

Dated: 29/10/2020

TITLE INVESTIGATION REPORT

NAME OF THE APPLICANT/OWNERS:

- (1) Mr. Kunal Constance alias Kuru
Fernandes
- (2) Mrs. Reshmi Kunal Fernandes

DESCRIPTION OF THE PLOT

PROPERTY I

All that immovable property known as PETNEM bearing Chalta No. 2/4 of P.T.Sheet NO. 164 admeasuring an area of 306 sq mts situated at Morod within the jurisdiction of Mapusa Municipal Council , city survey of Mapusa, Taluka and Sub District of Bardez , District North Goa State of Goa described in the Land Registration office of Bardez under o. 19158 at folio 164 overleaf of Book B-49 and enrolled in the Taluka Revenue office of Bardez under No. 1458 of at folio 55 of Book 2nd and bounded as follows

East	By property bearing Chalta NO. 2/1 of P.T.Sheet NO. 164
WEST	By property bearing Chalta NO. 3/2 of P.T.Sheet NO. 164
NORTH	By pathway
SOUTH	By property bearing Chalta NO. 2/6 of P.T.Sheet NO. 164

PROPERTY II

All that immovable property situated within the limits of Mapusa Municipal Council of Registration Sub District of Bardez, District North Goa, State of Goa admeasuring 144 sq mts of Survey No. 2 sub division No. 6 of P.T.Sheet No 164 of city Survey of Mapusa admeasuring 144 sq mts and is bounded as follows

East	By property bearing Chalta NO. 2/1 of P.T.Sheet NO. 164
WEST	By property bearing Chalta NO. 3/4 of P.T.Sheet NO. 164
NORTH	By property bearing Chalta NO. 2/1 of P.T.Sheet NO. 164
SOUTH	By property bearing Chalta NO. 6 of P.T.Sheet NO. 164

PROPERTY III

All that immovable property situated within the limits of Mapusa Municipal Council of Registration Sub District of Bardez District North Goa State of Goa admeasuring 331 sq mts of Survey No. 2 sub division No. 2 of P.T.Sheet No 164 of city Survey of Mapusa admeasuring 331 sq mts and is bounded as follows

East	By property bearing Chalta NO. 2/1 of P.T.Sheet NO. 164
WEST	By Road
NORTH	By property bearing Chalta NO. 2/1 of P.T.Sheet NO. 164
SOUTH	By property bearing Chalta NO. 2/4 of P.T.Sheet NO. 164

PROPERTY IV

All that immovable property situated within the limits of Mapusa Municipal Council of Registration Sub District of Bardez District North Goa State of Goa admeasuring 331 sq mts of Survey No. 2 sub division No. 1 of P.T.Sheet No 164 of city Survey of Mapusa admeasuring 150 sq mts and is bounded as follows

East	By nullah
WEST	By property bearing Chalta NO. 2/2 of P.T.Sheet NO. 164
NORTH	By road

SOUTH	By property bearing Chalta NO. 2/6 of P.T.Sheet NO. 164
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DOCUMENTS INSPECTED

1. letter dated 25/04/2018 issued by North Goa Planning and Development Authority
2. permission dated 02/06/2020 issued The North Goa Planning and Development Authority granted for amalgamation for construction of commercial building thereon
3. Provisional NOC dated 19/06/2020 issued by The office of Assistant Engineer PWD
4. NOC dated 01/07/2020 issued by the office of Sub Divisional Engineer, Electricity Department , Subdivision Mapusa I(U)
5. NOC dated 21/08/2020 issued by the Directorate of Health Services Mapusa
6. Construction License dated 29/09/2020 issued by the Mapusa Municipal Council
7. Deed of Sale dated 08/03/2005 registered in the office of Sub Registrar of Bardez under NO. 911 at pages 224 to 271 of Book I, Volume NO 1240 dated 31/03/2005
8. Certificate of Proceedings of Final Possession dated 10/03/2006
9. Remissao Certificate
10. Inventory Proceedings NO. 172/2013/C
11. Agreement for Sale and Development dated 21/09/2006
12. Memorandum of Understanding 15/10/2019

REPORT/OPINION

An inspection of the above documents reveals that:-

1. The property I mentioned hereinabove belonged to Leticia Ambrosia Gomes.
 2. Vide Deed of Sale with Discharge of Consideration and Adjustment of Accounts and Discharge dated 09/05/1916 recorded/drawn/registered in the office of Judicial Division of Bardez of Mapusa in office of Jose Joaquim Filipe Pinto de Menezes Notary Public of the Records and recorded at folios 73 overleaf to 75 overleaf of Book No. 287 the said Leticia Ambrosia Gomes sold the said property to Deliciosa Gomes alias Deliciosa Floripes Pinto alias Deliciosa Floripes Pinto Gomes.
 3. The said property was inherited by Jose Maria Gomes alias Jose Mario Gomes and his wife Maria Julia Mascarenhas.
- Note : There is no document to explain the heirship of Jose Maria Gomes alias Jose Mario Gomes and his wife Maria Julia Mascarenhas.

4. The said Jose Maria Gomes alias Jose Mario Gomes and his wife Maria Julia Mascarenhas both expired leaving behind Mr Geraldo Jeronimo Gomes alias Geraldo Jerome Gomes alias Giraldo Jeronimo Gomes who qualified to be sole universal legal heirs vide Deed of Succession dated 06/07/1992 drawn in the office of Sub Registrar cum Civil Registrar and Notary Ex Officio of Bardez.
5. Vide Deed of Sale dated 08/03/2005 registered in the office of Sub Registrar of Bardez under NO. 911 at pages 224 to 271 of Book I, Volume NO 1240 dated 31/03/2005 the said Mr. Geraldo Jeronimo Gomes alias Geraldo Jerone Gomes alias Giraldo Jeronimo Gomes and his wife Mrs. Epifania Maria Felicidade D'Souza sold the said property along with other property to Mr. Kunal Karu Fernandes for consideration and on terms and conditions mentioned therein.
6. By virtue of said Deed dated 08/03/2005 registered in the office of Sub Registrar of Bardez under NO. 911 at pages 224 to 271 of Book I, Volume NO 1240 dated 31/03/2005, the title of the said property I devolved upon Kunal Karu Fernandes and his wife.
7. The Property II , III and IV originally belonged to Comunidade of Mapusa.

8. Vide Certificate of Proceedings of Final Possession dated 10/03/2006 the final possession of the said property II, III and IV was granted to Shri Karu John Fernandes.
9. The survey records ie. Form D of of City Survey of Mapusa said property II, III and IV surveyed under Chalta No. 2/6, 2/6 and 2/1 of P.T. Sheet No. 164 have been mutated in the name of Mr. Karu John Fernandes by virtue of Remissao Certificate and Certificate of Final Possession dated 10/03/2006 and NOC issued by Comunidade of Mapusa dated 10/03/2006.
10. The said Karu alias Constance John Fernandes expired leaving behind his wife and moiety holder Mrs. Sylvia Contance Fernandes both expired leaving behind Mr. Kunal Karu Fernandes married to Mrs Reshmi Kunal Fernandes, Mrs. Sofia alias Sophia Karu Fernandes married to Mr. Abhishek Rege , Mr. Maximwell Constance @ Karu Fernandes.
11. Upon the death of said Karu alias Constance John Fernandes and his wife Mrs. Sylvia Constance Fernandes Inventory Proceedings NO. 172/2013/C were initiated in the Court of Civil Judge Senior Division Mapusa wherein the said property II, III and IV surveyed under Chalta 2/6, 2/2 and 2/1 of P.T.Sheet NO. 164 were
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listed under item No. 3, 4 and 5. As per the Final Chart of allotment dated 21/01/2020 the said property II, III and IV listed under Item NO. 3, 4 and 5 in the said proceedings were purchased in auction by Mr. Kunal Karu alias Constance Fernandes. The Final Chart of Allotment has been confirmed vide Judgment and Decree dated 27/01/2020.

12. Upon perusal of the Survey Record i.e. Form D of City Survey of Mapusa said property II, III and IV surveyed under Chalta No. 2/6, 2/6 and 2/1 of P.T. Sheet No. 164 shows the possession of Smt. Laxmi Kinerkar, Gurudas Kinerkar, Gajanan Kinerkar, Banudas Kinerka, Smt. Ayodya Kinerkar, Sukanti Kinerkar and Sumati Kinerkar. In fact the said persons have a gaddo/structure in the property presently run as a shop.
13. As per the Agreement for Sale and Development dated 24/01/1998 the Smt. Laxmi Kinerkar, Gurudas Kinerkar, Gajanan Kinerkar, Banudas Kinerka, Smt. Ayodya Kinerkar, Sukanti Kinerkar and Sumati Kinerkar, agreed to sell their possessory rights in the said property II, III and IV to Mr. Karu John Fernandes in lieu of the built up area to be allotted to the former parties for consideration and on terms and conditions mentioned.

14. As per the Memorandum of Understanding dated 15/10/2019 executed before the Notary Public Shri S.C. Desai on 15/10/2019 under Reg No. 1686/2019 executed by heirs of late Gajanan Kashinath Kinlekar viz. Shri Gurudas Kinlekar and his wife Smt. Gouri Kinlekar, Smt Gandhali Gajanan Kinlekar, Shri Bhanudas Kashinath Kinlekar married to Smt. Pratima Bhanudas Kinlekar, Smt. Sumati alias Raktima Ramakant Pednekar and her husband Shri Ramakant Vasudev Pednekar, Smt. Ayodhya alias Suman Parulekar , Shri Vassudev Baburao Parulekar, Smt. Sukanti Dharmanand Naik and her husband of Shri Dharmanand Naik on one part and heirs of late Karu alias Constance Fernandes on other part , the heirs of late Gajanan Kashinath Kinlekar confirmed the Agreement for Sale and Development dated 21/09/2006 in lieu of built up premises and for consideration and on terms and conditions mentioned therein.
15. The owners propose to develop the said property I, II, III and IV by amalgamating the same and constructing thereon commercial building.
16. As per the letter dated 25/04/2018 issued by North Goa Planning and Development Authority the said property I, II, III and IV is earmarked as Commercial C-1 Zone.

17. The North Goa Planning and Development Authority granted permission dated 02/06/2020 for amalgamation of said property I, II, III and IV and for construction of commercial building thereon.
18. The office of Assistant Engineer PWD issued provisional NOC dated 19/06/2020 for proposed amalgamation of and construction of commercial building on said property I, II, III and IV.
19. The office of Sub Divisional Engineer, Electricity Department , Subdivision Mapusa I(U) issued NOC dated 01/07/2020 for proposed amalgamation of and construction of commercial building on said property I, II, III and IV.
20. The Directorate of Health Services Mapusa issued NOC dated 21/08/2020 for proposed amalgamation of and construction of commercial building on said property I, II, III and IV.
21. The Mapusa Municipal Council issued Construction Licence dated 29/09/2020 for proposed amalgamation of and construction of commercial building on said property I, II, III and IV.

OBSERVATIONS

22. The said Mr. Kunal Constance Fernandes for self and on behalf of heirs of late Karu John have executed Power of Attorney in favour Mr. Paul Choudhary dated 08/06/2020 executed before Notary Public Shri L. M. Gajnikar registered under serial No. 32581 on 19/06/2020.
23. The said Power of Attorney has been given by Mr. Kunal Fernandes for self and on behalf of the others in view of delegation of powers in original Power of Attorney dated 25/01/2019.
24. As mentioned hereinabove in the report, there are some entries in property II, III and IV whose names are appearing in Form D of survey records as in possession of said property.
25. Upon the receipt of the built up premises in terms of Agreement dated 21/01/2006 followed by Memorandum of Understanding 15/10/2019 necessary application is required to be made for deletion of the names of persons in possession from survey records.

INSPECTION AND VERIFICATION AND DUE DELIGENCE

SEARCH

I have inspected and verified all the documents presented to me in the respective Government

offices. I am satisfied that they are properly executed, attested, signed and/or issued before/by the respective authorities and in accordance with law in force during the respective periods.

OPINION

The title of the owners to the said properties I, II, III and IV better described herein above is clear and marketable subject to the observations mentioned above.

Panaji Goa

Dated : 29/10/2020

SHIVANAND SINGBAL

Advocate

SHIVANAND M. SINGBAL
NOTARY
Bardoz - Division