



Adv. Nilaksh A. S. Marathe

LLB (Hons.)

Date: 23/01/2025

TITLE OPINION OF SCHEDULE PROPERTY

This opinion is issued at the request of M/S AAROHA DEVELOPERS, a partnership firm, having its registered office at F-504, Hemmady Regency, Malbhat, Margao, South Goa 403601, with respect to the “**SCHEDULE PROPERTY**”.

SCHEDULE

ALL THAT portion of land, admeasuring an area of 1254 sq. mts., bearing Survey No. 227/3-A (Plot - B) of village Candolim, forming part of the bigger property known as BONGAMADDA' situated at Candolim, within the limits of the Village Panchayat of Candolim, Taluka and Sub District of Bardez, District North Goa, State of Goa, described in the Land Registration Office of Bardez under No. 1298 at page 176 V of Book B - 9 (old) not enrolled in Taluka Revenue Office of Bardez and bounded as under:

On the North: By property bearing survey no. 227/2

On the South: By property bearing Survey No.230/1

On the East: By Road; and

On the West: By property bearing Survey No.227/4.

The Plot of land (Plot-B), admeasuring an area of 1254 sq. mts., bearing Survey No. 227/3-A (Plot - B) of village Candolim is hereinafter





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referred to as "SAID PLOT" and the property known as 'BONGAMADDA' is hereinafter referred to as "SAID PROPERTY".

DOCUMENTS PERUSED FOR LEGAL OPINION:

1. Land Registration Certificate no. 1298 along with Land Inscription Certificate 19831;
2. Agreement Dated 24/06/1995;
3. Extract of Inventory Proceedings No. 57/96 Filed Before The Court Of Civil Judge Senior Division At Mapusa Goa;
4. Extract of Special Civil Suit No. 35/2003/A Before The Hon'ble Civil Judge Senior Division At Mapusa Goa;
5. Deed Of Sale Dated 12/04/2005;
6. Deed Of Sale Dated 12/04/2005;
7. Deed Of Sale Dated 12/04/2005;
8. Deed Of Sale Dated 03/01/2024;
9. Conversion Sanad Dated 15/07/2024;
10. Technical Clearance Order 13/12/2024;
11. NOC Dated 02/01/2025;
12. Order Dated 19/02/2024;
13. Form I And XIV Of Survey No. 227/3-A Of Candolim Village;
14. Partnership Certificate
15. Nil Encumbrance Certificate.



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OPINION

OPINION ON THE DEVOLUTION OF TITLE FOLLOWING AN EXAMINATION OF RELEVANT DOCUMENTS AND THOROUGH LEGAL DUE DILIGENCE

1. LAND REGISTRATION CERTIFICATE NO. 1298 ALONG WITH LAND INSCRIPTION CERTIFICATE 19831:

From the perusal of the Land Registration Certificate no. 1298 at Page 176 reverse of Book B – 9(old) is issued by the Office of Sub Registrar, Salcete, it is seen that the Said Property named “BONGAMADDA” is sufficiently described in the Said Land Registration Certificate and is inscribed in favour of Mr. Micael (Miguel) Sebastiao da Silva under Land Inscription Certificate No. 19831 in book G-26 96V under presentation No. 4.

NOTE:

The name "Miguel" in Portuguese is spelled and pronounced as such, while in English, it is sometimes rendered and pronounced as "Micael" in certain dialects. Therefore, it can be reasonably asserted that both names pertain to the same individual.

2. AGREEMENT DATED 24/06/1995:

This Agreement was executed by Mr. Caetano Joao de Silva alias Caetano Joao Placido D'Silva and his wife Mrs. Agnes Verediana de





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Silva, Mr. Estenislus de Silva alias Wenceslaus Alex de Silva alias Stanley de Silva and his wife Mrs. Julia de Silva, and Mr. Lucas de Silva and his wife Mrs. Florencia de Silva, wherein they agreed to sell their respective shares in the Said Property to M/s. Highland Constructions Pvt. Ltd.

3. INVENTORY PROCEEDINGS NO. 57/96 FILED BEFORE THE COURT OF CIVIL JUDGE SENIOR DIVISION AT MAPUSA:

Upon the death of the said Miguel Sebastiao de Silva and his wife Maria Umbelina dos Remedios, an Inventory Proceeding was filed listing out following heirs; (a) Mr. Caetano Joao de Silva alias Caetano Joao Placido D'Silva married to Mrs. Agnes Verediana de Silva, (b) Mr. Estenislus de Silva alias Wenceslaus Alex de Silva alias Stanley de Silva married to Mrs. Julia de Silva; (c) Mr. Lucas de Silva married to Mrs. Florencia de Silva, (d) Mr. Rafael Gilberto Filomena de Silva alias Rafael Filomena de Silva who expired leaving behind his widow and moiety sharer Mrs. Maggie de Silva and following heirs: (i) Mrs. Maryann D'Silva married to Mr. Ian Scales, (ii) Mrs. Maureen Camara married to Mr. Melwin Camara, (iii) Miss Joan D'Silva and (iv) Mr. Terrance D'Silva.

In the said inventory proceeding, the Said property was listed under Item No. 1 and vide Order dated 28/08/2001, the Hon'ble Civil Judge Senior Division at Mapusa confirmed the chart of allotment among the heirs of the deceased as follows:



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(a) Mr. Caetano Joao de Silva alias Caetano Joao Placido D'Silva and his wife Mrs. Agnes Verediana de Silva, was allotted **1/4th share** in the SAID PROPERTY;

(b) Mr. Estenislus de Silva alias Wenceslaus Alex de Silva alias Stanley de Silva, and his wife Mrs. Julia de Silva, was allotted **1/4th share** in the SAID PROPERTY;

(c) Mr. Lucas de Silva and his wife Mrs. Florencia de Silva, was allotted **1/4th share** in the SAID PROPERTY;

(d) Mrs. Maggie de Silva widow of late Mr. Rafael Gilberto Filomena de Silva alias Rafael Filomena de Silva, was allotted **1/8th Share** in the SAID PROPERTY;

(e) Mrs. Maryann D'Silva and her husband Mr. Ian Scales, (daughter/ son in law of late Mr. Rafael Gilberto Filomena de Silva alias Rafael Filomena de Silva) was allotted **1/32th share** in the SAID PROPERTY;

(f) Mrs. Maureen Camara and her husband Mr. Melwin Camara, (daughter/ son in law of late Mr. Rafael Gilberto Filomena de Silva alias Rafael Filomena de Silva) was allotted **1/32th share** in the SAID PROPERTY;

(g) Miss Joan D'Silva, (daughter of late Mr. Rafael Gilberto Filomena de Silva alias Rafael Filomena de Silva) was allotted **1/32th share** in the SAID PROPERTY;





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(h) Mr. Terrance D'Silva (son of late Mr. Rafael Gilberto Filomena de Silva alias Rafael Filomena de Silva) was allotted **1/32th share** in the SAID PROPERTY;

4. SPECIAL CIVIL SUIT NO. 35/2003/A BEFORE THE HON'BLE CIVIL JUDGE SENIOR DIVISION AT MAPUSA:

That said Mr. Lucas D'Silva and his wife Mrs. Florencia D'Silva, who were parties to Inventory Proceedings No. 57/1996, filed Special Civil Suit No. 35/2003/A before the Hon'ble Civil Judge Senior Division at Mapusa, seeking a decree for the partition of the Said Property by metes and bounds, or alternatively, for the auction of the property among the parties, with the proceeds of the auction to be distributed according to the respective shares.

That the defendants, namely Mrs. Maggie de Silva, Mrs. Maryann D'Silva (married to Mr. Ian Scales), Mrs. Maureen Camara (married to Mr. Melwin Camara), Miss Joan D'Silva, and Mr. Terrance D'Silva (heirs of the late Rafael Gilberto Filomena D'Silva, in the said Special Civil Suit No. 35/2003/A), filed a written statement and a counterclaim, inter alia, presenting an Agreement dated 24/06/1995. This agreement acknowledged the knowledge of the parties that Mr. Caetano Joao de Silva alias Caetano Joao Placido D'Silva (married to Mrs. Agnes Verediana de Silva), Mr. Estenislus de Silva alias





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Wenceslaus Alex de Silva alias Stanley de Silva (married to Mrs. Julia de Silva), and Mr. Lucas de Silva (married to Mrs. Florencia de Silva) had agreed to sell their respective shares in the Said Property to M/s Highland Constructions.

That said Mr. Lucas D'Silva and his wife Mrs. Florencia D'Silva, who were parties to the said Inventory Proceedings No. 57/1996 filed a Special Civil Suit No. 35/2003/A before the Hon'ble Civil Judge Senior Division at Mapusa seeking a decree that the Said Property be partitioned by metes and bounds or in the alternate the same be auctioned amongst the parties and the auction proceeds be distributed as per the shares.

That vide Judgment and order, dated 02/12/2014, passed by the Hon'ble Ad-hoc Civil Judge Senior Division at Mapusa, addressed the counterclaim made by the parties involved. The court declared that the following individuals, being heirs of the late Rafael Guilberto Filomena D'Silva, are entitled to a 1/4th share in the said property:

- Mrs. Maggie de Silva
- Mrs. Maryann D'Silva (married to Mr. Ian Scales)
- Mrs. Maureen Camara (married to Mr. Melwin Camara)
- Miss Joan D'Silva
- Mr. Terrance D'Silva





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Additionally, M/s Highland Constructions is entitled to a 3/4th share in the said property.

5. DEED OF SALE DATED 12/04/2005

This Deed of Sale dated 12/04/2005 was duly registered in the Office of Sub-Registrar of Bardez under No. 1520 at pg. 233 to 250 of Book No. I, Vol. No. 1267, dated 19/04/2005, wherein said Mr. Estenislus de Silva alias Wenceslaus Alex de Silva alias Stanley de Silva and his wife Mrs. Julia de Silva with the consent of M/s. Highland Constructions Pvt Ltd, sold unto M/s. Highland Holiday Homes Pvt. Ltd. their 1/4th share in the Said Property.

6. DEED OF SALE DATED 12/04/2005

This Deed of Sale dated 12/04/2005 was duly registered in the Office of Sub-Registrar of Bardez under No. 1521 at pg. 251 to 268 of Book No. I, Vol. No. 1267, dated 20/04/2005, wherein said Mr. Lucas D'Silva and his wife Florencia D'silva with the consent of M/s. Highland Constructions Pvt Ltd; sold unto M/s. Highland Holiday Homes Pvt. Ltd. their 1/4th share in the Said Property.

7. DEED OF SALE DATED 12/04/2005

This Deed of Sale dated 12/04/2005 was duly registered in the Office of Sub-Registrar of Bardez under No. 1522 at pg. 269 to 284 of Book No. I, Vol. No. 1267, dated 20/04/2005, wherein said Mr. Caetano Joao D'Silva alias Caetano Joao Placido D'silva and his wife Mrs. Agnes





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Verediana de Silva with the consent of M/s. Highland Constructions Pvt Ltd; sold unto M/s. Highland Holiday Homes Pvt. Ltd., their 1/4th share in the Said Property.

8. DEED OF SALE DATED 03/01/2024:

That vide Deed of Sale dated 03/01/2024, duly registered in the Office of Sub-Registrar of Bardez under No. BRZ-1-353-2024 dated 17/01/2024, M/S. HIGHLAND HOLIDAY HOMES (GOA) PVT. LTD., sold the portion of the Said Property being Plot-B (SAID PLOT) unto M/s AAROHA DEVELOPERS.

9. CONVERSION SANAD dated 15/07/2024:

That Conversion Sanad was issued on 15/07/2024 by the Additional Collector-II, North Goa, under Ref. No. 4/272/CNV/ACIII/2024/1128 permitting the non-agricultural use of a distinct portion of the Said Plot measuring 1254 square meters, in accordance with the provisions for such conversions.

10. TECHNICAL CLEARANCE ORDER 13/12/2024:

That the Office of the Senior Town Planner, Town and Country Planning Department, North Goa (TCP) has issued Technical Clearance Order for the construction of building, swimming pool and compound wall on Said Plot under Ref. No. TPB/10002/CAN/TCP-2024/10502.





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11. NOC dated 02/01/2025:

That the Public Health Centre, Candolim, Bardez-Goa, has issued a No Objection Certificate (NOC) on 02/01/2025 under Ref. No. DHS/2025/DHS0901/O0013/2, affirming that the proposed development project in the Said Plot would meet sanitation standards.

12. ORDER DATED 19/02/2024:

That vide Order dated 19/02/2024 passed in Case No. PIBAR01-24-87/278, the Said Plot has been partitioned and as per the order passed by The Inspector of Survey and Land Records, Bardez-Goa, the Said Plot has been partitioned by allotting new sub division no. viz. Survey No. 227/3-A of Candolim Village, for an area of 1254.00 Sq. Mts. as recorded in the Said Form I and XIV.

13. FORM I AND XIV OF SURVEY NO. 227/3-A OF CANDOLIM VILLAGE.

That the records of Form I & XIV of Survey No. 227/3-A shows the name of M/S Aaroha Developers in the Occupant Column.

14. PARTNERSHIP CERTIFICATE:

A Partnership Certificate has been issued by the Registrar of Firms, Margao, Goa, under registration number MGO-F5-2025, dated 17th January 2025, confirming the formation of the partnership named



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AAROHA DEVELOPERS. The partnership comprises the following individuals:

1. Mr. Sumeet Agarwal
2. Mr. Mohit Goel
3. Mr. Rohit Goel
4. Mr. Vishal Agarwal
5. Miss Akshita Garg.

15. NIL ENCUMBRANCE CERTIFICATE:

A Nil Encumbrance Certificate has been issued by the Sub Registrar of Bardez, confirming that there have been no encumbrances on the said plot for the past 30 years.

HISTORICAL OVERVIEW OF TITLE AND OWNERSHIP

- That the Land Registration Certificate No. 1298, issued by the Office of the Sub-Registrar, Salcete, provides a detailed description of the Said Property known as "BONGAMADDA." This certificate, recorded at Page 176 reverse of Book B-9 (old), inscribes the property in favor of Mr. Micael (Miguel) Sebastiao da Silva under Land Inscription Certificate No. 19831, Book G-26, 96V, and Presentation No. 4. It is noted that the name "Miguel" in Portuguese is rendered as such, while in English, it is occasionally





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spelled as "Micael" in some dialects, both referring to the same individual.

- That an Agreement dated 24/06/1995 was executed between Mr. Caetano Joao de Silva alias Caetano Joao Placido D'Silva and his wife Mrs. Agnes Verediana de Silva, Mr. Estenislus de Silva alias Wenceslaus Alex de Silva alias Stanley de Silva and his wife Mrs. Julia de Silva, and Mr. Lucas de Silva and his wife Mrs. Florencia de Silva, in which they agreed to sell their respective shares in the Said Property to M/s. Highland Constructions Pvt. Ltd.
- Following the death of Mr. Miguel Sebastiao de Silva and his wife Maria Umbelina dos Remedios, Inventory Proceedings No. 57/96 were filed before the Court of Civil Judge Senior Division at Mapusa. The heirs listed in these proceedings were: (a) Mr. Caetano Joao de Silva and his wife Mrs. Agnes Verediana de Silva, (b) Mr. Estenislus de Silva and his wife Mrs. Julia de Silva, (c) Mr. Lucas de Silva and his wife Mrs. Florencia de Silva, (d) Mr. Rafael Gilberto Filomena de Silva, who expired leaving behind his widow Mrs. Maggie de Silva and children (Mrs. Maryann D'Silva, Mrs. Maureen Camara, Miss Joan D'Silva, and Mr. Terrance D'Silva). The property was listed as Item No. 1 in these proceedings, and on 28/08/2001, the Court confirmed the allotment of shares among the heirs. Mr. Caetano Joao de Silva, Mr. Estenislus de Silva, and



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- Mr. Lucas de Silva were each allotted a 1/4th share in the Said Property, while Mrs. Maggie de Silva was allotted 1/8th, and each of the heirs of Mr. Rafael Gilberto Filomena de Silva, including Mrs. Maryann D'Silva, Mrs. Maureen Camara, Miss Joan D'Silva, and Mr. Terrance D'Silva, was allotted a 1/32nd share.
- In 2003, Mr. Lucas D'Silva and his wife Mrs. Florencia D'Silva filed Special Civil Suit No. 35/2003/A before the Hon'ble Civil Judge Senior Division at Mapusa, seeking a decree for the partition of the Said Property or, alternatively, for its auction. The defendants, heirs of the late Rafael Gilberto Filomena de Silva, presented an agreement dated 24/06/1995 acknowledging the sale of shares to M/s Highland Constructions Pvt. Ltd. In the course of the proceedings, the Court ruled on the counterclaim and passed a judgment on 02/12/2014, confirming that Mrs. Maggie de Silva and the other heirs of the late Mr. Rafael Gilberto Filomena de Silva were entitled to a 1/4th share in the property, while M/s Highland Constructions Pvt. Ltd. was entitled to a 3/4th share.
 - On 12/04/2005, Deeds of Sale were executed for the transfer of shares in the Said Property. Mr. Estenislaus de Silva and his wife Mrs. Julia de Silva, Mr. Lucas D'Silva and his wife Mrs. Florencia D'Silva, and Mr. Caetano Joao D'Silva and his wife Mrs. Agnes





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Verediana de Silva, with the consent of M/s. Highland Constructions Pvt. Ltd., sold their respective shares to M/s. Highland Holiday Homes Pvt. Ltd. These transactions were registered in the Office of Sub-Registrar of Bardez under Nos. 1520, 1521, and 1522, respectively.

- On 03/01/2024, a Deed of Sale was executed wherein M/s. Highland Holiday Homes (Goa) Pvt. Ltd. sold a portion of the Said Property, specifically Plot-B, to M/s Aaroha Developers. This sale was duly registered at the Sub-Registrar's Office of Bardez under No. BRZ-1-353-2024.
- That, Conversion Sanad dated 15/07/2024 is issued by the Additional Collector-II, North Goa, allowing the non-agricultural use of a portion of the Said Plot measuring 1254 square meters. This Sanad was issued under Ref. No. 4/272/CNV/ACIII/2024/1128, in accordance with the applicable provisions for conversion.
- Following this, on 13/12/2024, the Office of the Senior Town Planner, Town and Country Planning Department, North Goa issued a Technical Clearance Order under Ref. No. TPB/10002/CAN/TCP-2024/10502, permitting the construction of a building, swimming pool, and compound wall on the Said Plot.



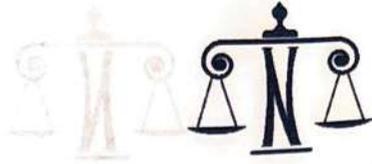


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- Subsequently, on 02/01/2025, a No Objection Certificate (NOC) was issued by the Public Health Centre, Candolim, affirming that the proposed development project would meet sanitation standards. This NOC was issued under Ref. No. DHS/2025/DHS0901/O0013/2.
- On 19/02/2024, an Order was passed in Case No. PIBAR01-24-87/278 by the Inspector of Survey and Land Records, Bardez-Goa, partitioning the Said Plot and allotting a new subdivision under Survey No. 227/3-A of Candolim Village, with an area of 1254 square meters. This partition was recorded in the Form I and XIV.
- Finally, the records of Form I and XIV for Survey No. 227/3-A show the name of M/s Aaroha Developers in the Occupant Column, confirming their ownership of the Said Plot.
- That a Partnership Certificate has been issued by the Registrar of Firms, Margao, Goa, under registration number MGO-F5-2025, dated 17th January 2025, confirming the formation of the partnership named *Aaroha Developers*. The partnership comprises the following individuals:
 1. Mr. Sumeet Agarwal
 2. Mr. Mohit Goel





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3. Mr. Rohit Goel
4. Mr. Vishal Agarwal
5. Miss Akshita Garg.

- A Nil Encumbrance Certificate has been issued by the Sub-Registrar of Bardez, confirming that there have been no encumbrances on the said plot for the past 30 years.

OBSERVATION CUM CERTIFICATE

I have been requested to provide my professional legal opinion solely with reference to the documents cited herein, in order to ascertain the title chain of the subject plot. After a careful examination of the photocopies of the aforementioned documents and a detailed review of the title, I am of the opinion that, as per the available records, the subject plot is currently owned and possessed by M/s AAROHA DEVELOPERS. Furthermore, M/s AAROHA DEVELOPERS holds all the necessary permissions required for the proposed residential building construction as outlined in the documentation.

As part of my due diligence, I have conducted comprehensive searches at the Sub-Registrar's office Mapusa, Goa, concerning the subject plot. Based on the results of these searches, I can confirm that, to the best of my knowledge,





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my knowledge, there are no encumbrances, liens, or third-party claims recorded against the said plot as of the date of this opinion. The title appears to be free from any legal disputes, encumbrances, or other hindrances.

It is important to note that the legal due diligence has been conducted solely on the basis of the documents provided for my review and the search results obtained. The undersigned does not accept any responsibility or liability to any third parties, as this opinion is limited to the scope of the documents provided and the searches conducted.

While every effort has been made to ensure the accuracy of this opinion, it is based on the information available at the time of review. I do not guarantee that there are no encumbrances or claims that may arise in the future, nor do I assume any responsibility for any liabilities that may emerge after the date of this opinion.

In conclusion, based on an exhaustive review of the pertinent documentation and the diligent searches undertaken, it is my considered professional opinion that the title to the subject plot is currently vested in M/s AAROHA DEVELOPERS. No encumbrances, claims, or legal disputes



sale deed
19/12
14
encumbrance



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have been identified in relation to the property at this time. Furthermore, the title to the said plot is clear and marketable, as substantiated by the scrutiny of the documents and records reviewed in the course of this due diligence process.

Sincerely

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