

Aires Pinto Furtado

B.Sc.(Hons) LL.B.

Susan Pinto Furtado

B.A.(Hons) LL.B.

ADVOCATES

FONTAINHAS
PANJIM GOA.

Ph. No.: Off.: 2423190

/ / 20__

Dated: 29/11/2019

OPINION ON TITLE

This opinion of title is given at the request of Mr. Peter Vaz, Partner of Models Leisure Ventures with respect to the area of 767.65 sq.mts, out of which 447.65sq.mts.falls in Chalta No.15 of P.T. Sheet No.175 of Caranzalem Village and 320 sq.mts. falls in Chalta No.14H of P. T Sheet No.175 of City survey of Panaji as forming one unit.

The said chalta No.15 of P.T. Sheet No.175 along with chalta No.1, chalta No.28 and chalta No. 3, all of P. T sheet No. 175 formed a part of a bigger property known as Aivao, situated at AivaoWaddo of Caranzalem, and known as Caranzalem, or Aivao, situated at the Village of Taleigao constituted of two properties bearing Description No.17234 of Book B-35 New and No.17236 of Book 45 New in the Conservatoria / Land Registration Office of Ilhas Tiswadi, Goa. These two properties are adjoining each

other and constituted one bigger property and the boundary line separating the two is no longer existing at the site

The said bigger property bearing 17234 and 17236 belonged to Martimiano Jose Maria de Almeida alias Jose Maria Martimiano de Almeida and his wife Caetana Fernandes. In the Conservatoria / Land Registration Office the two properties are inscribed in favour of Caetana Fernandes. From the description it can be seen that all these properties were earlier forming part of the description Nos. 1686 at Folio 58 of Book B-20 Old.

The said Caetana Fernandes alias Caetano Almeida and her husband Jose Maria Martimiano de Almeida alias Martimiano Jose Maria de Almeida passed away leaving behind their two sons Anthony Manuel Martins Almeida and Caetano Piedade Gregorio Jose Almeida as their sole heirs as confirmed by the Deed of Succession dated 26th June 2012 drawn in the Notary Book of Deeds bearing No.33 at pages 67 to 68V dated 26/6/2012 before the Notary Ex-Officio of

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Canacona, Goa. The said Caetano Piedade was the elder of the two and was married to Mrs. Amanda Rosa Pereira Almeida, and Mr. Anthony Manuel Martin Almeida was married to Joyce Ivy Almeida.

The said bigger property was originally surveyed under Chalta No.15 of P. T. Sheet No.175 and Chalta No.3 of P.T. Sheet No.173 and Chalta No.1 of P.T. Sheet No.175 along with Chalta No.28 of P. T. Sheet No.175. The Western Part of the above Chalta No.3 of P. T. Sheet No.173 admeasuring 4021 sq.mts. was acquired by the Government by the Acquisition bearing No.22/19/82-RD dated 18/02/1982 and the unacquired area of Chalta No.3 of P. T. Sheet No.173 consists of almost or rectangular figure admeasuring 1500sq.mts. located at the south eastern extreme portion of the said Chalta No.3 of P. T. Sheet No.173.

The area shown under Chalta No.1 of P. T. Sheet No.175 and Chalta No.28 of P. T. Sheet No.175 have not been acquired neither partly or fully and the said Chalta No.15 of P. T. Sheet No.175 has not been acquired.

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Thereafter, by Deed of Sale dated 09/01/2009 the said Caetano Piedade Gregorio Jose Almeida and his wife Amanda Rosa Pereira Almeida sold their undivided half right to Mr. Peter Vaz i.e. half rights to the estate comprising of the said Chalta No.15 of P. T. Sheet No.175, Chalta No.1 and Chalta No.28 of P. T. Sheet No.175 and the said area of 1500 sq.mts. of Chalta No.3 of P. T. Sheet No.173. The said Deed of Sale is registered under No.238 of Book No.I Volume 2048 on 4th February, 2009, before the Sub-Registrar of Ilhas, Panaji, Goa.

Likewise by Deed of Sale dated 15/10/2008 Anthony Manuel Martins Almeida and Joyce Ivy Almeida sold their undivided half rights of the estate comprising of the said properties to Mr. Peter Vaz and the said deed is registered under No.3002 of Book No. I, Volume 2018 on 16/10/2008 before the Sub-Registrar of Ilhas, Panaji, Goa.

In view of the above deeds of sale, Mr. Peter Vaz has acquired title and possession to the full estate of

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Caetano Fernandes and her husband Jose Maria Martimiano de Almeida alias Martimiano Jose Maria de Almeida and thus acquired title and possession to the above mentioned Chalta numbers and to the said area of 1500 sq.mts of Chalta No. 3 of P. T Sheet No. 173.

After the said Deed of Sale had been executed one Francisco Dias alias David Dias widower along with his daughter Mrs. Quiteria Dias alias Kesar Ajit Shirodkar and her husband Mr. Egidio Cabral alias AjitS hirodkar claimed the ownership by adverse possession to the said areas and Mr. Peter Vaz by Deed of Sale dated 9/3/2009 registered under No.585 of Book No. I, Vol. 2060 dated 13/03/2009 purchased all their claimed rights. Thereafter by a Deed of Rectification, Modification and Addendum dated 04/11/2010, the name of Mr. Dias was corrected in the deed by adding one more name by which he was also known, namely Francis Dias, the said deed is registered under No.PNJ-BK1-03210-2010, CD Number PNJD3 on 04/11/2010 before the Sub-Registrar of Ilhas and thus Mr. Peter Vaz holds the complete and perfect title to the above property.

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Accordingly mutation was carried out and Form D with respect to those above mentioned areas show that the occupant is Shri. Peter Vaz.

From the Nil Encumbrance dated 25/11/2019 issued by Sub-Registrar of Ilhas at Panaji, it can be seen that there are no encumbrances on the same.

Shri. Peter Vaz by Sanad dated 31/01/2011 obtained the conversion certificate for an area of 2547sq.mts. of Chalta No.15 of P. T. Sheet No.175.

The said property bearing chalta No.14H of P. T Sheet No. 175 of City Survey of Panaji, forms a part of the bigger property known as Caranzalem or Aivao and comprised of the plot No. 7 of the original bigger property bearing ChaltaNo.14 of P. T Sheet No. 175 and described under description No.1686 of pages 58 of Book 20 Old in the Conservatoria/Land Registration Department of Ilhas, and the said plot bearing chalta No.14H of P. T. Sheet No. 175 admeasures 320 sq.mts and is bounded on the East by the land belonging to Jose Maria Pereira (NIO), on the West by plot No. 6 bearing chalta No. 14G of P.T sheet No. 175 , on the

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South by lote No. 11 bearing chalta No. 15 of P.T Sheet No. 175 and on the North by lote No.13 bearing chalta No. 13 of P.T Sheet No. 175, situated at Panaji, Goa, within the limits of Corporation of City of Panaji, Taluka and Sub-District of Ilhas, District of North Goa, State of Goa.

The said property bearing No.1686 belonged to Maria de Gloria do Jesus Carcomo Lobo as 5/6th of the same property is in her favour under inscription No.10072 of Book G-19 and 1/6th of the same was registered in her favour under the inscription No. 15201 of Book F-23 of Ilhas.

The above mentioned inscriptions in the Conservatoria establish that Maria de Gloria Jesus do Carmo Lobo was owner in possession of the said property bearing description No.1686 at pages 58 of Book B-20 Old.

By Deed of Sale, Discharge Obligations, Hypothecation, Relinquishment, Assignment and Payment of Interest dated 04/04/1936 executed in the Notarial office of the Notary Joaquim Joao Aleixo de Santa Rita Colaco and before his assistant Vinaeca Sinai Singbal, in the Judicial Division of Ilhas, Goa, the said Maria de Gloria de Jesus Carcomo Lobo and her husband

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Fernando Augusto Gormack Possolo Ravara sold various plots from the said property to various different persons and the 12th plot of this property was sold to Rosario Rodrigues and the said plot in the said deed is shown to have an area of 4533 sq.mts and is shown as a distinct plot bounded on the East by the plot of Jose Maria Pereira, on the West by the plot of Antonio Manuel Fernandes, on the North by the plot of Domingos Lourenco and on the South by the plot No. 11 of the vendors Maria de Gloria de Jesus Carcomo Lobo and her husband Fernando Augusto Gormack Possolo Ravara.

A road came to be passed across this property whereby the portion to the west of the said road came to admeasure 2928 sq.mts and came to be surveyed under original chalta No. 2 of P. T Sheet No. 173 and the portion to the east of the road came to admeasure 1605 sq.mts and came to be surveyed under original chalta No. 14 of P. T Sheet No. 175.

On the passing away of Rosario Rodrigues his widow Smt. Matilda Gonsalves e Rodrigues and his seven children namely Jose Rodrigues, Domingos Lourenco Rodrigues and his wife Rosaria Marques e Rodrigues, Shri Leandro Rodrigues and his wife Maria Josefina Dias e Rodrigues, Agnelo Rodrigues and his

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wife Inacia Maria Mascarenhas e Rodrigues, Smt. Santana Teresa Rodrigues, Smt. Regina Rodrigues along with her husband Joao Teresa Rodrigues and Smt. Assuntina Rodrigues e Fernandes, along with her husband Antonio Assuntina de Santarita Fernandes, partitioned the said property on 21/01/1993 by Deed Of Family Settlement And Division registered before the Sub-Registrar of Ilhas under No. 581/93 of Book No.1 Vol. 228 dated 19/04/1993 and the said property bearing description No.1686 came to be divided into various plots. And the said plot No. 7 has been allotted to the party of the 5th part in that deed namely Shri. Agnelo Rodrigues and his wife Inacia Maria Mascarenhas e Rodrigues.

Accordingly, the said Agnelo Rodrigues and his wife Inacia Maria Mascarenhas e Rodrigues became the exclusive owners in possession of the said property bearing plot No. 7 having an area of 320 sq.mt. ever since the date of the said deed i.e 21/01/1993.

Thereafter, the said property i.e. plot No. 7 came to be shown in the survey plan under chalta No.14H of P.T Sheet No.175.

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By deed of sale dated 12/12/2001 the said Agnelo Rodrigues and his wife Mrs. Maria Mascarenhas E Rodrigues sold the said property to Mr. Francis Olivin Afonso and which deed was registered before the Sub-Registrar of Ilhas, under No. 2712 at pages 280 to 301 of Book No. I Vol. 1025 dated 21/12/2001.

Thereafter, by a deed of sale dated 07/12/2016 registered in Book -1 Document Registration No. PNJ-BK1-02801-2016, CD No. PNJD 54 on 08/12/2016, the Francis Olivin Afonso along with his wife Marilyn Sheryl Carvalho Afonso sold the said property to M/s Models Leisure Ventures.

The Form D of the said chalta No.14H of P. T Sheet No. 175 of City survey of Panaji, shows that holder of the origin of title was Agnelo Rodrigues and that thereafter by mutation No.110036 dated 17/02/2005 the holder became Francis Olivin Afonso and that by mutation No.110909 dated 15/03/2017 the holder became M/s Models Leisure Ventures.

Conversion of this plot has been obtained by conversion Sanad dated 10/06/2019 issued by the Deputy Collector & SDO, North Goa, Panaji, Goa.

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By Nil Encumbrance certificate dated 03/05/2019 issued by the Sub-Registrar of Ilhas, it can be seen that there are no onus or encumbrances on the said property.

Documents inspected:

1. Form D of Chalta No. 15 of P.T Sheet No. 175
2. Form D of chalta No. 1 of P. T Sheet No. 175
3. Form D of Chalta No. 28 of P. T Sheet No. 175
4. Form D of Chalta No. 3 of P. T sheet No. 173
5. Description No.17234 of Book B-35 New and Description No. 17236 of Book 45 New.
6. Description No.1686 at Folio 58 of Book B-20 Old.
7. Deed of Succession dated 26/06/2012 drawn in the Notary Book of Deeds bearing No. 33 at pages 67 to 68V executed before the Notary Ex-Officio of Canacona, Goa.
8. Survey plan with respect to chalta No.15,1,28 and 3 of P. T Sheet No. 175 and chalta No. 14H of P.T Sheet No. 175.

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9. Government Acquisition bearing No.22/19/82-RD dated 18/2/1982 with respect to the portion of Chalta No. 3 of P. T Sheet No. 175 of Caranzalem Village.
10. Deed of Sale dated 09/01/2009 registered under No. 238 of Book No. I Volume No. 2048 on 04/02/2009 before the Sub-Registrar at Ilhas, Panaji, Goa.
11. Deed of Sale dated 15/10/2008 registered under No. 3002 of Book No. I, Volume 2018 on 16/10/2008 before the Sub-Registrar at Ilhas, Panaji, Goa.
12. Deed of Sale dated 09/03/2009 registered under No. 585 of Book No. 1 Volume No. 2060 on 13/03/2009 before the Sub-Registrar at Ilhas, Panaji, Goa.
13. Deed of Ratification, Modification and Addendum dated 04/11/2010 registered under No. PNJ-BK-1-03210-2010, CD Number PNJD3 on 04/11/2010 before the Sub-Registrar at Ilhas, Panaji, Goa.
14. Nil and Encumbrance Certificate dated 25/11/2019
15. Sanad dated 31/01/2011 of Chalta No. 15 of P. T sheet No. 175.

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16. Form D of Chalta No.14H of P. T Sheet No. 175
17. Survey Plan
18. Inscription No. 10072 of Book G-19 and inscription No. 15201 of Book F-23 of Ilhas.
19. Deed of Sale, Discharge Obligations, Hypothecation, Relinquishment, Assignment and Payment of Interest dated 4/4/1936.
20. Deed of Family Settlement and Division dated 21/1/1993 registered under No. 581/93 of Book No. 1 Vol. 228 executed before the Sub-Registrar of Ilhas on 19/4/1993..
21. Deed of Sale dated 12/12/2001 registered before the Sub-Registrar of Ilhas, under No. 2712 at pages 280 to 301 of Book No. I Vol. 1025 on 21/12/2001.
22. Deed of sale dated 7/12/2016 registered in Book No. 1 Document Registration No. PNJ-BK1-02801-2016 CD No. PNJD 54 on 8/12/2016.
23. Conversion Sanad dated 10/6/2019 issued by the Deputy Collector & SDO, North Goa, Panaji, Goa.

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24. Nil Encumbrance certificate with respect to survey No. 14H of P.T sheet No. 175 dated 3/5/2019 issued by the Sub-Registrar of Ilhas.

In view of the above, the title of Shri. Peter Vaz, partner of and for Models Leisure Venture is clear and marketable with respect to the area of 767.65 sq.mts., out of which 447.65 sq.mts fall in Chalta No.15 of P.T. Sheet No.175 of Caranzalem Village and 320 sq.mts fall in chalta No. 14H of P. T Sheet No. 175 of City survey of Panaji



(Adv. Aires Pinto Furtado)