

302, 3RD FLOOR, MILROC NEUREKAR PRIDE, NEAR AZAD MAIDAN
M.G. ROAD, PANAJI - GOA - 403 001

AKA/17-18/PVT/LSR-01

Date :21.02.2018

LEGAL SCRUTINY REPORT (MR. VIJAY VASSUDEV PRABHU DHARWADKAR)

MR. VIJAY VASSUDEV PRABHU DHARWADKAR
GOA

Sir,

**SUB: LEGAL OPINION PERTAINING TO: PROPERTY KNOWN AS
'TALEACHO SORVO' SITUATED AT KHORLIM, BARDEZ, NORTH GOA
DISTRICT**

OWNER: MR. VIJAY VASSUDEV PRABHU DHARWADKAR

**I. Complete Description of Immovable Property offered as Security for
creating Mortgage by deposit of Title Deeds by MR. VIJAY VASSUDEV
PRABHU DHARWADKAR**

Item No.	Sy. No. Khata No. House No. Site/Plot No.	Extent areas of Land/ Building	Location Sub. Dist. District, Vill/Municipality	Boundaries
	Property known as 'TALEACHO SORVO' together with a residential house bearing M.no.155 and Sy no.E551/11, found described in the Land Registration Office of Bardez at Mapusa under no.37274 a page 165 overleaf of Book B 95 and found enrolled in the Taluka Revenue Office under Matriz no.2507 of first circumscription of Mapusa and is independently surveyed under Chalta no.15 of P.T. Sheet no.91 of City Survey Mapusa	Admeasuring 825 sq.mtrs	Situated at Khorlim, within the Municipal limits of Mapusa Municipal Council, Taluka Bardez, North Goa District, State of Goa	East: Public Road West: Public Road North: by a passage South: by property bearing Chalta no.4 of P.T. Sheet no.93

II. Name of the person in whose name municipal taxes / electricity bill, society charges and other statutory charges are raised upto date:

MR. VIJAY VASSUDEV PRABHU DHARWADKAR



III. Particulars of the documents Scrutinized.

Sl. No.	Document No.	Date of Document	Name of Document	Original/ Certified true copy/pstat
01	Doc no.BRZ-BK1-08304-2015, CD No. BRZD773	16.10.2015	Agreement for Development and Sale executed by Mr. Rajiv Govind Dharwadkar and 10 others, as the Sellers/Owners in favour of Mr. Vijay Vassudev Prabhu Dharwadkar, as the Purchaser/Developer, in respect of Property known as 'TALEACHO SORVO' together with a residential house bearing M.no.155 and Sy no.E551/11, found described in the Land Registration Office of Bardez at Mapusa under no.37274 a page 165 overleaf of Book B 95 and found enrolled in the Taluka Revenue Office under Matriz no.2507 of first circumscription of Mapusa and is independently surveyed under Chalta no.15 of P.T. Sheet no.91 of City Survey Mapusa, Admeasuring 825 sq.mtrs, Situated at Khorlim, within the Municipal limits of Mapusa Municipal Council, Taluka Bardez, North Goa District, State of Goa, registered with the office of the Sub Registrar of Bardez at Mapusa, Goa	Original
02	No.369/2015/F	19.10.2015	Inventory Proceedings	Certified copy
03		11.02.2016	Plans for construction as approved by the North Goa Planning and Development Authority	Original
04	No. BRZ/BKPOA-00050-2015, CD No.BRZD773	16.10.2015	Special Power of Attorney executed by Mr. Rajiv Govind Dharwadkar and ten others in favour of Mr. Vijay Vassudev Prabhu Dharwadkar, as their Power of Attorney Holder in respect of the subject property	Oriignal



[Handwritten signature]

05	Form D	02.02.2016	Property Card of Mapusa City	Photocopy
06	No.07	20.04.2016	Construction Licence issued by Mapusa Municipal Council	Original
07	No.NGPDA/M/1 507/3224/201 6	11.02.2016	Order for Development issued by North Goa Planning and Development Authority	Original
08	No.612/15	21.07.2015	Nil Encumbrance Certificate issued by the office of the Sub Registrar of Bardez for the period from 01.01.2001 to 15.07.2015	Original
09		20.02.2018	Letter issued by The Goa Urban Co-op Bank Ltd	Original

IV. Brief History/Flow of title whether all original link documents are available with the mortgager, whether there is any defect in the chain of title.

The Documents above referred indicate that:

1. The subject property known as 'Property known as 'TALEACHO SORVO' together with a residential house bearing M.no.155 and Sy no.E551/11, found described in the Land Registration Office of Bardez at Mapusa under no.37274 a page 165 overleaf of Book B 95 and found enrolled in the Taluka Revenue Office under Matriz no.2507 of first circumscription of Mapusa and is independently surveyed under Chalta no.15 of P.T. Sheet no.91 of City Survey Mapusa, Admeasuring 825 sq.mtrs, Situated at Khorlim, within the Municipal limits of Mapusa Municipal Council, Taluka Bardez, North Goa District, State of Goa, was originally owned by Mr. Govind Waman Dharwadkar, married to Mrs Radhabai Govind Dharwadkar.

2. Thereafter after the expiry of the said Mr. Govind Waman Dharwadkar and Mrs Radhabai Govind Dharwadkar, the said property was inherited by their legal heirs namely Mr. Rajiv Govind Dharwadkar married to Mrs Yojana Rajiv Dharwadkar, Mr. Jayant G Dharwadkar, bachelor, Mr. Satish G Dharwadkar, Mrs Kunda G Dharwadkar married to Mr. Kishore Purushottam Naik, Mr. Hemant G Dharwadkar, bachelor, Mrs Manda P Kamat married to M Pravin Anant Kamat, Mrs Vinda U Moye married to Mr. Upendra P Moye, under the Inventory Proceedings no.369/2015/F vide Judgement dated 30.11.2015.

3.The title to the said property as described above was duly mutated in the names of Mr. Rajiv Govind Dharwadkar married to Mrs Yojana Rajiv



Dharwadkar, Mr. Jayant G Dharwadkar, bachelor, Mr. Satish G Dharwadkar, Mrs Kunda G Dharwadkar married to Mr. Kishore Purushottam Naik, Mr. Hemant G Dharwadkar, bachelor, Mrs Manda P Kamat married to M Pravin Anant Kamat, Mrs Vinda U Moye married to Mr. Upendra P Moye, under the Inventory Proceedings no.369/2015/F vide Judgement dated 30.11.2015, as evident from the True Extracts of the Land Records in Form D (the Property Card) of Mapusa City, vide Mutation no.212076 on 01.02.2016.

4. Thereafter vide Agreement for Development and Sale 16.10.2015 Doc no.BRZ-BK1-08304-2015, CD No. BRZD773 registered with the office of the Sub Registrar of Bardez at Mapusa, Goa the said Mr. Rajiv Govind Dharwadkar and 10 others, as the Sellers/Owners agreed to sell in favour of allow Mr. Vijay Vassudev Prabhu Dharwadkar, as the Purchaser/Developer, to develop the said Property known as 'TALEACHO SORVO' together with a residential house bearing M.no.155 and Sy no.E551/11, found described in the Land Registration Office of Bardez at Mapusa under no.37274 a page 165 overleaf of Book B 95 and found enrolled in the Taluka Revenue Office under Matriz no.2507 of first circumscription of Mapusa and is independently surveyed under Chalta no.15 of P.T. Sheet no.91 of City Survey Mapusa, Admeasuring 825 sq.mtrs, Situated at Khorlim, within the Municipal limits of Mapusa Municipal Council, Taluka Bardez, North Goa District, State of Goa.

5. Thereafter vide Special Power of Attorney 16.10.2015, No. BRZ/BKPOA-00050-2015, CD No.BRZD773 registered with the office of the Sub Registrar of Bardez, the said Mr. Rajiv Govind Dharwadkar and ten others appointed the said Mr. Vijay Vassudev Prabhu Dharwadkar, as their Power of Attorney Holder in respect of the subject property.

6. Thereafter the said Mr. Vijay Vassudev Parahu Dharwadkar obtained the following permissions/approvals from the concerned authorities for the development of the said property and construction there:

a. Plans for construction as approved by the North Goa Planning and Development Authority

b. Construction Licence issued by Mapusa Municipal Council dated 20.04.2016 vide no.07

c. Order for Development issued by North Goa Planning and Development Authority, 11.02.2016 No.NGPDA/M/1507/3224/2016

7. It is evident from the above described Agreement for Development and Sale read with Special Power of Attorney indicate that the said joint owners of the said property empowered and authorised the said Mr. Vijay Vassudev



Prabhu Dharwadkar, amongst other things, permitted to mortgage the said property for raising any funds from any Bank.

8. Thus the said Mr. Vijay Vassudev Prabhu Dharwadkar and his wife (under the regime of Communion of joint assets) acquired a legal, valid and marketable title to the said property as described above, as its owners and possessors, subject to the conditions as contained in the said Agreement for Development and the Special Power of Attorney.

9. The Nil Certificate of encumbrance on property dated 21.07.2015 vide no.612/2015 issued by the office of the Sub Registrar of Bardez for the period from 01.01.2001 to 15.07.2015 does not indicate any encumbrance over the said property. The party is required to obtain NIL Encumbrance certificate for the period from 01.08.2015 to date in respect of the said property.

10. However the letter dated 20.02.2018 of The Goa Urban Co-op Bank Ltd indicates that the said property / project was mortgaged in favour of the said Bank against a loan of Rs.60.00 lakhs and hence any Flat in the said Flat can be sold or mortgaged infavour of any third party only after obtaining written NOC for the same from The Goa Urban Co-op Bank Ltd.

V.1. Description/state and nature of title of the mortgagor over the property whether full ownership right/limited right vested reminder rights/lease hold rights/occupancy/ possessory rights of Government Grant, assignment patta.

Full ownership

V.2. If the title over the property is leasehold rights : NO

- a. Whether the lease permits creation of mortgage by the lessor.
- b. Whether the lease deed has been registered as required under law of registration and the Transfer of Property Act:
- c. Total duration of the lease during of unexpired lease period.
- d. Whether the permission from the Lessor is a condition for creation of mortgage whether the requisite permission has been obtained, with details of such permission.
- e. In case of government grants/assigned lands whether the terms of such grant/assignment permit the creation of charge also whether the requisite permission from the competent authorities is obtained.

-Not applicable-



V.3 Whether any minor's interest is involved if so, whether permission from competent court has been obtained as security within the details of the order etc.

- Not applicable -

V.4. Whether the property holding of the proposed mortgager are within the ceiling limits prescribed under the (U.L.C. & Regulations Act 1976).

The said transaction is exempted as described above.

Whether the clearance is required to be obtained by notice under Section 26 of the Act is required before the clearance has been obtained for creating the mortgage in favour of the Bank, or the requisite notice in that regard has been issued whether the same is in order.

Not required-

V.5 Whether No Objection Certificate under LT.Act 1961 is required to be obtained before the creation of the proposed mortgage, if yes, the reference of such No Objection Certificate, issued by the LT.O. together with the date be mentioned.

-Not applicable

V.6.State whether the land is affected by any Local Act, Revenue and Tenancy Legislations, If so, how and to what extent the right of the mortgagor to create the mortgage and rights of the Bank as mortgagee will be affected, whether marketability of the holding will be effected by any local Acts.

No

V.7.If the property comprises of Agriculture Lands:

NO

V.8. In case of Gift, Wills, Partition / Settlement Deeds. **N.A.**

- a. Whether the original deed is available for deposit.
- b. Whether such documents are registered under the law for the time being in force.
- c. Whether the will has been probated. In case of devolution of property by a will the safe guards taken to ensure against impeachment of title to the property offered as security.
- d. Whether the shares have been divided in metes and bounds.
- e. Whether the mortgage created in favour of the Bank will suffer from any infirmities/restrictions.

V.9. Whether the possession of the mortgagor over the property offered as security is an unhindered possession for more than 15 years either through himself or through his predecessors in title, whether any adverse possession exists on the property offered for mortgage.

Yes, since the year 1976(LAND)



V.10. Do the documents produced for inspection disclose any subsisting charges, liens, claims, attachments over the property offered for Mortgage. If yes, the details thereof : NIL

V.11. Whether the requisite property tax/land revenue or other statutory dues have been paid in respect of the property offered as the security up to date and the relative receipts produced.

YES

V.12. Description of the period covered under the Encumbrance Certificate and also about encumbrances if any referred therein.

Currently the said property is under mortgage with The Goa Urban Co-op Bank Ltd

V.13. Is the title tainted by any encumbrances, attachments, claims, whether the property is under acquisition/notification of the Government (Central or State) or the other local authorities or third party claims, liens exist, etc., If Yes, the details thereof.

Not tainted

V.14. Whether the construction (if any) is in accordance with the approved plan? If not, mention the details of deviation and its effect : **NOT APPLICABLE**

V.15. Confirmation that the latest title deed(s) through which proposed mortgagor derived title to the property as also the immediately preceding title deed(s) are available in original.

YES & the same are currently with The Goa Urban Co-op Bank Ltd



VI. Certificate

*From the material placed before me, I am of the considered opinion that said **Mr. Vijay Vassudev Prabhu Dharwadkar & his wife** acquired a legal, valid and marketable rights in respect of the said Property known as 'TALEACHO SORVO' together with a residential house bearing M.no.155 and Sy no.E551/11, found described in the Land Registration Office of Bardez at Mapusa under no.37274 a page 165 overleaf of Book B 95 and found enrolled in the Taluka Revenue Office under Matriz no.2507 of first circumscription of Mapusa and is independently surveyed under Chalta no.15 of P.T. Sheet no.91 of City Survey Mapusa Admeasuring 825 sq.mtrs Situated at Khorlim, within the Municipal limits of Mapusa Municipal Council, Taluka Bardez, North Goa District, State of Goa as its absolute owner and possessor.*

*Based on the search of Public Records of property in question made by me, I hereby certify that title of **Mr. Vijay Vassudev Prabhu Dharwadkar & his wife** in respect of the said property is clear, legal and marketable and free from all encumbrances and is valid & enforceable in the Court of law, excepting that of The Goa Urban Co-op Bank Ltd.*

The said opinion was given on the basis of the photo copies of the documents referred above.

This legal opinion has been given without any interest direct or indirect after verifying all the necessary relevant papers and photo copies which are returned duly authenticated.

Yours sincerely,

For AJAY KUMAR & ASSOCIATES

AJAY KUMAR
ADVOCATE

