



Nelson Soares

ADVOCATE & NOTARY

TISK, PONDA - GOA 403 401

Ph. Office / Res.: 0832-2312536 Mobile: 9822982277

Ref.

Date :

To.

M/s Akash Builders,

Prop. Mr. Ricardo Dias.

Khandepar Ponda Goa.

Date: 16.03.2018.

Legal Opinion in respect of the Plot No. 174, under survey No. 249.1 [part] and Plot Nos. 175 and 176 under survey No. 249/7 both of Village Usgao of Ponda Taluka.

Sir,

M/s Akash Builders through its Prop. Mr. Ricardo Dias resident of Khandepar Ponda Goa has placed into my hands the file regarding the ownership of the above documents and requested me to give my opinion regarding its marketability and I Mr. Nelson Soares advocate and Notary with Office at Ponda having perused the said documents hereby give my opinion as under:

Documents perused:

1. Deed of Sale dt. 21.05.2001.
2. Deed of Sale cum Mortgage dt. 13.08.1976.
3. Deed of Release dt. 15.01.2004.
4. Deed of sale dt. 12.12.1976.
5. Will Deed dt. 02.08.1994.
6. Deed of sale dt. 12.07.1976

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7. Agreement dt. 06.01.2001
 8. Judgment in Inventory Proceeding dt. 07.03.2007.
 9. Construction Licence No. 2001-2002 dt. 30.11.2001.
 10. Occupancy certificate dt. 28.08.2004.
 11. Agreement of Possession dt. 06.09.2008.
 12. Deed of Rectification dt. 18.05.2017.
 13. Form 1 and 14 u/n 249/1 and 249/7 of Village Usgao.
 14. N.A. Sanad.
 15. N.E.C.
 16. Power of Attorney dt. 30.06.2017.

Having perused the above documents the undersigned submit as under:

1. Regarding document No. 1:

This is a deed of sale dt. 21st day of May 2001 duly registered before the Sub Registrar Office of Ponda under register No. 948 at pages 23 o 30 of book No. 1, volume 557 dt. 31.8.2001 by which deed M/s AKASH BUILDERS, a Proprietorship concerned represented by its proprietor Mr. RICARDO DIAS purchased from the previous owner Mrs. Lucia Ursula Cardozo alias Lucy Cardozo, widow of two Plots No. 175 of an area of 379.75 sq. meters and plot No. 176 of an area of 378.75 sq. meters of the property known as TISK situated at Tisk Usgao within the area and jurisdiction of the Gram Panchayat of Usgao Ganjem of the Taluka and Sub District of Ponda of the of the North Goa District of the State of Goa and which property as a whole is not registered in the Land Registration Office of Ilhas but is enrolled in the Matriz records under Nos. 88 and 89 and which originally formed part of the survey No. 249 and latter on under No. 249/1 of Village Usgao and which plots now forming a separate and distinct entities is bounded as under:

Plot No. 175 is bounded as under:



East - with the public road Usgao to Belgaum.

West - with the plot No. 176,

North - with the plot no. 178,

South - with the plot No. 174.

Plot No. 176 is bounded as under:

East - with the plot No. 175.

West - with the reserved road of the Comunidade of Usgao,

North - with the plot no. 177 and

South - with the plot o. 173.

2. Regarding document No.2:

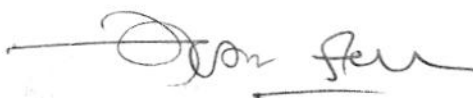
That the above two plots originally belonged to the Comunidade of Usgao who by a deed sale cum Mortgage dt. 13.8.1976 duly registered before the Sub Registrar Office of Ponda under register No. 75 at pages 375 to 378 of Book No. I volume 38 dt. 19.2.1977 sold the same to one Prabhakar K. S. Usgaonkar who became the sole and exclusive owner of the said two plots.

3. Regarding document No. 3:

This is a Deed of Release dt. 15th day of January 2004 duly registered before the Sub Registrar Office of Ponda under register No. 453 at pages 78 to 83 of Book No. I volume 734 dt. 5.1.2004 by which deed the Special attorney of the Comunidade of Usgao Shri Monohar S. Usgaocar released and cancelled the Mortgage which was subsisting and hence the said two plots became free from the said Mortgage.

4. Regarding document No. 4:

This is a deed of sale dt. 12th day of December 1976 duly registered before the Sub Registrar Office of Ponda under register No. 78 at pages 382 to 385 of book No. 1 Volume 39 dt. 22.2.1977 Mr. Prabhakar K. S. Usgaonkar along with his wife sold the said



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plots to Fr. Caetano Piedade Santana Cardozo who became the sole and exclusive owner of the said two plots.

5. Regarding document No. 5:

Fr. Caetano P. S. Cardozo by This is a Will Deed dt. 2nd day of August 1994 executed before the Notary Ex officio of Salcete under Book of wills No. 28 at folios 385 onwards bequeathed the said two plots to his sister in law the said Mrs. Lucia Ursula Cardozo @ Lucy Cardozo who at the relevant time was a widow who became the sole and exclusive owner of the said plots who in turn sold the said two plots to M/s AKASH BUILDERS, a Proprietorship concerned represented by its proprietor Mr. RICARDO DIAS by the above mentioned deed dt. 21st day of May 2001.

6. Regarding document No. 6:

This is a Deed of Sale dt. 12th day of July 1976 duly registered before the Sub Registrar Office of Ponda under register No. 346 at pages 395 to 401 of book No. 1 volume 36 dt. 19.11.1976 by which deed the Comunidade of Usgao sold to one Mr. Janqui Raghurai @ Raghuvir Porobo and wife the plot bearing No. 174 of an area of 379.75 sq. meters situated at Village Usgao of the property known as TISK within the area and jurisdiction of Gram Panchayat of Usgao Ganjem of the Taluka and Sub District of Ponda of the North Goa District of the State of Goa and which property is not registered in the Land Registration Office of Ilhas but is enrolled in the Matriz records under Nos. 88 and 89 and forms part of the survey No. 249 now 249/1 of Village Usgao and which plot now forming a separate and distinct entity is bounded as under:

East - with the road Usgao Belgaum,

West - with the plot No. 173,

North - with the plot No. 175,

South - with the plot no. 171.

Who thus became the sole and exclusive owners of the said plot.



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7. Regarding document No. 7 :

This is an agreement of sale dt. 6th day of January 2001 duly registered before the Notary Public Shri. Nelson Soares under register No. 18747 by which Mrs. Janqui Raghurai Porbo widow of Raghurai Porobo and her children agreed to sell the said plot to M/s Akash Builders through its proprietor Mr. Ricardo Dias [Builder] and in lieu thereof and towards the price of the said plot the Owners had demanded from the Builder a flat and a shop as mentioned in the said agreement and had authorized the Builder to sell and dispose of the other flats, shops, garages etc. to third parties of the choice of the Builder and for this purpose have also the Vendors have executed a power of attorney duly registered before the Notary Public Shri. Nelson Soares under register No. 18748 dt. 22.1.2001.

8. Regarding document No. 8:

This is an Inventory Proceedings instituted by Mrs. Janqui Raghurai Porobo instituted in the Civil Court of Ponda on the death of her husband Mr, Raghurai Shankar Porobo @ Prabhu which was registered under Inventory File No 1/2007/A and having the said proceeding continued its legal course it is seen that the only asset which was described in the said Proceedings is the plot no. 174 purchased by the deceased which was allotted half to his widow and 1/8th each to his four children and which allotment was finalized by the order and judgment of the said Court dt. 7.3.2007 without any appeal.

9. Regarding document No. 9 and 10:

M/s Akash Builder through its Prop. Mr. Ricardo Dias having purchased the two plots 175 and 176 and having taken possession of the plot no. 174 applied for construction Licence from the office of the Village Panchayat Usgao Ganjem who granted the same vide Licence No. 2001-2002 dt. 30.11.2001 which Licence was renewed from time to time and having completed the same obtained part Occupancy from the said Office vide Occupancy dt. 28.8.2004.



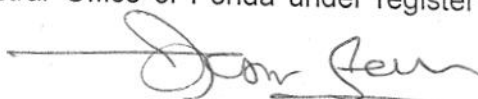
10. Regarding document No. 11:

This is an agreement of possession dt. 6th day of September 2008 duly registered before the Notary Public Shri. Nelson Soares under register No.14599 by which Agreement the Builder handed over the possession of the one flat being flat S-1 of an area of 90 sq. meters situated on the second floor and one shop F-1 of an area of 22.67 sq. meters situated on the first floor of the said building to the Owners Mrs. Janqui R. Porobo and her children towards the price of the said plot as agreed in the agreement dt. 6.9.2001 and accordingly the Vendor No. 2 stood fully paid towards the price of the said plot No. 174 of an area of 379.75 sq. meters.

11. Regarding document No. 12:

The Builder after the purchase of the Plots Nos. 175 and 176 as stated above got his name inserted in the column of Occupant of the said survey No. 249/1 of Village Usgao and wanted to get the said two plots a separate sub division when it was noticed from the survey plan that the said two plots were already separated by way of a separate sub division under No. 249/7 of Village Usgao in the name of the Comunidade of Usgao who were the original owners of the said plots which were sold by it to one Prabhakar K.S Usgaoncar who in turn sold the same to Fr. Caetano P.S. Cardozo who in turn bequeathed the same to his sister in law Mrs. Lucia Ursula Cardozo alias Lucy Cardozo from whom the Builder herein purchased the same as stated herein above and which separate survey number was not known to any of the above parties and hence no mention of it was done in any of the deeds mentioned herein above.

On perusing the new survey No. 249/7 of Village Usgao it was further noticed by the Builder that the new survey No. 249/7 showed the area of the said two plots as 775 sq. metres and whereas the deed of sale dt. 21st day of May 2001 by which the said two plots were purchased by the builder the area of the said two plots combined showed as 758.50 sq. metres i.e. the plot No. 175 as having an area of 379.50 sq. meters and the plot No. 176 as having an area of 378.75 sq. meters and hence it necessitated to rectify the said mistake and hence a Deed of Rectification was executed on 18th day of May 2017 duly executed before the Sub Registrar Office of Ponda under register No. 1066/17 at pages



288 to 307 of Book No. I volume 3423 dt. 2nd day of June 2017 by which the original deed of sale dt. 21.05.2001 was rectified to the effect that the said two plots were separately surveyed under No. 249/7 of Village Usgao with an area of 775 sq. metres and with the No objection from the Comunidade of Usgao the name of the Vendor No. 1 M/s Akash Builders was inserted as the sole Occupant in the column of Occupant of the said survey number.

12. Regarding document No. 13:

These are the extracts of the Form 1 and 14 one being under No. 249/1 of Village Usgao wherein the name of the previous owner Mrs. Janqui R. Porobo is found in the Occupants column and the in the survey no. 249/7 the name of Akash Builders is found entered as its sole occupant.

13. Regarding document No. 14:

N.A.Sanad is under process which got delayed due to the change in the survey numbers as stated above.

13. Regarding document No. 15:

The Builder has produced the Nil Encumbrance certificate from the Office of the Sub Registrar Ponda in respect of the three plots being plot Nos. 174, 175 and 176 stating that there are no encumbrances over the said plots from August 1976 up to April 2004. The Builder is further directed to produce the NEC from May 2004 up to date from the said Office.

14. Regarding document No. 16:

This is a power of attorney dt. 30th day of June 2017 duly registered before the Notary Public Shri Nelson Soares under Serial No. 266417 by which the the wife of Mr.



Ricardo Dias by name Mrs. Rupali Arkel has authorized her husband to deal with all the property matters being moveables and immovables including sell, dispose off, gift, mortgage and all court and government powers by which the Builder can sign on behalf of his wife in all the transactions hereafter.

From the above documents I am of the opinion that M/s Akash Builders through its proprietor Mr. Ricardo Dias [Builder] has good and marketable title to the said plots and the construction made therein except the ones which are already sold and has a right to sell the flats, shops, offices, garages etc. to third parties by virtue of the above documents perused and hence my opinion.

The Advocate/Notary



Mr. Nelson Soares

NELSON SOARES -

Advocate & Notary

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