

ADVOCATE**OFFICE:**

B-116, Osia Commercial Arcade,
1st Floor, Near SPDA Market,
Margao – 403601, Goa.
Tel.(M):9822181681

RESIDENCE:

No.1065, Povoacao,
Curtorim – 403709,
Salcete, Goa.

Ref. no.: 12/2020Dated: 6-11-2020**LEGAL SCRUTINY REPORT**

This Legal Scrutiny Report is prepared in respect of the property known as 'Azmeticho Xendo' having area of 2775 square metres, which earlier formed part of the larger property known as "1/4th part of 1/3rd part of the coconut garden named Joao Gomichem Batta' or 'Simao Travaso', surveyed under survey no. 10/2 of Pilerne village, situated at Pilerne, Bardez, Goa. I have examined the documents of title in respect of the aforesaid property and my observations are as under:-

DESCRIPTION OF THE SAID PROPERTY:

ALL THAT property known as 'Azmeticho Xendo' having area of 2775 square metres which earlier formed part of the larger property known as "1/4th part of 1/3rd part of the coconut garden named Joao Gomichem Batta' or 'Simao Travaso', described in the Land Registration Office of Ilhas under Description no. 5386 at Folio 28v of Book B-2 of new series, enrolled in the Taluka Revenue Office under Matriz no. 646 with an old House standing therein enrolled under Matriz no. 68, situated at Pilerne village of Bardez Taluka in North Goa District, bearing old survey no. 1796 and presently surveyed under survey no. 10/2 of Pilerne village, and bounded on the East by the property surveyed under no. 10/11, on the West by the property surveyed under nos. 8/3, 8/19, 8/20, 8/35, 8/36 & 8/37, and on the North and South by public road, which property is hereinafter referred to as "The Said Property". A portion of the said property admeasuring 1397 square metres is converted for the purpose of residential use vide Sanad issued by the District Collector, North Goa bearing no. RB/CNV/BAR/COLL/30/2014 dated 15-01-2015. As per the Outline Development Plan of Panaji (Porvorim part) the said property falls in Settlement S2 Zone with a proposed 15.00 metre wide road passing through it along its Eastern boundary as certified by Town & Country Planning Department vide Land Use Zoning Information dated 27-01-2009.

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DOCUMENTS SCRUTINISED:

- 1) Description Certificate of the property described under Description no. 5386 of Book B-2 of new series;
- 2) Certificate of Inscription no. 25613 at Page 161v of Book G-39;
- 3) Computerised Form I & XIV of Survey no. 10/2 of Pilerne village;
- 4) Manual Form I & XIV of Survey no. 10/2 of Pilerne village;
- 5) Survey plan of Survey no. 10/2 of Pilerne village;
- 6) Deed of Sale and Acquittance dated 28-11-1967 bearing Reg. no. 919 at pages 441 to 445 of Book no. I, Volume no. 27
- 7) Instrument of Rectification and Clarification dated 17-02-1968 bearing Reg. no. 229 at pages 226 to 229 of Book I, Volume no. 30,
- 8) Deed of Succession dated 2-12-2008 recorded by Notary Ex officio, Canacona at pages 84 to 85 overleaf of Notarial Book of Deeds no. 19
- 9) Judgment & Order dated 24-11-2010 of Dy. Collector & SDO, Mapusa in Case no. 18/29/2010/BAR-II/LRC-MISC,
- 10) Agreement For Sale dated 14-08-2009 executed between Prabhavati P. Kavlekar & others AND Dara Shiko Chowhan & Shakil Ahmed Chowhan
- 11) Deed of Sale dated 30-04-2009 bearing Reg. no. BRZ-BK1-00677-2009, CD no. BRZD20
- 12) Deed of Sale dated 24-05-2010 under Reg. no. BRZ-BK1-01903-2010, CD no. BRZD64
- 13) Deed of Sale dated 18-11-2009 bearing Reg. no. 2452 at pages 293 to 306 of Book I, Volume no. 2901
- 14) Deed of Sale dated 24-05-2010 bearing Reg. no. BRZ-BK1-01904-2010, CD no. BRZD64
- 15) Deed of Sale dated 24-05-2010 bearing Reg. no. BRZ-BK1-01905-2010, CD no. BRZD64
- 16) Deed of Sale dated 5-07-2011 bearing Reg. no. BRZ-BK1-03269-2011, CD no. BRZD196.

Rajendra

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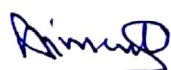
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SCRUTINY OF DOCUMENTS:

As seen from the Certificate of Description of the property described under Description no. 5386 of Book B-2 of new series and its corresponding Certificate of Inscription no. 25613 at Page 161v of Book G-39 recorded on 6-10-1964 the said property known as 'Azmeticho Xendo' having area of 2775 square metres which earlier formed part of the larger property known as "1/4th part of 1/3rd part of the coconut garden named Joao Gomichem Batta' or 'Simao Travaso', situated at Pilerne, Bardez, Goa, described in the Land Registration Office of Ilhas nder Description no. 5386 at Folio 28v of Book B-2 of new series stands inscribed in the name of Lourenco Joao Miguel Carmo Zuzarte for having acquired it by partition in the Inventory Proceedings instituted upon the death of the erstwhile owner Vincente Taumaturgo Zuzarte vide Judgment & Order dated 12-12-1946 passed by the Court of the Civil Judge, Ilhas.

As seen from the Deed of Sale and Acquittance dated 28-11-1967, duly registered by the Sub Registrar of Ilhas under Reg. no. 919 at pages 441 to 445 of Book no. I, Volume no. 27 dated 29-11-1969, said Lourenco Joao Miguel Carmo Zuzarte, in the status of bachelor, sold the said property to Mr. Prabhakar Arjuna Coulecar, son of Arjuna Coulecar. This Deed was rectified vide Instrument of Rectification and Clarification dated 17-02-1968, duly registered by the Sub Registrar of Ilhas under Reg. no. 229 at pages 226 to 229 of Book I, Volume no. 30 dated 28-02-1968 whereby the old House standing in the said property, which is enrolled under Matriz no. 68 and which was omitted in the Principal Deed, has been included in the description of the said property sold by the Principal Deed.



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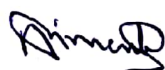
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As seen from the Deed of Succession dated 2-12-2008 drawn by the Notary Ex Officio of the Judicial Division of Canacona and recorded at pages 84 to 85 overleaf of the Notarial Book of Deeds no. 19 said Prabhakar Arjun Kavlekar alias Prabhakar Arjun Coulecar died intestate on 9-11-1999 at Pilerne, Bardez, Goa leaving behind his wife Prabhavati Prabhakar Coulecar alias Prabhavati Prabhakar Kavlekar as his moiety sharer and 3 children as his universal heirs viz. (i) Mr. Devanand Prabhakar Coulecar, married to Rakhee Dayanand Naik alias Rakshali Devanand Coulecar, (ii) Miss Jyoti Prabhakar Coulecar, spinster, and (iii) Mr. Deepak Prabhakar Coulecar, bachelor.

As seen from the Manual Form I & XIV of the said property the names of Maria Lourdes Fernandes, Jeny Viva Luiza Mafalda Fernandes, Joana Veronica Monica Fernandes, Jennon Fernandes and Hyacinth Martin Fernandes were recorded in the Occupant column of the Survey no. 10/2 of Pilerne village. Upon an Application dated 9-07-2010 filed by Prabhavati Prabhakar Kavlekar, Devanand Prabhakar Kavlekar, Rakshali Devanand Kavlekar, Jyoti Prabhakar Kavlekar and Deepak Prabhakar Kavlekar for correction of Survey record under Section 103 of the Land Revenue Code, 1968 the Dy. Collector & SDO, Mapusa passed a Judgment & Order dated 24-11-2010 in Case no. 18/29/2010/BAR-II/LRC-MISC directing Mamlatdar of Bardez and the Talathi of Pilerne saza to delete the names of said Maria Lourdes Fernandes, Jeny Viva Luiza Mafalda Fernandes, Joana Veronica Monica Fernandes, Jennon Fernandes and Hyacinth Martin Fernandes from the Occupant column of Survey no. 10/2 of Pilerne village and include the names of the Applicants Prabhavati Prabhakar Kavlekar, Devanand Prabhakar Kavlekar, Rakshali Devanand Kavlekar, Jyoti Prabhakar Kavlekar and Deepak Prabhakar Kavlekar therein.



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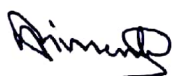
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As seen from the Deed of Sale dated 30-04-2009, duly registered by the Sub Registrar of Bardez under Reg. no. BRZ-BK1-00677-2009, CD no. BRZD20 dated 4-05-2009, said Prabhavati Prabhakar Kavlekar, Devanand Prabhakar Kavlekar, Rakshali Devanand Kavlekar, Jyoti Prabhakar Kavlekar and Deepak Prabhakar Kavlekar sold a portion of the said property admeasuring 500 square metres to M/s Ananta Travel Entertainment Private Limited, a Company having its registered office at Green Glades Apts., F. no. El G2, Duler, Mapusa, Bardez, Goa.

As seen from the Deed of Sale dated 24-05-2010, duly registered by the Sub Registrar of Bardez under Reg. no. BRZ-BK1-01903-2010, CD no. BRZD64 dated 25-05-2010, said M/s Ananta Travel Entertainment Private Limited sold a portion of the said property admeasuring 500 square metres to Mr. Rajendra Purushottam Halarnkar, son of late Purushottam Halarnkar.

As seen from the Deed of Sale dated 18-11-2009, duly registered by the Sub Registrar of Bardez under Reg. no. 2452 at pages 293 to 306 of Book I, Volume no. 2901 dated 26-11-2009, said Prabhavati Prabhakar Kavlekar, Devanand Prabhakar Kavlekar, Rakshali Devanand Kavlekar, Jyoti Prabhakar Kavlekar and Deepak Prabhakar Kavlekar sold a portion of the said property admeasuring 500 square metres to Alex De Souza, son of Jacinto De Souza.

As seen from the Deed of Sale dated 24-05-2010, duly registered by the Sub Registrar of Bardez under Reg. no. BRZ-BK1-01904-2010, CD no. BRZD64 dated 25-05-2010, said Mr. Alex De Souza, in the status of unmarried, sold a portion of the said property admeasuring 500 square metres to Mr. Rajendra Purushottam Halarnkar, son of late Purushottam Halarnkar.



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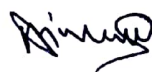
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As seen from the Deed of Sale dated 24-05-2010, duly registered by the Sub Registrar of Bardez under Reg. no. BRZ-BK1-01905-2010, CD no. BRZD64 dated 25-05-2010, said Prabhavati Prabhakar Kavlekar, Devanand Prabhakar Kavlekar, Rakshali Devanand Kavlekar, Jyoti Prabhakar Kavlekar and Deepak Prabhakar Kavlekar sold a portion of the said property admeasuring 1775 square metres to Mr. Rajendra Purushottam Halarnkar, son of late Purushottam Halarnkar who, together with his wife Rameshwari Rajendra Halarnkar, thus became the exclusive owners of the said property admeasuring 2775 square metres.

As seen from the Deed of Sale dated 5-07-2011, duly registered by the Sub Registrar of Bardez under Reg. no. BRZ-BK1-03269-2011, CD no. BRZD196 dated 5-07-2011, said Rajendra Purushottam Halarnkar and his wife Rameshwari Rajendra Halarnkar sold the said property to M/s Hindustan Builders, a Partnership Firm having its registered office at 4th Floor, Shabana Chambers, Municipal Market, Panaji, who thus became the absolute owner in possession of the said property admeasuring 2775 square metres and its name is recorded in the Survey Form I & XIV thereof as its sole occupant.

A Public Notice was issued by the undersigned Adv. Alex R. Pimenta and published in the O Herald daily newspaper edition of 17-10-2020 calling upon any person, Bank, financial institution etc. having any right, interest or claim in the said property or any part thereof to submit his/her/its claim or objection with supporting documents to him within Fifteen days from the date of publication of the Notice. No claim or objection has been received from any person, Bank or financial institution in respect of the said property.



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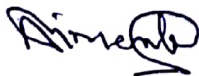
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OPINION:

M/s Hindustan Builders, a Partnership Firm having its registered office at 4th Floor, Shabana Chambers, Municipal Market, Panaji, has purchased the said property admeasuring 2775 square metres, which earlier formed part of the larger property known as '1/4th part of 1/3rd part of the coconut garden named Joao Gomiche Batta' or 'Simao Travaso', situated at Pilerne, Bardez, surveyed under survey no. 10/2 of Pilerne village bearing Description no. 5386 at Folio 28v of Book B-2 of new series and Matriz no. 646 of Pilerne village, from the erstwhile owners Rajendra Purushottam Halarnkar and Rameshwari Rajendra Halarnkar vide Deed of Sale dated 5-07-2011, duly registered by the Sub Registrar of Bardez under Reg. no. BRZ-BK1-03269-2011, CD no. BRZD196 dated 5-7-2011, and its name is recorded as the sole Occupant in the Survey Form I & XIV thereof. However there is on record an Agreement For Sale dated 14-08-2009, registered in the office of Sub Registrar of Bardez for sale of two plots of the said property admeasuring 490 & 1472 square metres, executed between Mrs. Prabhavati Prabhakar Kavlekar & others AND Mr. Dara Shiko Chowhan & Shakil Ahmed Chowhan who are reportedly Partners of M/s Hindustan Builders. As the aforesaid Agreement has not been cancelled the Purchasers therein viz. Dara Shiko Chowhan & Shakil Ahmed Chowhan may be joined as Confirming Parties in any Conveyance Deed / Agreement in respect of the said property that may be executed / entered into by M/s Hindustan Builders.

A Certificate of Nil Encumbrance in respect of the said property is to be obtained from the Sub Registrar of Bardez to confirm that the said property is not mortgaged to any person, Bank or financial institution.



(Adv. Alex Rajendra Pimenta)

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