

Purushottam R. Karpe
ADVOCATE & NOTARY

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To,
Rajdeep Builders,
2nd Floor, Mathias Plaza,
Above Canara Bank,
18th June Road, Panaji, Goa

Date: 30/05/2020

LEGAL OPINION

Sub: - Legal Opinion in respect of the PLOT of land known as "DURGAWADI", situated at Taleigaon Tiswadi Taluka, District North Goa, State of Goa, admeasuring 4859 Square meters bearing inscription No. 18740 of Book B – 50 New at folio 8 V Martiz Predial No. 40 and under Survey No. 2/1 of Village Durgawadi.

Rajdeep Builders approached me and requested me to give Search Report in respect of property mentioned below. For that purpose **Rajdeep Builders** produced on record following documents. I have perused these documents and on the basis of these documents and Search of available documents, I have formed my opinion as below.

1. **NAME OF THE OWNERS OF THE PROPERTY:-**

RAJDEEP BUILDERS.



2. **[A] DESCRIPTION OF THE ENTIRE PROPERTY**

All that PLOT of land known as "DURGAWADI", forming part of the larger property known as "DURGAVADI", situated at Taleigaon Tiswadi Taluka, District North Goa, State of Goa, admeasuring 4859 Square meters bearing inscription No. 18740 of Book B – 50 New at folio 8 V Martiz Predial No. 40 and under Survey No. 2/1 of Village Durgawadi. The said property is bounded as under:-

On the East : By Paddy field belonging to Comunidade de Calapur;

On the South : By Land belonging to Mukund Vaikunth Joshi; and

On the West & North: By the remaining 5/6th of Durgawadi belonging to
Shri Janardhan V.N. Counto and Jagdish J.N.
Counto.

[B] NATURE OF PROPERTY:- As per Order dated 21/08/2018 issued by the PDA, Panaji, Goa, the property bearing Survey no. 2/1 of Village Surgawadi is earmarked as "S-2" zone as per the provision of Taleigaon ODP 2011 in force.
Fresh Conversion Sanad has to apply.

3. **FLOW OF TITLE:-**

There exists a Property known "DURGAVADI", forming part of the larger property known as "DURGAVADI", situated at Durgawado Village, Taleigao, Tiswadi Taluka, District North Goa, State of Goa, admeasuring an area of 4859 sq. mtrs, described in the land registration office under Description No.18740 of Book B- 50 new at Folio 8 V Matriz predial No.40 and under Survey No.2/1 of the Village Durgawado, Taleigao-Goa, which property is more particularly described in Schedule I annexed herewith and hereinafter referred to as the "SAID PROPERTY".

The Said property originally belonged to Shri. Pradeep J. Kaunte his wife Smt. Fermeena Pradeep Kaunte being allotted to them by virtue of Deed of



Partition dated 09-02-1931 duly registered in the office of the Sub-registrar, Ilhas, under registered no.214, at pages 244 to 266 of Book I, volume no.168, dated 8-7-1982, R/o Alto Porvorim, Bardez Goa and on 17-8-1995, Shri. Pradeep Kaunte approached the Goa State Co-operative Bank Ltd.; (hereinafter referred to as said Bank) and had obtained a loan amount of Rs.96,00,000/- (Rupees Ninety Six Lakhs Only). The said loan amount was secured by the said Bank by obtaining mortgage of the said property belonging to Shri. Pradeep Kaunte as well as the property of Shri. Ravindra Navelkar under survey no.26/2 Village Bainguinim known as "MALLANS" which was under the mortgage with the said Bank.

Shri. Pradeep J. Kaunte although obtained the entire loan amount of Rs.96,00,000/- (Rupees Ninety Six Lakhs Only) in the year 1995, defaulted in repayment of the loan amount to the bank, as such a recovery case was initiated and filed by the said Bank against him and said surety before the Registrar of Co-operative Societies (Camp Court).

The Assistant Registrar of Co-operative Societies (Camp Court) whom the matter was allotted after hearing all the parties passed a Judgement and Order dated 23-2-1998 holding Shri. Pradeep J. Kaunte and another person named Shri. Ravindra C. P. Navelkar who was standing as surety to the said loan jointly and severally liable to pay the loan amount of Rs.1,51,58,684/- (Rupees One Crore Fifty One Lakhs Fifty Eight Thousand Six Hundred and Eighty Four Only) along with the interest at the rate of 23% from 01-01-1998 till full and final payment with loan amount due along with cost.

Shri. Pradeep J. Kaunte did not challenge the said Judgement and Order as such the said Judgement and Award attained finality and the said Bank initiated execution proceedings for execution of Award dated 23-2-1998; and accordingly, in Execution proceedings the said property belonging to Shri. Pradeep J. Kaunte came to be attached.



Thereafter the said property was put to the public auction held on 21-9-2000 and since there was no bidders, the Goa State Co-operative Bank Ltd., itself purchased the said property for an amount of Rs.87,46,200/- (Rupees Eighty Seven Lakhs Forty Six Thousand and Two Hundred Only) from the Sales & Recovery Officer, who accordingly issued Sale Certificate dated 22-09-2000 in favour of the said Bank and by virtue of the said Sale Certificate of the Goa State Co-operative Bank Ltd, became the lawful owner of the said Property. The said property was sold to the aforesaid Bank in the public auction held under the provisions of Rule 22(11) of the Multi State Co-operative Societies Rules, 1985.

After the lapsed of more than three years Shri. Pradeep J. Kaunte filed the dispute on 03-10-2003 before the Arbitrator (Camp Court) and the said dispute came to be dismissed by the Arbitrator (Camp Court) vide judgement and Order dated 21-09-2006.

Thereafter the said property was put to auction by the Goa State Co-operative Bank Ltd., and it appears that since there were no bidders the auction could not be materialised and the said Bank thereafter issued a public notice in the local newspaper dated 13-03-2005 inviting bids from the buyers for the purchase of the said property and since the bids received by the said Bank were too low to the executed price, the Bank decided not to sell the said property.

Thereafter the said Bank again issued a tender notice dated 25-03-2006, inviting sealed tenders for the sale of the said property and pursuant to the same **SMT. NIRUPA UDDHAV PAWAR** herein submitted and quoted a highest bid amount of Rs.65,00,000/- (Rupees Sixty Five Lakhs Only) for the said property and as such as was declared as successful highest bidder and accordingly, the entire amount of Rs.65,00,000/- (Rupees Sixty Five Lakhs Only) was paid to the said Bank by **SMT. NIRUPA UDDHAV PAWAR**; and accordingly, the Sale Deed dated 11-06-2006 came to be executed by the said Bank in favour of **SMT. NIRUPA UDDHAV PAWAR**. Thereafter



on 11-07-2006 the said Sale Deed was presented for registration before Sub-registrar, Ilhas, Goa.

During that particular time Shri. Pradeep J. Kaunte filed the Writ Petition bearing no.516/2006 before the Hon'ble High Court of Bombay at Panaji, Goa challenging the judgement and Award dated 23-02-1998 as well as the Sale Deed dated 11-06-2006, executed by the Goa State Co-operative Bank Ltd., in favour of **SMT. NIRUPA UDDHAV PAWAR** in relation to the said property. In the said Writ Petition the Hon'ble High Court by an Order dated 16-11-2006 directed **SMT. NIRUPA UDDHAV PAWAR** to deposit certain amount to show her bonafide and subject to deposit of the said amount passed an interim Order and issued 'Rule' in the matter.

The aforesaid Writ Petition was finally heard by the Hon'ble High Court and by a Judgement and Order dated 23-03-2017 dismissed the said Writ Petition.

The matter was thereafter carried in Appeal by Shri. Pradeep J. Kaunte by filing a Special Leave Petition No. 18854/2017 before the Hon'ble Supreme Court of India which also came to be dismissed by the Hon'ble Supreme Court by its Order dated 21.08.2017.

In the meantime pursuant to the Judgement and Order 21/03/2017 passed by the Hon'ble High Court of Bombay at Goa under Writ Petition no.516 of 2006, the Sale Deed which was presented for registration in the year 2006 has been duly registered by the Sub-registrar, Ilhas under registered no.236 at pages 39 to 86 Book No.I, volume no.2269, dated 27-04-2017, and as such **SMT. NIRUPA UDDHAV PAWAR** became the lawful owner in possession of the Said Property.

SHRI. UDDHAV MAHADEV PAWAR married to **SMT. NIRUPA UDDHAV PAWAR**.



Vide Deed of Sale dated 06/12/2019 **SMT. NIRUPA UDDHAV PAWAR** and **SHRI. UDDHAV MAHADEV PAWAR** sold the Property better described in the Point 2A to **Rajdeep Builders**. The said Deed of Sale is registered under no. PNJ-BK1-03320-2018, CD NO. PNJD70, BOOK I, DATE 07/12/2018, before the Sub Registrar of Ilhas.

By virtue of Deed of Sale dated 06/12/25018 **Rajdeep Builders** has become the absolute owners in possession of the aforesaid Property.

4. DOCUMENT SCRUTINIZED :-

Sr. No.	Date	Name of Document	Whether Original/ Certified copy/ Photostat
1.	22/9/2000	Certificate of Sale	Photo State Copy
2.	11/06/2006	Deed of Sale	Photo State Copy
3.	25/11/2017	Nil Encumbrance Certificate	Photo State Copy
4.		Form I & XIV of Survey No. 2/1 of Village Durgawado	Photo State Copy
5.	21/08/2018	Order issued by PDA, Panaji, Goa	Photo State Copy
6.	18/05/2006	Possession Letter from Goa State Co. Op. Bank Ltd	Photo State Copy
7.	21/03/2017	Judgment passed in the W. P. 516/2006, by the Hon"ble High Court of Bombay at Goa.	Photo State Copy
8.	06/12/2017	Zoning Certificate	Photo State Copy
9.		Survey Plan of Survey No. 2/1 of Village Durgawado	Photo State Copy



10.	21/08/2017	Special Leave Petition No. 18854/2017 before the Hon'ble Supreme Court of India which also came to be dismissed by the Hon'ble Supreme Court.	Photo State Copy
11.	06/12/2018	Deed of Sale	Photo State Copy

After going through the said documents, I arrive at the conclusion **Rajdeep Builders** have a clear and marketable title to the PLOT of land known as "DURGAWADI", forming part of the larger property known as "DURGAVADI", situated at Taleigaon Tiswadi Taluka, District North Goa, State of Goa, admeasuring 4859 Square meters bearing inscription No. 18740 of Book B – 50 New at folio 8 V Martiz Predial No. 40 and under Survey No. 2/1 of Village Durgawadi, District of North – Goa, in the State of Goa.



Purushottam R. Karpe
Advocate High Court