

ADV. VIJAY J. GAYCAR

B.A. L.L.B.

ADVOCATE & NOTARY

SHELLER, CANACONA, GOA.

OFFICE:

F-1, Satyabhama Bldg.,
First floor, Sheller,
Canacona-Goa.

RESIDENCE:

'Yeshoda', M-106
Housing Board,
Gogol, Margao-Goa

Date:- 04/04/2015

SEARCH REPORT

AND CERTIFICATE OF OWNERSHIP TITLE

At the request of **SMT. HARSHA VISHWAS DESAI**, W/o. Shri Vishwas Bhikaro Desai, aged 39 years, occupation housewife, r/o. H.No.169/A, Char-Rasta, Canacona, Goa; I have made search of the records in the Office of the Sub-Registrar of Canacona, Land Registration Office of Quepem, Matriz records, Survey records and other documents and after scrutiny of the documents and certificate submitted by the Party, I am giving the search report and certificate of ownership title of the property which is as under;

SCHEDULE - A

All that property known as **CHANDUVOLLO** (as per matriz records) alias **CHANVALL** (as per survey records) situated at Sheller, within the jurisdiction of Canacona Municipal Council, Taluka and Sub District of Canacona, District of South Goa, State of Goa, which is not registered in the Land Registration Office but enrolled in the Taluka Revenue office of Canacona, under matriz no.1542 and as per matriz records the said property is bounded as under;

East :- by Chemachactam of Xiva Raghoba Naik and property known as Durgapato of Babu Vithoba Naik;
West and South :- by hillock of Govt.
North :- by hillock of Govt. and property Chemachacta of said Shiva Naik.

SCHEDULE - B

All that plot of the landed Property, having an area admeasuring about 6883.75 sq.mts. sq.mts., i.e. **Plot B**, being part of the property known as '**CHANDUVALO**' alias '**CHANVOL**', (as per survey records) situated in ward Delem, Mastimol of Canacona Municipal Council, Taluka and Sub-District of Canacona, District of South Goa, State of Goa, not registered in the Land Registration Office but enrolled in Taluka Revenue Office under Matriz No.1542(part) and surveyed under survey no. 227/1(part), 227/2(part), 227/8(part), and 227/9(part) of village Nagorcem-Palolem, Taluka Canacona Goa; and the said plot is bounded as under:-

East:- by 6 mts. wide reserved road.

West:- by public road leading to Kinccgal

North:- by property under survey no.28/1 and 28/2 of Nagorcem-Palolem

South:- by N.H.17

SCHEDULE - C

All that entire plot, having an area admeasuring about 853.84375 sq.mts. sq.mts., being Plot B2 as referred in the Judgement, Order and Decree passed in the Inventory Proceedings no.23/2010 dtd.1/2/2011 in the Court of the Civil Judge, Junior Division at Canacona; being part of the landed property known as '**CHANDUVALO**' alias '**CHANVOL**', (as per survey records) situated in ward Delem, Mastimol of Canacona Municipal Council, Taluka

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and Sub-District of Canacona, District of South Goa, State of Goa, not registered in the Land Registration Office but enrolled in Taluka Revenue Office under Matriz No.1542(part) and the said Plot is surveyed under survey no.227/9(part) and 227/1(part) of Village Nagorcem-Palolem Taluka Canacona Goa; and the said plot is bounded as under:-

East :- by 6 mts. wide reserved road

West:- by road going to Kinēgal.

North:- by Plot B1 of the same property.

South:- by Plot B3 of the same property.

The above property described in Schedule C has been purchased by executing a Deed of Sale, which is duly registered in the Office of the Sub-Registrar of Canacona, the particulars of which are given in para II, herein below.

I. DOCUMENTS AND CERTIFICATES SUBMITTED BY THE INTERESTED PARTY FOR VERIFICATION AND SCRUTINY:

- a) Matriz certificate, dtd. 23/3/2015
- b) Judgment, Order and Decree passed in Special Civil Suit no. 80/97/II dtd.7/5/1998
- c) Judgment, Order and Decree passed in Regular Civil Suit no. 30/07, dtd.01/06/2009
- d) Inventory Proceedings No.23/2010 dtd.1/2/2011
- e) Deed of Sale, 30/10/2012
- f) Index of land of survey nos. 227/1(part), 227/2(part), 227/8(part), and 227/9 of Village Nagorcem-Palolem, Taluka Canacona.
- g) Survey plan;
- h) Nil Encumbrance Certificate on the property under survey no. 227/1(part), 227/8(part) and 227/9 of village Nagorcem-Palolem, Taluka Canacona.
- i) 'T' Form

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II. NAME AND DESCRIPTION OF THE ENTIRE PROPERTY:

All that entire property known as **CHANDUVOLLO** (as per matriz records) alias **CHANVALL** (as per survey records) situated at Sheller, within the jurisdiction of Canacona Municipal Council, Taluka and Sub District of Canacona, District of South Goa, State of Goa, which is not registered in the Land Registration Office but enrolled in the Taluka Revenue office of Canacona, under matriz no.1542 and as per matriz records the said property is bounded as under;

East :- by Chemachactam of Xiva Raghoba Naik and property known as Durgapato of Babu Vithoba Naik;

West and South :- by hillock of Govt.

North :- by hillock of Govt. and property Chemachacta of said Shiva Naik.

III. DESCRIPTION OF THE PROPERTY PURCHASED:

i) Date of Purchase :- Deed of Sale, dtd.30th October, 2012, which is duly registered in the office of Sub Registrar of Canacona, under no.370 at pages 100 to 126 of book 1, Volume 257, dt.12/11/2012.

ii) Description of the Property:- All that entire plot, having an area admeasuring about 853.84375 sq.mts. sq.mts., being Plot B2 as referred in the Judgement, Order and Decree passed in the Inventory Proceedings no.23/2010 dtd.1/2/2011 in the Court of the Civil Judge, Junior Division at Canacona; being part of the landed property known as '**CHANDUVALO**' alias '**CHANVOL**', (as per survey records) situated in ward Delem, Mastimol of Canacona Municipal Council, Taluka and Sub-District of Canacona, District of South Goa, State of Goa, not registered in the Land Registration Office but enrolled in Taluka Revenue Office under Matriz No.1542(part) and the said Plot is surveyed under survey



no.227/9(part) and 227/1(part) of Village Nagoreem-Palolem Taluka Canacona Goa; and the said plot is bounded as under:-

East :- by 6 mts. wide reserved road

West:- by road going to Kinagal.

North:- by Plot B1 of the same property.

South:- by Plot B3 of the same property.

I have verified the contents of the documents furnished to me which are described hereinabove and after search, I hereby certify as under:

A. MATRIZ CERTIFICATE, DATED 23/3/2015

During my search, I found that the entire property described hereinabove, was not registered in the Land Registration Office but the same is enrolled Taluka Revenue Office under Matriz No.1542. As per this document, the said property stands inscribed in the name of Zogdo Deuli half share, Zaia Deuli 2/8th share and Monju Soguna Deuli 2/8th share.

As per the Judgement passed in Special Civil Suit No.80/97/II, dtd.7th May, 1998 by IInd Additional, Civil Judge, Senior Division at Margao, Goa, the 1/4th share belonging to Zaia Deuli alias Jayu Deuli was inherited by Shri. Vaikunth Yessu Kankonkar and his wife Smt, Prema Vaikunth Kankonkar. As per the said Judgement, the H^{ble} Civil Court has declared that Shri. Vaikunth Yessu Kankonkar and Smt. Prema Vaikunth Kankonkar are owners of the 1/4th share enrolled in the matriz certificate in the name of Zaia Deuli.

Therefore, Shri. Vaikunth Yessu Kankonkar and Smt. Prema Vaikunth Kankonkar acquired right to undivided 1/4th share (2/8th share as per matriz records) in the entire property. In the same Judgement, the Civil Court has also declared about the ownership of the remaining shares.



**B. JUDGMENT, ORDER AND DECREE, PASSED IN SPECIAL CIVIL
SUIT NO. 80/97/II, DATED 7/5/1998:**

This document is Judgment, Order and Decree passed in Special Civil Suit No. 80/97/II, Dtd. 7/5/1998. The said Civil Suit was filed Shri. Vassant Vithoba Kankonkar and his family members, against Shri. Abhay Mahadev Gaonkar and others. In the said suit, there is a reference of matriz no. 1542 which is inscribed in the name of Zogdo Deuli half share, Zaia Deuli 1/4th share and Monju Soguna Deuli 1/4th share.

The Plaintiffs in the said suit made a statement that the plaintiffs are entitled for 1/4th share enrolled in the name of Monju Soguna Deuli, Defendant nos. 1 to 4 are entitled for half share enrolled in the name of Zogdo Deuli and remaining 1/4th share enrolled in the name of Zaia Deuli is inherited by defendant nos. 5 and 6 i.e. Shri. Vaikunth Yessu Kankonkar and his wife Smt. Prema Vaikunth Kankonkar.

That initially, the survey records of the entire property under survey no. 227/1 to 227/9 were recorded in the name of Comunidade of Canacona and therefore the Plaintiffs filed the said suit for declaration and correction of survey records. The H'ble Civil Court was pleased to Decree the suit as prayed for and declared the shares of the Plaintiffs and Defendant nos. 1 to 6.

Based on the said Judgement, Order and Decree, Shri. Vaikunth Yessu Kankonkar and his wife Smt. Prema Vaikunth Kankonkar acquired title of ownership pertaining to 1/4th undivided share in the entire property.



**C. JUDGMENT, ORDER AND DECREE PASSED IN REGULAR CIVIL
SUIT NO. 30/07, DATED 01/06/2009**

Though in the Special Civil Suit No. 80/97/II, Dtd.7/5/1998, the undivided shares of the co-owners were declared, there was no partition of the entire property thereby separating the plot as per the respective share and therefore, Shri. Vasant Vithoba Kankonkar and his family members have filed a Regular Civil Suit No.30/07 in the Civil Judge, Junior Division at Canacona-Goa, for partition of the entire property.

Before filing the said suit, Shri. Vaikunth Yessu Kankonkar was expired and therefore, his wife Smt. Prema Vaikunth Kankonkar was defendant no.5 in the said suit and the legal heirs were defendant nos. 6 to 12.

During the pendency of the proceeding, with consent of the parties Shri. Yogesh Prabhhu Gaonkar, the Architect was appointed as Commissioner to divide the entire property as per the shares. The said Commissioner divided the said property into three plots i.e. Plot A showing the half share, Plot B showing the 1/4th share and Plot C showing the 1/4th share.

As per the consent Decree, Plot B having area admeasuring about 6830.75 sq.mts. was allotted to defendants nos.5 to 12 and therefore by virtue of the Consent Decree passed in the said suit, the defendant no.5 Smt. Prama Vaikunth Kankonkar and her children acquired right of ownership and possession to Plot B.



D. JUDGEMENT, ORDER AND DECREE PASSED IN INVENTORY PROCEEDINGS NO.23/2010 DATED 1/2/2011, BY CIVIL JUDGE, JUNIOR DIVISION AT CANACONA-GOA.

Upon the death of late Shri. Vaikunth Yessu Kankonkar, an Inventory Proceeding has been adjudicated by Civil Judge, Junior at Canacona.

As per the Judgement passed in the said Inventory Proceedings, the Plot B having area admeasuring about 6830.75 was divided into five plots as Plot B1 to B5 and Plot No.B1 having an area admeasuring about 3415.375 sq.mts. was allotted to Smt. Prema Vaikunth Kankonkar and Plot B2 to B5 stands allotted to the legal heirs late Shri. Vaikunth Yessu Kankonkar.

In view of the Judgment Order and Decree, passed in the said inventory, Smt. Prema Vaikunth Kankonkar acquired absolute right to Plot B1.

E. DEED OF SALE, 30/10/2012, UNDER REG. NO.370, DTD.12/11/2012

This document is a Deed of Sale, by which Shri. Gokuldas Vaikunth Kankonkar and his wife Smt. Arati Gokuldas Kankonkar who have acquired right of ownership to Plot B2, having area admeasuring about 863.84375 sq.mts. have sold the said plot to the applicant Smt. Harsha Vishwas Desai and the said Deed of Sale stands registered in the office of Sub-Registrar of Canacona under Reg. No.370 at pages 100 to 126 of Book I, Volume 257, dtd.12/11/2012. Based on the this Document, Smt. Harsha Vishwas Desai acquired right of absolute ownership and possession of the said Plot B2.

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F) INDEX OF LAND OF SURVEY NOS. 227/1(PART), 227/2(PART), 227/8(PART), AND 227/9 OF VILLAGE NAGORCEM-PALOLEM, TALUKA CANACONA AND SURVEY PLAN

That the survey records of Canacona Taluka were prepared in the year 1973. Initially the entire property was surveyed under survey no.227/1 to 227/9 of Village Nagorcem-Palolem, Taluka Canacona and recorded in the name of Comunidade of Canacona.

Based on the Judgment Order and Decree, passed in Special Civil Suit No.80/97/II, by Civil Judge, Senior Division at Margao-Goa, the name of the Comunidade had been deleted and the name of the owners as declared in the said suit stands recorded. Based on the said Judgement the names of Shri. Vaikunth Yessu Kankonkar and his wife Smt. Prema Vaikunth Kankonkar were recorded. The said records were subsequently mutated based on the Judgement order and Decree passed in Inventory Proceeding No.30/07 by Civil Judge, Junior Division at Canacona.

At present the applicant **Smt. Harsha Vishwas Desai** upon purchase of plot B2 has mutated the survey records, by deleting the name of Shri. Gokuldas Vaikunth Kankonkar and recorded her name in the survey records of survey no. 227/1(PART) and 227/9(PART) of Village Nagorcem-Palolem, Taluka Canacona, Goa.

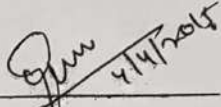
G) NIL ENCUMBRANCE CERTIFICATE ON THE PROPERTY UNDER SURVEY NO. 227/1(PART), 227/8(PART) AND 227/9(PART) OF VILLAGE NAGORCEM-PALOLEM, TALUKA CANACONA

This document is the Nil Encumbrance Certificate, issued by the Sub Registrar of Canacona dtd.19/3/2015, by which the Sub Registrar has certified that there are no encumbrances affecting the property described in the said certificate i.e. Plot B2 purchased by Smt. Harsha Vishwas Desai for a period of 41 (forty one) years from January, 1974 to March, 2015.

H) 'T' FORM:

This document is the Form 'T' issued by the Sub-Registrar of Canacona, thereby allowing the undersigned to search the records pertaining to the entire property maintained in the office of Sub-Registrar of Canacona, Goa. During my search, I did not find any document showing encumbrance affecting the property purchased by Smt. Harsha Vishwas Desai.

Thus based on all the above stated documents, I conclude that Shri. Vishwas Bhikaró Desai and his wife Smt. Harsha Vishwas Desai, have got a valid and enforceable title being holder of a valid, clean and clear marketable title of ownership and possession of the said property free from all encumbrances for executing any document.



(Adv. Vijay Gaycar)