

**ADV. AMEY N SALATRY**

**Advocates**

**Office: #401, Citi Center, Edcon Centre, Patto Plaza,  
Panaji, Goa - 403001**

**Tel: +91-9545574142/0832-2438884**

**Email: ameya.salatry@legalminds.co.in**

.....

**LEGAL SCRUTINY REPORT**

**1. Description of Property**

**SCHEDULE I**

All that Property known as "Saipem" or Priorado de S. Tome" or "S. Tome," surveyed under no. 54/3-A of Village Calangute admeasuring 9,703 sq mts of Village Calangute and is bounded as under:

East by : Property Bearing Survey No. 84

West : Property Bearing Survey No. 54/3

North : Border of Village Saligao

South : Property bearing Survey Number 81

*(Property described in SCHEDULE I above is hereinafter referred to as "SAID PROPERTY")*

**2. Compilation of Documents Scrutinized.**

**I. Title documents:**



1. Scanned photocopy of Inscription No. 14213 in favor of Eleuterio De Melo and his wife Maria Augusta De Souza dated 31.05.1917.
2. Scanned photocopy of Description No. 19771.
3. Scanned Photocopy of the Order dated 13.08.1970 passed by the Civil Judge Senior Division at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 25/1966 instituted on deceased estate leavers Eleuterio De Melo and his wife Maria Augusta De Souza.
4. Scanned Photocopy of the Decree dated 22.06.2020 passed by Senior Civil Judge "B" Court at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 162/2002/B instituted on deceased estate leavers Cosme Verissimo Estevao Remigo De Mello, Eufemia De Mello and Eleuterio De Mello.
5. Forms I and XIV for the Property bearing Survey Nos. 54/3 and 54/3-A of Village Calangute, Bardez, Goa.
6. Scanned Photocopy of the Order dated 12.05.2023 passed by the Inspector of Survey and Land Records, Mapusa, Bardez, Goa.



7. Scanned Photocopy of the Manual Form I and XIV for the Property bearing Survey No. 54/3 of Village Calangute, Bardez, Goa.
8. Scanned Photocopy of the Old Cadastral plan along with the New Corresponding Certificate for the Survey No. 54/3 (part) issued by the Superintendent of Survey and Land Records.
9. Scanned Photocopy of the communication dated 11.05.2023 issued by the office of the Mamlatdar of Bardez, Mapusa, Goa confirming information on matriz records.

## **II. Permissions and Approvals**

1. Copy of the NOC from Directorate of Health Services dated 12/11/2024.
2. Copy of the Technical Clearance Order dated 01/10/2024 issued by Office of the Senior Town Planner, Mapusa, Bardez, Goa.
3. Copy of the Sanad dated 04/10/2023 issued by the Office of the Additional Collector III, North Goa, Mapusa, Goa.
4. Copy of the Construction License dated 18/12/2024 issued by the Village Panchayat of Candolim, Bardez, Goa.



### **III. Loans and Mortgages**

Upon inspection of the latest Nil Encumbrance Certificate issued by the Registrar of Assurances, Bardez, Goa, it is seen that there are no encumbrances existing on the Property qua registered mortgages for the period 01/03/2024 to 05/02/2025.

#### **3. Owners Name**

MS. MARIA CELIA DE MELO

#### **4. Title Scrutiny**

##### **I) For the Property mentioned in the SCHEDULE**

From the documents examined, it is found that:

- i) There exists an Immovable Property commonly known as "Saipem" or Priorado de S. Tome" or "S. Tome," surveyed under no. 54/3-A of Village Calangute admeasuring 9,703 sq mts. The Said Property is carved from the original larger property bearing Survey No. 54/3 of Village Calangute. For the sake of brevity the larger property is hereinafter referred to as the "**larger property.**"

- ii) Upon perusal of the documents, it can be seen that the said larger property was originally inscribed in the name of Eleuterio De Melo and his wife Maria Augusta De Souza and there is a corresponding description to the said inscription bearing No. 19771 (old).
- iii) Subsequently, from the records it is seen that upon death of the said original owners viz. Eleuterio De Melo and his wife Maria Augusta De Souza, Inventory Proceedings were instituted by their seven (7) children wherein their son Mr. Cosme Verissimo Estevao Remingo De Mello filed the said Application for Inventory as the Head of the Family.
- iv) The said Inventory proceedings were concluded and vide an Order dated 13.08.1970 passed by the Civil Judge Senior Division at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 25/1966, the said larger property came to be allotted in auction to said Mr. Cosme Verissimo Estevao Remingo De Mello being the son of the deceased original owners.
- v) It is seen from the records of the aforesaid Inventory of 1966, that said Mr. Cosme Verissimo Estevao Remingo De Mello was married to Ms. Eufemia De Melo who

predeceased said Mr. Cosme Verissimo Estevao Remingo De Mello and out of their wedlock they had one son viz. Eleuterio De Melo who was unmarried at the time of the incidence of Order dated 13.08.1970 passed by the Civil Judge Senior Division at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 25/1966.

It is pertinent to mention and to rule out any confusion and ambiguity in names, the name of the son of Ms. Eufemia De Melo and Mr. Cosme Verissimo Estevao Remingo De Mello resembles the name of the original owner Eleuterio De Melo (being his grandfather) which was/is a common practice in the State of Goa of christening of names of erstwhile pedigrees.

- vi) Subsequently, upon the demise of said Mr. Cosme Verissimo Estevao Remingo De Mello and his son Mr. Eleuterio De Melo, Inventory proceedings were instituted bearing Inventory Proceedings No. 162/2002/B before the Court of Senior Civil Judge "B" Court at Mapusa, Goa wherein said Mr. Cosme Verissimo Estevao Remingo De Mello, Ms. Eufemia De Melo and their deceased son Mr. Eleuterio De Melo were named as deceased estate leavers.

The said Inventory was preferred by the widow of Mr. Eleuterio De Mello viz. Maria Celia De Mello as the Head of the Family and Mrs. Jennifer Souza Eremita alias Maria Goreti Jennifer De Conceicao Souza Eremita, wife of deceased Mr. Eleuterio De Mello from the first nuptial and her husband from the second nuptial viz. Mr. Jose Paulo Estevam as the Interested Parties.

- vii) It is seen on inspection of court records on the court portal at E Court official website of the civil courts in the State of Goa, that the said Inventory Proceedings bearing No. 162/2002/B before the Court of Senior Civil Judge "B" Court at Mapusa, Goa, were heavily contested by and between the Parties to the Inventory. The said contest was primarily on following counts:

That Mrs. Maria Celia De Mello, had falsely stated that since Jennifer Fernandes was married under canonical marriage with the deceased viz. Eleuterio Eugenio de Mello and same was dissolved by decision of Patriarchal Tribunal, the interested party Jennifer does not get any half share in the estate of Eleuterio Eugenio de Mello. Further, interested Party Jose Paulo Estevam Fernandes

had raised his objections and denied that the interested party Mrs. Maria Goretti Jennifer Concecao Souza Eremita does not get any half-share from the deceased Mr. Eleuterio Eugenio de Mello out of their first nuptial.

- viii) Vide Order dated 29.01.2018, the Civil Court Senior Division at Mapusa passed an order confirming that said Jennifer Fernandes is entitled to half share to the estate of deceased husband Eleuterio Eugenio de Mello from their first nuptial. Since said Jennifer Fernandes was married to Jose Paulo Fernandes out of her second nuptial, said Jose Paulo Fernandes was also entitled to half the share from the share of said Jennifer Fernandes.
- ix) That from the final Decree and order dated dated 22.06.2020 passed by Senior Civil Judge "B" Court at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 162/2002/B instituted on deceased estate leavers Cosme Verissimo Estevao Remigo De Mello, Eufemia De Mello and Eleuterio De Mello along with information such as Final Chart of Allotment, acknowledgments of payment of owelty

money etc. the following observations are necessitated to be made:

a. That the deceased no. 1 viz. Cosme Verissimo Estevao Remigo de Mello, and his wife deceased no. 2 viz. Eufemia de Mello both expired leaving behind their only child Mr. Eleuterio de Mello, as their sole and universal heir.

b. That the deceased no. 3 viz. Eleuterio de Mello was married in his first nuptials to Maria Gorette Jennifer de Concecao Souza Erimita also known as Jennifer Souza Erimita under the regime of Communion of assets and the said marriage is found registered under number 241 of the year 1975. That the said Jennifer de Concecao Souza Erimita also known as Jennifer Souza Erimita filed a suit for divorce and obtained a final decree of divorce by judgment, order and Decree dated 27/2/1979 in Special Civil Suit No. 15/1978 which is endorsed on the margin of the marriage certificate. That there were no issues from the said marriage Hence she is entitled for 50% share in the estate of deceased no. 3 viz. Eleuterio de Mello.

c. That said Eleuterio e Mello upon his divorce re-married by second nuptial under the regime of communication of

assets to Maria Celia Pereira on 3/11/1985 at Candolim and the said marriage is found registered under no. 129 of the year 1985, who is also entitled for remaining 50% share in the estate of her husband, deceased no. 3 viz. Eleuterio de Mello.

d. That said Eleuterio de Mello expired and, there were no issues on the second marriage. That said Eleuterio de Mello died without leaving behind any ascendants, descendants, nor co-lateral. Hence the interested parties Jennifer Souza Eremita alias Maria Goreti Jennifer Conceicao Souza Eremita as his widow from first marriage and his half sharer widow from second marriage Maria Celia Pereira were the entitled shareholders in following proportions i.e.

1) Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita..... 1/4th share equivalent to 50% share.

2) Jose Paulo Estevam Santana Fernandes..... 1/4th share equivalent to 25% share.

3) Maria Celia de Mello..... 1/2 share equivalent to 50% share.

e. That the interested party viz. Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita had 25% share in the estate of her first husband viz. Eleuterio de Mello, Jose Paulo Estevam Santana Fernandes had 25% share, So also the Applicant/Head of family viz. Maria Celia De Mello had 50% share in the estate being the second wife of the deceased viz. Eleuterio de Mello.

f. That since the interested party viz. Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita remarried Jose Paulo Estevam Santana Fernandes in second nuptials under the Communion of Assets, consequently he was also entitled for a share in the assets of the Deceased Eleuterio de Mello. Therefore the shares of the parties were as follows:

- 1) Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita..... 1/4th share..... 25% share;
- 2) Jose Paulo Estevam Santana Fernandes..... 1/4th share equivalent to 25% share;

3) Maria Celia de Mello.....½ share..... 50% share.

g. That in view of the above, the Head of family/ Applicant viz. Maria Celia de Mello purchased 25% share each of the interested parties viz. Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita upon payment of Rs. 50,00,000 (Rupees Fifty Lakh only) and the interested party Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita surrendered all her share/ right in the estate listed at Item no. I to XIV in the Final/Description of assets since her share in the estate stood satisfied.

h. That in view of the above the Head of family/Applicant viz. Maria Celia de Mello purchased 25% share of the Interested parties viz. Jose Paulo Estevam Santana Fernandes upon payment of Rs. 50,00,000/- (Rupees Fifty Lakh only) and the interested party Jose Paulo Estevam surrendered his share/ right in the estate listed on Item no. I to XIV in the Final/Description of assets hence his share in the estate shall stand satisfied.

i. That in view of the above mentioned settlement, the Head of family/ Applicant viz. Maria Celia de Mello purchased

the shares of Interested parties viz. Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita and Jose Paulo Estevam Santana Fernandes upon payment of Rs. 50,00,000/- (Rupees Fifty Lakh only) each to both the interested parties and both the interested parties have acknowledged having received their shares in terms of money and their share/ right in the estate listed at Item No. I to XIV in the Final/Description of assets which included the Said Property was exclusively allotted to Maria Celia de Mello.

j. That in lieu of payment of Rs. 50,00,000/- (Rupees Fifty Lakh only) to each to both the interested parties by Head of family viz. Maria Celia De Mello, the estate/properties listed in the final List of Assets/Description of assets filed in an Inventory proceeding No. 162/2002 under Item no. I to XIV to the said Inventory which included the Said Property at Item No. III, was exclusively allotted to Maria de Mello.

**6. Revenue Records old and new**

i. Latest Form I and XIV for the Property bearing Survey No. 54/3 of Village Calangute, Bardez, Goa show the names of Eleterio Egres Augustino Dmello, Joquim Dmello and Maria Celia De Mello. Scanned Photocopy of

the Manual Form I and XIV for the Property bearing Survey No. 54/3 of Village Calangute, Bardez, Goa, shows the names of Eleterio Egres Augustino Dmello, Joquim Dmello in the occupant columns. There is a mutation entry to the name of Maria Celia De Mello in the new form I and XIV.

- ii. Scanned Photocopy of the Order dated 12.05.2023 passed by the Inspector of Survey and Land Records, Mapusa, Bardez, Goa shows that the Said Property is partitioned and a new survey number is allotted bearing Survey No. 54/3-A for an area admeasuring 9703 sq mts. The Form I and XIV for Survey No. 54/3-A shows the name of Maria Celia De Mello in the occupant column.
- iii. Scanned Photocopy of the Old Cadastral plan along with the New Corresponding Certificate for the Survey No. 54/3 (part) issued by the Superintendent of Survey and Land Records prove that the old cadastral survey numbers match with the new survey number for the larger property and now the Said Property in view of the observations made in paras ii and iii above.

- iv. Scanned Photocopy of the communication dated 11.05.2023 issued by the office of the Mamlatdar of Bardez, Mapusa, Goa confirming information on matriz records state the old matriz records are not in place.

**6. Possession**

Based on review of the above referred documents, and a combined reading of the title obtained through inventory proceedings referred above and observations made in section 5 above, it is clear that the possession of the Said Property clearly vests with Ms. Maria Celia De Mello.

**7. Litigation**

Upon inspection of court records on the website of E Courts in Goa and High Court of Bombay at Goa, there seems to be no pending litigation on the Said Property.

**8. Comments, Observations and Recommendations**

Based on inspection of the documents made available in copies, and perusal of above referred documents supplied, it can be seen that the SAID PROPERTY described above at



Schedule I, vests currently in the name of MS. MARIA CELIA DE MELLO, who is the absolute owner of the SAID PROPERTY.

A public notice was published in local newspapers in the State of Goa in Marathi daily viz. Gomantak and English daily viz. Times of India on 18<sup>th</sup> and 19<sup>th</sup> May, 2023 respectively inviting claims, if any from any third parties including financial institutions. A period of 21 days was given to the general public to raise any claims, an no claims or objections were received. .

Prima Facie, it is clear that Ms. Maria Celia De Mello has obtained clear and marketable rights on the Said Property vide Judgment and decree dated 22.06.2020 passed by Senior Civil Judge "B" Court at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 162/2002/B instituted on deceased estate leavers Cosme Verissimo Estevao Remigo De Mello, Eufemia De Mello and Eleuterio De Mello. The other two (2) interested parties have been settled by payment of owelty monies to the tune of Rs.50,00,000/- (Rupees Fifty

Lakh Only) each, payment of which is acknowledged and confirmed by the said interested parties viz. Jennifer Souza Eremita alias Maria Goreti Jennifer de Conceicao Souza Eremita and Jose Paulo Estevam Santana Fernandes. This is evidenced and confirmed under the said Judgment and decree dated 22.06.2020 passed by Senior Civil Judge "B" Court at Mapusa, Bardez, Goa in Inventory Proceedings bearing No. 162/2002/B.

This report is issued without perusing the original documents or certified copies in original and is based on photocopies/scanned copies of documents and emails provided.

Further this report is issued only on the ownership and title, and no opinion is given on the zoning or regulatory processes required to be followed by the parties.

Date: 22/02/2025

Place: Panaji, Goa



(Adv Amey Salatry)