

Adv. Mahesh Amonkar

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Date: 20.6.2017

Name of applicants:

M/s Sun Estate Developers,
 M/s Hansa Vanijya Vyappar Pvt. Ltd.
 Miramar Beach Road,
 Panaji Goa.

A-DOCUMENTS SCRUTINISED:

Sr. No.	Date	Description of documents	original/ Copies
1.		Land Description certificate No.13033 And Inscription certificate	Xerox
2.		Form No.I & XIV of survey No.97/7 of Village Nerul	Xerox
3.	29.8.1923	Déed of Promise of sale registered in the office of then Notary Carlos Augusto Maria D'Oliveira Pegado along with translation	Xerox
4.	27.9.1923	Deed of sale and Discharge registered in the office of then Notary Carlos Augusto Maria D'Oliveira Pegado along with translation	Xerox
5.	3.2.1970	Deed of Sale and Release registered in the office of Sub-Registrar of Ilhas under No.65 at pages 110 to 113 of Book No.I, Vol. No.45 dated 17.2.1970.	Xerox
6.	13.1.2015	Deed of Relinquishment drawn in the office of Sub-Registrar of Bardez in Book No.848 at pages 46V to 47	Xerox
7.	20.1.2015	Deed of Succession drawn in the office of Sub-Registrar of Bardez in Book No.848 at pages 51v to 53	Xerox



8. 10.4.2015 Technical clearance No.TPB/1447/TCP-15/1222 issued by Town and Country Planning Department, Mapusa Goa. Xerox
9. 24.4.2015 Conversion Sanad issued by District collector, North Goa No.RB/CNV/BAR/AC-I/18/2015 Xerox
10. 24.4.2015 Deed of sale executed by Mr. Agnelo Fernandes and others as Vendors in favour of M/s Sun Estate Developers and M/s Hansa Vanijya Vyappar Pvt. Ltd. as purchasers duly registered in the ofice of Sub-Registrar of Bardez under No.BRZ-BK1-05613-2015 CD No.BRZD764 on 24.4.2015. Xerox
11. 13.8.2015 Construction Licence No.V.P./NRL/2015-16/452 issued by Village Panchayat of Nerul along with approved plans Xerox
12. 15.4.2016 Nil encumbrance certificate No.807/16 issued by the Sub-registrar of Bardez for the period of 15 years from 1.4.2001 to 15.4.2016 Xerox

B. -DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

(Description of the entire property)

All that immovable property known as "Marvodo Darnadin", admeasuring an area of 13,975 sq. mts. situated in the village Nerul, within the jurisdiction of Village Panchayat of Nerul, Taluka Bardez, Sub-District of Bardez, District of North Goa, surveyed under No.97, Sub-Division No.7 of village Nerul, described in the Land registration office under No.13033 of L.B. 34 New and inscribed under Matriz No.186 of Nerul and the said property is bounded as under:-

East: By property belonging to Antonio Salvador D'Souza.

West: By property belonging to Antonio Salvador D'Souza.

North: By gutter coming from the hill belonging to Comunidade of Nerul.

South: By fields belonging to the Comunidade of Nerul.



SCHEDULE-II

(plot purchased by loan applicant)

All that plot admeasuring an area of 9,975 sq. mts. forming independent plot of the property described in schedule-I hereinabove known as "Marvodo Darnadin", admeasuring an area of 13,975 sq. mts. situated in the village Nerul, within the jurisdiction of Village Panchayat of Nerul, Taluka Bardez, Sub-District of Bardez, District of North Goa, surveyed under No.97, Sub-Division No.7 of village Nerul, described in the Land registration office under No.13033 of L.B. 34 New and inscribed under Matriz No.186 of Nerul and the said plot forming an independent plot is bounded as under:-

East: By property bearing survey No.01/1 of village Nerul.

West: By property bearing survey No.97/6 of village Nerul.

North: By property bearing survey No.97/7A of village Nerul.

South: By public road beyond which is the property bearing survey No.107/6 of village Nerul.

C-TRACING OF TITLE:

1. From the perusal and examination of the documents produced before me and the searches carried out by me in the concerned offices, it is confirmed that, said entire property belonged to one Mr. Jose Frederico Lourenco De Souza and the same stands inscribed in his name under Inscription. No.13.499 on 27th August 1924 having purchased the same from its earlier owners namely Mr. Jose Goulao da Costa Cascaes and his wife Mrs. Alba Gloria de Salinas Vidigal Cascaes and others. .

2. Upon the death of said Mr. Jose Frederico Lourenco De Souza, the said property came to be owned and possessed by his wife Mrs. Elvira Ana Peturlima Lobo and subsequently she by Deed of sale and Release dated 3rd February 1970, duly registered in the Office of the Sub-Registrar of Ilhas and Registered in Books under No. 65 at pages 110 to 113 of book No. I, Vol. No. 45 dated 17.2.1970 conveyed the said property to one Mrs. Ana Brigida Mascarenhas married to Mr. Teofilo Fernandes who was the resident of Nerul, Bardez, Goa.



3. Subsequently Said Mrs. Ana Brigida Mascarenhas and her husband Mr. Teofolio Fernandes expired on 14.4.1972 and 11.11.2012 respectively leaving behind following children:- (i) Mr. Agnelo Riardo Fernandes married to Mrs. Maria Aquila Filomena (ii) Mr. Mínguel Jose Fernandes married to Mrs. Claudina Pinheiro, (iii) Mr. Francisco Inacio Fernandes married to Mrs. Dellilah Melba Fernandes, (iv) Mrs. Cracelinda Isabel Fernandes married to Mr. Alberto Fernandes, (v) Mrs. Justiniana Rosario Fernandes Silveira married to Mr. Francis Silveira and (vi) Mrs. Anunciao Perpetua Fernandes Monteiro married to Mr. Nicholas Monterio; as their sole universal heirs;

4. During his lifetime said Mr. Teofilo Fernandes and his children namely Mr. Agnelo Riardo Fernandes and his wife and others by deed of sale dated 21.4.2005 sold and conveyed part of the said larger property surveyed under survey No. 97/7 to the extent of 4,000 sq.mts, in favour of one Mr. Pradeep Subhrai Shirodkar who in turn transferred and or conveyed the said portion to M/s Scenic Estates. The said portion admeasuring 4000 sq. mts. is detached and or partitioned from the larger property describe in Schedule-I hereinabove and is allotted separate survey number bearing survey No. 97/7 A and the balance left area of the said property to the extent of 9,975 sq. mts. forms a distinct and separate property and is described in Schedule-II hereinabove and is hereinafter referred to as the "Said Plot".

5. Subsequently upon the death of said Mr. Teofolio Fernandes and his wife Mrs. Ana Brigida Mascarenhas, a Deed of Relinquishment dated 13th April 2015 was drawn and stands recorded in the office of Sub Registrar, Ex-Officio Notary of Bardez, at Mapusa, in book under No.848, at pages 46v to 47, wherein, said (1) Mrs. Gracelinda Isabel Fernandes and her husband Mr. Alberto Fernandes; (2) Mrs. Justiniana Rosario Fernandes Silveira and her husband Mr. Francis Silveira, and (3) Mrs. Anunciao Perpetua Fernandes Monteiro and her husband Mr. Nicholas Monteiro, relinquished all their right, title and interest in the estate of their deceased parents/parents-in-law in favour of the other heirs of late Teofolio Fernandes and Ana Brigida Mascarenhas.



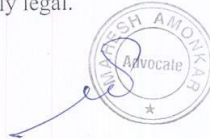
6. Vide Deed of Succession dated 20th January 2015 drawn in the Office of the Civil Registrar -Cum-Sub-Registrar and Notary Ex-Officio of Bardez Judicial Division at Mapusa, Goa at Book No.848, at pages 51 v to 53 wherein above named children were confirmed as the legal heirs of deceased persons

7. Subsequently said Mr. Agnelo Ricardo Fernanades and his wife Mrs. Maria Aquila Filomena alias Maria Aquila F. Araujo, Mr. Minguel Jose Fernanades alias Minguel J. Fernanades and his wife Mrs. Caludina Pinheiro, Mr. Francisco Inacio Fernanades alias Francisco L. R. Fernanades and his wife Mrs. Dellilah Mellba Fernanades, all heirs of late Teofolio Fernandes and who were the owners of said plot and were entitled to sale said plot by deed of sale dated 24.4.2015 duly registered in the office of Sub-Registrar of Bardez under No. No.BRZ-BK1-05613 -2015 CD No.BRZD764 on 24.4.2015 to applicant herein namely M/s Sun Estate Developers and M/s Hansa Vanijya Vyapaar Pvt. Ltd. and the applicants became the exclusive owners in possession of said plot.

8. The applicants with intention to develop said plot by constructing buildings/villas in said plot has obtained conversion Sanad from District Collector North Goa vide No.RB/CNV/BAR/AC-I/18/2015 dated 24.4.2015 and Technical clearance No.TPB/1447/TCP-15/1222 dated 10.4.2015 from Town and Country Planning Department, Mapusa Goa and lastly Construction Licence from village Panchayat of Nerul vide No.V.P./NRL/2015-16/452 is13.8.

D-LEAGALITY OF CONSTRUCTION:

The applicants have obtained conversion Sanad from District Collector North Goa vide No.RB/CNV/BAR/AC-I/18/2015 dated 24.4.2015 for said plot and Technical clearance No.TPB/1447/TCP-15/1222 dated 10.4.2015 from Town and Country Planning Department, Mapusa Goa and lastly Construction Licence from village Panchayat of Nerul vide No.V.P./NRL/2015-16/452 is13.8. Therefore construction undertaken by the loan applicants is perfectly legal.



E-ENCUMBERENCES:

As per the nil encumbrance certificate No.807/2016 produced before me and which is issued by the Sub-Registrar of Bardez in respect of the said property, the said property is free from any encumbrance for the period of last 15 years from 1.4.2001 to 15.4.2016. Further certificate from 16.4.2016 till date may be obtained from the applicants.

F-POSSESSION:

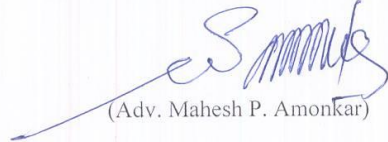
As per the documents produced before me, it is confirmed that, the applicants M/S Sun Estates Developers and M/s Hansa Vanijya Vyappar Pvt. Ltd. are the exclusive owner in possession of said property described in schedule-II under column-B hereinabove.

G-INSPECTION AND VERIFICATION:

I have inspected and verified all the documents presented to me and I am satisfied that they are properly attested, signed and registered before the respective authorities as per the law in force and the proper stamp duty has been paid thereon and the documents are perfect documents of title.

H-CERTIFICATE OF TITLE:

Upon inspection and verification of the documents placed before me and some of which inspected by me personally in respective offices, I am of the considered opinion that the title of applicants namely M/S Sun Estates Developers and M/s Hansa Vanijya Vyappar Pvt. Ltd. in respect of the said property is good, clear and is marketable title.


(Adv. Mahesh P. Amonkar)

