

JAGANNATH .J. MULGAONKAR*ADVOCATE*

“402”, EDCON GALLERIA, CAETANO ALBUQUERQUE ROAD, NEAR HOTEL
DELMON,

PANAJI, GOA PIN : 403 001 PHONE: 0832 2220103 / 09420165432/7721929637

EMAIL: nalinmulgaonkar@gmail.com

Date: 08/12/2017

OPINION OF TITLE

This opinion of title is issued at the request of **Ms. Kasu Dhruthi Reddy**, resident of No- 1, Sree Bhagavathy, Panathur Road, Yamalur. Bangalore, Pin Code – 560 037.

DESCRIPTION OF PROPERTY:**SCHEDULE I****(Of the said larger property)**

All that property known as D-JILL , considered as 1 Unit bearing matríz no . 5,89, 121,122 and is registered under no. 7811 of Book B- 21 (New) and no. 8447 of Book B-22 (New) in the Land Registration office of Bardez,Goa bearing survey no. 79/3 and is situated at Verem of Village Panchayat Of Reis Magos of Taluka, Bardez, ,Sub District of Bardez ,District of Goa.

SCHEDULE II

(Description of the said plot)

All that Plot identified as Plot No.8 admeasuring 3671 sq.mts forming part of the property known as “D. JILL” bearing survey no. 79/3 of village Reis Magos within the limits of Verem of Village Panchayat Of Reis Magos , Taluka Bardez, State of Goa and the said plot is bounded as under:-

To the East: By Access Road;

To the West: By survey no.27 of village Reis Magos

To the North: By survey no.79/3-B of village Reis
Magos.

To the South: By plot no.7 forming part of the property
bearing survey no.79/3 of village Reis
Magos.

DOCUMENTS PRODUCED BEFORE ME:

1. Survey form I and XIV of property bearing survey no. 79/3 of village Reis magos.
2. Survey Plan of property bearing survey no. 79/3 of village Reis magos .
3. notarized copy of Deed of partition dated 25/02/1986 was executed which has been ordered in the office of sub registrar of Ilhas on 11/04/1986.

4. Photocopy of the judgment in Mundkar case dated 24/06/2008.
5. Zoning certificate dated 17/10/2017.
6. Matriz is reported to be unavailable.

FLOW OF TITLE

Late Vishnu Naique Panvelcar and his wife Late Savitribai Vishnu Naique Panvelcar were the owners of said the property. On the death of Vishnum Naique Panvelcar , inventory proceedings no. 2/1975 were filed in the court of civil judge senior division at Panaji and during the pendency of the said inventory and the disputes between the parties, a deed of partition dated 25/02/1986 was executed which has been registered in the office of sub registrar of Ilhas on 11/04/1986 partitioning among themselves and exchanging various properties among them inert alia the aforesaid said property known as “ D.JILL”.

By the said deed of partition the said property “ D.JILL “ was sub divided into 10 plots identified in the said deed of partition and exchange as part I , II ,III,IV , V , VI , VII, VIII, IX and X. the plot identified as plot 8 forms part of the property bearing survey no. 79/3 of village Verem , Reis Magos and has been allotted to DR.GOPAL VISHNU NAIQUE PANVELKAR and his wife DR. (MRS) REKHA GOPAL NAIQUE PANVELKAR.

The I and XIV form shows that the said Plot no.8 has not been partitioned in survey and the therefore names of certain other persons appear in the survey records. **Any attempt to partition the said Plot No.8, may need consent of the persons whose names appear in the form I and XIV.**

Exact location of Plot no.8 will have to be identified with the help of an expert surveyor.

In the other rights column of the said Survey form, there appears the name of one Raghuvir Tulu Salgaonkar. It appears that his son, Sandip R. Salgaonkar has already obtained Mundkar Declaration and also inserted his name in the survey records of the basis of the same. However, the name of Raghuvir Salgaonkar continues to figure in the form I and XIV.

Public notice dated 03/11/2017 was published on 4/11/2017 in Daily newspaper Navhind Times to which objection was received from Mr. Jos Augustine Vadassery. The objection was not supported with any documentary proof. The contents of the letter of objection also pertains to recovery of money and not to lien over property. I am therefore of the opinion that this objection is of no substance and needs to be discarded.

Lastly, the said DR.GOPAL VISHNU NAIQUE PANVELKAR and his wife DR. (MRS) REKHA GOPAL NAIQUE PANVELKAR have appointed Shri Vivek Panvelcar as their attorney to sell the said Plot. The Power of attorney is

executed on 24/01/2017 on a Rs. 500/- stamp paper stamp paper. By virtue of an Amendment to the Goa stamp Act, with effect from 22/05/2013, stamp duty proportionate to the value of the property is payable. This clause may be waived in case the attorney and the executants are close relatives. In the present case, the Power of attorney makes no mention of the relationship between the owners and Vivek Panvelcar. The said Power of attorney could therefore be deemed to be under stamped.

Conclusion :

On perusal of the above documents I am of the opinion that DR.GOPAL VISHNU NAIQUE PANVELKAR and his wife DR. (MRS) REKHA GOPAL NAIQUE PANVELKAR are the owners of the said Plot No.8, subject to the owners obtaining a Nil Encumbrance certificate. However, any attempt to partition the said Plot No.8, may need consent of the persons whose names appear in the form I and XIV and may be a cause for delay in obtaining license, approvals, etc. The Power of attorney is executed on 24/01/2017 may be deemed to be understamped and may be liable to be impounded. Also Any transaction may be subject to prior approval of the Reserve Bank of India under the Foreign exchange management Act.

(Jagannath .J. Mulgaonkar)

Salil Saudagar

Advocate

Off.

E-402, Saldanha Business Towers,
4th floor, Near Mapusa Court Junction,
Mapusa Goa- 403507.

E-mail: salilsaudagar@gmail.com

Mobile No 9823055758

TITLE REPORT

I. DOCUMENTS PERUSED

I have perused the photocopies of the following documents:

- a) Form I & XIV of property bearing Survey No. 79/3B of village Reis magos, Bardez – Goa.
- b) Survey Plan of property bearing Survey No. 79/3B of village Reis magos, Bardez – Goa.
- c) Deed of Exchange and Partition dated 25/02/1986, registered under No.242, Vol. No.235, of Book I dated 20/11/1987 before the Sub Registrar of Ilhas.
- d) Deed of Sale dated 19/10/1990, registered under No.563/91, Book I, Vol. No.137 dated 6/6/1991 before the Sub Registrar of Bardez.



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- e) Deed of Sale dated 24/05/2007, registered under No.3348, Book I, Vol. No.2189 dated 4/7/2007 before the Sub Registrar of Bardez.
- f) Deed of Partition dated 6/10/2010, registered under No.PNJ-BK1-02888-2010 CD No.PNJD3 dated 7/10/2010 before the Sub-Registrar of Ilhas.
- g) Deed of Sale dated 21/02/2019 registered under No.BRZ-1-502-2019, Book No.I dated 25/02/2019 before the Sub Registrar of Bardez.

II. DESCRIPTION OF THE PROPERTY:

Schedule

All that Property bearing Survey no. 79/3B, village Reis Magos, admeasuring 3671 sq.mts forming part of the property known as "D. JILL" or "DON JILL" of within the limits of Village Panchayat Of Reis Magos, Taluka Bardez, State of Goa, described under 7811 of Book B-21



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and 8477 of Book B22 (new) in Land Registration office of Ilhas, at
Panaji and not know to registered in Taluka Revenue office and
bounded as under:-

To the East: By Road;

To the West: By property bearing Survey no.27/2 of village Reis Magos.

To the North: By property bearing Survey no.79/1 of village Reis Magos.

To the South: By property bearing Survey no.79/3 of village Reis Magos.

This property shall hereinafter referred to as the **SAID PROPERTY**.

III. TRACING OF PARTIES TITLE:

1. A property known as "D.JILL" was originally owned and possessed by Late Vishnu Naique Panvelcar and his wife Late Savitribai Vishnu Naique Panvelcar.



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2. That upon the death of Late Vishnu Naique Panvelcar an Inventory Proceedings No.2/1975 was filed before the Court of Civil Judge Senior Division at Panaji and by a Deed of Exchange and Partition dated 25/02/1986, registered under No.242, Vol No.235, of Book No.I, dated 20/11/1987 before the Sub-Registrar of Ilhas, partition and exchange various properties amongst the heirs was effected.

3. By the said deed of partition the property "D.JIL" was subdivided into 10 plots identified in the said Deed of Partition and Exchange as part I , II ,III,IV , V , VI , VII, VIII, IX and X. The plot identified as plot 9 formed part of the property bearing survey no. 79/3 of village Verem, Reis Magos, was allotted to Mr. Govind V.N. Panvelkar and his wife Mrs. Sharad Govind Naique Panvelkar vide the said Deed of Exchange and Partition.



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4. That vide Deed of Sale dated 19/10/1990, registered under No.563/91, Book I, Vol No.137 dated 6/6/1991 before the Sub Registrar of Bardez, Mr.Govind V.N. Panvelkar and his wife Mrs. Sharad Govind Naique Panvelkar sold the said plot No.9 to M/S Fericem Engineering Company Pvt. Ltd., a company incorporated under the Indian Companies Act.
5. The said M/S Fericem Engineering Company Pvt. Ltd., after acquiring ownership to the said plot got the same partitioned and surveyed and the partitioned plot is presently surveyed under survey no. 79/3 B of village Reis Magos, which is the **SAID PROPERTY**.
6. That vide Deed of Sale dated 24/05/2007, registered under No.3348, Book I, Vol. No.2189 dated 4/7/2007, before the Sub Registrar of Bardez, M/S Fericem Engineering Company Pvt. Ltd., sold the **SAID PROPERTY** to M/s Augustine and Augustine and M/s Wides Properties and Holdings.



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7. That By Deed of Partition dated 6/10/2010, registered under No.PNJ-BK1-02888-2010 CD No.PNJD3 dated 7/10/2010 before the Sub-Registrar of Ilhas, the properties jointly owned by M/s Augustine and Augustine and M/s Wides Properties and Holdings were partitioned and the **SAID PROPERTY** was allotted to M/S Augustine and Augustine.

8. That by Deed of Sale dated 21/02/2019 registered under No.BRZ-1-502-2019, Book No.I dated 25/02/2019 before the Sub Registrar of Bardez Mrs. Kasu Dhruthi Reddy, Ms. Kasu Jyotsna Reddy, Mr. Thomas Abraham, Mr. John Abraham and Mr. Abraham J. Abraham have acquired ownership of the **SAID PROPERTY** from M/S Augustine and Augustine.



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9. Thus, Mrs. Kasu Dhruthi Reddy, Ms. Kasu Jyotsna Reddy, Mr. Thomas Abraham, Mr. John Abraham and Mr. Abraham J. Abraham are the owners in possession of the **SAID PROPERTY**.

IV. CONCLUSION:

Taking the above said documents and papers to be the true copies of the originals and considering various facts herein above discussed, I certify that:

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify the title of Mrs. Kasu Dhruthi Reddy, Ms. Kasu Jyotsna Reddy, Mr. Thomas Abraham, Mr. John Abraham and Mr. Abraham J. Abraham to the **SAID PROPERTY** is clear and marketable subject to the following:-

- i. Production of Nil Encumbrance Certificate.



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General Qualifications and Assumptions

- This report on the title is prepared solely on the basis of documents furnished to me as more particularly set out hereinabove.
- For the purpose of issuing this report on title:
 - I have not carried out a negative search in respect of litigations in relation to the said property and /or any part thereof.
 - I have not issued a public notice in respect of the said property.
 - I have taken the Deed of Exchange and Partition dated 25/02/1986 and the recitals therein as the root of title.

Place :- Mapusa –Goa.

Date :- 24/10/2020



(Adv. Salil S. Saudagar)