



# SUNNY S. KALANGUTKAR & ASSOCIATES

B.G.L, L.L.B. (Hons), L.L.M

## ADVOCATES

Date:17.05.2023

### TITLE SEARCH REPORT & LEGAL SCRUTINY REPORT

This title search report and Legal Scrutiny report pertains to property bearing survey No. 119, Sub Div No. 3, situated at Parra, Bardez Goa, totally admeasuring an area of 4550 sq. mtrs. Within the jurisdiction of Village Panchayat jurisdiction of Parra, Taluka and Registration Sub-District of Bardez, District of North Goa, State of Goa, described in the schedule mentioned hereinbelow. That for the sake of brevity the said property, mentioned herein above, shall hereafter be referred to as "said property".

That the present title search report and legal scrutiny report is prepared upon instruction of my client AMT Ventures Holdings, A Partnership firm through its Partner, Mr.Tarun Agarwal, having office at 1<sup>st</sup> floor,

**Sunny S. Kalangutkar**  
B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507



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B.G.L., L.L.B. (Hons), L.L.M


### ADVOCATES

40/1A, Basappa Complex, Lavelle Road, Bengaluru (Bangalore), Urban, Karnataka, 560001, for preparing the title search report and legal scrutiny report, of the property which is herein below described, wherein I, Sunny S. Kalangutkar, Advocate having office at Saldhana Court Hsg Co-op Society, A block, 1<sup>st</sup> floor, near North Goa Zonal Agricultural Office, Shetyewada, Mapusa, Bardez Goa, have been engaged by my client AMT Ventures Holdings, A Partnership firm through its Partner, Mr.Tarun Agarwal and I accordingly do hereby submit my report as under:-

#### SCHEDULE-II

##### Details of Immovable Property

1	Details of said Property	All the property known as "SHHRI BHAT" also known as "SIRIBATY" also known as "MARGALI", bearing survey No.
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**Sunny S. Kalangutkar**  
B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

Email: advsunny.sk@gmail.com  
Mob.: 9890804072




## SUNNY S. KALANGUTKAR & ASSOCIATES

B.G.L., L.L.B. (Hons), L.L.M

### ADVOCATES

		119, Sub Div No. 3, situated at Parra, Bardez Goa, totally admeasuring an area of 4550 sq. mtrs. Within the jurisdiction of Village Panchayat jurisdiction of Parra, Taluka and Registration Sub-District of Bardez, District of North Goa, State of Goa. The said Property is described in the land Registration Office under No.1496 in the Book B-fourth new and not found enrolled in the Taluka Revenue Office
2	Boundaries	EAST: By property under survey no. 119/4 WEST: By property under survey no. 119/1,2

  
**Sunny S. Kalangutkar**  
B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

Email: advsunny.sk@gmail.com  
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		NORTH: By property under survey no.121/21, 22, 23, 24 and 25.  SOUTH: By property under survey no.118/4
3	Nature/Type of Land	Residential cum Commercial

❖ Description of documents scrutinized and verified

### LIST OF DOCUMENTS INSPECTED WHILE PREPARING THE PRESENT TITLE SEARCH REPORT (all Photo Copy Set):

1. Deed Of Gift on 19/03/1918
2. Will dated on 19/12/1959
3. Deed Of Succession On 01/06/2001
4. Form I&XIV Dated On 05/01/2005 Taluka-Bardez, Village-Parra, Field- Shiriri Bhat, Survey No. 119/3, Area 5050 Sq. Mts.
5. Deed Of Gift Dated On 24-11-2006

  
**Sunny S. Kalangutkar**  
B.G.L., LL.B. (Hons), LL.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

Email: advsunny.sk@gmail.com  
Mob.: 9890804072



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B.G.L., L.L.B. (Hons), L.L.M

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6. Notarized copy of Translation of Deed of Gift 19/03/1918
7. Form I&XIV Dated On 05-04-2014 At Bardez Taluka, Village- Parra, Field- Shiriri Bhat Survey No.-119/3-A area 200 Sq. Mts.
8. Form I&XIV Dated On 05-04-2014 At Bardez Taluka, Village- Parra, Field- Shiriri Bhat Survey No.-119/3-B area 300 Sq. Mts.
9. Will Dated On 28-05-2015
10. Form I&XIV Dated On 29-05-2015 At Bardez Taluka, Village- Parra, Field- Shiriri Bhat Survey No.-119/3, area 4550 Sq. Mts.
11. Memorandum Of Understanding Dated On 18-08-2017
12. Survey Plan From Directorate Of Settlement And Land Records -Panaji Goa Dated 16-02-2018 At Bardez Taluka, Village- Parra, Field- Shiriri Bhat, Survey No.-119/3
13. Survey Plan Dated On 07/05/2019 Survey No. 119/3 Applied By Claudio Micheal D'Souza, 4550 Sq. Mts.
14. Conversion Sanad dated 26th July 2019
15. Joint Development Agreement Executed At 10/02/2021

  
**Sunny S. Kalangutkar**  
B.G.L., LL.B. (Hons), LL.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

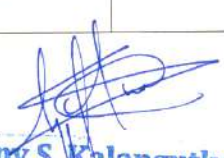


**SUNNY S. KALANGUTKAR & ASSOCIATES**  
B.G.L, L.L.B. (Hons), L.L.M  
**ADVOCATES**

16. General Power Of Attorney On 10/02/2021
17. Memorandum of Understanding dated on 13/10/2021
18. Memorandum of Understanding dated on 13/10/2021
19. Auto de Demarcacao (Portuguese as well as Translated)
20. Old Cadastral Plan along with Index
21. Form III and Form IX issued on 16th November, 2021,

❖ Details of searches and investigation and findings, after scrutiny of the documents as mentioned in the schedule II, are given as below:

1	Whether property is freehold or leasehold	Freehold
2	How the present landowner acquired the title over the property? Whether by Purchase/ Gift/ Partition /Release/Will/Inheritance/Allotment	Chain of events summarized herein below. Through Inheritance, Gift Deed, testamentary disposition

  
**Sunny S. Kalangutkar**  
B.G.L, L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

Email: [advsunny.sk@gmail.com](mailto:advsunny.sk@gmail.com)  
Mob.: 9890804072



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B.G.L., L.L.B. (Hons), L.L.M

### ADVOCATES

3	Whether all the previous deeds and link documents till in the name of present landowner is available? If not available then what is the effect?	Yes, all the previous deeds and link documents till in the name of present landowners is available
4	Whether previous seller has transferred clear, legal, marketable and free from all encumbrances title in favor of present land Owner?	Yes
5	Whether minors interest is involved in the property? If yes, precautions to be taken	N.A
6	Have you checked the relevant records viz survey records old as well new survey records? Whether any defect or adverse entry found	No, adverse entry found over the said property.

  
**Sunny S. Kalangutkar**  
B.G.L., LL.B. (Hons), LL.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

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B.G.L., L.L.B. (Hons), L.L.M

### ADVOCATES

	which affect the title of the present Land Owners?	
7	Have you verified all the current and previous deeds, chain documents, revenue records, Old Portuguese documents, atleast for minimum 30 years period? (PI mentioned specifically). Whether any defects found which affect the title of the present Owners? Whether same is found correct and title from person to 19 <sup>th</sup> person have been legally transferred till present Owners?	Yes, same is found correct and title from person to person has been legally transferred till present Owners.
8	Whether you have verified the contents of the title deed? Whether any defects is found in the same?	The said property will be free from any other defect.

  
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B.G.L., L.L.B. (Hons), L.L.M

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9	Are the chain of title deeds are Complete and genuine?	Yes
10	Whether title deed contains any restrictive clause in respect of free transfer	No
11	Whether any acquisition proceedings is in progress in the area? Whether the same will affect the mortgage or transfer of title of units in favor of prospective buyers	No
12	Whether the property is mutated in the name of present Land Owners/transferor and where?	Yes, present land Owners name are mentioned in the Revenue Records, in form I & XIV of the property, that is of Claudio Michael D'Souza alias Claudio

  
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Off. Mapusa, Bardez, GOA - 403507

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ADVOCATES

B.G.L, L.L.B. (Hons), L.L.M

		Minguelinhe De Souza and Anthony D.J.D'souza.
13	Have the provisions of the Indian Registration Act and the Indian Stamps Act been complied with?	Yes
14	Whether all the legal requirements/ Permissions under various acts/Laws Viz, Local laws, like the town and country planning department, under Panchayat Raj Act, etc in order to develop the aforesaid project have been completed and complied?	Yes, the property has been converted for development of residential project and necessary sanad to that effect has been obtained from the concerned authority.
15	Whether property belongs to HUF? If yes, then whether major Co-Parceners have no Objections/Join	No

  
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B.G.L, L.L.B. (Hons), L.L.M  
**ADVOCATES**

	in execution, Minor's share if any, right of female members etc.	
16	Whether the property belongs to schedule Caste/Schedule tribe community?	No
17	Brief history of the properties and how the present Owner has derived the title. Is the chain of the title for the last 30 years complete? Also mentioned the name of the Vendor/s who was in possession of the land for all this while of 30 years or beyond and also the names of the subsequent persons.	So here is the trace out in brief the devolution of title during the last 30 years of beyond and its market ability or otherwise in a narrative form.

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- While Inspection on the basis of documents produced (Photo Copy Set) by the party and peruse by us, we found that the said property originally belonged to Pasquina Arcangelo De Souza, subsequently by virtue of Deed Of Gift Dated On 19/03/1918, the said Pasquina Arcangelo De Souza gifted the said Property to her Niece Eufemia Da Silva, the said property then known as "SIRIBITY" also known as "MARGALI" described in the same land Registration office under number one thousand four hundred and ninety six, in the Book B- Fourth new. By virtue of said deed of Gift, Eufemia Da Silva, became the sole and absolute owner of the said property.
  
- That the said Eufemia Da Silva, by virtue of Will dated on 19/12/1959, bequeathed her entire share in favor of her two sons Antonio Simao D'souza and Claudio D'Souza in equal shares all her shares which she can freely dispose.

  
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B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

Email: advsunny.sk@gmail.com  
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**ADVOCATES**

➤ That upon death of Antonio Simao D'souza, inheritance was opened, by way of deed of succession dated 01/06/2001, leaving behind his half sharer/moiety holder Smt. Gemerosa D'Souza and his following childrens

- a) Mrs. Euzebia D'Souza,
- b) Mr. Francis Xavier D'Souza,
- c) Mrs. Gilhermine Philomeena D'Souza,
- d) Mr. Gerald D'Souza

They being the whole and sole universal heirs and successors of their deceased father Antonio Simao D'souza, by virtue of the said deed of succession, they inherited half right in the property along with the other half owner Claudio D'Souza.

➤ It is ascertain that pursuant to Deed of Sale dated 20th August, 2003, registered under serial number 535, at pages 250 to 264, Book 7, Volume 1223, registered on 25th February, 2005,

  
**Sunny S. Kalangutkar**  
B.G.L, L.L.B. (Hons), LL.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507



## **SUNNY S. KALANGUTKAR & ASSOCIATES**

B.G.L., L.L.B. (Hons), L.L.M


### **ADVOCATES**

executed by following Legal heirs of Late Anthony Simon  
Dsouza Alias Antonio Simao D'Souza

1. Mrs. Generosa D'Souza w/o late Shri Antonio Simao  
D'Souza
2. Mrs. Euzebia D'Souza d/o Late Shri Antonio Simao  
D'Souza
3. Mr. Agnelo D'Souza
4. Mr. Francis D'Souza
5. Mrs. Francisca D'Souza
6. Mr. Gerald D'Souza
7. Mrs. Suvina D'Souza
8. Mrs. Guilherme Menezes Rege
9. Mr. Sudhakar Rege

All above as co-vendors along with the other joint Vendors Mr.

Claudio Micheal D'Souza, and his wife Nila D'Souza,

  
**Sunny S. Kalangutkar**  
B.G.L., LL.B. (Hons), LL.M.  
**ADVOCATE**  
Off. Mapusa, Bardez, GOA - 403507

Email: advsunny.sk@gmail.com

Mob.: 9890804072



## SUNNY S. KALANGUTKAR & ASSOCIATES

B.G.L, L.L.B. (Hons), L.L.M

### ADVOCATES

#### IN FAVOR of

Purchasers :- Pradeep Ambaji Mirajkar and his wife Preeti Pradeep Mirajkar, a plot of land admeasuring 300 sq.mts, which was part and parcel of the said entire property, until partition of the plot with separate and distinct survey number, wherein Pradeep Ambaji Mirajkar and his wife Preeti Pradeep Mirajkar, are the absolute owners of the said plot, which is right in the middle of said property.

- It is ascertain that pursuant to Deed of Sale dated 20th August, 2003, registered under serial number ....., at pages ..... to ....., Book ....., Volume ....., registered on .....th ....., ....., executed by following Legal heirs of Late Anthony Simon Dsouza Alias Antonio Simao D'Souza (Legible document not provided to see the necessary registration details of the Sale deed)

  
**Sunny S. Kalangutkar**  
E.G.L., M.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507



## SUNNY S. KALANGUTKAR & ASSOCIATES

B.G.L., L.L.B. (Hons), L.L.M


### ADVOCATES

1. Mrs. Generosa D'Souza w/o late Shri Antonio Simao D'Souza
2. Mrs. Euzebia D'Souza d/o Late Shri Antonio Simao D'Souza
3. Mr. Agnelo D'Souza
4. Mr. Francis D'Souza
5. Mr. Francisca D'Souza
6. Mr. Gerald D'Souza
7. Mrs. Suvina D'Souza
8. Mrs. Guilherme Menezes Rege
9. Mr. Sudhakar Rege

All above as co-vendors along with the other joint Vendors Mr.Claudio Micheal D'Souza, and his wife Nila D'Souza,

IN FAVOR of

Purchasers :- Bhanumati Ambaji Mirajkar and Manoj Ambaji Mirajkar, a plot of land admeasuring 200 sq.mts, along with a mundkarial house bearing no.701, which was part and parcel of the said entire property,

  
**Sunny S. Kalangutkar**  
E.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507






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B.G.L, L.L.B. (Hons), L.L.M  
**ADVOCATES**

until partition of the said plot with separate and distinct survey number, wherein Bhanumati Ambaji Mirajkar and Manoj Ambaji Mirajkar, are the absolute owners of the said plot, which is right in the middle of said property.

➤ It can be ascertain that pursuant to Deed Of Gift Dated On 24-11-2006, registered under serial number 5948, at pages 227 to 244, book number 2, volume no.1895, registered dated 28th November, 2006, signed by legal heir Mr. Francis D'Souza for self and as attorney of following Legal heirs of Late Anthony Simon D'souza Alias Antonio Simao D'Souza :-

1. Mrs. Generosa D'Souza w/o late Shri Antonio Simao D'Souza
2. Mrs. Euzebia D'Souza d/o Late Shri Antonio Simao D'Souza
3. Mr. Agnelo D'Souza
4. Mrs. Francisca D'Souza
5. Mr. Gerald D'Souza

  
**Sunny S. Kalangutkar**  
B.G.L, L.L.B. (Hons), L.L.M.  
ADVOCATE  
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B.G.L., L.L.B. (Hons), L.L.M


### ADVOCATES

6. Mrs. Suvina D'Souza
7. Mrs. Guilherme Menezes Rege
8. Mr. Sudhakar Rege

Wherein transfer their half ownership undivided right in the said property in favor of Mr. Claudio Micheal D'Souza and accordingly the said Mr. Claudio Micheal D'Souza married to Nila D'Souza, both became the absolute owners of the said property.

- By virtue of will dated 20th May, 2015, Testatrix Mrs. Nila Dsouza daughter of late John Fernandes and wife of Mr. Claudio Micheal D'Souza, out of her three children bequeath her said property to her elder son Mr. Anthony D'souza.

**Observation:-** Subsequently to the said will, upon a death of Mrs. Nila Dsouza, supposedly her elder son Anthony Dousa and his wife Mrs. June Margaret D souza, who claim to be the Owners with respect to the undivided share of his mother wherein as per law, there should have

  
**Sunny S. Kalangutkar**  
B.G.L., LL.B. (Hons), LL.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507




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**ADVOCATES**

B.G.L., L.L.B. (Hons), L.L.M

been opening of inheritance upon death of estate leaver Nila D'Souza, which apparently has not been done and on this count alone there appears a loop hole in the flow of title.

- Upon perusing Memorandum of Understanding Dated On 18-08-2017, BETWEEN: Mr.Claudio Michael D'Souza, and his son Mr.Anthony Dsouza, Mrs.June Margaret Dsouza (parties of first part) AND Latitude Homes and Developers Pvt Ltd. (parties of the second part); wherein both the Parties confirmed having formed into a joint venture for this agreement. This joint Venture Agreement shall carry on the business of developing housing cum Villas on the said property and dispose off the constructed units/ tenements therein. The Joint Ventures shall be terminated on completion of the sale.

  
**Sunny S. Kalangutkar**  
B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
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- Observation: though the Parties have signed the present MOU, it has no legal binding effect of whatsoever nature upon the Owners, in as much as the same has not been registered before the appropriate authority, which supposedly is the Sub-Registrar of Bardez and hence the same cannot be considered as the same has no legal sanctity.
- Upon perusing Joint Development Agreement dated 10/02/2021, BETWEEN: Mr.Claudio Michael D'Souza, and his son Mr.Anthony D'souza, Mrs.June Margaret Dsouza parties of first part) AND Latitude Homes and Developers Pvt Ltd. (parties of the second part); wherein both the Parties wants to associate with each other by way of Joint Development Agreement. The main motive of JDA is to carry out business row housing / Villa units on said property and dispose off the constructed units therein. The profit sharing

  
**Sunny S. Kalangutkar**  
E.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
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ratio between the First party and the Second party is 40% and 60% of the constructed premises i.e. the First party is eligible to get the constructed premises to the extent of 40% of the total built-up area and the rest 60% will be the share of the Second party. The Second party hereby agrees to complete the entire project within the period of 33 months from the date of receiving the Plan Sanction with maximum 6 months grace period. It is important for the First Party for the project been completed within maximum period of 39 months from the date of Sanction.

- Upon perusing Memorandum of Understanding dated on 13/10/2021, BETWEEN: Mrs. Bhanumati Ambaji Mirajkar, Mr. Manoj Ambaji Mirajkar, Mrs. Manasi Manoj Mirajkar AND M/S LATITUDE HOMES AND DEVELOPERS PVT. LTD, Whereas the party of the second part i.e. M/S

  
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LATITUDE HOMES AND DEVELOPERS PVT. LTD, claiming to have plot bearing survey no.119/3 admeasuring 4500sq. mtrs adjacent to plot of the First party i.e Mrs. Bhanumati Ambaji Mirajkar, Mr. Ambaji Mirajkar, Mrs. Manasi Manoj Mirajkar who are in process of finalizing a plot admeasuring 200sq mtrs as this plot falls in the middle of the Property Developed by Second Party, The said Party is willing to construct a villa for the party of the First Part where the entire cost will be borne by the party of the Second Part. Wherein both the parties have agreed to build a villa for the first party and in lieu of it the party of the first part shall give the plot of land admeasuring 200 sq. mtrs to the party of the Second Part.

- Upon perusing Memorandum of Understanding dated on 13/10/2021, Between: Mr. Pradeep Ambaji Mirajkar, Mrs.

  
**Sunny S. Kalangutkar**  
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Preeti Pradeep mirajkar AND M/S Latitude Homes and Developers Pvt. Ltd, Both the parties have agreed: That The M/S Latitude Homes and Developers Pvt. Ltd Will Construct A Villa For The Party Of The First Part ie Mr. Pradeep Ambaji Mirajkar, Mrs. Preeti Pradeep Mirajkar For Free Of Cost Wherein The First Party Will Give The Second Party Plot Admeasuring 300sq. Mts And After Building The Villa Necessary Sale Deed Will Be Done In Favour Of The Second Part Of The Plot After Construction Of The Said Villa By Party Of The First Part.

- Perused Form I&XIV dated 05/01/2005, Survey No. 119/3, Area 5050 Meters, Taluka-Bardez, Village- Parra, Field- Shiriri Bhat, wherein name of original owner Pasquina Antonio Silva, was figuring;

  
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ADVOCATE  
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- Perused Form I&XIV (as per latest updated info), Survey No.- 119/3, area 4550 Sq.mts, at Bardez Taluka, Village- Parra, Field-Shiriri Bhat, after partition of two small plots the area of entire property has been reduced to 4550 Sq.mts, and the names of the current owners are figuring in the occupants column namely Claudio Michael D'Souza alias Claudio Minguelinhe De Souza and one of his Son Anthony D. J. D'Souza;
- Observation: Perused Form I&XIV, (as per latest updated info) Survey No.- 119/3-A, 200 sq.mts, At Bardez Taluka, Village- Parra, Field- Shiriri Bhat, names of plot owners Bhanumati Ambaji Mirajkar and Manoj Ambaji Mirajkar, are figuring;
- Perused Form I&XIV, (as per latest updated info) area 300sq.mts, at Bardez Taluka, Village- Parra, Field- Shiriri Bhat,

  
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B.G.L., L.L.B. (Hons), L.L.M.  
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Survey No.-119/3-B, names of plot owners Pradeep Ambaji Mirajkar and Preeti Pradeep Mirajkar, are figuring:

- Survey Plan From Directorate Of Settlement And Land Records -Panaji Goa Dated 16-02-2018 At Bardez Taluka, Village- Parra, Field- Shiriri Bhat, Survey No.-119/3, structure can identified in the middle of the plot, which is supposedly bought in two separate portions by Bhanumati Ambaji Mirajkar and Manoj Ambaji Mirajkar and Pradeep Ambaji Mirajkar and Preeti Pradeep Mirajkar;
- Perused Conversion Sanad dated 26<sup>th</sup> July 2019, area proposed for conversion 4550 Sq.mts, for Survey no.119 Sub Division 3;
- Perused Auto de Demarcacao (Portuguese as well as Translated), the name of Eufemia Da Silva, wife of Caetano Francisca De Souza, can be noticed figuring.

  
**Sunny S. Kalangutkar**  
B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507



## SUNNY S. KALANGUTKAR & ASSOCIATES

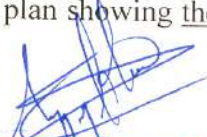
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- Observation: - the earlier observation which was raised which is as follows “That the Deed of Gift dated 19th March 1918 referred herein above, mentions Eufemia Da Silva, as the niece of Pasquina Arcangelo De Souza, however the translation copy furnished of Auto De Demarcacao, shows Eufemia Da Silva as daughter of Pasquina Arcangelo De Souza. This needs to be clarified and taken care of by the Owners.”

The said observation have been cleared by furnishing notarized copy of translation of gift deed dated 19th March 1918 by Adv.Bruno Nazareth vide registration no. 2178/07, dated 18/07/2007, wherein the said discrepancy have been cleared.

- Perused Old Cadastral Plan along with Index, it can be ascertained that the Old Cadastral plan is not tallying with the new plan as old cadastral plan showing the area of the property

  
**Sunny S. Kalangutkar**  
B.G.L, L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507

Email: [advunny.sk@gmail.com](mailto:advunny.sk@gmail.com)  
Mob.: 9890804072



**SUNNY S. KALANGUTKAR & ASSOCIATES**  
B.G.L., L.L.B. (Hons), L.L.M  
**ADVOCATES**

as 5300 Sq.mts, however new survey shows the area of the said entire property before partition as 5050 Sq.mts.

CONCLUSION:-Accordingly is the above noted observations are justified then the chain of the title is complete at times, legally passed from person to person, the title is complete to the extent, the same can be conveyed/transferred to the developer for development project and if loan is availed from any bank, it will be able to create equitable mortgage of the said land/ plot of land in favor of Bank, by verifying original title documents of the said property, only then the said property is free for development of residential project.

**Sunny S. Kalangutkar**  
B.G.L., L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507



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B.G.L, L.L.B. (Hons), L.L.M

**ADVOCATES**

**CERTIFICATE OF TITLE**

In view of the above and upon our due diligence analyses on the Title search and legal scrutiny of title documents, We hereby certify that the title of the said property mentioned hereinabove is clear and marketable, with respect to flow of title of documents, as the persons claiming to be the Owners have satisfied some of the major observations raised by us in the earlier Title search and legal scrutiny report and hence the present Title search and legal scrutiny report.

Note: Any prospective Investors/financial institutions to kindly verify the original title documents before signing any instrument of conveyance.

  
**Sunny S. Kalangutkar**  
B.G.L, L.L.B. (Hons), L.L.M.  
ADVOCATE  
Off. Mapusa, Bardez, GOA - 403507