

# Adv. B. P. Natekar

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Ref. No. BPN/240/2021-22

Date: 12/10/2021

To,

M/s Expanse Estates Pvt. Ltd.,  
606, Dempo Trade Centre,  
EDC Commercial Complex,  
Patto, Panaji Goa

Sub: Title Investigation Report / Legal Opinion of Immovable Property

Reg.: The Part and parcel of agricultural land known as "Rama Zoixeachem Bata" Or "Rama Zoixeachem Bhat" also known as "Rama Zoixeachi XIR" admeasuring 1275 sq. surveyed under Survey No. 239/12 of Village Socorro, Bardez Goa.

**I) PARTICULARS OF THE DOCUMENTS SCRUTINIZED  
SERIALLY AND CHRONOLOGICALLY:**

1. Photocopy of the Translated Deed of Sale, Discharges of the Price and Gift dated 11/06/1942 along with Portuguese Document.



2. Photocopy of the Translated Registration of Transmission G 37/5-  
Inscription No. 32311 and 323 12 along with Portuguese Document.
3. Photocopy of Translated Book of Land Descriptions along with  
Portuguese Document.
4. Photocopy of Instrument (Deed of Sale) dated 13/03/1975.
5. Photocopy of List of Assets filed in the Inventory Proceedings No.  
47/2009/A instituted before the Civil Judge Senior Division at Mapusa  
Goa.
6. Photocopy of Chart of Partition filed in the Inventory Proceedings No.  
47/2009/A instituted before the Civil Judge Senior Division at Mapusa  
Goa.
7. Photo Copy of an Order dated 17/10/2010 passed by the Civil Judge  
Senior Division at Mapusa Goa in the Inventory Proceedings No.  
47/2009/A.
8. Photocopy of Form No. I and XIV of Survey No. 239/12 of Village  
Socorro, Taluka Bardez Goa.
9. Photocopy of Survey Plan of of Survey No. 239/12 of Village Socorro,  
Taluka Bardez Goa.
10. Photocopy of (unregistered) Development Agreement Dated  
20/04/2006.
11. Photocopy of (unregistered) Deed of Rectification dated 30/06/2016
12. Photocopy of an Agreement of Allotment dated 30/12/2016.
13. Power of Attorney dated 30/04/2016 in favour of Mr. Shraju Kader  
alias Khadar.
14. Power of Attorney dated 07/06/2016 in favour of Mr. Shraju Kader  
alias Khadar.
15. Verification Report of Mr. Prazeres A. Gonsalves ( Surveyor)

## II) FLOW OF TITLE



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1. There exists Part and parcel of agricultural land known as "Rama Zoixeachem Bata" Or "Rama Zoixeachem Bhat" or Rama Zoixeachem XIR", consisting of 2 plots situated at Parish of Socorro, Taluka and Sub- District of Bardez, North Goa, District in the State of Goa, described in the Land Registration Office of Bardez under No. 9083 at folio 20 of B-24 New but is enrolled in the Taluka Revenue Office under Matriz Nos. 467, 521 and 54, hereinafter referred to as the "**Said Larger Property**".

Plot No. 1 Bounded as under:

On the East : By Cros of Zavedo,

On the West : By Hill of Comunidade of Serula,

On the North : By Property of one A. Fernandes ,

On the South : By property of the heirs of Vicent Pinto.

Plot No. 2 Bounded as under:

On the East: By Nalah of Rain Water,

On the West: By Property of one A. Fernandes ,

On the North: By property of Caeto Fransisco Henrique

On the South By property of Vicent Pinto.

2. It is seen that originally said larger property belonged to Vitorino Salvador de Sousa and Cosme Caetano Eusebio Ludgero Aleluia de Sousa and Neponcena Candida Esmeralda de Sousa (all unmarried).
3. Vide a Deed of Sale, Discharges of the Price and Gift dated 11/06/1942 executed between Vitorino Salvador de Sousa and Cosme Caetano Eusebio Ludgero Aleluia de Sousa and Neponcena Candida Esmeralda de Sousa ( all unmarried) as the 'Parties of the First Part' AND Mr. Domingos Faustino Filip De Sousa as the 'Party of the Second Part', which Deed was drawn up partly at Folio 28 reverse, folios 29 to 30 reverse and partly at folio 31 of Book No. 415 of the year 1942 of the



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then Notary Public Tabeliao G. Lobo of Bardez and the same has been presently preserved in the Directorate of Archive and Archaeology at Panaji under its Volume No. 165, whereby the parties of the first Part sold the Property known as Ramazoixeachi Xir, described in the Land Registration Office of Bardez under No. 9083 at folio 20 of B-24 New, consisting of two plots in favour of the party of the second part for consideration price paid therein.

4. It appears that the said Purchaser Mr. Domingos Faustino Filip De Sousa expired leaving behind only his widow as sole and universal successor.
5. Vide an Instrument ( Deed of Sale) dated 14/03/1975, executed between Mrs. Palqueria Palmira D'souza ( widow of Domingos Faustino Filip De Sousa) as the Seller AND Mrs. Albina Conceicao Bostas Nazare Godinho as the Purchaser, which deed registered before the Sub registrar of Bardez at Mapusa (details not legible), whereby the Seller sold, conveyed and transferred in favour of the purchaser, the Property known as 'Ramazoixeachi Xir', described in the land Registration Office of Bardez under No. 9083 at folio 20 of B-24 New consisting of two plots. In the aforesaid Deed / Instrument survey No. is not mentioned.
6. Said Mrs. Albina Conceicao Bostas Nazare Godinho being person of Goan origin, governed under the law of Communion of Assets, as in force in the State of Goa, her husband Mr. Sebastiao Luis Gudhino became joint owner of the said property.
7. Said Sebastiao Luis Gudhino expired without a Will, gift or any other disposition of his last wishes leaving behind his widow as moiety holder cum half sharer and 4 children as universal heirs to inherit his estate/ Assets.





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8. Upon the death of said Sebastiao Luis Guinho, an Inventory Proceedings No. 47/2009/A before the Civil Judge Senior Division at Mapusa Goa was instituted by Mrs. Albina Concecao Bostas Nazare Godinho to partition and allot the assets left behind by the said deceased among his legal heirs. In the said Inventory Proceedings, the property identified by name 'Rama Zoixeachem Bhat' surveyed under Survey No. 239/12 of village Socorro was listed at Item No. II in the list of assets, herein after referred to as the 'Said Property'.
9. In the Chart of allotment, said Item No. II was allotted to Mr. Elvis Simoes and his wife Mrs. Maria Antonio Gudioho Simoes. However, it is also seen that in the said Chart of allotment, usufructuary undivided rights with respect to Item No. II, is kept reserved for Mrs. Albina Concecao Bostas Nazare Gudioho during her life time.
10. It is informed to me that said Mrs. Maria Antonio Gudioho Simoes expired after conclusion of the aforesaid Inventory Proceedings. Hence usufructuary undivided rights with respect to Item No. II, kept reserved for her got extinguished and Mr. Elvis Simoes and his wife Mrs. Maria Antonio Gudioho Simoes became the absolute owners of the said property.
11. Vide an Order dated 17/04/2010 passed by the Civil Judge Senior Division, A Court at Mapusa Goa in Inventory Proceedings No. 47/2009/A, aforesaid chart of allotment has been confirmed.
12. It is seen that based on the aforesaid order dated 17/04/2010, said Mr. Elvis Simoes and his wife Mrs. Maria Antonio Gudioho Simoes carried out Mutation and recorded their name in the Records of rights i.e. Form No. I and XIV of survey No. 239/12 of village Socorro in the Occupants column under mutation entry No. 36861.
13. Vide (unregistered) Development Agreement dated 30/04/2016 executed between Mr. Elvis Simoes as the 'Vendor/ Owner' AND M/S. Expanse Estates Pvt. Ltd., a Company incorporated under the Companies Act,



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1956, represented through its Director Mr. Shraju Kader alias Khadar, as the 'Developer', which Agreement was attested before Notary Public Adv. Shridhar Tamba at Panaji under registration No. 45212 dated 30/04/2016., whereby the Owner of the Property agreed to entrusted the Developer to develop said Property for construction of residential Villas, Apartments, Buildings on the said property and the Developer agreed for the same. it is further agreed between the parties that 250 sq. mts. saleable built-up area will be reserved/ given to the Owner/ Vendor and the balance saleable built-up area will be available to the Developer for free sale to the prospective Purchasers.

14. It is seen that subsequently aforesaid parties realised that the wife of Mr. Elvis Simoes was not made party to the Development Agreement dated 30/04/2016. Accordingly the parties decided to rectify aforesaid Development Agreement.
15. Vide a (unregistered) Deed of Ratification dated 07/06/2016, executed between Mr. Elvis Simoes and his wife Mrs. Maria Antonio Gudio Simoes as the 'Vendors' AND M/S. Expanse Estates Pvt. Ltd., a Company incorporated under the Companies Act, 1956, represented through its Director Mr. Shraju Kader alias Khadar as the Devekloper, which was attested before the Notary Public Adv. Shridhar Tamba at Panaji under registration No. 45304 dated 07/06/2016., whereby with the consent and confirmation of all the parties said Mrs. Maria Antonio Gudio Simoes has been added as the Vendor and she ratified and confirmed Principal Development Agreement dated 30/04/2016.
16. Vide a Power of Attorney dated 30/04/2016, executed by Mr. Elvis Simoes appointing Mr. Shraju Kader alias Khadar as Attorney authorising the Attorney to act for and on behalf of the executant to represent the executant for the acts mentioned in instrument, which is attested before the Notary Public Adv. Shridhar Tamba at Panaji under registration No. 45213 dated 30/04/2016.



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17. Vide a Power of Attorney dated 07/06/2016, executed by Mrs. Maria Antonio Gudioh Simoes appointing Mr. Shraju Kader alias Khadar as Attorney authorising the Attorney to act for and on behalf of the executant to represent the executant for the acts mentioned in instrument, which is attested before the Notary Public Adv. Shridhar Tamba at Panaji under registration No. 45303 dated 07/06/2016.
18. Vide ( unregistered) Agreement of Allotment dated 30/12/2016, (in pursuance to Development Agreement dated 30/04/2016 and Deed of Ratification dated 07/06/2016) executed between M/S. Expanse Estates Pvt. Ltd. as the Allotter AND Mr. Elvis Simoes and his wife Mrs. Maria Antonio Gudioh Simoes as the Allottee, which is attested before the Notary Public Adv. Shashikant Nabar at Panaji under registration No. 14 dated 03/01/2017, whereby the Allotter agreed to Allot Apartment Nos. 101 and 102 on the first floor of the upcoming Building known as 'Ashoka Vann Acasia' admeasuring carpet area of 82.16 sq. mts. and 114.10 sq. mts. Which is to be constructed in the property surveyed under Survey No. 239/12 of village Socorro in favour of the Allottee.
19. On 01/10/2021, I have made search in the office of the Sub Registrar of Bardez in connection with records of the said properties, nothing adverse is found.

### III) Opinion

Based on the documents produced before me and search conducted by me I opine that:

- a) Aforesaid documents establish absolute, clear and marketable title of the respective owners of the said properties from 1942 to till date around 68 years.
- b) There are no Tenancy or Mundkarial rights existing over the said Properties.





By virtue of allotment and confirmation of allotment in the Inventory Proceedings and death of Mrs. Albina Concecao Bostas Nazare Gudioh said Mr. Elvis Simoes and his wife Mrs. Maria Antonio Gudioh Simoes became absolute owners in possession and enjoyment of the said property and till date they have clear and marketable title, right and interest to the said property.

d). by virtue of Development Agreement dated 30/04/2016, Deed of Ratification dated 07/06/2016, Power of Attorney dated 30/04/2016 and power of attorney dated 07/06/2016 M/s. Expanse Estates Pvt. Ltd. As a developer have created development rights over the said property.

e). Legally permissible development of the said property can be carried out upon obtaining NOC from the competent authorities.

### **Schedule of the Property**

#### **(Description of Said Property)**

All part and parcel of land known as "Rama Zoixeachem Bata" or "Rama josshachem Bhat" or Rama Zoixeachi Xir" situated at parish of Socorro, Taluka and sub- district of Bardez, North Goa district in the State of Goa described in the land registration office of Bardez under no. 9083 at folio 20 of b-24 new and is enrolled in the taluka revenue office under Matriz Nos. 467, 521 and 54, land admeasuring 1275 sq. mts. presently surveyed under survey No. 239/12 of village





Socorro, within the jurisdiction of village panchayat Socorro. and bounded as under:

On the North: By Survey No. 239/8 and 239/10

On the South: By Survey No. 243/1

On the East: By road.

On the West: By Survey No. 239/11

The aforementioned Document are found to be genuine.

Hope this will suffice your purpose

**Note – Above Opinion is based on the Photocopies of documents furnished to me.**

Date: 14/01/2022  
Place: Panaji, Goa

Signature of the Advocate



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