

Date: 2nd June 2017

OPINION ON TITLE

This opinion on title is given at the request of **M/S SONESTA INNS PVT. LTD.**, a company registered under the Indian Companies Act, 1956, having its registered office at 4th Floor, Joffre Residency, behind Goa College of Pharmacy, Panaji, Goa.

DESCRIPTION OF THE PROPERTY:

All that plot of land known as “**BADEM**” or “**BAXA VEXAM**”, situated Badem, Assagao, Bardez – Goa, within the limits of the Village Panchayat of Assagao,, Taluka and registration Sub - District of Bardez, North Goa District, State of Goa, surveyed under Survey No. 56 Sub-Division No. 7-A of village Assagao, neither described in the Land Registration Office nor found enrolled in the Revenue Office of Bardez at Mapusa. The said property admeasures 2,385 sq. mtrs. and forms part of the bigger property bearing old cadastral No. 334 of village Assagao and formed part of the bigger property bearing Survey No. 56 Sub-Division No. 7. The said plot of land is bounded as under:

EAST : By S. Nos. 56/8, 56/9, 56/9-A

WEST : By S. No. 56/6 and by Road

NORTH : By S. No. 56/7



SOUTH : By the Road

FLOW OF TITLE OF THE PROPERTY:

The entire property "**BADEM**" or "**BAXA VEXAM**" originally bore Survey No. 56 Sub-Division No. 7 of village Assagao and old Cadastral No. 334.

The said property originally belonged to Jose Antonio de Souza who was the owner in possession of the same and his name is even reflected in the Registo de Agrimensor (Book of Surveyor) of the said property. This shows that the entire property was in possession and occupation of the said Jose Antonio de Souza even prior to the liberation of Goa.

The said Jose Antonio de Souza was married to Maria Micael D'Souza under the regime of general communion of assets prevalent in the State of Goa and accordingly the said Maria Micael D'Souza became a co-owner of the said property.

The said Jose Antonio de Souza and Maria Micael D'Souza then passed away and their only son namely John Paul D'Souza initiated Inventory Proceedings No. 9/1984 in the Court of the Civil Judge Senior Division at Mapusa, Goa in order to partition their estate.



In the said Inventory Proceedings No. 9/1984, the entire property was described as Item No. 2 therein and vide order dated 29/3/1984, the same was allotted to John Paul D'Souza married to Flora D'Souza.

Subsequently vide Deed of Sale dated 2/5/1984 registered in the Office of the Sub-Registrar of Bardez under Registration No. 577 at Pages 391 to 398 Book No. I Volume No. 210 dated 28/8/1985, the said John Paul D'Souza married to Flora D'Souza sold the southern part of the said property, which part admeasures 2,385 sq. mtrs. to Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar.

The said Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar was married to Mr. Raghuvir Govekar alias Raghuvir Govenkar alias Raghuvir D. Govenkar alias Raghuvir Dharma Govekar alias Roghuvir Govenkar alias Raghuvir Dharma Govenkar under the regime of General Communion of Assets prevalent in the State of Goa and accordingly the said Mr. Raghuvir Govekar alias Raghuvir Govenkar alias Raghuvir D. Govenkar alias Raghuvir Dharma Govekar alias Roghuvir Govenkar alias Raghuvir Dharma Govenkar became a co-owner of the said Plot of land admeasuring 2,385 sq. mtrs.



The said Mr. Raghuvir Govekar alias Raghuvir Govenkar alias Raghuvir Dharma Govekar alias Roghuvir Govenkar alias Raghuvir Dharma Govenkar alias Raghuvir D. Govenkar passed away on 1/9/2006 leaving behind the said Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar as his widow and moiety holder and his six children namely Mr. Dharma Raghuvir Govekar alias Dharma Raghuvir Govenkar married to Mrs. Lata Dharma Govenkar alias Lata Dharma Govekar alias Lata Govekar, Mr. Gouraknath Govekar alias Gourakhnath Govenkar alias Gourakhnath Raghuvir Govenkar married to Mrs. Joyce Govekar alias Joyce Gouraknath Govekar alias Joyce Gourakhnath Govenkar, Mrs. Girija Raghuvir Govenkar alias Sushanti Naik alias Sushanti Santosh Naik alias Sushanti Naique married to Mr. Santosh Ankush Naik, Mr. Machindranath Raghuvir Govenkar alias Machindranath Raghuvir Govekar married to Mrs. Sushanti Machindranath Govenkar alias Sushanti Machindranath Govekar alias Sushanti Govekar, Mrs. Jyoti Raghuvir Govenkar alias Jyoti Manojkumar Pednekar alias Jyoti Pednekar married to Mr. Manojkumar R. Pednekar alias Manojkumar Ramnath Pednekar and Mrs. Reshma Raghuvir Govenkar alias Reshma Kumtekar alias Rupali Kumtekar alias Rupali R. Kumtekar married to Rupesh Kumtekar as his heirs.

Subsequently Mr. Gourakhnath Raghuvir Govenkar alias Gouraknath Govenkar passed away on 11/3/2013 leaving behind Mrs. Joyce Gourakhnath Govenkar alias Joyce Govekar alias Joyce



Gouraknath Govekar as his widow and moiety holder and Ms. Sonal Gourakhnath Govenkar alias Sonal Govenkar as his heir.

So also the husband of Mrs. Reshma Raghuvir Govenkar alias Reshma Kumtekar alias Rupali Kumtekar alias Rupali R. Kumtekar namely Mr. Rupesh Kumtekar passed away on 5/2/2014 leaving behind the said Reshma as his widow and moiety holder and his two minor children Mast. Rudra Rupesh Kumtekar and Ms. Ruchi Rupesh Kumtekar as his sole and universal heirs.

Accordingly Inventory Proceedings bearing No. 430/2015/F was initiated in the Court of the Civil Judge Junior Division at Mapusa in order to partition the estate of Raghuvir Govekar alias Raghuvir Govenkar alias Raghuvir Dharma Govenkar alias Raghuvir Dharma Govekar alias Roghuvir Govenkar alias Raghuvir D. Govenkar.

In the said Inventory Proceedings, Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar was appointed as the Cabeça-de-Casal. In her Statement on Oath sworn on 16/9/2016, the said Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar stated and declared on oath that her husband passed away leaving behind herself as his widow and moiety heir and the afore mentioned persons as his heirs.



In the Final Chart of Allotment drawn on 19/10/2016, the above mentioned plot of land admeasuring 2,385 sq. mtrs. was allotted to the said Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar and the heirs of Raghuvir Govenkar in the following shares:

Name	Share
Mrs. Ashalata Raghuvir Govekar alias Ashalata Govekar alias Ashalata Raghuvir Govenkar alias Ashalata Roghuvir Govenkar	1/2
Mr. Dharma Raghuvir Govenkar alias Dharma Raghuvir Govekar married to Mrs. Lata Dharma Govenkar alias Lata Dharma Govekar alias Lata Govekar	1/12
Mrs. Joyce Gourakhnath Govenkar alias Joyce Govekar alias Joyce Gourakhnath Govekar	1/24
Ms. Sonal Gourakhnath Govenkar alias Sonal Govekar	1/24
Mrs. Girija Raghuvir Govenkar alias Sushanti Naik alias Sushanti Santosh Naik alias Sushanti Naique married to Mr. Santosh Ankush Naik	1/12
Mr. Machindranath Raghuvir Govenkar alias Machindranath Raghuvir Govekar married to Mrs. Sushanti Machindranath Govenkar alias Sushanti Machindranath Govekar alias Sushanti Govekar	1/12
Mrs. Jyoti Raghuvir Govenkar alias Jyoti Pednekar alias Jyoti Manojkumar Pednekar married to Mr. Manojkumar R.	1/12



Pednekar alias Manojkumar Ramnath Pednekar.	
Mrs. Reshma Raghuvir Govenkar alias Reshma Kumtekar alias Rupali Kumtekar alias Rupali R. Kumtekar	1/24
Mast. Rudra Rupesh Kumtekar	1/48
Ms. Ruchi Rupesh Kumtekar	1/48

Necessary stamp duty was paid thereon and the said Inventory Proceedings culminated vide Judgment and Order dated 2/11/2016. Thus the aforementioned persons mentioned in the table above became the absolute owners of that portion of the entire property admeasuring 2,385 sq. mtrs. The owners then got the said portion partitioned and obtained a separate sub-division number i.e. 56/7-A.

As Mast. Rudra Rupesh Kumtekar and Ms. Ruchi Rupesh Kumtekar were minors, their mother and natural guardian namely Mrs. Reshma Raghuvir Govenkar alias Reshma Kumtekar alias Rupali Kumtekar alias Rupali R. Kumtekar filed a Portuguese Civil Miscellaneous Application No. 213/2016/C in the Court of the Civil Judge Senior Division at Mapusa, Goa, applying for permission to sell the undivided share of her minor children. Vide order dated 7/12/2016 passed in Port. Civil Misc. Application No. 213/2016/C, the said Mrs. Reshma Raghuvir Govenkar alias Reshma Kumtekar alias Rupali Kumtekar alias Rupali R. Kumtekar was permitted to sell the undivided shares that Mast. Rudra Rupesh Kumtekar and Ms. Ruchi Rupesh Kumtekar had to the said property.



Subsequently, vide Deed of Sale executed on 16th February 2017, the above mentioned owners of the property sold the said property to the M/S SONESTA INNS PVT. LTD. The said Deed of Sale is registered in the Office of the Sub-Registrar of Bardez at Mapusa under Book-1 Document Registration Number BRZ-BK1-00637-2017 CD Number BRZD785 on Date 06-03-2017.

DOCUMENTS INSPECTED:

The photocopies of the following documents were furnished to me for my inspection:

1. Form I and XIV of Survey No. 56/7 and 56/7-A
2. Survey Plan of Survey No. 56/7 and 56/7-A
3. Cadastral Plan No. 384
4. Registo de Agrimensor (Book of Surveyor) of No. 384
5. Certified Copy of the Inventory Proceeding No. 9/1984 held in the Court of the Civil Judge Senior Division at Mapusa, Goa.
6. Certified Copy of the Inventory Proceeding No. 435/2015/F held in the Court of the Civil Judge Senior Division at Mapusa, Goa.
7. Certified Copy of the order dated 7/12/2016 passed by the Court of the Civil Judge Senior Division at Mapusa, Goa in Port. C.M.A. No. 213/2016/C
8. Deed of Sale dated 16/2/2017 and registered in the Office of the Sub-Registrar of Bardez at Mapusa under Book-1 Document



Registration Number BRZ-BK1-00637-2017 CD Number BRZD785
on Date 06-03-2017

OPINION ON TITLE

The flow of title as established above clearly shows that the property "BADEM" or "BAXA VEXAM" bearing Survey No. 56/7 of village Assagao originally belonged to Jose Antonio de Souza who was married to Maria Micael D'Souza. That upon the death of Jose Antonio de Souza and Maria Micael D'Souza, their son John Paul D'Souza married to Flora D'Souza inherited the same. Thereafter, the said John Paul D'Souza married to Flora D'Souza sold the southern part of the said property, which part admeasures 2,385 sq. mtrs. to Mrs. Ashalata Raghuvir Govenkar alias Ashalata Govekar alias Ashalata Raghuvir Govekar alias Ashalata Roghuvir Govenkar who was married to Mr. Raghuvir Govekar alias Raghuvir Govenkar alias Raghuvir D. Govenkar alias Raghuvir Dharma Govekar alias Roghuvir Govenkar alias Raghuvir Dharma Govenkar. That upon the death of Mr. Raghuvir Govekar, an Inventory Proceeding was initiated whereby the said portion admeasuring 2,385 sq., mtrs. was allotted to his widow and moiety holder and to his heirs. The said widow and moiety holder and heirs of Mr. Raghuvir Govekar subsequently transferred their right, interest and title in the said property in favour of M/S SONESTA INNS PVT. LTD. vide Deed of Sale dated 16/2/2017.



The Form I and XIV of the said property still bears the name of Ashalata Raghuvir Govekar. Therefore, subject to M/S SONESTA INNS. PVT. LTD. entering their name in the Occupant's Column of the Form I and XIV of the property bearing Survey No. 56/7-A of Village Assagao, I am of the opinion that the said M/S SONESTA INNS. PVT. LTD. is the absolute owner of the property bearing Survey No. 56/7-A of village Assagao and it has a clear and marketable title to the same.




Adv. Gustavo Monteiro