

**Vivek V.S. Mauzekar**

**ADVOCATE**

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January 23, 2017

To,  
M/s. Civilco Engineers & Associates  
with office at Shop No. 1, Shree Saish  
Co-operative Housing Society,  
near Savitri Hall, Haveli,  
Curti, Ponda, Goa.

Sub: Title Verification & Search Report in respect of  
residential cum commercial project proposed for  
construction in Plot admeasuring 1766 sq. mtrs.,  
surveyed under Survey No. 45/1A and 45/2 of  
Village Ponda, situated at Cotwada, Curti, Ponda,  
Goa, within the limits of Village Panchayat of  
Curti-Khandepar.

**TITLE SEARCH REPORT & OPINION**

The present Title Verification & Search Report and Opinion in respect of  
residential- cum-commercial project proposed for construction in Plot of  
land admeasuring 1766 sq. mtrs., of which an area admeasuring 1516 sq.  
mtrs. is surveyed under Survey No. 45/1A and an area admeasuring 250 sq.  
mtrs. is surveyed under Survey No. 45/2 of Village Ponda, forming part of  
the property being Lote B known as "CAJI BAGA" also known as "PRACA  
VELHA", situated at Cotwada, Curti, Ponda, Goa, within the limits of



Village Panchayat of Curti-Khandepar, is tendered at the instance of said M/s. Civilco Engineers & Associates.

Following documents are furnished for the purpose of present Title Search Report & Opinion in respect of said plot and proposed construction therein.

1. Final Decree dated 29/03/1990 in Civil suit No. 43/1972 instituted before the Senior Civil Judge at Ponda,
2. Deed of Succession dated 17/09/1991.
3. Deed of Relinquishment dated 21/03/2003.
4. Judgment and Order dated 31/07/2006 passed by Jt. Mamlatdar II of Ponda in Case No. JM/TNC/PUR/PONDA/30/93.
5. Judgment, Order and Decree dated 24/05/2010 passed by Senior Civil Judge, Ponda.
6. Agreement for Development & Sale dated 09/06/2015.
7. Power of Attorney dated 09/06/2015.
8. Approval dated 27/06/2016 issued by Town & Country Planning Department, Ponda.
9. Conversion Sanad dated 22/07/2016 issued by Collector of South Goa at Margao.
10. Construction Licence dated 05/08/2016 issued by Village Panchayat of Curti-Khandepar.
11. Survey Form I & XIV of the property bearing Survey No. 45/1A and 45/2 of Village Ponda.





After having scrutinized the aforementioned documents furnished to me and upon making necessary search in the Office of Registration and survey records for the purpose mentioned hereinabove, have to opine on the said documents for the purpose of Title Verification, Search Report & Opinion in respect of said plot and consequently the premises proposed for construction therein.

**Description of property.**

a) All that distinct Plot of land admeasuring 1766 sq. mtrs., of which an area admeasuring 1516 sq. mtrs. is surveyed under Survey No. 45/1A and an area admeasuring 250 sq. mtrs. is surveyed under Survey No. 45/2 of Village Ponda, forming part of the property being Lote B known as "CAJI BAGA" also known as "PRACA VELHA", situated at Cotwada, Curti, Ponda, Goa, within the limits of Village Panchayat of Curti-Khandepar, said property being found registered in the Land Registration Office of Ilhas under No. 6264 of Book B-17 new and inscribed under No. 10880 at page 109 of Book G-20 and bounded as per said description entry on the East by the property of mosque of the mussulmen, by river of sweet water and by public road, on the West by Lote A, by the property 'Caji Baga' of Caji mamod Patchemiam and by the property of the mosque of the mussulmen, on the North by Lote A and by the property of the mosque of the mussulmen and on the South by the property 'Caji Baga' of Caji mamod Patchemiam.



Said distinct Plot of land admeasuring 1766 sq. mtrs., being bounded as under:

On the East : By Ponda- Savoiverem road.

On the West: By property bearing Survey No. 46/10 of Village Ponda.

On the North: By remaining portion of the property bearing Survey No. 45/1 of Village Ponda.

On the South : By an internal road leading to Cotwada.

Portion of the said Plot of land admeasuring 1766 sq. mtrs. surveyed under Survey No. 45/1A being bounded as under:

On the East : By partly property bearing Survey No. 45/2 of Village Ponda and partly by Ponda- Savoiverem road.

On the West: By property bearing Survey No. 46/10 of Village Ponda.

On the North: By remaining portion of the property bearing Survey No. 45/1 of Village Ponda.

On the South : By an internal road leading to Cotwada.

Portion of the said Plot of land admeasuring 1766 sq. mtr.s surveyed under Survey No. 45/2 being bounded as under:

On the East : By Ponda- Savoiverem road .

On the West: By property bearing Survey No. 45/1 (and by portion admeasuring 1516 sq. mtrs. of said Plot D mentioned herein above under proposed Survey No. 45/1A) of Village Ponda.





On the North: By remaining portion of the property bearing Survey No. 45/1 of Village Ponda.

On the South : By an internal road leading to Cotwada.

**Nature of ownership.**

Said distinct Plot of land admeasuring 1766 sq. mtrs., described above is held by one Smt. Jayashree Vaman Gudekar and her son/daughter-in-law viz; Shri Sadashiv Vaman Shet Gudekar @ Gudekar and his wife Smt. Seema Sadashiv Shet Gudekar @ Gudekar, Shri Rajan Vaman Gudekar and his wife Smt. Nikhita Rajan Gudeka, all on ownership basis by virtue of inheritance and allotment made in terms of Final Decree dated 29/03/1990 passed in a suit for partition being Regular Civil Suit No. 43/1972 instituted before the Senior Civil Judge at Ponda, said Plot of land being earlier entitled by one Shri Vaman Sadashiv Shet Gudekar i.e. late husband/father/father -in-law of the above named owners.

**Tracing of title.**

a) From the documents and search carried out, it is revealed that said Plot of land was carved out of the sub-division of the said property "CAJI BAGA" also known as "PRACA VELHA", by virtue of partition pursuant to a Final Decree dated 29/03/1990 passed in a suit for partition being Regular Civil suit No. 43/1972 instituted before the Senior Civil Judge at Ponda, between the legal heirs of one Shri Panduronga Sotu Xete Gudecar and others and the legal heirs of one Shri Ramanata Sotu Xete Gudecar, in



whose favour said property "CAJI BAGA" was inscribed as mentioned above.

b) In terms of said Final Order dated 29/03/1990 passed in Regular Civil suit No. 43/1972 instituted before the Senior Civil Judge at Ponda, said distinct Plot of land (denoted as Plot 'D' in said proceedings) came to allotted to the above named owners and ever since they are in exclusive possession and enjoyment of the said distinct Plot of land as owners thereof and consequently name of the above named owners stands duly mutated in the Column of Occupants in respect of the survey records in respect of the said distinct Plot of land.

c) It is further found that the name of one Shri Chandrakant Venktu Naik @ Shri Chandrakant Ventu Naik being wrongly recorded as tenant of the said property and considering the fact that said distinct Plot of land is free from any encumbrance, right or claim of whatsoever nature of any third party including said Shri Chandrakant Venktu Naik @ Shri Chandrakant Ventu Naik, it is found confirmed by a Judgment and Order dated 31/07/2006 passed by Jt. Mamlatdar II of Ponda in Case No. JM/TNC/PUR/PONDA/30/93 filed by said Shri Chandrakant Venktu Naik and further confirmed by a Judgment, Order and Decree dated 24/05/2010 passed by Senior Civil Judge, Ponda in Regular Civil Suit No. 63/1996/A filed by said owners along with other owners of different portions of the of the said property Lote B known as "CAJI BAGA", against said Shri Chandrakant Venktu Naik.





d) Upon the death of said Shri Vamona Sadassiva Xete Gudekar i.e. husband/father/father-in-law of the above named owners on 24/07/1990, Deed of Succession dated 17/09/1991 came to be drawn at page 79 to 81 of Notarial Book for Deeds No. 378, before the Notary Ex-Officio of Ponda, whereby children of said Shri Vamona Sadassiva Xete Gudekar i.e. said Shri Sadashiv Vaman Shet Gudekar and Shri Rajan Vaman Gudekar and one married daughter by name Smt. Rachana Sandeep Prabhu nee Rachana Vaman Gudekar were qualified as universal heirs to succeed to the estate of said Shri Vamona Sadassiva Xete Gudekar along with his moiety Smt. Jayashree Vaman Gudekar.

e) In terms of Deed of Relinquishment dated 21/03/2003, drawn before the Notary Ex-Officio of Ponda recorded at paged 64V to 65V of Notarial Book of Deeds No. 392, the only married daughter of said Shri Vamona Sadassiva Xete Gudekar and Smt. Jayashree Vaman Gudekar, said Smt. Rachana Sandeep Prabhu and her husband waived their claim over the estate of their father/father-in-law said Shri Vamona Sadassiva Xete Gudekar.

f) Subsequently, said M/s. Civilco Engineers & Associates having approached said owners with a proposal for undertaking the work of development of said Plot of land by undertaking the work of construction of the building comprising residential flats and shops, said owners having agreed to the proposal, terms and conditions have been incorporated in Agreement for Development & Sale dated 09/06/2015 duly executed before



the Sub-Registrar of Ponda and registered under No. 1633/15 at pages 293 to 330 of Book I, volume 2878 on 07/08/2015, subject to consideration to be paid to the CONFIRMING PARTY as stipulated in the said Agreement.

g) To give effect to the said Agreement for Development & Sale dated 09/06/2015, said owners have also executed Power of Attorney dated 09/06/2015 duly executed and registered before Sub-Registrar, Ponda, in favour of one Shri Gous Mohammed Shiraguppi, being partner of said M/s. Civilco Engineers & Associates, to do and execute all acts, deeds and things, on behalf and in the name of the said owners and to sell the constructed premises, subject to consideration to be paid to the said owners as stipulated in the said Agreement .

h) Subsequently, said M/S. Civilco Engineers & Associates has also obtained permission for undertaking proposed construction in the said distinct Plot of land from the Town & Country Planning Department, Ponda, in terms of Letter under No. TPP/150/Ponda/45/2016/796 dated 27/06/2016 and has also obtained Construction Licence bearing No. 16/2016-17 dated 05/08/2016 from the Village Panchayat of Curti-Khandepar.

Pertinent to mention that Conversion Sanad bearing No. col/sg/conv/34/2016/7798 dated 22/07/2016 in respect of said distinct Plot of land have been also obtained from Collector of South Goa at Margao, for utilizing said plot for construction purpose.





i) In the circumstances above, construction of building comprising residential flats and shops in said distinct Plot of land as proposed in terms of said Agreement for Development & Sale dated 09/06/2015 entered into with the said, is fully justified in the eyes of law.

j) In the light of above documents, said M/S. CIVILCO ENGINEERS & ASSOCIATES is legally entitled to undertake proposed construction of building comprising residential flats and shops in the said distinct Plot of land forming subject matter of present title report.

**Certificate of Examination.**

On the basis of search made by me in the Office of Sub-Registrar, Office of survey records and other relevant offices with respect to the documents mentioned hereinabove placed before me, I hereby certify that clear and marketable ownership right in respect of said distinct Plot of land described herein above can be found to have been duly conferred for all legal and practical purposes in favour of owners mentioned hereinabove and consequently said M/S. CIVILCO ENGINEERS & ASSOCIATES is legally entitled to undertake proposed construction in the said distinct Plot of land.

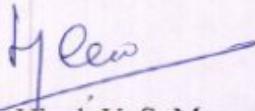
I further certify that I have examined aforementioned documents in every detail for giving the present title clearance certificate and I do not see any problem in the transaction and acts performed under the said documents and the transaction therein is genuine.



**Certificate of title.**

In the backdrop of discussion made hereinabove, in my considered opinion, the construction of proposed residential flats and shops to be undertaken by said M/S. CIVILCO ENGINEERS & ASSOCIATES in the said distinct Plot of land admeasuring 1766 sq. mtrs. bearing Survey No. 45/1A and 45/2 of Village Ponda, is legally justified on all counts, for said Developer and the said owners to pass on clear and marketable title of the proposed constructed premises to any prospective buyer desirous of entering into transaction in respect of any of the said premises proposed to be constructed in the said distinct Plot of land.



  
Vivek V. S. Mauzeekar  
Advocate