

p. s. p. tendolkar & associates

LAW CONSULTANTS & ADVOCATES

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SEARCH REPORT & LEGAL OPINION

1. OPINION SOUGHT BY:

M/S.SARTHAK DEVELOPERS,

a partnership firm duly registered under the Indian Partnership Act 1932 having its office at Near Rajiv Gandhi Kala Mandir, Bethora Road, Ponda Goa

2. DESCRIPTION OF THE PROPERTY:

A] All that portion of land admeasuring 2500.sq.mts designated as GORBATA BICHALEM @ BHAT BICHALEM also as KAZI WADO, situated at Ponda the known as Queula within the area and jurisdiction of Ponda Municipal Council of the Taluka and Sub District of Ponda of the South Goa District of the State of Goa and which land as a distinct unit is registered in the Land Registration Office of Ilhas Goa under No.467 of Book B 2 new and also enrolled in the Matriz record under No.730 and is separately **surveyed under No.164/4** of village Ponda and is also found inscribed in the said Land Registration Office of Ilhas



under Inscription no.24953 of Book G 38 in the name of Narayan Sazro Naik and which portion now forming a separate and distinct unit is bounded as under:

East : by the property of Xri Ramnath of Queula,
 West : by the property of Gones Sinai Talvodcar,
 North : by the remaining land Gorbhat Bichalem,
 South : by the land of Narayan Naik.

The above land as per the survey records is bounded as under:

East : by the survey no.164/5,
 West : by the survey no.164/3,
 North : by the survey no.163/3,
 South : by the survey no.164.

B] All that portion of land admeasuring 250sq.mts of the larger land known as Gorbata Bichalem, situated at Ponda within the area and Jurisdiction of Ponda Municipal Council of the Taluka and Sub District of Ponda of the South Goa District of the State of Goa and which land as a whole is registered in the Land Registration Office of Ilhas Goa under No.467 of Book B 2 new and also enrolled in the Matriz record under No.730 and bounded as under:

East : by the property of Shri. Ramanth of Queula,
 West : by the property of Gones Sinai Talvadkar,
 North : by the remaining land of the said onwaers Caji,
 South : by the land sold to Narayan Sazro Naik.

AND surveyed under new survey **no.164/4 of village Ponda** and as per survey bounded as under:

East : by the survey no.163/5

West : by the survey no.164/3,

North : by the survey no.163/3 and

South : by the survey no.164.

3. DOCUMENTS INSPECTED:

i) Land Registration certificate

ii) Deed dated 26th day of April 1962

iii) Deed of Succession dated 21st day of August 2007

iv) Survey Records.

vi) Deed of sale dated 25th day July 2011.

vii) Deed of relinquishment dated 4/8/2017.

viii) Deed of Relinquishment, dated 12/10/2017.

ix) Deed of Relinquishment, dated 12/9/2017.

x) Records & Proceedings in Inventory Proceedings No.62/2018/C.

xi) Deed of sale dated 12th day of April 1967.

xii) Deed of Relinquishment, dated 23/11/2020.

xiii) Agreement dated 8/1/2021.

xiv) Deed of sale, dated 28/5/2021

4. FLOW OF TITLE:

The title of the property involved herein comprises of two distinct and separate survey numbers bearing survey nos.164/5 and 164/4 of village Ponda, Taluka Ponda.

A: Property under new survey no.164/5 of Ponda.

- i.]** In terms of a deed of sale, dated 26th day of April 1962 duly registered before the then Notary of Ponda Court Shri. Tatu Naique on Book No.349 at pages 1 onwards one Narayan Sazro Naik purchased from Mr. Caji Mamod Miam alias Sahib a bachelor, a portion of land admeasuring 2500sq.mts of the property known as GORBATA BICHALEM @ BHAT BICHALEM also as KAZI WADO, situated at Ponda formerly within the limits of village Queula presently within the area and jurisdiction of Ponda Municipal Council of the Taluka and Sub District of Ponda of the South Goa District of the State of Goa and which land as a distinct unit is registered in the Land Registration Office of Ilhas Goa under No.467 of Book B 2 new and also enrolled in the Matriz record under No.730 of Ponda.
- ii]** In view of the said purchase the said portion of land admeasuring 2500 sq.mts is found inscribed in the name of said Narayan Sazro Naik in the said Land Registration Office of Ilhas under Inscription no.24953 of Book G 38 in the name of Narayan Sazro Naik
- iii]** In the course of survey conducted under the Land Revenue Code the said portion of land admeasuring 2500 sq.mts is surveyed distinctly under no.164/5 of village Ponda and as per the survey is bounded as under:



East: by the land under survey no.163/4 & municipal road

West : by the land under survey no.164/4,

North : by the land under survey no.163/4

South : by the land under survey no.164.

- iv]** As per the recital in the said deed, dated 26th day of April 1962 and the inscription , it is found that the said land Gorbhat Bichalem was owned by the previous owner Mr. Caji Mamod Miam alias Sahib by virtue of its allotment made to him in the Inventory Proceeding which took place in the Civil Court of Ponda on the death one Rogina Bibi Caji wife of Caji Foquir Sab alias Cagi Mamod Mohidin and Caji Mamod Miam, being one of the sons.
- v]** Said Narayan Sazro Naik and his wife Smt. Bhagirati, expired leaving behind them four children namely i) Shri Nanda Narayan Naik, married to Smt. Shubhangi, ii) Mr. Vinayak Narayan Naik married to Smt. Shoba (iii) Smt. Nirmala N. Naik, since deceased, married to Ramnath G. Borkar and iv) Smt. Pushpa N. Naik, who was remarried to said Ramnath G. Borkar in the second nuptial after the death of his first wife, said Smt. Nirmala.
- vi]** Said Ramnath Gopal Borkar expired, and in terms of Deed of Succession executed on the death of the said Ramnath Gopal Borkar before the Notary Ex officio of Salcete on 21st day of August 2007 on the Book of deeds No.1510 at folios 51 onwards his four children namely a)



Sudhir Ramnath Borkar married to Anadha b) Mr. Gopal Ramnath Borkar married to Suvidhya c) Smt. Poornima married to Sujit Nabar and d) Miss. Meenaxi spinster were qualified as their heirs.

vii] After death of said Narayan Naik and his wife Smt. Bhagirathi, by a deed of sale dated 25th day July 2011 duly registered before the Sub Registrar Office of Ponda under registrar No. 1832 at pages 203 to 230 of Book No. I volume 1892 dated 08/08/2011, his children namely said Nanda N. Naik and wife Shubhangi, Mr. Vinayak N. Naik and his wife Shoba as vendors and Mrs. Pushpa Ramnath Borkar widow of Ramanath Gopal Borkar as confirming party, sold to their nephews Mr. Sudhir Ramnath Borkar and his brother Gopal alias Sunil Ramnath Borkar both sons of said Ramnath Gopal Borkar a part/portion of the said land being an area of 1250.00sq.mts out of the total area of 2500sq.mters of the said property under survey no. 164/5 of village Ponda and which portion as per the said deed as a distinct unit is bounded as under:

East : by the land of Caji Cutbodid Cutubidin and others,
West: by the part of the same property under survey

no. 164/5.

North : by the land of the said Cutubidin and others,

South : by the land of Talvodkars of Ponda.

And consequently said land under new survey no.164/5 was owned by said Shri Nanda and his wife, said Vinayak and his wife, said Smt. Pushpa, said Sudhir and Gopal.

Viii] Subsequently Said Shri Nanda Narayan Naik expired leaving behind him his widow said Smt. Shubhangi and five children namely i) Shri Rama Nanda Naik married Smt. Archana ii) Shri Dilip Nanda Naik married to Smt. Sarika iii) Smt. Suteja Nanda Naik married to Shri Eknath Vast iv) Smt. Suvarna Nanda Naik married to Shri Bhupendra Naik v) Smt. Supriya Nanda Naik married to Shri Sudesh Parxencar.

ix] By a Deed of relinquishment dated 4th day of August 2017 duly executed before the Notary Ex officio of Ponda under Book No.418 at folios 68 onwards, the daughter of late Nanda N. Naik viz. Smt. Suvarna Nanda Naik and her husband Shri Bhupendra Naik, have relinquished their undivided right to the estate of late Nanda Narayan Naik and late Narayan Sazro Naik and wife Bhagirathi,

x] By Deed of Relinquishment dated 12th day of November 2017 duly executed before the Notary Ex Officio of Bardez Mapusa on Book No.858 at folios 31 onwards, the second daughter Smt. Supriya Nanda Naik and her husband Sudesh Parsecar have relinquished their undivided right to the estate of late Nanda Narayan Naik and late Narayan Sazro Naik and his wife Bhagirathi.

- Xij].** So also by third Deed of Relinquishment dated 12th day of September 2017 duly registered before the Notary Ex Officio of Quepem on Book No.603 at folios 83 V. onwards, the third daughter by name Smt. Suteja Nanda Naik married to Eknath Vasta relinquished their undivided right to the estate of late Nanda Narayan Naik and late Narayan Sazro Naik and his wife Bhagirathi.
- xii]** Consequently by virtue of said relinquishments said Smt. Shubangi Nanda Naik alongwith her sons i.e.said Rama N. Naik and Dilip N. Naik alongwith their spouses became the sole and exclusive owners of the said right of late Nanda Narayan Naik.
- xiii]** In terms of Inventory Proceedings filed in the Court of the Civil Judge Senior Division at Ponda under Inventory File No.62/2018/C wherein all the heirs of late Mr. Narayan Sazro Naik and wife Bhagirati, so also the heirs late Nanda Narayan Naik and late Nirmala Narayan Naik @ Nirmala Ramnath Borkar and Pushpa Narayan Naik @ Ramnath Borkar and late Ramnath Gopal Borkar were brought on record and were allotted the above mentioned property as per their shares.
- xiv]** Vide Judgment dated 13/9/2019 passed in said Inventory half of the said land under survey no.164/5 of Ponda, was allotted to said Sudhir and Gopal Borkar the remaining half was equally distributed amongst said

Vinayak Narayan Naik and heirs of late Nanda Narayan Naik. Consequently by virtue of said allotment said heirs Nanda and his wife were allotted 12.5% share in the entire property, said Vinayak and his wife were allotted 12.5% share in entire property and the remaining 75% was allotted/held by said Shri. Sudhir and Shri Gopal@ Sunil in inheritance through late Narayan Naik and also on account of purchase of half of the land by said deed ,dated 25/7/2011.

(B) Land under new survey no.164/4 of Ponda

- i] By a deed of sale dated 12th day of April 1967 duly registered before the Sub Registrar Office of Ponda under registrar No.242 at pages 145 to 149 of Book No. I volume 5 dated 30/11/1967 one Mr. Sahile son of Kaji Foquir Sab represented by his attorney Mr. Kazi Mohamed Issak Sahib sond of Kazi Mohamed Hossen as vendors sold to Mr. Ramnath Gopal Borcar and his wife Nirmala Ramnath Borkar residents of Borim All that portion of land admeasuring 250sq.mts of the larger land known as Gorbata Bichalem, situated at Ponda within the area and Jurisdiction of Ponda Municipal Council of the Taluka and Sub District of Ponda of the South Goa District of the State of Goa and which land as a whole is registered in the Land Registration Office of Ilhas Goa

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under No.467 of Book B 2 new and also enrolled in the Matriz record under No.730 and bounded as under:
East : by the property of Shri. Ramanth of Queula,
West : by the property of Gones Sinai Talvadkar,
North : by the remaining land of the said onwaers Caji,
South : by the land sold to Narayan Sazro Naik.

ii] In the course of survey the said portion is surveyed **no.164/4 of village** Ponda and is bounded as under:

East : by the survey no.163/5

West : by the survey no.164/3,

North : by the survey no.163/3 and

South : by the survey no.164.

And thus said Ramnath Gopal Borkar, and his wife became the sole and exclusive owners, of said land under survey nio.165/4 and which portion of land is adjoining to the land purchased by the said Ramnath Gopal Borkar of an area of 1250sq.mts of the above mentioned property by said deed of sale dated 25th day of July 2011.

iii] Said Ramnath Gopal Borkar expired, and in terms of Deed of Succession executed on the death of the said Ramnath Gopal Borkar before the Notary Ex officio of Salcete on 21st day of August 2007 on the Book of deeds No.1510 at folios 51 onwards his four children namely a) Sudhir Ramnath Borkar married to Anadha b) Mr. Gopal @ Sunil Ramnath Borkar married to Suvidhya c) Smt.

Poornima married to Sujit Nabar and d) Miss. Meenaxi spinster were qualified as their heirs.

iv] Said Mrs. Purnima Ramnath Borkar @ Purnima Nabar @ Shamika Sujit Nabar daughter of late Ramnath Borkar and her husband Mr. Sujit P. Nabar son of Pradeep Nabar have by a Deed of Relinquishment of Rights dated 23rd day of November 2020 duly executed before the notary Ex Officio of Salcete and recorded at folios 10 to 10 of the Book of Deeds No.1659 have ceded, released renounced and relinquished all their illiquid and undivided rights in the estate of their parents and parents in law late Ramnath Gopal Borkar @ Ramnath Gopal Naique Borcar @ Ramnath Naik @ Ramanth Borcar. Consequently the said land under new survey no.164/4 of village Ponda was owned by said a) Sudhir Ramnath Borkar married to Anadha b) Mr. Gopal @ Sunil Ramnath Borkar married to Suvidhya and Miss. Meenaxi spinster.

c] By a common agreement dated 8/1/2021 and registered in the office of the sub registrar Ponda under no.PON-1-137-2021, said MRS. SHUBHANGI NANDA NAIK, MR. RAMA NANDA NAIK MRS. ARCHANA R. NAIK, MR. DILIP @ DEELIP NANDA NAIK, MRS. SARIKA D. NAIK, MR. SUDHIR RAMNATH BORKAR, MRS. ANADHA SUDHIR BORKAR, MR. GOPAL @ SUNIL RAMNATH BORKAR,



MRS. SUVIDHA GOPAL BORKAR and MISS. MEENAXI @ MINAXI RAMNATH BORKAR, have agreed to sell all their rights in both the said lands i.e. under survey no.164/5 and 164/4 of village Ponda to M/S. SARTHAK DEVELOPERS, a partnership Firm in part consideration of payment of monies and partly by way of constructing and allotting certain built up premises in the said land that was proposed to be constructed in said lands as detailed in the said agreement.

D] In the said agreement said MR. VINAYAK NARAYAN NAIK and MRS. SHOBA VINAYAK NAIK were joined as confirming parties.

E) By subsequent deed of sale, dated 28/5/2021 and registered in the office of the sub registrar Ponda under no.PON-1-761-2021 on 2/6/2021,said MR. VINAYAK NARAYAN NAIK and MRS. SHOBA VINAYAK NAIK have sold all their undivided share of 1/8th in said land under survey no.164/5 to said M/S. SARTHAK DEVELOPERS, a partnership Firm.

5. OPINION:

On scrutiny of above documents and considering the chain of title, we do hereby opine that by virtue of the above agreement, dated 8/1/2021 and the deed of sale, dated 28/5/2021 M/S.SARTHAK DEVELOPERS, has acquired developmental rights and right to sell premises

to be constructed by utilizing the remaining $7/8^{\text{th}}$ right in the said lands under survey no.164/5 along with absolute right to $1/8^{\text{th}}$ in land under new survey no.164/5 of Ponda as also developmental rights and right to sell premises to be constructed in the said lands under survey no.164/4 of village Ponda.



For P. S. P. Tendolkar & Associates)

