

# SAVIO X. SOARES ADVOCATE

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## LEGAL OPINION

This Legal Opinion on title is given by me, to Mr. Varun Chopra, Director of MOGRA LIFE (OPC) PRIVATE LIMITED, with office at Caculo Enclave, Tonca, St. Inez, Panaji, Goa, based on the Xerox copies of documents, made available to me for scrutiny (on the premises that the said documents are genuine, authentic and its contents are accurate and correct and I disclaim responsibility in the event of any false or incorrect or incomplete information arising out of the said documents), pertaining to the SAID PROPERTY, described herein below.

### **I. DESCRIPTION OF THE SAID PROPERTY:**

ALL THAT PROPERTY known as "OUNEACHEM BATULEM or DEULADICHEM BHATLEM" or "DEULADICHEM BATA" or OMNIACHEM BATULEM also known as OLMACHEM BATULEM, admeasuring 788 sq. mts., bearing survey no. 283/1-A of Anjuna Village, situated within the limits of the Village Panchayat of Anjuna-Caisua, Taluka and Sub-District of Bardez, North-Goa District, Goa, now a separate, independent property, which was earlier a part of the larger property bearing survey no. 283/1 of Anjuna Village, which was totally admeasuring 2375 sq. mts, described in the Land Registration Office of Bardez under No. 12587 of Book B New 33, and enrolled in the Taluka Revenue Office under No. 1674 of the 2<sup>nd</sup> Circumscription, surveyed in the Old Cadastral survey under survey no. 2168 of Anjuna Village,



situated within the limits of the Village Panchayat of Anjuna-Caisua, Taluka and Sub-District of Bardez, North-Goa District, Goa, and the said property bearing survey no. 283/1-A of Anjuna Village, is presently bounded as under:

North: By a Public Road

South: By Property bearing Survey No. 283/1-B of Anjuna Village

East: By Property bearing Survey No. 283/2 of Anjuna Village.

West: By a Public Road, which property shall hereafter be referred to as the SAID PROPERTY, for the sake of brevity.

## **II. DOCUMENTS PERUSED:**

1. Description bearing no. 12587 at folio 4v of Book B New 33 of the Land Registration Office of Bardez alongwith its english translation.
2. Inscription bearing no. 30805 at folio 148 of Book G-35 of the Land Registration Records of Bardez alongwith its english translation.
3. Old Cadastral survey plan bearing Old Cadastral Survey no. 2168 of Anjuna Village.
4. Register of Alphabetic Index of old cadastral survey no. 2168 of Anjuna of Village. (Register of Proprietors), along with its English Translation.
5. Registo do Agreemensor of old cadastral survey no. 2168 of Anjuna Village alongwith its english Translation.



6. Auto do Demarcacao (Proceedings of Demarcation) dated 28/01/1943, of old cadastral survey no. 2168 of Anjuna Village alongwith its English Translation.
7. Deed of Succession, Partition and Gift dated 04-05-1959, recorded at folio 85 to 90 of Book no. 585, executed at Mapusa, Goa, before the Substitute Notary Public, Jose Joao Francisco Pinto de Menezes.
8. Deed of Sale dated 12-02-1981, registered with the sub-registrar of Bardez under no. 173, at pages 122 to 129, Book No. I, Volume No. 159, on 19-02-1981.
9. Conversion sanad dated 14-03-1988, issued by the Dy. Collector & Sub- Divisional Magistrate, Panaji for survey no. 283/A(Part) of Assagao Village.
10. Electricity Bill bearing Meter No. A819386.
11. Water Bill bearing meter No. 262089.
12. Inventory proceeding No. 214/2021/E, of the Court of the Civil Judge Junior Division, Mapusa, Bardez, Goa alongwith the Judgment dated 13-09-2021 and Decree dated 15-09-2021.
13. Deed of Sale dated 05-12-2021, duly registered with the Sub-Registrar of Bardez, under No. BRZ-1-4514-2021, Book-1 document, on 06-12-2021.



14. Latest Form I & XIV of the said property, in the name of Sheetal Gandhi.
15. Conversion sanad of the said property dated 04-02-2022, issued by the Additional Collector III North-Goa, to Mrs. Sheetal Gandhi.

**III. FACTS AS AVAILABLE:**

1. There exists a property which was described in the Land Registration Office of Bardez under No. 12587 of Book B New 33 and recorded in the Old Cadastral survey under survey no. 2168 of Anjuna Village, hereinafter referred to as the "Larger Property", for the sake of brevity and to avoid repetition.
2. That the said Larger Property described in the Land Registration Office of Bardez under No. 12587 of Book B New 33 was inscribed in the name of the said Mr. Jorge Estolano Caetano Francisco Xavier do Rosario Vales under No. 30805, at folio 148 of Book G-35 of the Land Registration Records of Bardez.
3. That as per the description No. 12587 of Book B New 33, in the said Larger Property, there were two plots belonging to the heirs of Maria Esperanca de Noronha, which were excluded and separately described under no. 20939 at page 68 reverse of Book B-54 and No. 21284 at page 42 reverse of Book B-55 and the same were thus accordingly separated from the said Larger Property.



4. That the said Larger Property, described in the Land Registration Office of Bardez under No. 12587 of Book B New 33 was owned and possessed by Mr. Jorge Estolano Caetano Francisco Xavier do Rosario Vales, son of Mr. Romulo Vales, who was married to Mrs. Marta Conceicao Dulcina de Souza Vales and the same was evidenced by the inscription recorded under No. 30805 at folio 148 of Book G-35 of the Land Registration Records of Bardez.
5. That the said Larger Property described in the Land Registration Office of Bardez under No. 12587 of Book B New 33 was surveyed in the old cadastral survey under old cadastral survey no. 2168 of Anjuna Village and the name of Mr. Jorge Estolano Xavier Vales, son of Romulo Vales is recorded in the Old Cadastral Survey Records i.e. the Registo do Agreemensor (Surveyors' Register) and the Auto do Demarcacao (Records of Proceedings) of the said old cadastral plan no. 2168.
6. That the said Mr. Jorge Estolano Caetano Francisco Xavier do Rosario Vales expired leaving behind his widow, Marta Conceicao Dulcina de Souza Vales and only two daughters as his sole and universal heirs, namely, Mrs. Melicia Assunta Xavier de Souza Vales e Ramos married to Francisco Boaventura Domingos Ramos and Mrs. Jecica Conceicao Emiliana Lira Florinda Xavier de Souza Vales alias Jecica Vales married to Silvestre Romualdo de Loiola Fernandes, which is confirmed vide the Deed of Succession, Partition and Gift dated 04-05-1959, executed at Mapusa, Goa, before the Substitute Notary Public, Antonio Jose Joao Francisco Pinto de Menezes.



7. That in the said Deed of Succession, Partition and Gift dated 04-05-1959, executed at Mapusa, before the Substitute Notary Public, Antonio Jose Joao Francisco Pinto de Menezes, the said Larger Property described in the Land Registration Office of Bardez under No. 12587 of Book B New 33, was listed as Item "B" and the same was first allotted in the said partition to Mrs. Marta Conceicao Dulcina de Souza Vales, who in turn, in the same deed/document gifted the same property described in the Land Registration Office of Bardez under No. 12587 of Book B New 33, which was described as Item "B" in the Deed of Succession, Partition and Gift dated 04-05-1959, to her daughter, Mrs. Jecica Conceicao Emiliana Lira Florinda Xavier de Souza Vales alias Jecica Vales married to Silvestre Romualdo de Loiola Fernandes and thus the said Mrs. Jecica Conceicao Emiliana Lira Florinda Xavier de Souza Vales alias Jecica Vales and her husband Mr. Silvestre Romualdo de Loiola Fernandes, came to be the owners of the said Larger Property.

8. That the name of Mr. Silvestre Loyola Fernandes is found recorded in the new promulgated survey records of the said Larger, which was bearing new survey no. 283/1 of Anjuna Village and the said new survey records were corresponding to the old survey records bearing no. 2168 of Anjuna Village, thereby confirming the possession and ownership of the said Larger Property in favour of Mrs. Jecica Conceicao Emiliana Lira Florinda Xavier de Souza Vales alias Jecica Vales and Mr. Silvestre Romualdo de Loiola Fernandes a.k.a Silvestre Loyola Fernandes.



9. That the said Mrs. Jecica Conceicao Emiliana Lira Florinda Xavier de Souza Vales alias Jecica Vales and her husband Mr. Silvestre Romualdo de Loiola Fernandes a.k.a Silvestre Loyola Fernandes, sold the said property, described in the schedule above, admeasuring 788 sq. mts., bearing survey no. 283/1-A of Anjuna Village, situated within the limits of the Village Panchayat of Anjuna-Caisua, Taluka and Sub-District of Bardez, Goa, which was a part of the said Larger Property described in the Land Registration Office of Bardez under No. 12587 of Book B New 33, surveyed in the old cadastral survey under no. 2168 and in the new survey under no. 283/1 of Anjuna Village, vide a Deed of Sale dated 12-02-1981, registered with the sub-registrar of Bardez under no. 173, at pages 122 to 129, Book No. I, Volume No. 159, on 19-02-1981, to Mr. Gurudas Narshima Chari.

10. That the said Mr. Gurudas Narshima Chari, thereafter got the said property partitioned from the said Larger Property surveyed under no. 283/1 of Anjuna Village and the said property thereafter came to be a separate, independent property bearing survey no. 283/1-A of Anjuna Village, with an area of 788 sq. mts.

11. That a part of the said property was got converted by the said Mr. Gurudas Narshima Chari, for residential use, vide conversion sanad dated 14-03-1988, issued by the Dy. Collector & Sub- Divisional Magistrate, Panaji.

12. That the said Mr. Gurudas Narshima Chari, thereafter constructed a small house on the SAID PROPERTY, which bears a electricity connection bearing meter no. A819386 and



water connection bearing meter no. 262089, which both are recorded in the name of Gurudas Chari.

13. That the said Mr. Gurudas Narshima Chari, expired on 03-07-2020, leaving behind his widow and moiety, Mrs. Vaishali Gurudas Chari, and his two sons, Mr. Prashant Gurudas Chari married to Mrs. Priti Prashant Chari, and Mr. Ganesh Gurudas Chari married to Mrs. Nayana Ganesh Chari, as his sole and universal heirs, which is confirmed in the Inventory proceeding No. 214/2021/E, which was commenced on the death of the said late Mr. Gurudas Narshima Chari, in the Court of the Civil Judge Senior Division, at Mapusa, and the same was disposed vide Judgment dated 13-09-2021 and Decree dated 15-09-2021, wherein the said property, which was listed as Item No. 1 in the Final List of Assets, was allotted in the proportion of one half to Mrs. Vaishali Gurudas Chari and one quarter each to the Mr. Prashant Gurudas Chari and Mr. Ganesh Gurudas Chari.

14. That the said Mrs. Vaishali Gurudas Chari, Mr. Prashant Gurudas Chari and his wife Mrs. Priti Prashant Chari, and Mr. Ganesh Gurudas Chari and his wife Mrs. Nayana Ganesh Chari, thus came to be confirmed as the sole and universal heirs of the late Mr. Gurudas Narshima Chari and also came to be confirmed as the sole, absolute and exclusive owners of the said property vide Judgment dated 13-09-2021 and Decree dated 15-09-2021 passed in the Inventory proceeding No. 214/2021/E, by the Court of the Civil Judge Senior Division, at Mapusa.



15. That the said Mrs. Vaishali Gurudas Chari, Mr. Prashant Gurudas Chari, Mrs. Priti Prashant Chari, Mr. Ganesh Gurudas Chari, Mrs. Nayana Ganesh Chari as the sole, absolute and exclusive owners of the said property sold, conveyed and transferred the said property, bearing survey no. 283/1-A of Anjuna Village, admeasuring 788 sq. mts., to the Mrs. Sheetal Gandhi, vide a Deed of Sale dated 05-12-2021, duly registered with the Sub-Registrar of Bardez, under registration No. BRZ-1-4514-2021, of Book-1 document, on 06-12-2021.

16. That the name of the said Mrs. Sheetal Gandhi is found recorded in the latest Form I & XIV of the said property bearing survey no. 283/1-A of Anjuna Village.

17. That the said Mrs. Sheetal Gandhi, thereafter got the entire said property converted for residential use, vide order dated 04-02-2022, issued by the Additional Collector III North-Goa.

**IV. OPINION ON TITLE:**

It is, now therefore, opined by me, in view of the facts brought out by the documents cited above, the observations made herein and the representations of the parties, that Mrs. Sheetal Gandhi has a clear and marketable title to the said property admeasuring 788 sq. mts, bearing survey no. 238/1-A of Anjuna Village, Bardez, Goa, subject to Mrs. Sheetal Gandhi obtaining/providing the latest Nil Encumbrance Certificate.

Mapusa - Goa.  
10<sup>th</sup> April, 2022



Adv. Savio X. Soares