



*Adv. Hrishikesh Kadam*

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Date: 29/01/2024

**LEGAL DUE DELIGENCE REPORT**

I have been requested by VIBHAV REAL ESTATE, having Office at House No. 1898, Opp. Euric Silva Resd., St. Joaquim Road, Borda, Margao Goa and MADANANT CONSTRUCTIONS (GOA) PVT. LTD, having Office H. No. 196, Opposite St. Joseph High School, Chandor, Salcete, Goa, to give my opinion as to the title in respect of Plot bearing No. 04 and Surveyed under Survey No. 192/1-C, of Ponda Taluka, District North Goa, admeasuring 11700 sq meters.

I) For the said purpose, the following documents were furnished to me.

- i. Xerox Copy of Form I & XIV verified with the original of the Survey No. 192, Sub Division No. 1-C, of Ponda Taluka.
- ii. Xerox Copy of Survey Plan issued by the Directorate of Settlement and Land Records pertaining to Survey No. 192/1-C dated 18/08/2005 verified with the original,



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- iii. Xerox copy of Records of Inventario Orfanologico No. 6/65, in the Court of Civil Judge Senior Division at Panaji of Mr. Joao Antonio Basilio Francisco Santana Aguiar, along with its translation.
  - iv. Xerox Copy of Deed of Gift dated 15/10/1970 registered at the Office of the Sub Registrar of Ponda, on 23/11/1970 at pages 171 to 175 of Book No. 1 Volume No XII having registration No. 191.
  - v. Xerox Copy of Deed of Family Arrangement dated 04/06/1984, duly registered in the Office of Sub Registrar of Ponda, Goa on 13/03/1986, in the Book No. 1 Volume No. 97 at Pages 227 to 279, having registration No. 168.
  - vi. Xerox Copy of Deed of Sale dated 28/03/2013 registered on 29/07/2013 at Book No. I volume No. 2368 at pages 110 to 148 having Registration No. 1818/13 in the Office of Sub Registrar of Ponda, Goa.
  - vii. Xerox Copy of Order of Partition Case No. LRC/PART/9/31/99 of the Court of Dy Collector & SDO, Ponda dated 07/07/2008.



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viii. Xerox Copy of Matriz Certificate dated 06/12/1978,  
issued by Head of Taluka Revenue Office Ponda.

ix. Xerox Copy of the Agreement of Joint Venture dated  
24/01/2024 between Vibhav Real Estate and  
Madanant Construction (Goa) Pvt Ltd, registered with  
the Notary, G. V. Khandeparker having No. 344/2024  
dated 27/01/2024.

II) Perusal of the documents: -

- 1) The document at Serial No. (viii) - Matriz Certificate bearing No.829, establishes that there exists a property known as BORODO and is enrolled in the Land Revenue Office of Ponda, in the name of **Antonio Pedro Foloriano de Aguiar**, and it is described to be bounded on the East by property belonging to the Government land Godd (Matas Nacionais), on the West by National Highway, on the North by the property by Carmo Aguiar and on the South by property held by Antonio Francisco Aureliano de Aguiar.

**The above document establishes that the Property  
Originally belonged to Antonio Pedro Floriano de Aguiar.**



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2) The document at Serial Nos. (iii)- establishes that:

The Inventario Orfanologico No. 6/65, was filed in the Court of Civil Judge Senior Division at Panaji after the death of Mr. Joao Antonio Basilio Francisco Santana Aguiar, by his wife Mrs. Maria Ilda Clementina Amelia De Graca Adelaide Souza and his seven children.

The said document enlists the property bearing survey No. 192(0) or 192/1 under the Matriz No. 829 known as BORODO in the list of assets and is described as;

Property known as BORODO registered under Matriz no. 829, which is bounded on the East by property belonging to the Government land Godd (Matas Nacionais), on the West by National Highway and Property of Jagannath Ghanekar and others, on the North by the property under Matriz No. 828 held by Carmo Maria Liberta Aguiar and Partly properties of I D Hospital and on the South by property under Matriz No. 830 held by Antonio Francisco Aureliano Aguiar, surveyed under Sy No. 192(0) having an area of 83,500 sq mts approximately;



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The said document establishes the abovementioned inventory proceedings was concluded through a compromise contained in the Deed of Family Arrangement dated 04/06/1984.

**The above document further establishes that the Property Originally belonged to Antonio Pedro Floriano de Aguiar and his wife Maria Augusta Cabral who both had died intestate having three heirs namely, Mr. Joao Antonio Basilio Francisco Santana Aguiar, Mrs. Maria Francisca Virginia Aguiar and Mrs. Eva Vitalina Hortencia Aguiar.**

3) The documents at Serial Nos. (iii), (iv) & (v)- establish that,

On 24/08/1962, Mr. Joao Antonio Basilio Francisco de Santana Aguiar, alias Joao Aguiar, son of original holder of the property Mr. Antonio Pedro Floriano de Aguiar, died intestate, as married to Maria Ilda Clementina Amelia de Graca Adelaide de Souza Aguiar, alias Ilda Souza Aguiar leaving her as the Moiety holder and as heirs seven children namely, Mrs. Maria Lumen Aguiar alias Maria Lumen Filomena Lavinia Coutinho, Mr. Joildo Souza Aguiar, Mrs.



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Maria Siblina Augusta Filomena D'Souza Aguiar Dias alias Maria Siblina Aguiar Dias, Mrs. Maria Bernadette F.S. Aguiar Barretto, Mrs. Maria Sulana F.S. Aguiar Souza, Mrs. Maria Tulia F.S. Aguiar Oliveira and Mrs. Maria Fatima F. S. Aguiar Rodrigues.

The common assets of the couple, which were to be partitioned amongst the said widow and heirs, in the orphanological Inventario No. 37/1962 registered in the Judicial Court of Ponda which was thereafter transferred to the Court of Panaji under No. 6/65 and concluded by final order dated 21/12/1965 of the Civil Judge Senior Division, Panaji.

On 13/01/1978, the said widow Mrs. Maria Ilda Clementina Amelia de Graca Adelaide de Souza Aguiar, alias Ilda Souza Aguiar, died also intestate leaving as heirs her aforesaid seven children and their spouses as inheritance. Some properties having Matriz No. 830, which had been allotted to her in the said Inventario No 6/1965 were gifted by her to in favour of some children and one grandson, and on her death, partition proceedings of her estate were continued in the said Inventario Proceedings No, 6/65 which were still pending in the Court of Civil Judge Senior Division, Panaji.



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It is observed that during the pendency of the said Inventario Proceedings No. 6/65 “embargos” were filed by Sisters of Late. Mr. Joao Antonio Basilio Francisco de Santana Aguiar, alias Joao Aguiar, namely, Mrs. Maria Francisca Virginia Aguiar and Mrs. Eva Vitalina Hortencia Aguiar, against the enlistment in the Inventario of some properties alleged by them belonging to their parents Antonio Pedro F. de Aguiar and Maria Augusta Cabral, and that, both had died intestate without any inventory or partition of assets and filed a separate inventory proceedings in the court of Civil Judge Junior Division at Ponda under Inventario No. 7/82 for partition of those alleged properties enlisted in the Inventario 6/65.

Document at serial no. (v) establishes that, in order to avoid the complexities that arose due to filing of embargos and to safeguard the deteriorating relations between the family, and to come to an amicable settlement at the earliest the aforementioned seven siblings along with their spouses and their aunts Mrs. Maria Francisca Virginia Aguiar and Mrs. Eva Vitalina Hortencia Aguiar entered into a Deed of Family Arrangement on 04/06/1984.



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**The conclusion of the pending Inventario Proceedings 6/65 establish that the court accepted the Deed of Family Arrangement on 04/06/1984 as valid document and closed the proceedings.**

The said document mentions the property known as BORODO registered under Matriz no. 829, bounded on the East by property belonging to the Government land Godd (Matas Nacionales), on the West by National Highway and Property of Jagannath Ghanekar and others, on the North by the property under Matriz No. 828 held by Carmo Maria Liberta Aguiar and Partly properties of I D Hospital and on the South by property under Matriz No. 830 held by Antonio Francisco Aureliano Aguiar, surveyed under Sy No. 192(0) having an area of 90,495 sq mts in the SCHEDULE A of the list of Assets of the Entire Property to be divided along with other properties.

The said document further allotted the Plot No. 4 bearing survey No. 192 admeasuring 12542 sq mts separated from the abovementioned property named BORODO situated at Ponda in the Ponda Municipal Area, in Taluka and Sub District of Ponda, Goa under Matriz No. 829 to Mrs. Maria Siblina





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Augusta Filomena de Souza Aguiar e Dias and her husband Mr. Abel Antonio Ponciano da Piedade Dias, which is bounded towards the East by Public Road, thereafter Government Property, towards west by National Highway, towards North by Plot No. 5 allotted to Maria Sulana and towards the South by Plot No. 3 allotted to Maria Bernadette.

**Hence it establishes that, as per the Deed of Family Arrangement dated 04/06/1984, and the conclusion of the Inventario no. 6/65, Mrs. Maria Siblina Augusta Filomena de Souza Aguiar e Dias and her husband Mr. Abel Antonio Ponciano da Piedade Dias became the sole and exclusive owners of the property admeasuring admeasuring 12542 sq mts separated from the abovementioned property named BORODO situated at Ponda in the Ponda Municipal Area, in Taluka and Sub District of Ponda, Goa under Matriz No. 829 and surveyed under Sy No. 192, which is also referred to as Plot No. 4 as per the Deed of Family Arrangement.**

- 4) The document at Serial No.(vii)- i.e the Order of Partition Case No. LRC/PART/9/31/99 of the Court of Dy Collector & SDO, Ponda dated 07/07/2008, establishes that the above-mentioned property was portioned and separated with a new



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survey No. 192/1-C being allotted to the said Plot No. 4, and area of the property was adjusted to **11,700 sq mts** vide area adjustment statement in the said order.

- 5) The document at Serial No. (vi) Deed of Sale dated 28/03/2013 registered on 29/07/2013 at Book No. I volume No. 2368 at pages 110 to 148 having Registration No. 1818/13 in the Office of Sub Registrar of Ponda, Goa, between the Owners i.e Mrs. Maria Siblina Augusta Filomena de Souza Aguiar e Dias and her husband Mr. Abel Antonio Ponciano da Piedade Dias and M/s Vibhav Real Estate represented by its Partner Vibhav Parker and Madanant Constructions (Goa) Pvt Ltd represented by its Director Sudin Verenkar.

**This Document establishes that M/s Vibhav Real Estate and Madanant Constructions (Goa) Pvt Ltd. Are now the sole and exclusive owners of the Property bearing Survey No. 192/1-C admeasuring 11700 sq mts in Taluka and Sub District of Ponda.**

- 6) The document at Serial No. (i) – Form I & XIV suggests that M/s Vibhav Real Estate and Madanant Constructions (Goa) Pvt Ltd have duly mutated their names as co occupants in the



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Record of Rights and the said property doesn't have any other co occupant or other rights holder/tenants in the said property.

I am therefore of the opinion that **M/s Vibhav Real Estate and Madanant Constructions (Goa) Pvt ltd** are the **absolute and exclusive owners** of a distinct and separate **Plot admeasuring 11700 sq. mts**, presently surveyed under **Survey No. 192/1-C of Taluka and Sub District of Ponda**, both, **M/s Vibhav Real Estate and Madanant Constructions (Goa) Pvt ltd** having 50% undivided rights respectively, and have absolute right to enter into Joint Venture regarding the Development of the Said Plot and construct and also sell the units in Building of Complex proposed to be built and standing on the Plot.

The present scrutiny is solely based on documents submitted for my investigation.

  
(Adv. Hrishikesh Kadam)

**Adv. Hrishikesh Kadam**  
MAH/2840/2015  
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