SRI DILLIP KUMAR MOHARANA,
ADVOCATE, M.A L.L.B.

PH.:- 9861132541
9439767583

ADVOCATE, ORISSA HIGH COURT.

ANNEXURE – II

CHECKLIST FOR THE GUIDANCE OF THE ADVOCATE FOR SUBMISSION OF LEGAL SCRUTINY REPORT.

1.	Nature of Title (ownership/Lease hold/ Occupancy Govt. Grant/ allotments etc.	Stitiban.
2.	If lease hold, whether a) Lease Deed is duly stamped and registered. b) Lessee is permitted to mortgage the lease hold right. c) Duration of the Lease/ Unexposed period of lease. d) If, a sub-lease, check the lease deed in favour of lessee as to whether lease deed permits sub-leasing and mortgage by Sub-lessee also.	Not Applicable.
3.	If Govt. grant/ allotment/ Lease-cum / Sale Agreement, Whether; a) Grant/ agreement etc. provides for alienable rights to The mortgagor with or without conditions. b) The mortgage is competent to create charge on such Property.	Not Applicable.
4.	If occupancy right, whether; a) Such right is heritable and transferable b) Mortgage can be created.	Not Applicable
5.	a) Whether provisions of Urban Land Ceiling Act applicable /permission obtained. b). Whether no objection certificate under the Income Tax Act is required / obtained. c) Whether records with the Registrar of Assurances verified (if applicable)	Not Applicable.
6.	Whether there are claims from Minor/s and his/their interest in the property/ies. Specify the share of minor/s with name.	Not Applicable.
7.	In case of Agricultural land, the position regarding creation and enforceability with regard to Local laws.	Not Applicable.
8.	In case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed /permission obtained.	Agricultural land.
9.a)	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.	Not Applicable.
b).	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share	Not Applicable.
c)	Whether the partition made is valid in law ?	Not Applicable.
10.a)	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable.
b)	Whether the person(s) creating mortgage has/ have authority to create mortgage for and on behalf of the firm.	Not Applicable.

11.	In case of Limited Company, verify the Borrowing Powers, Resolution, authority to create mortgage/ execution of documents, any prior changes with the ROC, MOA/AOA, provision for common seal etc.	Not Applicable.
12.	In case of Societies/ Associations, verify the requisite resolutions, bye laws, power to borrow, encumbrances etc.	Not Applicable
13	In case of POA holder, verify the geniuses of the Power of POA and the extent of the powers. Whether the POA is properly executed/stamped/ authenticated/enforceable as per the Law of the place.	Not Applicable.
14.	If the property is a flat/apartment or residential/commercial complex, verify.	Not applicable.
14.a)	Promoter's/ Land owner/s title to the lands/building.	Not Applicable.
b)	Whether the flats are developed by the land owner or constructed on joint development basis.	Not Applicable.
c)	Development agreement /POA	Not Applicable.
d)	Extent of authority of the Developer/builder.	Not Applicable.
e)	Whether the construction is approved by the competent authority.	Not Applicable.
f)	Independent title verification of the land or building in Question.	Not Applicable.
g)	Agreement of sale (duly registered)	Not Applicable.
h).	Whether it is a Second/Subsequent sale.	Not Applicable.
i)	Payment of proper stamp duty.	Not Applicable.
j)	Conveyance in favour of the Society/Condominium concerned.	Not applicable.
k)	Occupancy certificate/ allotment letter of possession.	Not Applicable.
l)	Membership details in the society etc.	Not applicable.
m)	Share Certificate.	Not applicable.
n)	NOC from the Society.	Not applicable.
o)	Latest maintenance charges paid receipt from Society.	Not applicable.
p)	Whether proportionate share in land is transferred to the mortgagor.	Not Applicable.
q)	Documents evidencing possession such as Telephone Bill, Electricity Bill, Tax paid receipt etc.	Not Applicable.
r)	Other legal requirements under the local/ Municipal laws, with regard to ownership of flats/ Apartments/Building Regulations, Societies Law etc.	Not Applicable.
15.	In case of joint family property and mortgage created for family benefit/ legal necessity, verify whether major coparceners have no objection, joined in execution, rights of female members, minor's shares etc.	Not Applicable.
16.	Genealogical tree is to be drawn up wherever the title has been acquired by succession.	Not applicable.
17	Pending litigation /court attachments/injunction /stay orders /acquisition by the Govt./Local authorities, etc. if any.	Affidavit is to be submitted by the borrower.
18.	Any other matters affecting the proposed creation of mortgage not covered elsewhere.	No.

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ADVOCATE, ORISSA HIGH COURT.

ANNEXURE-III

CERTIFICATE.

Inspection/ Verification of landed property Registrar / Sub- Registrar's Office, At:- Dhenkanal, Dist:- Dhenkanal.

To,

The Chief Manager, CANARA Bank,

Buxi Bazar Branch, Dist:- Cuttack.

(**Sub:-** Verification of records of landed property at Registrar/ Sub-Registrar's office and Tahasil Office at Odapada and Dist.- Dhenkanal.)

Dear Sir,

This is to confirm that I have visited the Registrar/ Sub-Registrar's office/ Tahasil office at Odapada and Sub- Register Office at Dhenkanal on dated 22/07/2016 and verified the details of the property to be mortgaged by the intending borrower.

The Property details are as under.

Dist.:- Dhenkanal, Tahasil:- Odapada, P.S:- Dhenkanal Sadar, P.S. No.:-107, Mouza:- Kottam, Mutation Khata No.:- 171/65, Plot No-1955, area A1.550 dec., Kisam- Taila-1, corresponds to Consolidation Khata no.- 98, Plot No-1955, area A1.550 dec., which is bounded as follows:

Boundaries:-

NORTH:- Plot No.-1956, **SOUTH**:- Hill,

EAST: Plot No-1954 **WEST**:- Hill

Further, I certify as under:

1. That, there is no prior mortgage / Charge over the said property by the owner **Sri Jitendra Mohan Gupta**, owner of the said property measuring an area **A1.550dec**. as per the Title Deeds and verified by me in the office of Register/ Sub register.

OR

2. That, as per the records available at Registrar/ Sub- Registrar / Tahasildar office, the property is mortgaged / charged to: **Nil**

Date of document	Description of the Document	In whose favour	Amount mentioned in the Document
X	X	X	X

CUTTACK

Date:- 25/07/2016

Signature of the Advocate.

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ANNEXURE-IV

LEGAL SCRUTINY REPORT.

A. Description of the Documents scrutinized.

Sl. No.	Date of Document.	Name of Document.	Whether certified/ true copy/ photo copy.
1.	31/05/1984	Consolidation R-O-R bearing Khata No.98 recorded in the name of Banshidhara Swain & others.	Xerox copy.
2.	01/07/2008	Regd. General Power of Attorney bearing No.69 has been executed by Indrajit Swain, S/O.- Arakhita Swain in favour of Sri Rohit Kumar Sahani.	Original.
4.	20/02/2009	Regd. Sale Deed bearing No.- 957 executed by Indrajit Swain in favour of Sri Jitendra Mohan Gupta.	Original
5.	20/09/2010	Mutation Order copy vide Mutation case No.- 685/2010.	Original.
6.	30/09/2010	E.C. bearing No.-2030 from 01/01/1998 to 31/12/2009	Original.
	30/09/2010	E.C. bearing No.-EC0503009100017 from 07/01/2010 to 30/09/2010	Original.

B. Description of Property / Properties.

Item No.	Survey No.	Extent of Area/s of acres/ hectares	Location	Boundaries.
01.	Mutation R-O-R bearing Khata No.:-171/65. Plot No.- 1955	A1.550dec.	Mouza:- Kottam, P.S.:- Dhenkanal, Dist.:- Dhenkanal	As mentioned in Annexure-III

C. SCRUTINY OF PARTY'S TITLE FOR THE LAST 30 YEARS. IF CONNECTED TITLE DEEDS REVEAL ANCIRCUMSTANCES OR INCIDENCES, WHICH NECESSITATE FURTHER TRACING OF PARTY'S TITLE, IT SHALL ALSO BE DONE.

I have perused the original and Xerox copies of the Title documents supplied by the bank. I have traced the title of the present intending borrower/ mortgagor of Sri Jitendra Mohan Gupta for the last 13 years which is given as follows.

Originally the property was jointly recorded in the names of Banshidhara Swain, Dillip Kumá Swain, Sudarshan Swain, Musi Swain, Bilas Khatua, Rasa Khatua, Son and daughter of Hursi Swain, Hara Swain, W/o- hursi Swain, Kailash Swain, Bairagi Swain, Ajodhya Swain, Mayadhara Swain, S/o- Kurti Swain, Joshi Swain, W/o- Kurti Swain, Lingaraj Swain,

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S/o- Gouranga Swain, Gayadhara Khatua, S/o- Jagannath Khatua, Parbati Sahoo, Mataini Biswal, Sajani Dhal, all are daughters of Gati Swain, Arakhita Swain, S/o- Panchu Swain, Chakradhara Swain, Sikhara Swain, Malia Swain, Tophani Satar, Krupani Biswal, Son and daughter of Dasa Swain, Bimbadhara Swain, Benudhara Swain, Kanhu Charan Swain, S/o- Govinda Swain, vide Consolidation Khata No.-98, Plot No.-1955, area A1.550 dec. as the consolidation authority has the power to decide the title of the parties hence all the recorded owners of the khata No.- 98 have acquired valid right, title interest and possession over the said khata.

As per their mutual family settlement Arakhita Swain was possessing the land measuring an area A1.550 dec of Plot No.- 1955 as per his allotted share peacefully and without any objection from any quarter.

In the mean time one of the recorded tenant Arakhita Swain has died leaving behind son namely Indrajit Swain. Therefore after the death of Arakhita Swain his share over the khata No.-98 has been devolve upon his only son Indrajit Swain. Thus Indrajit Swain had acquired valid right, title, interest and possession over the Consolidation Khata No.-98 and Plot No.-1955, area A1.550dec. which was allotted to Arakhita Swain by virtue of amicable family settlement. I want to clarify that the party has not supplied the death certificate and legal heir certificate of the deceased Arakhita Swain. However the mutation case the notices, were sent to all the recorded owners and objection was called for. As the no objection has been received from any quarter, hence Tahasildar allowed the mutation case which proves that Arakhita Swain has only one son Indrajit Swain. Further the Tahasildar has allowed the mutation case on the basis of Amin Report. Therefore in my considered opinion Indrajit Swain is the only son of Arakhita Swain.

With an intention to sale the subject land, Indrajit Swain has executed one power of Attorney bearing No.175 dated 28/12/2007 in favour of Sri Rohit Kumar Sahani. In order to meet his legal necessity Indrajit Swain sold measuring an area A1.550dec of Plot No.-1955 under Khata no.- 98 vide Regd. Sale Deed bearing No.-957 dated 20/02/2009 through his power

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attorney holder Sri Rohit Kumar Sahani in favour of Sri Jitendra Mohan Gupta and delivered the possession. Thus Sri Jitendra Mohan Gupta has acquired valid right, title, interest and possession over the Plot No.- 1955, measuring an area A1.550dec.

After purchase Sri Jitendra Mohan Gupta has taken steps to mutate his name in the revenue of right. The Tahasildar, Odapada after following due procedure of law has issued a separate ROR in the name of Sri Jitendra Mohan Gupta vide Mutation Khata No.-171/65. Thus Sri Jitendra Mohan Gupta has acquired valid and marketable title over the Khata no.- 171/65, plot No.- 1955 measuring an area A1.550dec.

So far as mutation ROR bearing Khata no.- 171/65, plot No.- 1955measuring an area A0.980dec is concerned, the kissam of land is Taila-I which is a agricultural land. In case of agricultural land is concerned, the bank can not proceed in the SARFACIE Act. However the bank can proceed in DRT Act in case default.

D. The party has supplied the E.C for a period of 13 years commencing from 01/01/1998 to 31/12/2009. From the said E.C. it is clear that there is no further encumbrances of the said property in favour of anybody else and the present declared owner is **Sri Jitendra Mohan Gupta.** I have personally verified from the Sub-Registrar Office, Dhenkanal from 01/01/2009 till date. **The Bank is advised to collect Up-to-date EC commencing from 01/01/2009 till today from the party.**

E. I have perused the original registered sale deed which clearly proves that **Sri Jitendra Mohan Gupta**. is in possession of the subject property. **The bank is advised to collect up-to-date rent receipt from the party.**

F. That, the intending borrower/ mortgagor **Sri Jitendra Mohan Gupta** has submitted Registered General Power of Attorney bearing No.69 dated 01/07/2008, executed by Indrajit Swain in favour of Sri Rohit Kumar Sahani, Regd. sale deed bearing No.-957 dated 20/02/2009 executed by Indrajit Swain in favour of Sri Jitendra Mohan Gupta, Original rent receipt and E.C which

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can create valid and equitable mortgage. **The bank is advised to keep the following original documents for creation of equitable mortgage.**

1. Original Regd. Power of Attorney bearing No. 69 dated 01/07/2008, executed by Indrajit Swain in favour of Sri Rohit Kumar Sahani.
2. Original Registered sale deed bearing no.957 dated 20/02/2009 executed by Indrajit Swain through its power of Attorney holder Sri Rohit Kumar Sahani in favour of **Sri Jitendra Mohan Gupta**.
3. Original Mutation R-O-R.
4. Original Order sheet of Mutation Case, Conversion Misc Case and premium payment receipt.
5. Original up-to-date E.C.
6. Original up to date rent receipt.

G. Certificate of Title.

1. The party has an absolute, clear and marketable title over the property in question proposed to be mortgaged.

2. Yes, the party can execute valid simple/ equitable mortgage in favour of the bank.

3. No, the property intended to be given by way of mortgage is not subject of any minor's property.

Sri Jitendra Mohan Gupta has to submit an affidavit touching the following points.

1. That, he has already availed a loan or financial assistance from Canara Bank, Buxi Bazar Branch Cuttack, keeping this property as mortgage.
2. That, the property has not been involved in any civil or criminal case and the same has not been attached nor any receiver has been appointed by any Court of Law.
3. That, he has verified the legal aspect of the property and the property which is going to be mortgaged is free from any dispute and no case is pending in any civil, criminal and revenue court.
4. That, the property is free from any encumbrances what so ever.
5. That, the property or part thereof has not been acquired by any authority or under the provisions of L.A. Act.

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6. That, no other person/ persons has/ have any manner of right, title and interest over the above mentioned property.
7. That, he is the absolute owner of the property and schedule of property along with boundary been mentioned.
8. That, the documents supplied by him are genuine and originals.
9. That, he has to give an undertaking that he will utilize the sanctioned amount only for his business and he will not utilize for any other purpose.
10. That, he will not sell, transfer or alienate the mortgage property by any means unless and until the entire loan amount will be liquidated.

CERTIFICATE TO BE ISSUED BY THE ADVOCATE WHO SCRUTINISED THE DOCUMENTS.

I have gone through the original and Xerox copies of the title documents relating to the property intended to be mortgaged and offered as security by way of simple/ equitable mortgage and that the documents of title referred to above can create perfect evidence of title and the property in question can create simple/ equitable mortgage and/ or are deposited in the manner required by law, it can satisfy the requirements of creation of simple/equitable mortgage and I further certify that:

1. I have made a search in the land/ revenue records and do not find any adverse features for creation of a valid mortgage.
2. I have visited the Registrar/ Sub-registrar's Office at Dhenkanal on 22/7/2016 and Tahasil Office at Odapada verified the records/ details of the property belonging to **Sri Jitendra Mohan Gupta.**
3. That I have perused the E.C for 13 years.
4. There are no encumbrances to the subject land of **Sri Jitendra Mohan Gupta**. But the property has been mortgaged before Canara Bank, Buxi Bazar Branch, Cuttack prior to this.
5. There is no claim from minor/s and his/their interest in the property/ies to any extent of land to be mortgaged.

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6. There is no undivided share of the minor/s to any extent of land proposed to be mortgaged.
7. Provisions of Urban Land Ceiling Act are not applicable.
8. Holding / acquisition is in accordance with the provisions of the Land Reforms Act.
9. The mortgage, if created after, can be available to the Bank for the liability of the intending borrower / mortgagor **Sri Jitendra Mohan Gupta.**

I certify that **Sri Jitendra Mohan Gupta** can create valid and marketable title if he will mortgage the property/ ies before the Bank keeping the title documents as per the list given above before the bank.

Place:- Cuttack.
Date: 25/07/2016

Signature of the Advocate.

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ANNEXURE – II

CHECKLIST FOR THE GUIDANCE OF THE ADVOCATE FOR SUBMISSION OF LEGAL SCRUTINY REPORT.

1.	Nature of Title (ownership/Lease hold/ Occupancy Govt. Grant/ allotments etc.	Stitiban.
2.	If lease hold, whether a) Lease Deed is duly stamped and registered. b) Lessee is permitted to mortgage the lease hold right. c) Duration of the Lease/ Unexposed period of lease. d) If, a sub-lease, check the lease deed in favour of lessee as to whether lease deed permits sub-leasing and mortgage by Sub-lessee also.	Not Applicable.
3.	If Govt. grant/ allotment/ Lease-cum / Sale Agreement, Whether; a) Grant/ agreement etc. provides for alienable rights to The mortgagor with or without conditions. b) The mortgage is competent to create charge on such Property.	Not Applicable.
4.	If occupancy right, whether; a) Such right is heritable and transferable b) Mortgage can be created.	Not Applicable
5.	a) Whether provisions of Urban Land Ceiling Act applicable /permission obtained. b). Whether no objection certificate under the Income Tax Act is required / obtained. c) Whether records with the Registrar of Assurances verified (if applicable)	Not Applicable.
6.	Whether there are claims from Minor/s and his/their interest in the property/ies. Specify the share of minor/s with name.	Not Applicable.
7.	In case of Agricultural land, the position regarding creation and enforceability with regard to Local laws.	Not Applicable.
8.	In case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed /permission obtained.	Agricultural land.
9.a)	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.	Not Applicable.
b).	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share	Not Applicable.
c)	Whether the partition made is valid in law ?	Not Applicable.
10.a)	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable.
b)	Whether the person(s) creating mortgage has/ have authority to create mortgage for and on behalf of the firm.	Not Applicable.
11.	In case of Limited Company, verify the Borrowing Powers.	

	Resolution, authority to create mortgage/ execution of documents, any prior changes with the ROC, MOA/AOA, provision for common seal etc.	Not Applicable.
12.	In case of Societies/ Associations, verify the requisite resolutions, bye laws, power to borrow, encumbrances etc.	Not Applicable
13	In case of POA holder, verify the geniuses of the Power of POA and the extent of the powers. Whether the POA is properly executed/stamped/ authenticated/enforceable as per the Law of the place.	Not Applicable.
14.	If the property is a flat/apartment or residential/commercial complex, verify.	Not applicable.
14.a)	Promoter's/ Land owner/s title to the lands/building.	Not Applicable.
b)	Whether the flats are developed by the land owner or constructed on joint development basis.	Not Applicable.
c)	Development agreement /POA	Not Applicable.
d)	Extent of authority of the Developer/builder.	Not Applicable.
e)	Whether the construction is approved by the competent authority.	Not Applicable.
f)	Independent title verification of the land or building in Question.	Not Applicable.
g)	Agreement of sale (duly registered)	Not Applicable.
h).	Whether it is a Second/Subsequent sale.	Not Applicable.
i)	Payment of proper stamp duty.	Not Applicable.
j)	Conveyance in favour of the Society/Condominium concerned.	Not applicable.
k)	Occupancy certificate/ allotment letter of possession.	Not Applicable.
l)	Membership details in the society etc.	Not applicable.
m)	Share Certificate.	Not applicable.
n)	NOC from the Society.	Not applicable.
o)	Latest maintenance charges paid receipt from Society.	Not applicable.
p)	Whether proportionate share in land is transferred to the mortgagor.	Not Applicable.
q)	Documents evidencing possession such as Telephone Bill, Electricity Bill, Tax paid receipt etc.	Not Applicable.
r)	Other legal requirements under the local/ Municipal laws, with regard to ownership of flats/ Apartments/Building Regulations, Societies Law etc.	Not Applicable.
15.	In case of joint family property and mortgage created for family benefit/ legal necessity, verify whether major coparceners have no objection, joined in execution, rights of female members, minor's shares etc.	Not Applicable.
16.	Genealogical tree is to be drawn up wherever the title has been acquired by succession.	Not applicable.
17	Pending litigation /court attachments/injunction /stay orders /acquisition by the Govt./Local authorities, etc. if any.	Affidavit is to be submitted by the borrower.
18.	Any other matters affecting the proposed creation of mortgage not covered elsewhere.	No.

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ANNEXURE-III

CERTIFICATE.

Inspection/ Verification of landed property Registrar / Sub- Registrar's Office, At:- Dhenkanal, Dist:- Dhenkanal.

To,

The Chief Manager, CANARA Bank,

Buxi Bazar Branch, Dist:- Cuttack.

(**Sub:**- Verification of records of landed property at Registrar/ Sub-Registrar's office and Tahasil Office at Odapada and Dist.- Dhenkanal.)

Dear Sir,

This is to confirm that I have visited the Registrar/ Sub-Registrar's office/ Tahasil office at Odapada and Sub- Register Office at Dhenkanal on dated 22/07/2016 and verified the details of the property to be mortgaged by the intending borrower.

The Property details are as under.

Dist.:- Dhenkanal, Tahasil:-Odapada, P.S:- Dhenkanal Sadar, P.S. No.:-107, Mouza:- Kottam, Mutation Khata No.:- 171/65, Plot No-1937, area A0.980 dec., Kisam-Taila-I, which is bounded as follows:

Boundaries:-

North:- Nayan Jori, **South**:- Govt. Land,

East:- - Plot No.- 1936 & 1935 **West**: Plot No.- 1938

Further, I certify as under:

1. That, there is no prior mortgage / Charge over the said property by the owner **Sri Jitendra Mohan Gupta**, owner of the said property measuring an area **A0.980 dec.** as per the Title Deeds and verified by me in the office of Register/ Sub register.

OR

2. That, as per the records available at Registrar/ Sub- Registrar / Tahasildar office, the property is mortgaged / charged to: **Nil**

Date of document	Description of the Document	In whose favour	Amount mentioned in the Document
X	X	X	X

CUTTACK

Date:- 25/07/2016

Signature of the Advocate.

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ANNEXURE-IV

LEGAL SCRUTINY REPORT.

A. Description of the Documents scrutinized.

Sl. No.	Date of Document.	Name of Document.	Whether certified/ true copy/ photo copy.
1.	31/05/1984	Consolidation R-O-R bearing Khata No.109 recorded in the name of Bimbadhara Swain & others.	Xerox copy.
2.	31/12/2007	Regd. General Power of Attorney bearing No.175 has been executed by Kirtan Samal, S/O.- Late Maguni Samal in favour of Sri Sibabrata Acharya.	Original.
4.	20/02/2009	Regd. Sale Deed bearing No.-953 executed by Kirtan Samal through his power of attorney holder Sri Sibabrata Acharya in favour of Sri Jitendra Mohan Gupta.	Original
5.	30/09/2010	Mutation Order copy vide Mutation case No.-686/2010.	Original.
6	01/10/2010	Conversion premium paid receipt bearing No.- 675606	Original.
7.	30/09/2010	E.C. bearing No.-2030 from 01/01/1998 to 31/12/2009	Original.
	30/09/2010	E.C. bearing No.-EC0503009100017 from 01/01/2010 to 30/09/2010	Original.

B. Description of Property / Properties.

Item No.	Survey No.	Extent of Area/s of acres/ hectares	Location	Boundaries.
01.	Mutation R-O-R bearing Khata No.:-171/65, Plot No.- 1937	A0.980 dec.	Mouza:- Kottam, P.S.:- Dhenkanal, Dist.:- Dhenkanal	As mentioned in Annexure-III

C. SCRUTINY OF PARTY'S TITLE FOR THE LAST 30 YEARS. IF CONNECTED TITLE DEEDS REVEAL ANCIRCUMSTANCES OR INCIDENCES, WHICH NECESSITATE FURTHER TRACING OF PARTY'S TITLE, IT SHALL ALSO BE DONE.

I have perused the original and Xerox copies of the Title documents supplied by the bank. I have traced the title of the present intending borrower/ mortgagor of M/s Gupta Cables Pvt. Ltd. for the last 13 years which is given as follows.

Originally the property was jointly recorded in the names of Bimbadhara Swain, Benudhara Swain, Kanhu Charan Swain all are sons of Govinda Swain, Alli Swain, W/o- Govinda Swain, Hrusi Swain, Lingaraj Swain sons of Gouranga Swain, Kailash Swain, Bairagi Swain, Adhikari

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Swain, Mayadhara Swain, all are sons of Kruti Swain, Josha Swain, W/o- Kruti Swain, Chakradhara Swain, Shikara Swain, sons of Dasa Swain, Bramhani Swain, W/o- Dasa Swain, Gayadhara Sahoo, S/o- Jagannatha Sahoo, Parbati Sahoo, Matiani Biswal, Sajani Dhal, all are daughters of Gati Swain, Arakhita Swain, S/o- Panchu Swain, Mana Samal, Govind Samal, Dama Samal, all area Sons of Narayan Samal, Lingaraj Dhal,S.o- Banchha Samal, Dukhabandhu Samal, S/o- Kasi Dhal, Nalita Samal, S/o- Gangadhara Samal and Panchu Dhal, S/o- Daitary Dhal vide Consolidation Khata No.- 109, Plot No.-1937, area A0.980 dec. as the consolidation authority has the power to decide the title of the parties, hence all the recorded owners had acquired valid right, interest and possession over the khata No.- 109.

As per their mutual family settlement Maguni Samal was possessing the land measuring an area A0.980dec of Plot No.- 1937 as per their allotted share peacefully and without any objection from any quarter.

In the mean time one of the recorded tenant Maguni Samal has died leaving behind son namely Kirtan Samal. Therefore after the death of Maguni Samal his share over the khata No.-109 has been devolve upon his only son Kirtan Samal. Thus Kirtan Samal had acquired valid right, title, interest and possession over the Consolidation Khata No.-109 and Plot No.-1937, area A0.980dec. which was allotted to Maguni Samal by virtue of amicable family settlement deed. I want to clarify that the party has not supplied the death certificate and legal heir certificate of the deceased Maguni Samal. However the mutation case the notices, were sent to all the recorded owners and objection was called for. As the no objection has been received from any quarter, hence Tahasildar allowed the mutation case which proves that Maguni Samal has only one son Kirtan Samal. Further the Tahasildar has allowed the mutation case on the basis of Amin Report. Therefore in my considered opinion Kirtan Samal is the only son of Maguni Samal.

With an intention to sale the subject land, Kirtan Samal has executed one power of Attorney bearing No.175 dated 28/12/2007 in favour of Sri Sibabrata Acharya. In order to meet his legal necessity Kirtan Samal sold

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measuring an area A0.980dec of Plot No.-1937 under Khata no.- 109 vide Regd. Sale Deed bearing No.-953 dated 20/02/2009 through his power attorney holder Sri Sibabrata Acharya in favour of Sri Jitendra Mohan Gupta and delivered the possession. Thus Sri Jitendra Mohan Gupta has acquired valid right, title, interest and possession over the Plot No.- 1937, measuring an area A0.980dec.

After purchase Sri Jitendra Mohan Gupta has taken steps to mutate his name in the revenue of right. The Tahasildar, Odapada after following due procedure of law has issued a separate ROR in the name of Sri Jitendra Mohan Gupta vide Mutation Khata No.-171/65. Thus Sri Jitendra Mohan Gupta has acquired valid and marketable title over the Khata no.- 171/65, plot No.- 1937 measuring an area A0.980dec.

(So far as mutation ROR bearing Khata no.- 171/65, plot No.- 1937 measuring an area A0.980dec is concerned, the kissam of land is Taila-I which is a agricultural land. In case of agricultural land is concerned, the bank can not proceed in the SARFACIE Act. However the bank can proceed in DRT Act in case default.)

D. The party has supplied the E.C for a period of 13 years commencing from 01/01/1998 to 31/12/2009. From the said E.C. it is clear that there are no encumbrances of the said property and the present declared owner is Sri Jitendra Mohan Gupta. I have personally verified from the Sub-Registrar Office, Dhenkanal from 01/01/2009 to till date, that there is no encumbrance over the subject property and present declared owner is Sri Jitendra Mohan Gupta. The Bank is advised to collect Up-to-date EC commencing from 01/01/2009 to till date from the party.

E. I have perused the original registered sale deed which clearly proves that Sri Jitendra Mohan Gupta. is in possession of the subject property. The bank is advised to collect up-to-date rent receipt from the party.

F. That, the intending borrower/ mortgagor Sri Jitendra Mohan Gupta has submitted Registered General Power of Attorney bearing No.175 dated 31/12/2007, executed by Kirtan Samal in favour of Sri Sibabrata Acharya,

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Regd. sale deed bearing No.-953 dated 20/02/2009 executed by Kirtan Samal in favour of Sri Jitendra Mohan Gupta, Original Mutation ROR bearing Khata no.- 171/65, rent receipt and E.C which can create valid right and marketable mortgage. The bank is advised to keep the following original documents for creation of equitable mortgage.

1. Original Regd. Power of Attorney bearing No. 175 dated 31/12/2007, executed by Kirtan Samal in favour of Sri Sibabrata Acharya.
2. Original Registered sale deed bearing no.953 dated 20/02/2009 executed by Kirtan Samal through its power of Attorney holder Sri Sibabrata Acharya in favour of Sri Jitendra Mohan Gupta.
3. Original Order sheet of Mutation Case
4. Original Mutation R-O-R bearing Khata no.-171/65 recorded in the name of Jitendra Mohan Gupta,
5. Original up-to-date E.C .
6. Original up to date rent receipt.

G. Certificate of Title.

1. The party has an absolute, clear and marketable title over the property in question proposed to be mortgaged.

2. Yes, the party can execute valid simple/ equitable mortgage in favour of the bank.

3. No, the property intended to be given by way of mortgage is not subject of any minor's property.

Sri Jitendra Mohan Gupta has to submit an affidavit touching the following points.

1. That, he has already availed a loan or financial assistance from Canara Bank, Buxi Bazar Branch Cuttack, keeping this property as mortgage.
2. That, the property has not been involved in any civil or criminal case and the same has not been attached nor any receiver has been appointed by any Court of Law.

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3. That, he has verified the legal aspect of the property and the property which is going to be mortgaged is free from any dispute and no case is pending in any civil, criminal and revenue court.
4. That, the property is free from any encumbrances what so ever.
5. That, the property or part thereof has not been acquired by any authority or under the provisions of L.A. Act.
6. That, no other person/ persons has/ have any manner of right, title and interest over the above mentioned property.
7. That, he is the absolute owner of the property and schedule of property along with boundary been mentioned.
8. That, the documents supplied by him are genuine and originals.
9. That, he has to give an undertaking that he will utilize the sanctioned amount only for his business and he will not utilize for any other purpose.
10. That, he will not sell, transfer or alienate the mortgage property by any means unless and until the entire loan amount will be liquidated.

CERTIFICATE TO BE ISSUED BY THE ADVOCATE WHO SCRUTINISED THE DOCUMENTS.

I have gone through the original and Xerox copies of the title documents relating to the property intended to be mortgaged and offered as security by way of simple/ equitable mortgage and that the documents of title referred to above can create perfect evidence of title and the property in question can create simple/ equitable mortgage and/ or are deposited in the manner required by law, it can satisfy the requirements of creation of simple/equitable mortgage and I further certify that:

1. I have made a search in the land/ revenue records and do not find any adverse features for creation of a valid mortgage.
2. I have visited the Registrar/ Sub-registrar's Office at Dhenkanal on 22/7/2016 and Tahasil Office at Odapada verified the records/ details of the property belonging to Sri Jitendra Mohan Gupta.
3. That I have perused the E.C for 13 years.

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4. There are no encumbrances to the subject land of Sri Jitendra Mohan Gupta. But the property has been mortgaged before Canara Bank, Buxi Bazar Branch, Cuttack prior to this.
5. There is no claim from minor/s and his/their interest in the property/ies to any extent of land to be mortgaged.
6. There is no undivided share of the minor/s to any extent of land proposed to be mortgaged.
7. Provisions of Urban Land Ceiling Act are not applicable.
8. Holding / acquisition is in accordance with the provisions of the Land Reforms Act.
9. The mortgage, if created after, can be available to the Bank for the liability of the intending borrower / mortgagor **Sri Jitendra Mohan Gupta**.

I certify that **Sri Jitendra Mohan Gupta** can create valid and marketable title if he will mortgage the property/ ies before the Bank keeping the title documents as per the list given above before the bank.

Place:- Cuttack.
Date: 25/07/2016

Signature of the Advocate.

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ANNEXURE – II

CHECKLIST FOR THE GUIDANCE OF THE ADVOCATE FOR SUBMISSION OF LEGAL SCRUTINY REPORT.

1.	Nature of Title (ownership/Lease hold/ Occupancy Govt. Grant/ allotments etc.	Stitiban.
2.	If lease hold, whether a) Lease Deed is duly stamped and registered. b) Lessee is permitted to mortgage the lease hold right. c) Duration of the Lease/ Unexposed period of lease. d) If, a sub-lease, check the lease deed in favour of lessee as to whether lease deed permits sub-leasing and mortgage by Sub-lessee also.	Not Applicable.
3.	If Govt. grant/ allotment/ Lease-cum / Sale Agreement, Whether; a) Grant/ agreement etc. provides for alienable rights to The mortgagor with or without conditions. b) The mortgage is competent to create charge on such Property.	Not Applicable.
4.	If occupancy right, whether; a) Such right is heritable and transferable b) Mortgage can be created.	Not Applicable
5.	a) Whether provisions of Urban Land Ceiling Act applicable /permission obtained. b). Whether no objection certificate under the Income Tax Act is required / obtained. c) Whether records with the Registrar of Assurances verified (if applicable)	Not Applicable.
6.	Whether there are claims from Minor/s and his/their interest in the property/ies. Specify the share of minor/s with name.	Not Applicable.
7.	In case of Agricultural land, the position regarding creation and enforceability with regard to Local laws.	Not Applicable.
8.	In case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed /permission obtained.	Homestead land.
9.a)	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.	Not Applicable.
b).	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share	Not Applicable.
c)	Whether the partition made is valid in law ?	Not Applicable.
10.a)	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable.
b)	Whether the person(s) creating mortgage has/ have authority to create mortgage for and on behalf of the firm.	Not Applicable.

11.	In case of Limited Company, verify the Borrowing Powers, Resolution, authority to create mortgage/ execution of documents, any prior changes with the ROC, MOA/AOA, provision for common seal etc.	Not Applicable.
12.	In case of Societies/ Associations, verify the requisite resolutions, bye laws, power to borrow, encumbrances etc.	Not Applicable
13	In case of POA holder, verify the geniuses of the Power of POA and the extent of the powers. Whether the POA is properly executed/stamped/ authenticated/enforceable as per the Law of the place.	Not Applicable.
14.	If the property is a flat/apartment or residential/commercial complex, verify.	Not applicable.
14.a)	Promoter's/ Land owner/s title to the lands/building.	Not Applicable.
b)	Whether the flats are developed by the land owner or constructed on joint development basis.	Not Applicable.
c)	Development agreement /POA	Not Applicable.
d)	Extent of authority of the Developer/builder.	Not Applicable.
e)	Whether the construction is approved by the competent authority.	Not Applicable.
f)	Independent title verification of the land or building in Question.	Not Applicable.
g)	Agreement of sale (duly registered)	Not Applicable.
h).	Whether it is a Second/Subsequent sale.	Not Applicable.
i)	Payment of proper stamp duty.	Not Applicable.
j)	Conveyance in favour of the Society/Condominium concerned.	Not applicable.
k)	Occupancy certificate/ allotment letter of possession.	Not Applicable.
l)	Membership details in the society etc.	Not applicable.
m)	Share Certificate.	Not applicable.
n)	NOC from the Society.	Not applicable.
o)	Latest maintenance charges paid receipt from Society.	Not applicable.
p)	Whether proportionate share in land is transferred to the mortgagor.	Not Applicable.
q)	Documents evidencing possession such as Telephone Bill, Electricity Bill, Tax paid receipt etc.	Not Applicable.
r)	Other legal requirements under the local/ Municipal laws, with regard to ownership of flats/ Apartments/Building Regulations, Societies Law etc.	Not Applicable.
15.	In case of joint family property and mortgage created for family benefit/ legal necessity, verify whether major coparceners have no objection, joined in execution, rights of female members, minor's shares etc.	Not Applicable.
16.	Genealogical tree is to be drawn up wherever the title has been acquired by succession.	Not applicable.
17	Pending litigation /court attachments/injunction /stay orders /acquisition by the Govt./Local authorities, etc. if any.	Affidavit is to be submitted by the borrower.
18.	Any other matters affecting the proposed creation of mortgage not covered elsewhere.	No.

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ANNEXURE-III

CERTIFICATE.

Inspection/ Verification of landed property Registrar / Sub- Registrar's Office, At:- Dhenkanal, Dist:- Dhenkanal.

To,

The Chief Manager, CANARA Bank,
Buxi Bazar Branch, Dist:- Cuttack.

(**Sub:**- Verification of records of landed property at Registrar/ Sub-Registrar's office and Tahasil Office at Odapada and Dist.- Dhenkanal.)

Dear Sir,

This is to confirm that I have visited the Registrar/ Sub-Registrar's office/ Tahasil office at Odapada and Sub- Register Office at Dhenkanal on dated 22/07/2016 and verified the details of the property to be mortgaged by the intending borrower.

The Property details are as under.

Dist.:- Dhenkanal, Tahasil:- Odapada, No.- 183, P.S:- Dhenkanal Sadar, P.S. No.:- 107, Mouza:- Kottam, Mutation Khata No.:- 171/61, Plot No-1949, area A0.260 dec., Kisam :- Gharabari, which corresponds to Consolidation Khata No.- 5, Plot No-1949, area A0.260 dec, which is bounded by as follows:

Plot No-1949,Boundaries:-

North:- Bhagaban Sahoo. **South**:- Govt. Land.

East:- Plot No.- 1948. **WEST**:- Plot No.- 1950,

Further, I certify as under:

1. That, there is no prior mortgage / Charge over the said property by the owner **Sri Jitendra Mohan Gupta**, owner of the said property measuring total area **A0.260dec**. as per the Title Deeds and verified by me in the office of Register/ Sub register.

OR

2. That, as per the records available at Registrar/ Sub- Registrar / Tahasildar office, the property is mortgaged / charged to: **Nil**

Date of document	Description of the Document	In whose favour	Amount mentioned in the Document
X	X	X	X

CUTTACK

Date:- 25/07/2016

Signature of the Advocate.

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ANNEXURE-IV

LEGAL SCRUTINY REPORT.

A. Description of the Documents scrutinized.

Sl. No.	Date of Document.	Name of Document.	Whether certified/ true copy/ photo copy.
1.	31/05/1984	Consolidation R-O-R bearing Khata No.5 recorded in the name of Akula Sahoo, S/o- Sambhu Sahoo	Xerox copy.
2.	08/06/2007	Regd. General Power of Attorney bearing No.87 has been executed by Kailash Chandra Sahoo, S/o- Late Akuli Charan Sahoo, in favour of Sri Sibabrata Acharya.	Original.
4.	02/08/2007	Regd. Sale Deed bearing No.- 3440 executed by Kailash Chandra Sahoo through its power of attorney holder Sri Sibabrata Acharay in favour of Sri Jitendra Mohan Gupta.	Original
5.	29/06/2009	Mutation Order copy vide Mutation case No.- 1677/2008.	Original.
	01/10/2010	OLR Conversion premium paid receipt vide No.- 675607	Original.
	21/10/2008	Rent Receipt No.- AK197956	Original.
6.	21/10/2008	E.C. bearing No.-1945/2008 from 01/01/1996 to 17/07/2008	Original.
	09/03/2009	E.C. bearing No.-638/2009 from 18/07/2008 to 05/12/2008	Original.
	09/03/2009	E.C. bearing No.-641/2009 from 01/01/1995 to 31/12/1995	Original.

B. Description of Property / Properties.

Item No.	Survey No.	Extent of Area/s of acres/ hectares	Location	Boundaries.
01.	Mutation R-O-R bearing Khata No.:-171/61. Plot No.- 1949	A0.260dec.	Mouza:- Kottam, P.S.:- Dhenkanal, Dist.:- Dhenkanal	As mentioned in Annexure-III

C. SCRUTINY OF PARTY'S TITLE FOR THE LAST 30 YEARS. IF CONNECTED TITLE DEEDS REVEAL ANCIRCUMSTANCES OR INCIDENCES, WHICH NECESSITATE FURTHER TRACING OF PARTY'S TITLE, IT SHALL ALSO BE DONE.

I have perused the original and Xerox copies of the Title documents supplied by the bank. I have traced the title of the present intending borrower/ mortgagor of Sri Jitendra Mohan Gupta for the last 13 years which is given as follows..

Adv

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Originally the property was exclusively recorded in the name of Akula Sahoo, S/o- Sambhu Sahoo, under Consolidation Khata No.-5, Plot No.- 1949 area A0.260dec. Thus Akula Sahoo had acquired valid right, title, interest over the khata No.-5, Plot No.- 1949 area A0.260dec. In the mean time Akula Sahoo was died leaving behind his legal heirs Kailash Chandra Sahoo & other. As per their family settlement, Kailash Chandra Sahoo was allotted Plot No.- 1949 measuring an area A0.260dec of Khata no.- 5 in his share. Accordingly Kailash Chandra Sahoo had acquired valid right, title, interest over the subject property. The party has not supplied the death certificate and legal heir certificate.

With an intention to sale Kailash Chandra Sahoo, S/o- Akula Sahoo has executed a Regd. Power of Attorney bearing No.87 dated 08/06/2007 in favour of Sri Sibabrata Acharya. I have perused the original Regd. Power of Attorney which was duly executed and properly stamped. In order to meet his legal necessity Kailash Chandra Sahoo through his attorney holder has sold an area A0.260dec from Plot No.- 1949 recorded under Consolidation Khata no,- 5 of Mouza Kottam to Sri Jitendra Mohan Gupta vide Regd. Sale Deed bearing No.3440 dated 02/08/2007 and delivered the possession to him. After purchase, the purchaser Sri Jitendra Mohan Gupta has taken steps to mutate his name before the revenue authority and accordingly Tahasildar has issued a separate ROR bearing mutation Khata No.- 171/61 having Plot No.- 1949 area A0.260dec with kissam of land Gharabari.

Thus Sri Jitendra Mohan Gupta has acquired valid and marketable title over the mutation khata No.- 171/61 having Plot No.-1949 area A0.260dec.

D. The party has supplied the E.C for a period of 13 years commencing from 01/01/1995 to 05/12/2008 from the said E.C., it clear that there is no further encumbrance of the subject property. I have personally verified regarding the encumbrances of the subject property from the Sub-Registrar Office, Dhenkanal from 01/01/2008 till date and found that there no encumbrance of the subject property and the declared owner is Sri Jitendra Mohan Gupta. **The Bank is advised to collect Up-to-date EC commencing from 01/01/2008 till today from the party.**

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E. I have perused the original registered sale deed which clearly proves that **Sri Jitendra Mohan Gupta** is in possession of the subject property. **The bank is advised to collect up-to-date rent receipt from the party**.

F. That, the intending borrower/ mortgagor **Sri Jitendra Mohan Gupta** has submitted Registered General Power of Attorney bearing No.87 dated 08/06/2007 executed by Kailash Chandra Sahoo in favour of Sri Sibabrata Acharya, and Regd. sale deed bearing No.-3440 dated 02/08/2007 executed by Kailash Chandra Sahoo through his power of attorney holder Sri Sibabrata Acharya in favour of **Sri Jitendra Mohan Gupta**, original rent receipt, original E.C. which can create valid equitable mortgage. **The bank is advised to keep the following original documents for creation of equitable mortgage**.

1. Registered General Power of Attorney bearing No.87 dated 08/06/2007 executed by Kailash Chandra Sahoo in favour of Sri Sibabrata Acharya,
2. Regd. sale deed bearing No.-3440 dated 02/08/2007 executed by Kailash Chandra Sahoo through his power of attorney holder Sri Sibabrata Acharya in favour of **Sri Jitendra Mohan Gupta**.
3. Original Mutation R-O-R Khata No.- 171/61 having Plot No.-1949 area A0.260dec stands recorded in the name of Sri Jitendra Mohan Gupta.
4. Original up-to-date E.C .
5. Original up to date rent receipt.

G. Certificate of Title.

1. The party has an absolute, clear and marketable title over the property in question proposed to be mortgaged.

2. Yes, the party can execute valid simple/ equitable mortgage in favour of the bank.

3. No, the property intended to be given by way of mortgage is not subject of any minor's property.

Sri Jitendra Mohan Gupta has to submit an affidavit touching the following points.

1. That, he has already availed a loan or financial assistance from Canara Bank, Buxi Bazar Branch Cuttack, keeping this property as mortgage.

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2. That, the property has not been involved in any civil or criminal case and the same has not been attached nor any receiver has been appointed by any Court of Law.
3. That, he has verified the legal aspect of the property and the property which is going to be mortgaged is free from any dispute and no case is pending in any civil, criminal and revenue court.
4. That, the property is free from any encumbrances what so ever.
5. That, the property or part thereof has not been acquired by any authority or under the provisions of L.A. Act.
6. That, no other person/ persons has/ have any manner of right, title and interest over the above mentioned property.
7. That, he is the absolute owner of the property and schedule of property along with boundary been mentioned.
8. That, the documents supplied by him are genuine and originals.
9. That, he has to give an undertaking that he will utilize the sanctioned amount only for his business and he will not utilize for any other purpose.
10. That, he will not sell, transfer or alienate the mortgage property by any means unless and until the entire loan amount will be liquidated.

CERTIFICATE TO BE ISSUED BY THE ADVOCATE WHO SCRUTINISED THE DOCUMENTS.

I have gone through the original and Xerox copies of the title documents relating to the property intended to be mortgaged and offered as security by way of simple/ equitable mortgage and that the documents of title referred to above can create perfect evidence of title and the property in question can create simple/ equitable mortgage and/ or are deposited in the manner required by law, it can satisfy the requirements of creation of simple/equitable mortgage and I further certify that:

1. I have made a search in the land/ revenue records and do not find any adverse features for creation of a valid mortgage.

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2. I have visited the Registrar/ Sub-registrar's Office at Dhenkanal on 22/7/2016 and Tahasil Office at Odapada verified the records/ details of the property belonging to **Sri Jitendra Mohan Gupta.**
3. That I have perused the E.C for 13 years.
4. There are no encumbrances to the subject land of **Sri Jitendra Mohan Gupta**. But the property has been mortgaged before Canara Bank, Buxi Bazar Branch, Cuttack prior to this.
5. There is no claim from minor/s and his/their interest in the property/ies to any extent of land to be mortgaged.
6. There is no undivided share of the minor/s to any extent of land proposed to be mortgaged.
7. Provisions of Urban Land Ceiling Act are not applicable.
8. Holding / acquisition is in accordance with the provisions of the Land Reforms Act.
9. The mortgage, if created after, can be available to the Bank for the liability of the intending borrower / mortgagor **Sri Jitendra Mohan Gupta.**

I certify that **Sri Jitendra Mohan Gupta** can create valid and marketable title if he will mortgage the property/ ies before the Bank keeping the title documents as per the list given above before the bank.

Place:- Cuttack.
Date: 25/07/2016

Signature of the Advocate.

SRI DILLIP KUMAR MOHARANA,
ADVOCATE, M.A L.L.B.

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ANNEXURE – II

CHECKLIST FOR THE GUIDANCE OF THE ADVOCATE FOR SUBMISSION OF LEGAL SCRUTINY REPORT.

1.	Nature of Title (ownership/Lease hold/ Occupancy Govt. Grant/ allotments etc.	Stitiban.
2.	If lease hold, whether a) Lease Deed is duly stamped and registered. b) Lessee is permitted to mortgage the lease hold right. c) Duration of the Lease/ Unexposed period of lease. d) If, a sub-lease, check the lease deed in favour of lessee as to whether lease deed permits sub-leasing and mortgage by Sub-lessee also.	Not Applicable.
3.	If Govt. grant/ allotment/ Lease-cum / Sale Agreement, Whether; a) Grant/ agreement etc. provides for alienable rights to The mortgagor with or without conditions. b) The mortgage is competent to create charge on such Property.	Not Applicable.
4.	If occupancy right, whether; a) Such right is heritable and transferable b) Mortgage can be created.	Not Applicable
5.	a) Whether provisions of Urban Land Ceiling Act applicable /permission obtained. b). Whether no objection certificate under the Income Tax Act is required / obtained. c) Whether records with the Registrar of Assurances verified (if applicable)	Not Applicable.
6.	Whether there are claims from Minor/s and his/their interest in the property/ies. Specify the share of minor/s with name.	Not Applicable.
7.	In case of Agricultural land, the position regarding creation and enforceability with regard to Local laws.	Not Applicable.
8.	In case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed /permission obtained.	Agricultural land
9.a)	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.	Not Applicable.
b).	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share	Not Applicable.
c)	Whether the partition made is valid in law ?	Not Applicable.
10.a)	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable.
b)	Whether the person(s) creating mortgage has/ have authority to create mortgage for and on behalf of the firm.	Not Applicable.

Adv.

11.	In case of Limited Company, , verify the Borrowing Powers, Resolution, authority to create mortgage/ execution of documents, any prior changes with the ROC, MOA/AOA, provision for common seal etc.	Not Applicable.
12.	In case of Societies/ Associations, verify the requisite resolutions, bye laws, power to borrow, encumbrances etc.	Not Applicable
13	In case of POA holder. verify the geniuses of the Power of POA and the extent of the powers. Whether the POA is properly executed/stamped/ authenticated/enforceable as per the Law of the place.	Not Applicable.
14.	If the property is a flat/apartment or residential/commercial complex, verify.	Not applicable.
14.a)	Promoter's/ Land owner/s title to the lands/building.	Not Applicable.
b)	Whether the flats are developed by the land owner or constructed on joint development basis.	Not Applicable.
c)	Development agreement /POA	Not Applicable.
d)	Extent of authority of the Developer/builder.	Not Applicable.
e)	Whether the construction is approved by the competent authority.	Not Applicable.
f)	Independent title verification of the land or building in Question.	Not Applicable.
g)	Agreement of sale (duly registered)	Not Applicable.
h).	Whether it is a Second/Subsequent sale.	Not Applicable.
i)	Payment of proper stamp duty.	Not Applicable.
j)	Conveyance in favour of the Society/Condominium concerned.	Not applicable.
k)	Occupancy certificate/ allotment letter of possession.	Not Applicable.
l)	Membership details in the society etc.	Not applicable.
m)	Share Certificate.	Not applicable.
n)	NOC from the Society.	Not applicable.
o)	Latest maintenance charges paid receipt from Society.	Not applicable.
p)	Whether proportionate share in land is transferred to the mortgagor.	Not Applicable.
q)	Documents evidencing possession such as Telephone Bill, Electricity Bill, Tax paid receipt etc.	Not Applicable.
r)	Other legal requirements under the local/ Municipal laws, with regard to ownership of flats/ Apartments/Building Regulations, Societies Law etc.	Not Applicable.
15.	In case of joint family property and mortgage created for family benefit/ legal necessity, verify whether major coparceners have no objection, joined in execution, rights of female members, minor's shares etc.	Not Applicable.
16.	Genealogical tree is to be drawn up wherever the title has been acquired by succession.	Not applicable.
17	Pending litigation /court attachments/injunction /stay orders /acquisition by the Govt./Local authorities, etc. if any.	Affidavit is to be submitted by the borrower.
18.	Any other matters affecting the proposed creation of mortgage not covered elsewhere.	No.

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ADVOCATE, M.A L.L.B.
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ANNEXURE-III

CERTIFICATE.

Inspection/ Verification of landed property Registrar / Sub- Registrar's Office, At:- Dhenkanal, Dist:- Dhenkanal.

To,

The Chief Manager, CANARA Bank,

Buxi Bazar Branch, Dist:- Cuttack.

(**Sub:**- Verification of records of landed property at Registrar/ Sub-Registrar's office and Tahasil Office at Odapada and Dist.- Dhenkanal.)

Dear Sir,

This is to confirm that I have visited the Registrar/ Sub-Registrar's office/ Tahasil office at Odapada and Sub- Register Office at Dhenkanal on dated 22/07/2016 and verified the details of the property to be mortgaged by the intending borrower.

The Property details are as under.

Dist.:- Dhenkanal, Tahasil:- Odapada, P.S:- Dhenkanal Sadar, P.S. No.:-107, Mouza:- Kottam, Mutation Khata No.:- 171/65, Plot No-1928, area A1.700 dec., Kisam- Taila-I, corresponds to Consolidation Khata no.- 98, Plot No-1928, area A1.700 dec., which is bounded as follows:

Boundaries:-

NORTH:- Revenue Plot No.- 1929, **SOUTH**:- Hill,

EAST :- Plot No.-1930 & 1927 **WEST**:- Plot No.- 1945

Further, I certify as under:

1. That, there is no prior mortgage / Charge over the said property by the owner **Sri Jitendra Mohan Gupta**, owner of the said property measuring an area **A1.700dec**. as per the Title Deeds and verified by me in the office of Register/ Sub register.

OR

2. That, as per the records available at Registrar/ Sub- Registrar / Tahasildar office, the property is mortgaged / charged to: **Nil**

Date of document	Description of the Document	In whose favour	Amount mentioned in the Document
X	X	X	X

CUTTACK

Date:- 25/07/2016

Signature of the Advocate.

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ADVOCATE, M.A L.L.B.

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ANNEXURE-IV

LEGAL SCRUTINY REPORT.

A. Description of the Documents scrutinized.

Sl. No.	Date of Document.	Name of Document.	Whether certified/ true copy/ photo copy.
1.	31/05/1984	Consolidation R-O-R bearing Khata No.98 recorded in the name of Banshidhara Swain & others.	Xerox copy.
2.	27/12/2007	Regd. General Power of Attorney bearing No.174 has been executed by Nityananda Chhatar & Kumpani Biswal, in favour of Sri Sibabrata Acharya.	Original.
4.	20/02/2009	Regd. Sale Deed bearing No.- 955 executed by Nityananda Chhatar & Kumpani Biswal through its power of attorney holder Sri Sibabrata Acharay in favour of Sri Jitendra Mohan Gupta.	Original
5.	30/09/2010	Mutation Order copy vide Mutation case No.-683/2010.	Original.
6.	30/09/2010	E.C. bearing No.-2030 from 01/01/1998 to 31/12/2009	Original.
	30/09/2010	E.C. bearing No.-EC0503009100017 from 07/01/2010 to 30/09/2010	Original.

B. Description of Property / Properties.

Item No.	Survey No.	Extent of Area/s of acres/ hectares	Location	Boundaries.
01.	Mutation R-O-R bearing Khata No.:-171/65, Plot No.- 1928	A1.700dec.	Mouza:- Kottam, P.S.:- Dhenkanal, Dist.:- Dhenkanal	As mentioned in Annexure-III

C. SCRUTINY OF PARTY'S TITLE FOR THE LAST 30 YEARS. IF CONNECTED TITLE DEEDS REVEAL ANCIRCUMSTANCES OR INCIDENCES, WHICH NECESSITATE FURTHER TRACING OF PARTY'S TITLE, IT SHALL ALSO BE DONE.

I have perused the original and Xerox copies of the Title documents supplied by the bank. I have traced the title of the present intending borrower/ mortgagor of Sri Jitendra Mohan Gupta for the last 14 years which is given as follows.

Originally the property was exclusively recorded in the name of Banshidhara Swain, Dillip Kuma Swain, Sudarshan Swain, Musi Swain, Bilas Khatua, Rasa Khatua, Son and daughter of Hursi Swain, Hara Swain, W/o-

Adv.

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hursi Swain, Kailash Swain, Bairagi Swain, Ajodhya Swain, Mayadhara Swain, S/o- Kurti Swain, Joshi Swain, W/o- Kurti Swain, Lingaraj Swain, S/o- Gouranga Swain, Gayadhara Khatua, S/o- Jagannath Khatua, Parbati Sahoo, Mataini Biswal, Sajani Dhal, all are daughters of Gati Swain, Tophani Chhatar , S/o- Panchu Swain, Chakradhara Swain, Sikhara Swain, Malia Swain, Tophani Chhatar, Kumpani Biswal, daughters of Dasa Swain, Bimbadhara Swain, Benudhara Swain, Kanhu Charan Swain, S/o- Govinda Swain, vide Consolidation Khata No.-98, Plot No.-1928, area A1.700 dec. As the consolidation authority has the power to decide the title of the parties hence all the recorded owners of the khata No.- 98 have acquired valid right, title interest and possession over the said khata.

As per their mutual family settlement Dasa Swain was possessing the land measuring an area A1.700 dec of Plot No.- 1928 as per his allotted share peacefully and without any objection from any quarter.

In the mean time one of the recorded tenant Dasa Swain has died leaving behind two daughters namely Tophani Chhatar and Kumpani Biswal. In the mean time Tophani Chhatar died leaving behind his only son Sri Nityananda Chhatar. Therefore after the death of Dasa Swain his daughter Kumpani Biswal and grandson Nityananda Chhatar, the son of the recorded owner Sri Kumpani Chhatar his share over the khata No.-98 has been devolve upon his daughter Kumpani Biswal and grandson Nityananda Chhatar. Thus Kumpani Biswal and Nityananda Chhatar had acquired valid right, title, interest and possession over the Consolidation Khata No.-98 and Plot No.-1928, area A1.700dec. which was allotted to Dasa Swain by virtue of amicable family settlement. I want to clarify that the party has not supplied the death certificate and legal heir certificate of the deceased Tophani Chhatar. However the mutation case the notices, were sent to all the recorded owners and objection was called for. As the no objection has been received from any quarter, hence Tahasildar allowed the mutation case which proves that Tophani Chhatar had only one son namely Nityananda Chhatar. Further the Tahasildar has allowed the mutation case on the basis of Amin Report.

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Therefore in my considered opinion Nityananda Chhatar is the only son of Tophani Chhatar.

With an intention to sale the subject land, Kumpani Biswal and Nityananda Chhatar have executed one Regd. power of Attorney bearing No.174 dated 27/12/2007 in favour of Sri Sibabrata Acharya . In order to meet their legal necessity Kumpani Biswal and Nityananda Chhatar sold measuring an area A1.700dec of Plot No.-1928 under Khata no.- 98 vide Regd. Sale Deed bearing No.-955 dated 20/02/2009 through his power attorney holder Sri Sibabrata Acharya in favour of Sri Jitendra Mohan Gupta and delivered the possession. Thus Sri Jitendra Mohan Gupta has acquired valid right, title, interest and possession over the Plot No.- 1928, measuring an area A1.700dec.

After purchase Sri Jitendra Mohan Gupta has taken steps to mutate his name in the revenue of right. The Tahasildar, Odapada after following due procedure of law has issued a separate ROR in the name of Sri Jitendra Mohan Gupta vide Mutation Khata No.-171/65. Thus Sri Jitendra Mohan Gupta has acquired valid and marketable title over the Khata no.- 171/65, plot No.- 1928 measuring an area A1.700dec.

So far as mutation ROR bearing Khata no.- 171/65, plot No.- 1928 measuring an area A1.700dec is concerned, the kissam of land is Taila-I which is a agricultural land. In case of agricultural land is concerned, the bank can not proceed in the SARFACIE Act. However the bank can proceed in DRT Act in case default.

D. The party has supplied the E.C for a period of 13 years commencing from 01/01/1998 to 31/12/2009 and 07/01/2010 to 30/09/2010. From the said E.C. it is clear that there is no further encumbrance of the subject property in favour of anybody else and at present declared owner is **Sri Jitendra Mohan Gupta.** I have personally verified from the Sub-Registrar Office, Dhenkanal from 01/01/2010 till date. **The Bank is advised to collect Up-to-date EC commencing from 01/01/2010 till today from the party.**

Adv

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E. I have perused the original registered sale deed which clearly proves that **Sri Jitendra Mohan Gupta**. is in possession of the subject property. **The bank is advised to collect up-to-date rent receipt from the party**.

F. That, the intending borrower/ mortgagor **Sri Jitendra Mohan Gupta** has submitted Registered General Power of Attorney bearing No.174 dated 27/12/2007 executed by Nityananda Chhatar & Kumpani Biswal in favour of Sri Sibabrata Acharya, and Regd. sale deed bearing No.-955 dated 20/02/2009 executed by Nityananda Chhatar & Kumpani Biswal through their power of attorney holder Sri Sibabrata Acharya in favour of Sri Jitendra Mohan Gupta. Sri Jitendra Mohan Gupta, Original rent receipt and E.C which can create valid and equitable mortgage **The bank is advised to keep the following original documents for creation of equitable mortgage**.

1. Original Regd. Power of Attorney bearing No. 174 dated 27/12/2007, executed by Nityananda Chhatar & Kumpani Biswal in favour of Sri Sibabrata Acharya.
2. Original Registered sale deed bearing no.955 dated 20/02/2009 executed by Nityananda Chhatar & Kumpani Biswal through its power of Attorney holder Sri Sibabrata Acharya in favour of **Sri Jitendra Mohan Gupta**.
3. Original Mutation R-O-R.
4. Original Order sheet of Mutation Case, Conversion Misc Case and premium payment receipt.
5. Original up-to-date E.C .
6. Original up to date rent receipt.

G. Certificate of Title.

1. The party has an absolute, clear and marketable title over the property in question proposed to be mortgaged.

2. Yes, the party can execute valid simple/ equitable mortgage in favour of the bank.

3. No, the property intended to be given by way of mortgage is not subject of any minor's property.

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Sri Jitendra Mohan Gupta has to submit an affidavit touching the following points.

1. That, he has already availed a loan or financial assistance from Canara Bank, Buxi Bazar Branch Cuttack, keeping this property as mortgage.
2. That, the property has not been involved in any civil or criminal case and the same has not been attached nor any receiver has been appointed by any Court of Law.
3. That, he has verified the legal aspect of the property and the property which is going to be mortgaged is free from any dispute and no case is pending in any civil, criminal and revenue court.
4. That, the property is free from any encumbrances what so ever.
5. That, the property or part thereof has not been acquired by any authority or under the provisions of L.A. Act.
6. That, no other person/ persons has/ have any manner of right, title and interest over the above mentioned property.
7. That, he is the absolute owner of the property and schedule of property along with boundary been mentioned.
8. That, the documents supplied by him are genuine and originals.
9. That, he has to give an undertaking that he will utilize the sanctioned amount only for his business and he will not utilize for any other purpose.
10. That, he will not sell, transfer or alienate the mortgage property by any means unless and until the entire loan amount will be liquidated.

CERTIFICATE TO BE ISSUED BY THE ADVOCATE WHO SCRUTINISED THE DOCUMENTS.

I have gone through the original and Xerox copies of the title documents relating to the property intended to be mortgaged and offered as security by way of simple/ equitable mortgage and that the documents of title referred to above can create perfect evidence of title and the property in

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question can create simple/ equitable mortgage and/ or are deposited in the manner required by law, it can satisfy the requirements of creation of simple/equitable mortgage and I further certify that:

1. I have made a search in the land/ revenue records and do not find any adverse features for creation of a valid mortgage.
2. I have visited the Registrar/ Sub-registrar's Office at Dhenkanal on 22/7/2016 and Tahasil Office at Odapada verified the records/ details of the property belonging to **Sri Jitendra Mohan Gupta.**
3. That I have perused the E.C for 14 years.
4. There are no encumbrances to the subject land of **Sri Jitendra Mohan Gupta**. But the property has been mortgaged before Canara Bank, Buxi Bazar Branch, Cuttack prior to this.
5. There is no claim from minor/s and his/their interest in the property/ies to any extent of land to be mortgaged.
6. There is no undivided share of the minor/s to any extent of land proposed to be mortgaged.
7. Provisions of Urban Land Ceiling Act are not applicable.
8. Holding / acquisition is in accordance with the provisions of the Land Reforms Act.
9. The mortgage, if created after, can be available to the Bank for the liability of the intending borrower / mortgagor **Sri Jitendra Mohan Gupta.**

I certify that **Sri Jitendra Mohan Gupta** can create valid and marketable title if he will mortgage the property/ ies before the Bank keeping the title documents as per the list given above before the bank.

Place:- Cuttack.
Date: 25/07/2016

Signature of the Advocate.

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ANNEXURE – II

CHECKLIST FOR THE GUIDANCE OF THE ADVOCATE FOR SUBMISSION OF LEGAL SCRUTINY REPORT.

1.	Nature of Title (ownership/Lease hold/ Occupancy Govt. Grant/ allotments etc.	Stitiban.
2.	If lease hold, whether a) Lease Deed is duly stamped and registered. b) Lessee is permitted to mortgage the lease hold right. c) Duration of the Lease/ Unexposed period of lease. d) If, a sub-lease, check the lease deed in favour of lessee as to whether lease deed permits sub-leasing and mortgage by Sub-lessee also.	Not Applicable.
3.	If Govt. grant/ allotment/ Lease-cum / Sale Agreement, Whether; a) Grant/ agreement etc. provides for alienable rights to The mortgagor with or without conditions. b) The mortgage is competent to create charge on such Property.	Not Applicable.
4.	If occupancy right, whether; a) Such right is heritable and transferable b) Mortgage can be created.	Not Applicable
5.	a) Whether provisions of Urban Land Ceiling Act applicable /permission obtained. b). Whether no objection certificate under the Income Tax Act is required / obtained. c) Whether records with the Registrar of Assurances verified (if applicable)	Not Applicable.
6.	Whether there are claims from Minor/s and his/their interest in the property/ies. Specify the share of minor/s with name.	Not Applicable.
7.	In case of Agricultural land, the position regarding creation and enforceability with regard to Local laws.	Not Applicable.
8.	In case of conversion of Agricultural land for commercial purposes or otherwise, whether requisite procedure followed /permission obtained.	Homestead land.
9.a)	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.	Not Applicable.
b).	Whether mutation has been effected and whether the mortgagor is in possession and enjoyment of his share	Not Applicable.
c)	Whether the partition made is valid in law ?	Not Applicable.
10.a)	In case of partnership firm, whether the property belongs to the firm and the deed is properly registered.	Not applicable.
b)	Whether the person(s) creating mortgage has/ have authority to create mortgage for and on behalf of the firm.	Not Applicable.

11.	In case of Limited Company, verify the Borrowing Powers, Resolution, authority to create mortgage/ execution of documents, any prior changes with the ROC, MOA/AOA, provision for common seal etc.	Not Applicable.
12.	In case of Societies/ Associations, verify the requisite resolutions, bye laws, power to borrow, encumbrances etc.	Not Applicable
13	In case of POA holder, verify the geniuses of the Power of POA and the extent of the powers. Whether the POA is properly executed/stamped/ authenticated/enforceable as per the Law of the place.	Not Applicable.
14.	If the property is a flat/apartment or residential/commercial complex, verify.	Not applicable.
14.a)	Promoter's/ Land owner/s title to the lands/building.	Not Applicable.
b)	Whether the flats are developed by the land owner or constructed on joint development basis.	Not Applicable.
c)	Development agreement /POA	Not Applicable.
d)	Extent of authority of the Developer/builder.	Not Applicable.
e)	Whether the construction is approved by the competent authority.	Not Applicable.
f)	Independent title verification of the land or building in Question.	Not Applicable.
g)	Agreement of sale (duly registered)	Not Applicable.
h).	Whether it is a Second/Subsequent sale.	Not Applicable.
i)	Payment of proper stamp duty.	Not Applicable.
j)	Conveyance in favour of the Society/Condominium concerned.	Not applicable.
k)	Occupancy certificate/ allotment letter of possession.	Not Applicable.
l)	Membership details in the society etc.	Not applicable.
m)	Share Certificate.	Not applicable.
n)	NOC from the Society.	Not applicable.
o)	Latest maintenance charges paid receipt from Society.	Not applicable.
p)	Whether proportionate share in land is transferred to the mortgagor.	Not Applicable.
q)	Documents evidencing possession such as Telephone Bill, Electricity Bill, Tax paid receipt etc.	Not Applicable.
r)	Other legal requirements under the local/ Municipal laws, with regard to ownership of flats/ Apartments/Building Regulations, Societies Law etc.	Not Applicable.
15.	In case of joint family property and mortgage created for family benefit/ legal necessity, verify whether major coparceners have no objection, joined in execution, rights of female members, minor's shares etc.	Not Applicable.
16.	Genealogical tree is to be drawn up wherever the title has been acquired by succession.	Not applicable.
17	Pending litigation /court attachments/injunction /stay orders /acquisition by the Govt./Local authorities, etc. if any.	Affidavit is to be submitted by the borrower.
18.	Any other matters affecting the proposed creation of mortgage not covered elsewhere.	No.

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ANNEXURE-III

CERTIFICATE.

Inspection/ Verification of landed property Registrar / Sub- Registrar's Office, At:- Dhenkanal, Dist:- Dhenkanal.

To,

The Chief Manager, CANARA Bank,

Buxi Bazar Branch, Dist:- Cuttack.

(**Sub:-** Verification of records of landed property at Registrar/ Sub-Registrar's office and Tahasil Office at Odapada and Dist.- Dhenkanal.)

Dear Sir,

This is to confirm that I have visited the Registrar/ Sub-Registrar's office/ Tahasil office at Odapada and Sub- Register Office at Dhenkanal on dated 22/07/2016 and verified the details of the property to be mortgaged by the intending borrower.

The Property details are as under.

Dist.:- Dhenkanal, Tahasil:- Odapada, P.S:- Dhenkanal Sadar, P.S. No.:-107, Mouza:- Kottam, Mutation Khata No.:- 171/65, Plot No-1948, area A0.220 dec., Plot No.- 1954, area A1.090dec, Kisam- Gharabari, corresponds to Consolidation Khata no.- 46, Plot No-1948, area A0.220 dec. and Plot No.- 1954, area A1.090dec, Kisam- Gharabari, Total area A1.310dec which is bounded by as follows:

Plot No-1948,Boundaries:-

North:- Plot No.- 1947, **South**:- Hill,

East / West :- Self

Plot No-1954,Boundaries:-

North:- Self **South**:- Hill,

East:- Plot No.-1951 & 1950 **west**:- Plot No.- 1955

Further, I certify as under:

1. That, there is no prior mortgage / Charge over the said property by the owner **Sri Jitendra Mohan Gupta**, owner of the said property measuring total area **A1.310dec**. as per the Title Deeds and verified by me in the office of Register/ Sub register.

OR

2. That, as per the records available at Registrar/ Sub- Registrar / Tahasildar office, the property is mortgaged / charged to: **Nil**

Date of document	Description of the Document	In whose favour	Amount mentioned in the Document
X	X	X	X

CUTTACK
Date:- 25/07/2016

Signature of the Advocate.

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ADVOCATE, M.A L.L.B.

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ANNEXURE-IV

LEGAL SCRUTINY REPORT.

A. Description of the Documents scrutinized.

Sl. No.	Date of Document.	Name of Document.	Whether certified/ true copy/ photo copy.
1.	01/04/1985	Consolidation R-O-R bearing Khata No.46 recorded in the name of Jagannath Sahoo & others.	Xerox copy.
2.	28/12/2007	Regd. General Power of Attorney bearing No.176 has been executed by Niranjan Sahoo, S/o- Jagannath Sahoo, in favour of Sri Sibabrata Acharya.	Original.
4.	20/02/2009	Regd. Sale Deed bearing No.- 954 executed by Niranjan Sahoo through its power of attorney holder Sri Sibabrata Acharay in favour of Sri Jitendra Mohan Gupta.	Original
5.	05/08/2010	Mutation Order copy vide Mutation case No.- 684/2010.	Original.
6.	30/09/2010	E.C. bearing No.-2030 from 01/01/1998 to 31/12/2009	Original.
	30/09/2010	E.C. bearing No.-EC0503009100017 from 07/01/2010 to 30/09/2010	Original.

B. Description of Property / Properties.

Item No.	Survey No.	Extent of Area/s of acres/ hectares	Location	Boundaries.
01.	Mutation R-O-R bearing Khata No.:-171/65, Plot No.- 1948 area A0.220dec & Plot No.- 1954area A1.090dec	A1.310dec.	Mouza:- Kottam, P.S.:- Dhenkanal, Dist.:- Dhenkanal	As mentioned in Annexure-III

C. SCRUTINY OF PARTY'S TITLE FOR THE LAST 30 YEARS. IF CONNECTED TITLE DEEDS REVEAL ANCIRCUMSTANCES OR INCIDENCES, WHICH NECESSITATE FURTHER TRACING OF PARTY'S TITLE, IT SHALL ALSO BE DONE.

I have perused the original and Xerox copies of the Title documents supplied by the bank. I have traced the title of the present intending borrower/ mortgagor of Sri Jitendra Mohan Gupta for the last 14 years which is given as follows.

Originally the property was jointly recorded in the names of Jagannath Sahoo, Trilochan Sahoo, both are sons Uchhei Sahoo, Padmanav Sahoo, S/o- Chakradhara Sahoo under Consolidation Khata No.-46, Plot No.-

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1948 area A0.220dec & Plot No.-1954 area A1.090dec, total area A1.310 dec. Thus Jagannath Sahoo, Trilochan Sahoo, both are sons Uchhei Sahoo, Padmanav Sahoo, S/o- Chakradhara Sahoo have acquired right, title, interest and possession over the plot No.-1948 &1954.

In the mean time the recorded owner Jagannath Sahoo has been died leaving behind his only son Niranjan Sahoo. The party has not supplied the death certificate and legal heir certificate of the deceased Jaganatha Sahoo. However from the mutation proceeding and Regd. Sale deed it is proved that Jagannath Sahoo had no other issue except Niranjan Sahoo.

The recital of Regd. sale deed No.- 954, dated 20/02/2009 reveals that the properties recorded under consolidation Khata No.-46 has been partitioned by metes and bound between the recorded owners according to a Mutual family settlement and accordingly all the recorded owners/ co-sharers were possessing their respective land as per the family settlement. As per family settlement Plot no.-1948 measuring an area A0.220dec and Plot No.-1954 measuring an area A1.090dec.total measuring an area A1.310dec

With an intention to sale Niranjan Sahoo, S/o- Jagannath Sahoo has executed a Regd. Power of Attorney bearing No.176 dated 28/12/2007 in favour of Sri Sibabrata Acharya. Niranjan Sahoo through his attorney holder has sold an area A1.310dec from Plot No.- 1948 & Plot No.- 1954 recorded under Consolidation Khata no,- 46 of Mouza Kottam against consideration in favour of intending purchaser Sri Jitendra Mohan Gupta executing Regd. Sale Deed bearing No.954 dated 20/02/2009 and delivered the possession to him. After purchase, the purchaser Sri Jitendra Mohan Gupta has taken steps to mutate his name before the revenue authority and accordingly Tahasildar has issued a separate ROR bearing mutation Khata No.- 171/65 having Plot No.-1948 & 1954 total area A1.310dec with kissam of land homestead.

Thus Sri Jitendra Mohan Gupta has acquired valid and marketable title over the mutation khata No.- 171/65 having Plot No.-1948 & 1954 total area A1.310dec

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D. The party has supplied the E.C for a period of 13 years commencing from 01/01/1998 to 31/12/2009 and 07/01/2010 to 30/09/2010 and from the said E.C., it clear that there is no further encumbrance of the subject property in favour of anybody else, after the subject property is purchased and mutated in the name of Sri Jitendra Mohan Gupta. I have personally verified the title documents from the Sub-Registrar Office, Dhenkanal from 01/01/2010 till date. **The Bank is advised to collect Up-to-date EC commencing from 01/01/2010 till today from the party**.

E. I have perused the original registered sale deed which clearly proves that **Sri Jitendra Mohan Gupta**. is in possession of the subject property. **The bank is advised to collect up-to-date rent receipt from the party**.

F. That, the intending borrower/ mortgagor **Sri Jitendra Mohan Gupta** has submitted Registered General Power of Attorney bearing No.176 dated 28/12/2007 executed by Niranjan Sahoo in favour of Sri Sibabrata Acharya, and Regd. sale deed bearing No.-954 dated 20/02/2009 executed by Niranjan Sahoo through his power of attorney holder Sri Sibabrata Acharya in favour of Sri Jitendra Mohan Gupta original rent receipt, original E.C. which can create valid equitable mortgage. **The bank is advised to keep the following original documents for creation of equitable mortgage**.

1. Original Regd. Power of Attorney bearing No. 176 dated 28/12/2007, executed by Jagannath Sahoo and Trilochan Sahoo in favour of Sri Sibabrata Acharya.
2. Original Registered sale deed bearing no.954 dated 20/02/2009 executed by Jagannath Sahoo and Trilochan Sahoo through its power of Attorney holder Sri Sibabrata Acharya in favour of **Sri Jitendra Mohan Gupta**.
3. Original Mutation R-O-R.
4. Original Order sheet of Mutation Case, Conversion premium payment receipt.
5. Original up-to-date E.C .
6. Original up to date rent receipt.

G. Certificate of Title.

1. The party has an absolute, clear and marketable title over the property in question proposed to be mortgaged.

SRI DILLIP KUMAR MOHARANA,
ADVOCATE, M.A L.L.B.

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ADVOCATE, ORISSA HIGH COURT.

2. Yes, the party can execute valid simple/ equitable mortgage in favour of the bank.

3. No, the property intended to be given by way of mortgage is not subject of any minor's property.

Sri Jitendra Mohan Gupta has to submit an affidavit touching the following points.

1. That, he has already availed a loan or financial assistance from Canara Bank, Buxi Bazar Branch Cuttack, keeping this property as mortgage.
2. That, the property has not been involved in any civil or criminal case and the same has not been attached nor any receiver has been appointed by any Court of Law.
3. That, he has verified the legal aspect of the property and the property which is going to be mortgaged is free from any dispute and no case is pending in any civil, criminal and revenue court.
4. That, the property is free from any encumbrances what so ever.
5. That, the property or part thereof has not been acquired by any authority or under the provisions of L.A. Act.
6. That, no other person/ persons has/ have any manner of right, title and interest over the above mentioned property.
7. That, he is the absolute owner of the property and schedule of property along with boundary been mentioned.
8. That, the documents supplied by him are genuine and originals.
9. That, he has to give an undertaking that he will utilize the sanctioned amount only for his business and he will not utilize for any other purpose.
10. That, he will not sell, transfer or alienate the mortgage property by any means unless and until the entire loan amount will be liquidated.

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CERTIFICATE TO BE ISSUED BY THE ADVOCATE WHO SCRUTINISED THE DOCUMENTS.

I have gone through the original and Xerox copies of the title documents relating to the property intended to be mortgaged and offered as security by way of simple/ equitable mortgage and that the documents of title referred to above can create perfect evidence of title and the property in question can create simple/ equitable mortgage and/ or are deposited in the manner required by law, it can satisfy the requirements of creation of simple/equitable mortgage and I further certify that:

1. I have made a search in the land/ revenue records and do not find any adverse features for creation of a valid mortgage.
2. I have visited the Registrar/ Sub-registrar's Office at Dhenkanal on 22/7/2016 and Tahasil Office at Odapada verified the records/ details of the property belonging to **Sri Jitendra Mohan Gupta.**
3. That I have perused the E.C for 13 years.
4. There are no encumbrances to the subject land of **Sri Jitendra Mohan Gupta**. But the property has been mortgaged before Canara Bank, Buxi Bazar Branch, Cuttack prior to this.
5. There is no claim from minor/s and his/their interest in the property/ies to any extent of land to be mortgaged.
6. There is no undivided share of the minor/s to any extent of land proposed to be mortgaged.
7. Provisions of Urban Land Ceiling Act are not applicable.
8. Holding / acquisition is in accordance with the provisions of the Land Reforms Act.
9. The mortgage, if created after, can be available to the Bank for the liability of the intending borrower / mortgagor **Sri Jitendra Mohan Gupta.**

I certify that **Sri Jitendra Mohan Gupta** can create valid and marketable title if he will mortgage the property/ ies before the Bank keeping the title documents as per the list given above before the bank.

Place:- Cuttack.
Date: 25/07/2016

Signature of the Advocate.