VIVEK AGNELO RODRIGUES
ADVOCATE
Chambers: AF-3, AF-5, 1ST Floor, 'Casa Imaculada"
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Date: 25/04/2018

1. **NAME AND ADDRESS OF THE TITLE HOLDER** : Mr. Alfredo M. Cotta and Mrs. Ingrid Cotta, : R/o R-1, Ocean Mist, Plot No. 17/18, La Oceana II, Behind ICG, Dona Paula, Goa

2. **FULL DESCRIPTION OF THE PROPERTY:**

All that Plot known as Plot No. B-12 admeasuring 1067 sq. mts. in area forming part of the property known as 'HORTAS PALMATARIA' situated at Bainguinim, within the limits of Village Panchayat of Se Old Goa sub District of Ilhas, North Goa District, State of Goa, which property is not described in the Land Registration Office and enrolled in the Taluka Revenue Office under matriz no. 158, and surveyed under survey no. 18/1 of Village Bainguinim, totally admeasuring 1,95,625 sq. mts. and this Plot no. B-12 is bounded on the East by 8 mts. wide road, on the West by open space and plot no. B-11, on the South by 12 mts. wide road and on the North by plot no. B-13All that Plot known as Plot No. B-12 admeasuring 1067 sq. mts, in area forming part of the

3. **TRACING OF TITLE:**

The said property 'HORTA PALMOTARIA' originally belonged to Vishnu Porob Colvalcar and Dr Francisco de Assis Jose Fernandes in equal proportion. The said Mr. Vishnu Porob Colvalcar was married in his first nuptial to Jaivonti Vishnu Porob Colvalcar, who died and upon her death, inventory proceedings were instituted in the Court of Civil Judge, Panaji, whereby 25% of the undivided right and share in the said property came to be allotted to her only son, Mr. Yeshwant Vishnu Porob Colvalcar and the remaining 25% rights and shares remained with Vishnu Porob Colvalcar.

Subsequently said Vishnu Porob Colvalcar got married in his second nuptial with Saraswati Vishnu Porob Colvalcar. The said Saraswati also died leaving behind the following children namely (a) Damodar Vishnu Porob Colvalcar (b) Uttam Vishnu Porob Colvalcar and (c) Raghuvir

Vishnu Porob Colvalcar. Thereafter expired said Vishnu Porob Colvalcar in the year 1947 leaving behind him as the only heirs, said Yeshwant Vishnu Porob Colvalcar, son born to his first wife and Damodar Vishnu Porob Colvalcar, Uttam Vishnu Porob Colvalcar and Raghuvir Vishnu Porob Colvalcar to his second wife.

Subsequently expired Yeshwant Vishnu Porob Colvalcar in the year 1949 leaving behind him as his heir, his son Shivaji Yeshwant Porob Colvalcar and daughter Gulab Colvalcar alias Godavari Kamat. The wife of said Yeshwant namely Yeshoda also expired leaving behind her said son Shivaii and daughter Gulab as only heirs.

Prior to their death, said Yeshwant and his wife Yeshoda had executed a Deed of Gift dated 29/1/49 gifting inter alia all their rights and shares in the said property in favour of their son said Shivaji Yeshwant Porob Colvalcar.

Shri Damodar Vishnu Porob Colvalcar died in the year 1948 in the status of bachelor leaving behind him as his only heir, his said two brothers namely Uttam and Raghuvir Colvalcar.

Shri Uttam Vishnu Porob Colvalcar died leaving behind him, his widow and moiety holder, Sushilabai Uttam Porob Colvalcar and six children namely (1) Shrivisnu Uttam Porob Colwalkar married to Swati Koliavalkar (2) Subhash U. P. Kowalkar married to Manugesh Nagarsekar (3) Ashalata Nagarseltar married to Manguesh Nagarsekar (4) Nayan V. Naik married to Vinay Naik (5) Suman alias Rukmini S. Borkar married to Suhas Borkar (6) Maya D. Dharwadkar married to Dilip Dharwadkar.

Raghuvir Vishnu Pomb Colvalcar was married to Satyavati Raghuvir Porob Colvalcar and they both died leaving behind the following heirs namely (1) Ramdas Raghuvir Porob Kolwalkar married to Ushadevi Kolwalkar (2) Madhukar R. Porob Kolwalkar married to Pratima Kolwalkar (3) Suresh R. P. Kolwalkar married to Sunanda S.P. Kolwalkar (4) Mohan R. Kolwalkar married to Seema Kolwalkar (5) Ratnakar R. Kolwalkar married to Jyoti Kolwalkar (6)Snehalata D. Talaulikar married to Datta Talaulikar (7) Suvarna S. Naik married to Satish A. Naik.

Upon the death of the following persons namely Vishnu Porobo Colvalcar, Mrs. Jaivonti Vishnu Colvalcar, Mrs. Saraswatibai Vishnu Porob Colvalkar Mr. Esvonta Porobo Colvalcar, Mrs. Yeshoda Kolwalkar, Mr. Raghuvir Porobo Colvalcar, Mrs. Satyavatibai Colvalcar, Mr. Uttam Kolwalkar and Mr. Damodar Porobo Colvalcar inventory proceedings were instituted in the Court in Civil Judge, Senior Division at Panaji, bearing No. 26/97/A wherein the shares of

said persons in the said property were declared and confirmed by way of allotment made to them therein, which allotments were duly confirmed and made final by an order dated 30/08/1997 of the Civil Judge, Senior Division, Panaji.

In terms of the said inventory proceedings no. 26/97/A, the followiing persons became entitled to rights and shares in the said property in the proportion shown against each name i.e. Shivaji Kolwalkar (54/256th), Sushilabai U. Kolwalkar (14/256th), Srivishnu Kolwalkar and his wife (7/768th) Subhash U. Kolwalkar and his wife (7/768th), Ashalata Nagarcekar and her husband (7/768th), Nayan Naik and her husband (7/768th), Suman alias Rukmini Borkar and her husband (7/768th), Maya D. Dharwadkar and her husband (7/768th), Ramdas Kolwalkar and his wife (7/448th), Madhukar R. Kolwalkar and his wife (7/448th), Suresh Kolwakar and his wife(7/448th), Mohan Kolwalkar and his wife (7/448th), Ratnakar Kolwalkar and his wife (7/448th), Snehalata Talaulikar and her husband (7/448th), Suvarna S. Naik and her husband (7/448th), Godavari Kamat (9/256th) Rajeev Kamat and his wife (8/512th), Bharati Umesh Pai and her husband (9/512th). The aforesaid share allotment consists of ½ share of the entire property.

Upon the death of Dr. Francisco de Assis Jose Fernandes who was entitled for remaining half share in the said entire property, inventory proceedings were instituted in the Court of Civil Judge, Senior Division, being Inventory Proceeding no. 41/94, wherein the persons in the proceedings were declared to be the legal heirs. However, in the said inventory proceedings, the aforesaid property remained to be enlisted in the list of assets. Therefore, the parties applied for a partition of the additional estate in the said proceedings and accordingly after following procedure, the Hon'ble Court vide Order dated 11/08/1997 confirmed the allotment of the said one half undivided right and share in the property and in the auction held in the said proceedings, the following persons became entitled to said half undivided share in the property:

a. Mr. Allan Celestino de Mendonca (1/9th i.e. 1/18th undivided right and share in the entire property).
b. Ms. Maria de Fatima Inglis and her husband Huge Andrew Inglis (1/9th i.e. 1/8th undivided right and share in the entire property).
c. Mr. Ivo Martinho de Mendoca and his wife Magdalena Bridget D'souza (1/9th i.e. 1/8th undivided right and share in the entire property).
d. Mrs. Ana Maria das Merces Fernandes e D'Souza, Mr. Maria Elsa de Menondca and her husband Luis Gonzago de Mendoca, Mrs. Maria Goretti Zuzarte and her husband Agnelo Zuzarte and Mr. Domnic Savio D'Souza and his wife Maria de Carmo Menezes e D'Souza (1/3rd i.e. 1/6th undivided right and share in the said entire property).

e. Mrs. Maria Aurea Joana Fernandes e D'Souza and her husband Francis Xavier D'Souza (1/3rd i.e. 1/6th undivided right and share in the said entire property).

Vide Agreement dated 4/12/1997, M/s Navelcar Estate Developers agreed to purchase the said property from all the aforesaid co-owners and subsequently vide various Sale Deeds, said M/s Navelcar Estate Developers purchased the said property from various co-owners as per their shares.

The said property was partitioned among its co-owners which partition became final and conclusive by virtue of Decree passed by the Court of Civil Judge, Senior Division in Sp. Civil Suit no. 9 of 1998. Ms Navelcar Estate Developers were allotted certain areas in the said entire property in the said partition and certain other areas were purchased by them from different persons to whom the same were allotted under different Sale Deeds.

By virtue of various Sale deeds, said M/s Navelcar Estate Developers became the owners in possession of the portion of the said entire property which portions were identified as Plot nos. 3, 6, 9, 10,13,16, 19 and 22 of the said entire property totally admeasuring 1,14,117sq. mts

M/s Navelcar Estate Developers subsequently subdivided and developed portion of the said plot of the property after obtaining all the requisite permissions from the concerned authorities. Town and Country Planning Department granted approval vide its letter no. TIS/1169/BAI/97/718 dated 17/10/97, and the Village Panchayat vide license no. 12 dated 20/11/97. Final NOC was issued by the Village Panchayat vide its letter no. VP/SOG/682/15/1999-2000 dated 13/1/2000.

Vide Deed of Sale dated 22nd March 2004 duly registered in the Office of Sub Registrar, Ilhas under no. 856 at pages 226 to 264 of Book no. I, Volume no. 1298 dated 29-3-2004, M/s Navelcar Estate Developers sold Plot no. B-12 admeasuring 1067 sq. mts. of the said property to Mr. Chandrakant Chathubhuj Chaudhari.

Mr. Chandrakant Chathubhuj Chaudhari became the exclusive and absolute owner of the said Plot no. B-12 admeasuring 1067 sq. mts. surveyed under survey no. 18/1-R of Village Bainguinim, and his name has been shown in the occupant column of Form I & XIV.

By a Sale Deed dated 15th July 2015, duly registered in the Office of the Sub-Registrar, Panaji under Registration No. PNJ-BK1-01921-2015 on CD No. PNJD42 on 17/07/2015, Mr. Alfred Cotta and his wife Mrs.

Ingrid Cotta purchased the said plot no. B-12 admeasuring 1067 sq. mts. surveyed under survey no. 18/1-R of Village Bainguinim, and their name has been shown in the occupant column of Form .I & XIV.

The said Alfred Cotta and his wife have after getting Conversion Sanad dated 06/07/1998 bearing No. CNV/TIS/80/97 from the Office of the Deputy Collector and S.D.O, Panaji- Goa, have obtained Construction License bearing NO. VP/SOG/29/2015-16 from the Village Panchayat Se old Goa, Old Goa , Tiswadi- Goa, for the project of proposed construction of Flats and shops however they had appealed to the Town And Country Planning Authority to grant them 80% FAR as the regulations and government orders entitled them to it, they had to even approach the Hon'ble High Court of Bombay at Goa in W.P. No. 785/2017 where after the Learned Advocate General has pointed out that the competent authority of the state will consider the application for 80% FAR in accordance with the order dated 04/06/2012 of the Chief Town Planner.

The land has now been put under the jurisdiction of Greater Panjim PDA, and in terms of the new ODP that will be prepared the requisite FAR available may also be claimed.

The said Mr. Alfredo M. Cotta and his wife have also taken a loan and mortgaged the said property with VPK Urban Co-Operative Credit Society Limited vide Deed of Mortgage dated 15th July 2015, duly registered in the Office of the Sub-Registrar, Panaji under Registration No. PNJ-BK1-01915-2015 on CD No. PNJD42 on 16/07/2015.

4. TITLE DEEDS/ DOCUMENTS DET'AILS UNDER WHICH OWNERSHIP IS ACQUIRED:

I. Deed of Sale 22nd March 2004.
II. Deed of Sale dated 15th July 2015

5. LIST OF ENCUMRBANCES:

Mortgage with the VPK Urban Co-Operative Credit Society Limited dated 15/07/2015.

6. VIEW OF ENCUMBRANCES:

I have made thorough search and enquiry in the Office of the Sub Registrar at Tiswadi and other related offices and I found that there is no encumbrance over the said plot except for the Loan and Mortgage with the VPK Urban Co-Operative Credit Society Limited.

7. REGULATORY ISSUES:

(1) Whether the property affected by Land Ceiling Law: No

(2) Whether the property affected by Land Fragmentation Law: No

(3) Whether the property affected by forest law: No

(4) Whether the property affected by Planning Law: No

(5) Whether the property affected by Urban Land Ceiling Law: No

(6) Whether the property is affected by rent restriction/ control law: No

(7) Whether the property is affected by user restrictions under Municipal/revenue law : No

(8) Whether the property is by any other regulatory Issue relating to property such as requirement of Permission from Development Authority under law Relating to industrial parks No

8. VIEWS ON REGULATORY HURDLES:

NO hurdles.

9. LIST OF DOCUMENTS/DEEDS PROVIDED TO THE ADVOCATE AND PERUSED BY HIM:

1. Matriz Certificate.
2. Form I & XIV
3. Sale Deeds dated 8/6/98, 26/5/98, 20/05/98, 05/01/98, 11/12/97, 21/1/98, 18/12/97, 20/1/98, 14/11/97
4. Inventory Proceedings no. 41/94 and 26/97/A
5. Deed of Gift dated 29/1/49
6. NOC of Village Panchayat Ella, Old Goa
7. Judgment and decree in Civil Suit no.9 of 1998
8. Approval Of Town & Country Planning Dept.
9. Sale Deed dated 22nd March, 2004
10. Sale Deed dated 15th July 2015
11. Mortgage Deed dated 15th July 2015

10. LIST OF DOCUMENTS FOUND OUT 'WHILE EXAMINING THE DEEDS AS ABOVE AND IN SEARCH IN THE OFFICE OF REGISTRAR/ REVENUE AUTHORITIES AFFECTING THE PROPERTY EXAMINED:

NIL

11. LIST OF FURTHER DOCUMENTS CALLED FOR, EXAMINED AND PERUSED:

NIL

12. WHETHER THE DOCUMENTS EXAMINED ARE FULLY STAMPED AS PER THE STAMP ACT:

YES

13. WHETHER REGISTRATION ENDORSEMENTS ARE IN ORDER:

YES

14. CERTIFICATE OF EXAMINATION

This is to Certify that I have examined the documents furnished to me for giving the title clearance certificate and I do not find that transactions under the documents sham and fictitious.

15. CERTIFICATE OF TITLE:

On perusal of the documents, I am of the opinion that the Plot known as Plot No. B-12 admeasuring 1067 sq. mts, in area forming part of the property known as 'HORTAS PALMATARIA' situated at Bainguinim, within the limits of Village Panchayat of Se Old Goa, Sub District of Ilhas, North Goa District State of Goa, surveyed under survey no. 18/1-R of Village Bainguinim, is free from encumbrances having clean, clear and marketable title except for the Mortgage Deed dated 15/07/2015.

Adv. Vivek A. Rodrigues

Vivek A. Rodrigues
ADVOCATE
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