that if the said Registered/Equitable Mortgage is created, it will satisfy the requirements of creation of Registered/Equitable Mortgage, and I further certify that:

(*Please specify the kind of mortgage)

- a. I have examined the documents in detail, taking into account all the guidelines in the checklist vide Annexure "C" and the other relevant factors
- 1A. I confirm having made a search in the land/revenue records. I do not find anything adverse which would prevent the title holders from creating a valid mortgage. I am liable/responsible, if any loss is caused to the bank due to negligence on my part or by my agent in making search
- 1B. Following scrutiny of land records/revenue records and above title deeds, hereby certify the genuineness of the title deeds. Suspect or doubt if any has been clarified by making necessary inquiries.
- 2A. There are no prior mortgage/charges/encumbrances whatsoever, as pertaining to the immovable property(ies) covered by above said title. The property is free from all encumbrances.
- 2B. In case of second/subsequent charge in favour of the bank there are no other mortgages/charges other than already stated in the loan documents and agreed to by the mortgagor and the bank (delete, whichever, is inapplicable).
- 3. Minor(s) and his/her interest in the property(ies) is to the extent of Nil. (Specify the share of the minor with name). (Strike out if not applicable)
- 4. The mortgage I created, will be available to the bank for the facility of the intending Borrower. Property land measuring 1 Bigha 4 Biswa, vide d/sat

(Signature)