

# FRANCISCO TAVORA & ASSOCIATES

ADVOCATES

3<sup>rd</sup> Floor, Trionora Apts, Above Hotel Navtara, Panaji, Goa. INDIA

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## LEGAL OPINION

THIS LEGAL OPINION on title is based on the copies of documents, which were made available to me for scrutiny, and pertains to the following property:

### I. DESCRIPTION OF THE SAID PROPERTY:

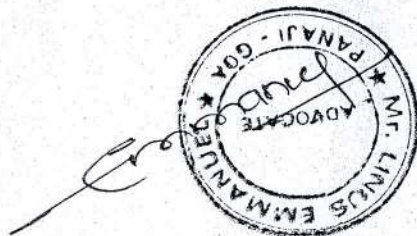
ALL THAT PROPERTY known as 'PADRE AGNEL WADDO' alias 'GAUNCHI ARADI' alias 'SIMECHEM TEMBA' alias 'XEMEACHEM BATA' alias 'SIMIACHEM TEMBA', totally admeasuring **5,650** sq. mtrs, bearing survey no. **519/6** of the Village Panchayat of Anjuna, situated at Sonarvaddo, Anjuna, Bardez, Goa, within the limits of the Village Panchayat of Anjuna, described under No. 5606, page 92 of Book B-38(old) and No. 17875 at pages 108v of Book B-46 in the Land Registration Office of Bardez, not known to be registered in the Taluka Revenue Office and is bounded as under:

On or towards the EAST : by survey no 519/7 and 518/1

On or towards the WEST : by survey no. 520/1, 520/2, 3 & 4 and partly by the 8-meter wide internal road;

On or towards the NORTH : by survey nos. 519/7 and partly by the 8-meter wide internal road;

On or towards the SOUTH : by survey no. 518/1 and the nullah.



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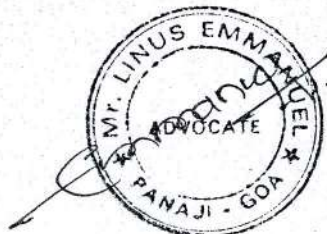
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## II. TITLE HOLDERS:

- **M/s ZEPHYR HOLDINGS**, a partnership firm registered under the Indian Partnership Act, holding PAN Card No. \_\_\_\_\_, having its office at 2<sup>nd</sup> Floor, Atur Chambers, 2A Moledina Road, Pune-1 and represented herein by its partners:
  - i. **Mr. KISHORE ARJAN MANSUKHANI**, major of age, s/o Mr. Arjan Mansukhani, businessman, married, Indian National and resident of 8, Shree Narsimha Co-operative Housing Society Limited, 194 Boat Club Road, Pune, 411 001;
  - ii. **Mr. SUVIR INDURSEN MIRCHANDANI**, major of age, s/o Mr. Indursen Mirchandani, married, Indian National and resident of 701 Silver Leaf Apartment, Opp. Boat Club Road, Currimbhoy Road, Pune 411 001.

## III. FACTS:

1. The SAID PROPERTY originally forming part of the larger property described under No. 5606, page 92 of Book B-38 (old) and described under No. 17875 at pages 108v of Book B-46 in the Land Registration Office of Bardez, at Mapusa belonged to one Lourenco Pedro de Souza and his wife Anna Micaela de Souza.
2. On demise of the said Lourenco Pedro de Souza and his wife Anna Micaela de Souza an Inventory Proceeding came to be instituted and the larger property listed as Item No. XI came to be allotted to Mr.



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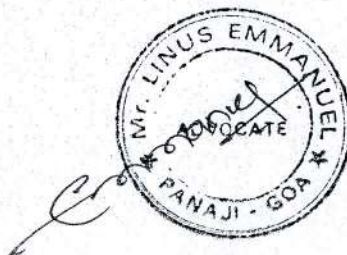
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Joveniano Maximiano de Souza alias Joveniano Maximiano Francisco Antonio de Souza married to Maria Alexandrina de Souza alias Malina alias Malvina Maria Alexandrina Cristalina Beatriz de Souza vide Order dated 2nd April, 1915 confirming the Chart of Allotment in the said Inventory Proceedings.

3. Consequently, the larger property came to be inscribed in favour of the said Joveniano Maximiano de Souza alias Joveniano Maximiano Francisco Antonio de Souza married to Maria Alexandrina de Souza alias Malina alias Malvina Maria Alexandrina Cristalina Beatriz de Souza alias Maria Melinda de Souza vide Inscription No. 13010 at pages 39(v) of Book G-19 in the Land Registration Office of Bardez at Mapusa.
4. The said Maria Alexandrina de Souza alias Melina alias Malvina Maria Alexandrina Cristalina Beatriz de Souza wife of Mr. Joveniano Maximiano de Souza alias Maria Melinda de Souza subsequently came to expire and on her demise Inventory Proceedings came to be instituted to partition the estate the said late Malvina Maria Alexandrina Cristalina Beatriz de Souza alias Maria Melinda de Souza.
5. In the said Inventory Proceedings a portion of the larger property described under No. 5606, at page 92 of Book B-38 (old) was listed as Item No. XI and the balance portion of the larger property described under No. 17875 at pages 108v of Book B-46 in the Land Registration



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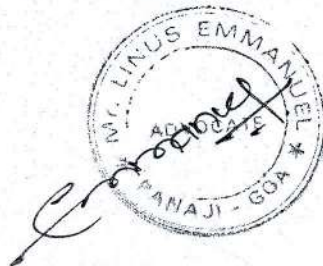
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Office of Bardez listed as Item No. XII in the said Inventory Proceedings, came to be allotted to Joveniano Maximiano de Souza, her husband and moiety holder and the other half of Item No. XII came to be allotted to her son Franklin Amancio Santana Baptista de Souza vide Order of Allotment dated 10th March, 1936 in the aforesaid Inventory Proceedings.

6. Subsequently, the said Joveniano Maximiano de Souza bequeathed the larger property described under Description No. 5606 and under Description No. 17875 to his son Franklin Amancio Santana Baptista de Souza vide Will dated 9th June, 1958, transcribed at page 47 onwards of Book No. 50 of the Notary Mr. Antonio Rosario Mascarenhas of the Comarca of Bardez, at Mapusa.
  
7. Consequently, the right, title and interest in the larger property came to be vested with the said Franklin Amancio Santana Baptista de Souza married to Maria Felizberta Antonieta Souza and the said Franklin Amancio Santana Baptista de Souza came to expire on 05-01-1972 leaving behind his wife and moiety-holder Maria Felizberta Antonieta Souza and as his universal heirs:
  - i. Late Elpidio John Agnel de Souza married to Saroj D'Souza.
  - ii. Noel de Souza married to Veronica de Souza.
  - iii. Melinda Marvina Lira de Souza alias Melinda Lira Marques married to Agnelo Taumarturgo Marques.
  - iv. Marciana Jessie de Souza married to Joscelyn Anselmo de Souza.



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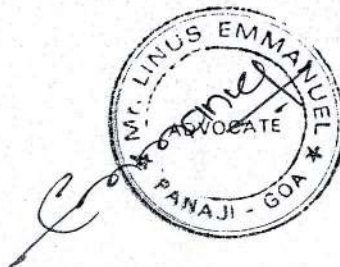
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- v. Prisca Deloroza Albuquerque married to Casmiro Isaac Vicente Albuquerque.
8. The said (i) Mrs. Melinda Marvinia Lira de Souza alias Melinda Lira Marques married to Mr. Agnelo Taumarturgo Marques and (ii) Mrs. Marciana Jessie de Souza married to Mr. Joscelyn Anselmo de Souza relinquished all their right and interest in the estate of their late father/father-in-law Mr. Franklin Amancio Santana Baptista de Souza vide Deed of Renunciation dated 02-06-1984 transcribed at pages 89v of Book 723 in the Office of the Sub-Registrar of Bardez, at Mapusa.
9. Mrs. Prisca Deloroza Albuquerque married to Mr. Casmiro Isaac Vicente Albuquerque also relinquished her share in the estate of their late father/father-in-law Mr. Franklin Amancio Santana Baptista de Souza vide Deed of Renunciation dated 02-11-1987 transcribed at pages 95v of Book 732 in the Office of the Sub-Registrar of Bardez, at Mapusa.
10. Therefore, the larger property came to be vested in Mrs. Maria Felizberta Antonieta Souza and her two sons: (i) Elpidio de Souza and his wife Saroj D'Souza, and (ii) Noel de Souza married to Veronica de Souza, who executed Deed of Partition dated 13th May, 1992, registered under No. 1186 of Book I, Volume 164, in the Office of the Sub-Registrar of Bardez, at Mapusa to partition the estate of the said late Mr. Franklin Amancio Santana Baptista de Souza inasmuch as the



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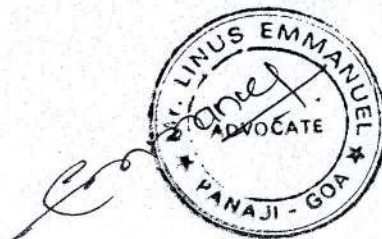
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larger property then came to be allotted to (i) Mr. Elpidio John Agnel de Souza married to Mrs. Saroj D'Souza, and; (ii) Mr. Noel de Souza married to Mrs. Veronica de Souza in equal shares with reservation of usufruct of the larger property in favour of Mrs. Maria Felizberta Antonieta Souza, his widow and moiety holder, for the purpose of rationalization of shares.

11. The said Mrs. Maria Felizberta Antonieta Souza then vide Deed of Gift dated 24th February, 1995, registered under No. 1954 of Book I, Volume 335 on 30-10-1995 in the Office of the Sub-Registrar of Bardez at Mapusa gifted her right, title and interest in the usufruct of the larger property to her son Mr. Elpidio de Souza married to Mrs. Saroj D'Souza.
12. The said Mr. Elpidio de Souza came to expire on 17-11-2000 leaving behind his wife and moiety holder Mrs. SAROJ D'SOUZA and as his sole and universal heirs, the following:
  - i. Mr. ELWYN FRANKLIN ANSEL DE SOUZA.
  - ii. Ms. ELISA PIEDADE D'SOUZA.
13. The marriage of Mr. NOEL DE SOUZA to Mrs. Veronica de Souza came to be dissolved & annulled and endorsed in the Certificate of Marriage in pursuance of Letter No. HCB/Goa/DM/162/2003 dated 16-09-2003 of the Hon'ble High Court of Bombay at Panaji, Goa and intimated vide Letter No. RDS/446/2003 dated 26-09-2003 of the



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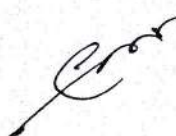

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District Registrar of Goa on 06-10-2003 to the Civil Registrar of Bardez, at Mapusa and in pursuance thereof the said Mr. Noel de Souza has come to be vested with his one-half share of the SAID PROPERTY independently.

14. The said Mrs. SAROJ D'SOUZA, Mr. ELWYN FRANKLIN ANSEL DE SOUZA, bachelor at the relevant time and his sister Ms. ELISA PIEDADE D'SOUZA, spinster and Mr. NOEL DE SOUZA then agreed to sell a plot of land admeasuring **7,425** sq.mts, being 525 sq.mtrs of survey no. 519/8, 1250 sq.mtrs of survey no. 519/7 & 5650 sq.mtrs of survey no. 519/6, all of Village Panchayat of Anjuna, situated at Arpora, Anjuna, Bardez, Goa, forming part of the larger property, hereinafter referred to as the 'SAID PORTION' to the TITLEHOLDER herein vide Agreement of Sale dated 28-09-2011, which Agreement is registered under No. BRZ-BK1-05329-2011, CD Number BRZD248 on 17-11-2011 in the Office of the Sub-Registrar of Bardez, at Mapusa.
15. One Mr. Shrikant Murari Harmalkar married to Mrs. Yashashree alias Eshri Shrikant Harmalkar was ordered to be registered as a "mundkar" of House bearing **H.No. 1246/1246(1)**, admeasuring **450** sq. mtrs, situated on survey No. **519/6** of the larger property vide Order dated 17<sup>th</sup> June, 1982 in Case No. MND/SR-29(4)/195/81 by the Joint Mamlatdar of Bardez, at Mapusa.

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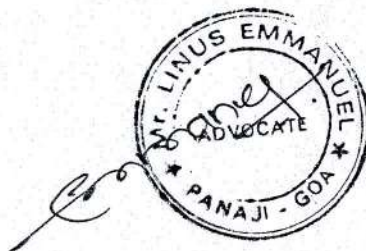
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16. The said Mr. Shrikant Murari Harmalkar came to expire on 01-01-2006 and his wife Mrs. Yashashree alias Eshri Shrikant Harmalkar came to expire on 03-12-2010 and therefore all their right, title and interest in the mundkarial house bearing **H.No.1246/1246(1)** came to be vested in their two sons, viz.:
- Mr. RAJENDRA SHRIKANT HARMALKAR married to Mrs. RAJDEEPA RAJENDRA HARMALKAR alias ANANDI RAJENDRA HARMALKAR
  - Mr. UMESH SHRIKANT HARMALKAR married to Mrs. URMILA UMESH HARMALKAR
- and which is corroborated vide Deed of Succession dated 28-10-2020, transcribed at folio 85 to 86v of Book No 871 of the Notary Ex-Officio of Bardez, Mapusa, Goa.
17. The aforesaid (a) Mr. RAJENDRA SHRIKANT HARMALKAR and his wife Mrs. RAJDEEPA RAJENDRA HARMALKAR alias ANANDI RAJENDRA HARMALKAR (b) Mr. UMESH SHRIKANT HARMALKAR and his wife Mrs. URMILA UMESH HARMALKAR then at the instance and cost of the TITLEHOLDER agreed to exchange the **H.No. 1246/1246(1)** for a plot of land admeasuring 500 sq. mtrs, with two houses to be constructed on survey no. 519/6 & 7 of the larger property and payment of a sum in terms of the Agreement of Exchange dated 30th November 2017, registered under No. BRZ-Bk1-01238-2018, CD Number BRZD795 on 15-03-2018 in the Office of the Sub-Registrar of





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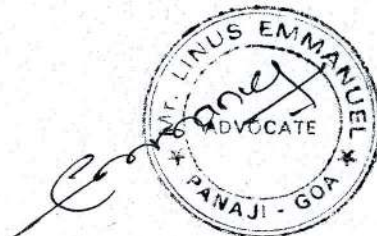
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Bardez, at Mapusa and consequently executed a Deed of Exchange dated 30-10-2020.

18. The TITLEHOLDER issued a public notice in the Times of India dated 30-04-2011 and in the Navhind Times daily dated 30-04-2011 and no objection/s were received with respect thereto.
19. Inventory Proceedings No. 28/2018/F came to be filed in the Court of the Civil Judge of Bardez, at Mapusa and in lieu of the Order dated 02-02-2018 in the said Inventory Proceedings, the estate of late FRANKLIN AMANCIO SANTANA BAPTISTA DE SOUZA and his wife MARIA FELIZBERTA ANTONIETA SOUZA ALIAS MARIA D'SOUZA and their son ELPIDIO JOHN AGNEL DE SOUZA and in particular the SAID PROPERTY listed as Item No. 1 came to be allotted to the following as under:
- i. Mr. NOEL JOHN AGNEL  
SANTANA BAPTISTA D'SOUZA - 1/2 share
  - ii. Mrs. SAROJ D'SOUZA alias  
SAROJ SMITA D. A. D'SOUZA - 1/4<sup>th</sup> share
  - iii. Mr. ELWYN FRANKLIN ANSEL  
D'SOUZA married to  
Mrs. LAVINA RITA D'SOUZA - 1/8<sup>th</sup> share
  - iv. Ms. ELISA PIEDADE D'SOUZA - 1/8<sup>th</sup> share



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20. The TITLEHOLDER then called upon the aforesaid predecessors-in-title to convey their right, title and interest in the larger property to the TITLEHOLDER herein in fulfillment of the obligations under the Agreement of Sale dated 27-09-2011 and accordingly Deed of Sale dated 27-02-2018, registered under BRZ-BK1-01237-2018, CD Number BRZD795 on 15-03-2018 in the Office of the Sub-Registrar of Bardez, at Mapusa came to be executed in favour of the TITLEHOLDER herein.
21. The TITLEHOLDER is therefore vested with right, title and interest in the SAID PORTION admeasuring **7,425** sq.mts, being 525 sq.mtrs of survey no. 519/8, 1250 sq.mtrs of survey no. 519/7 and 5650 sq.mtrs of survey no. 519/6, all of Village Panchayat of Anjuna, situated at Arpora, Anjuna, Bardez, Goa and is in exclusive possession of the SAID PORTION.
22. The TITLEHOLDER has applied for and obtained the following, viz:
  - a. Conversion Sanad dated 05-11-2018 bearing No. 4/252/CNV/AC-III/2018/1223 from the Office of the Addl. Collector – III, at Mapusa.
  - b. Technical Clearance Order dated 16-09-2020 bearing No. TPB/4670/ANJ/TCP-20/3451 from the Town and Country Planning Department, Mapusa, Bardez, Goa.
  - c. No Objection Letter bearing No. PHCS/NOC-Const/20-21/1148 dated 23-09-2020 from the Primary Health Centre, Candolim.



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23. The TITLEHOLDER having obtained the aforesaid no objection certificates and permissions applied and obtained Construction License for the SAID PROJECT vide Construction License bearing No VP/ANJ-CAI/2020-2021/2107 dated 22-10-2020 from the Village Panchayat of Anjuna, to construct the SAID PROJECT known as 'MAYBERRY II'.


#### IV. LEGAL OPINION:

That in pursuance of the aforesaid the TITLEHOLDER herein are therefore vested with right, title and interest in the SAID PROPERTY and is the sole owner in possession of the SAID PROPERTY having been granted permission to construct the project known as '**MAYBERRY II**' in the SAID PROPERTY.

Panaji – Goa

29<sup>th</sup> December, 2020



  
Adv. LINUS EMMANUEL