

# JONATHAN COSTA

ADVOCATE

OFF: 0832 - 2736412  
CELL: 0091 - 9673626460  
EMAIL: JONATHAN@ADVOCATECOSTA.COM



## OPINION ON TITLE

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### 1. Description of the Property:

**ALL THAT IMMOVABLE PROPERTY** comprising of the amalgamation of Plot No. 14 and Plot No. 15 of the larger property known as AZULLANCHI TOLLOY or AZULEANCHI TOLLOY or ASULEANCHITOLLOY or ASSULEACHITOLLOY or ASUTEANCHY TOLLOY or ASSULIANCHITOLLOY or GOGOLLA or GOGOLA situated at Gogol, Margao, within the limits of the Margao Municipal Council, Taluka and Registration Sub - District of Salcete, District of South Goa, State of Goa, which larger property is found described in the Land Registration Office of Salcete under Nos. 456 and 457 at folio 30 of Book B - 2 of New Series, and forms part of the property enrolled in the Land Revenue Office of Salcete for Matriz under No. 1085 and 1087, which amalgamated property, as a single, independent and distinct entity, admeasures an area of about **785 sq mts**, is surveyed under **Chalta No. 28 of P. T. Sheet No. 128** and **Chalta No. 9 of P. T. Sheet No. 127**, and is bounded as follows:

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East : by the Plot No. 16, now surveyed under Chalta No. 10 of P. T. Sheet No. 127,

West : by the Road,

North : by the Road, and

South : by the Road.

(herein referred to as the '**Said Property**)

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I, **Jonathan Delduque Costa**, advocate, having my office at D-3, Colaco Residency, Block D, Rua Abade Faria, Comba, Margao, Goa, and registered with the Bar Council of Maharashtra and Goa under Reg. No. MAH/2997/2008, at the request of Mr. Vasant Shrivallabh Kare, partner of **Kare Realtors LLP**, having office at Gogol, Salcete – Goa, have carried out an investigation of title in regard to the Said Property.

I confirm that I have examined copies of below mentioned documents, *(not in chronological order)* concerning the above Said Property.

## 2. Documents:

### A. Immovable Property:

1. Death Certificate of Mrs. Laxmibai Vassant Kare dated October 24, 2017 issued by the Sub – Registrar of Births and Deaths, Margao Municipal Council bearing No. 5374;
2. Agreement for Development and Sale dated October 2, 2017 executed by and between Mr. Vaikunth Vassant Kare, Mrs. Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Indira Shrivallabh Kare, Mrs. Laxmibai Vassant Kare and Kare Realtors LLP, before the Notary Public Adv. R. M. Shinkre, at Margao, Salcete – Goa, under Reg. No. 93369;
3. Power of Attorney dated January 20, 2009 executed by Mrs. Shanta Vaikunth Kare in favour of Mr. Vaikunth Vassant Kare, before the Notary Public Adv. R. M. Shinkre at Margao, Salcete – Goa under Reg. No. 41850;
4. Power of Attorney dated December 29, 2008 executed by Mrs. Indira Shrivallabh Kare and Mrs. Laxmibai Vassant Kare in favour of Mr. Shrivallabh Vassant Kare, before the Notary Public Adv. R. M. Shinkre at Margao, Salcete – Goa under Reg. No. 41323;

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5. Registration Certificate / Certificate of Incorporation of Kare Realtors LLP bearing Registration / Identification No. AAJ-8339 issued by the Registrar, Ministry of Corporate Affairs, Goa;
6. Land Registration Certificate bearing No. 456 at folio 30 of Book B - 2 of New Series;
7. Matríz Certificate issued by the Taluka Revenue Office of Salcete bearing No. 1085;
8. Land Registration Certificate bearing No. 457 at folio 30 overleaf of Book B - 2 of New Series;
9. Matríz Certificate issued by the Taluka Revenue Office of Salcete bearing No. 1087;
10. Deed of Gift, Sale and Exchange dated January 15, 1961, drawn up before the Notary Ex – Officio of the Judicial Division of Salcete at folios 30 reverse onwards of the Book of Deeds No. 1117, executed in favour of Vassanta Voicunta Sinai Caro by other name Vassanta Voicunta Caro and his wife Loxmibai Vassanta Sinai Caro;
11. Inscription Certificate bearing No. 47872 recorded at folios 168 of Book G – 56 of the Land Registry in the Judicial Division of Salcete in favour of the said Vassanta Voicunta Sinai Caro by other name Vassanta Voicunta Caro;
12. Deed of Relinquishment of Illiquid and Undivided Rights dated December 22, 1984, found recorded in the books of the Ex – Officio Notary of Salcete at Margao at folios 85 overleaf onwards of the Book of Deeds No. 1299;
13. Deed of Succession dated February 25, 1987 recorded at folio 54 overleaf onwards of the Book Register of Deeds No. 1309;
14. Deed of Partition dated May 21, 2007, registered in the Office of the Sub - Registrar of Salcete, Margao under No. 2556 at pages 211 to 248 of Book No. I Vol. 2474, dated May 24, 2007;
15. Agreement dated October 29, 2009, entered into by and between Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro with M/s Alcon Developers;
16. Declaration issued by M/s Alcon Developers, dated August 30, 2016, duly executed before the Notary Public Adv. B. S. Gaunker at Panaji, Goa under Reg. No. 3303/2016 on 31-08-2016;

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17. Form D of the property bearing Chalta No. 28 of P. T. Sheet No. 128, recorded in the names of Mr. Vaikunth V. Kare and Mrs. Shanta V. Kare dated August 10, 2007 issued by the Inspector of Survey and Land Records, Salcete – Goa;
18. Survey Plan of the property bearing Chalta No. 28 of P. T. Sheet No. 128, dated September 3, 2007, issued by the Directorate of Settlement and Land Records, Salcete – Goa;
19. Form D of the property bearing Chalta No. 9 of P. T. Sheet No. 127, recorded in the names of Mr. Shrivallabh V. Kare and Mrs. Indira S. Kare dated August 10, 2007 issued by the Inspector of Survey and Land Records, Salcete – Goa;
20. Survey Plan of the property bearing Chalta No. 9 of P. T. Sheet No. 127, dated September 3, 2007, issued by the Directorate of Settlement and Land Records, Salcete – Goa;
21. LLP Agreement dated June 29, 2017 executed by and between the partners of Kare Realtors LLP, Mr. Vasant Shrivallabh Kare and Mr. Akhil Vaikunth Kare;
22. Declaration dated August 30, 2016, duly executed before the Notary Public Adv. B. S. Gaunker at Panaji, Goa under Reg. No. 3300/2016 on 31-08-2016;
23. Nil Encumbrance Certificate dated April 9, 2018 bearing No. 815 issued by the Office of the Civil – Registrar cum Sub – Registrar, Salcete at Margao in respect of the property bearing Chalta No. 28 of P. T. Sheet No. 128 of the Margao City Survey.
24. Nil Encumbrance Certificate dated April 9, 2018 bearing No. 814 issued by the Office of the Civil – Registrar cum Sub – Registrar, Salcete at Margao in respect of the property bearing Chalta No. 9 of P. T. Sheet No. 127 of the Margao City Survey

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## **B. Construction:**

1. Development Permission from the South Goa Planning and Development Authority under Ref No. SGPDA/P/6009/1629/17-18 dated January 30, 2018;



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2. Conversion Sanad bearing No. COL/SG/CONV/25/2011/2348 dated February 20, 2013 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa;
3. Conversion Sanad bearing No. COL/SG/CONV/23/2011/2350 dated February 20, 2013 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa;
4. Conversion Sanad bearing No. COL/SG/CONV/24/2011/4361 dated May 9, 2013 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa; and
5. Corrigendum to the Conversion Sanad bearing No. COL/SG/CONV/24/2011/4361 dated May 9, 2013 bearing No. COL/SG/CONV/24/2011/11792 dated November 30, 2015 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa.
6. Construction License issued by the Margao Municipal Council, Margao, under No. A/86/17-18/10102 dated March 7, 2018;
7. No Objection Certificate issued by the Health Officer, Urban Health Centre, Margao bearing No.17-18/2387 dated February 9, 2018;
8. Approved Plans and Layouts.

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On examination of the abovementioned documents, I find the above documents to be in order as per the law prevailing in the State of Goa.

I have conducted extensive searches in the Office of the Sub – Registrar of Salcete at Margao, the Land Registrar of Salcete, and the Salcete Taluka Revenue Office and on examination of all the above documents I opine the following:



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### 3. Origin of Title and Subsequent Developments:

1. That there exist the following two properties:
  - a. ALL THAT property known as AZULLANCHI TOLLOY or ASUTEANCHY TOLLOY or ASSULIANCHITOLLOY or GOGOLLA or GOGOLA situated at Gogol, Margao, within the limits of the Margao Municipal Council, Taluka and Sub - District of Salcete, District of South Goa, State of Goa, which property is found described in the Land Registration Office of Salcete under No. 456<sup>1</sup>, and forms part of the property enrolled in the Land Revenue Office of Salcete for Matriz under No. 1085<sup>2</sup>, which property is bounded on the East with the hill, on the West with the property Gogolla of the Comunidade of Margao and on the North and South with the property Assuleanchy Tolloy of Madeva Sinai Caro, and
  - b. ALL THAT property known as AZULEANCHI TOLLOY or ASULEANCHITOLLOY or ASSULEACHITOLLOY or GOGOLLA or GOGOLA, situated at Gogol, Margao, within the limits of the Margao Municipal Council, Taluka and Sub - District of Salcete, District of South Goa, State of Goa, which property is found described in the Land Registration Office of Salcete under No. 457<sup>3</sup> and forms part of the property enrolled in the Land Revenue Office of Salcete for Matriz under No. 1087<sup>4</sup>, which property is bounded on all sides with the property of the same name of Madeva Sinai Caro.
2. That the above described two properties initially belonged to Mr. Jairama Voicunta Sinai Caro by other name Mr. Jairama Voicunta Caro and his wife Mrs. Lalita Jairama Caro, residents of Margao.

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<sup>1</sup> Land Registration Certificate bearing No. 456 at folio 30 of Book B - 2 of New Series.

<sup>2</sup> Matriz Certificate issued by the Taluka Revenue Office of Salcete bearing No. 1085.

<sup>3</sup> Land Registration Certificate bearing No. 457 at folio 30 overleaf of Book B - 2 of New Series.

<sup>4</sup> Matriz Certificate issued by the Taluka Revenue Office of Salcete bearing No. 1087.



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3. That vide a Deed of Gift, Sale and Exchange dated January 15, 1961<sup>5</sup>, Mr. Vassanta Voicunta Sinai Caro by other name Mr. Vassanta Voicunta Caro and his wife Mrs. Loxmibai Vassanta Sinai Caro, both residents of Margao, acquired one fourth (1/4<sup>th</sup>) of the property Assulianchitolloy or Gogola described hereinabove under Land Registration No. 456 and one sixth (1/6<sup>th</sup>) of the property denominated as Assuleachitolloy or Gogola, described hereinabove under Land Registration No. 457.

4. That subsequently, one fourth (1/4<sup>th</sup>) of the property Assulianchitolloy or Gogola described hereinabove under Land Registration No. 456 and one sixth (1/6<sup>th</sup>) of the property denominated as Assuleachitolloy or Gogola, described hereinabove under Land Registration No. 457 also came to be inscribed in favour of the said Mr. Vassanta Voicunta Sinai Caro by other name Mr. Vassanta Voicunta Caro under Inscription No. 47872<sup>6</sup> recorded at folios 168 of Book G – 56 of the Land Registry in the Judicial Division of Salcete.

5. That the said Mr. Vassanta Voicunta Sinai Caro and his wife Mrs. Loxmibai Vassanta Sinai Caro became the sole and absolute owners in possession and title to one fourth (1/4<sup>th</sup>) of the property Assulianchitolloy or Gogola described hereinabove under Land Registration No. 456 and one sixth (1/6<sup>th</sup>) of the property denominated as Assuleachitolloy or Gogola, described hereinabove under Land Registration No. 457.

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6. That the said Mr. Vassanta Voicunta Sinai Caro, also known as Vassanta Kare expired at Margao, on May 22, 1976, leaving behind his widow, Mrs. Loxmibai Vassanta Sinai Caro, as his moiety sharer, and as his sole and universal heirs, his three children namely;

- a. Mr. Vaikunth Vassant Kare also known as Mr. Vaikunta Vassanta Caro, married to Mrs. Meenaxi alias Shanta Vaikunth Kare,

<sup>5</sup> Deed of Gift, Sale and Exchange dated January 15, 1961, drawn up before the Notary Ex – Officio of the Judicial Division of Salcete at folios 30 reverse onwards of the Book of Deeds No. 1117, executed in favour of Vassanta Voicunta Sinai Caro by other name Vassanta Voicunta Caro and his wife Loxmibai Vassanta Sinai Caro.

<sup>6</sup> Inscription Certificate bearing No. 47872 recorded at folios 168 of Book G – 56 of the Land Registry in the Judicial Division of Salcete in favour of the said Vassanta Voicunta Sinai Caro by other name Vassanta Voicunta Caro.



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- b. Mr. Shrivallabh Vassant Kare alias Mr. Sri Vallabh Vassanta Kare married to Mrs. Mangala alias Indira Shrivallabh Kare, and
- c. Mrs. Tejaswini Nagesh Naik Kurade alias Mrs. Tejaswani Vassanta Kare married to Mr. Nagesh Sagoon Naik Kurade.

7. That vide a Deed of Relinquishment of Illiquid and Undivided Rights dated December 22, 1984<sup>7</sup>, the said Mrs. Tejaswini Nagesh Naik Kurade together with her husband, Mr. Nagesh Sagoon Naik Kurade, relinquished freely and voluntarily, all their illiquid and undivided rights to the estate left behind by their late father / father - in - law, the said late Mr. Vassanta Kare, in favour of the other co - heirs.

8. That subsequently, vide a Deed of Succession dated February 25, 1987<sup>8</sup>, Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, and Mr. Shrivallabh Vassant Kare along with his wife Mrs. Mangala alias Indira Shrivallabh Kare were declared the sole and universal heirs of late Vassanta Kare.

9. That Mrs. Loxmibai Vassanta Sinai Caro, Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare, are the sole and absolute owners in possession and title to one fourth (1/4<sup>th</sup>) of the property Assulianchitolloy or Gogola described hereinabove under Land Registration No. 456 and one sixth (1/6<sup>th</sup>) of the property denominated as Assuleachitolloy or Gogola, described hereinabove under Land Registration No. 457.

<sup>7</sup> Deed of Relinquishment of Illiquid and Undivided Rights dated December 22, 1984, found recorded in the books of the Ex - Officio Notary of the Judicial Division of Salcete at Margao at pages 85 overleaf onwards of the Book of Deeds No. 1299.

<sup>8</sup> Deed of Succession dated February 25, 1987, found recorded in the Books of the Notary Ex - Officio of the Judicial Division of Salcete at page 54 overleaf onwards of the Book Register of Deeds No. 1309.





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10. That the said one fourth (1/4<sup>th</sup>) of the property Assulianchitolloy or Gogola described hereinabove under Land Registration No. 456 and one sixth (1/6<sup>th</sup>) of the property denominated as Assuleachitolloy or Gogola, described hereinabove under Land Registration No. 457, amalgamated together, and as a single, independent and distinct property, is found surveyed under Chalta No. 1, Sub - Division 1, Chalta No. 2, Sub - Division 1 and Chalta No. 3, Sub - Division 1 of P. T. Sheet No. 127 and Chalta No. 1 Sub - Divisions 3, 4, 5 and 14 of P. T. Sheet No. 128 of the Margao City Survey, and admeasures an area of about 18,994 sq mts, which property is more particularly described in the Schedule I appearing hereinafter and which property shall hereinafter be referred to as the 'Said Entire Property'.

11. That a portion of the Said Entire Property, disannexed from the Said Entire Property, formed an independent, distinct and separate property, which portion is bounded on the East by the property surveyed under Chalta No. 1 of P. T. Sheet No. 126, West by the Road, North by the Road and property surveyed under Chalta Nos. 1, 25, 2, 31, 28 and 3 of P. T. Sheet No. 122, and South by the property surveyed under Chalta No. 1, Sub - Divisions 2, 6, 7 of P. T. Sheet No. 128 and Chalta Nos. 1, 2, 3 Sub - Division 2 and 5 of P. T. Sheet No. 127, and which portion shall hereinafter be referred to as the 'Said Portion of the Entire Property'.

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12. That vide a Deed of Partition dated May 21, 2007<sup>9</sup>, Mrs. Loxmibai Vassanta Sinai Caro, Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare partitioned the Said Portion of the Entire Property into 40 Plots numbered from 1 to 40 respectively, which Plots shall hereinafter be referred to as the "Said Plots".

<sup>9</sup> Deed of Partition dated May 21, 2007, registered in the Office of the Sub - Registrar of Salcete, Margao under No. 2556 at pages 211 to 248 of Book No. I Vol. 2474, dated May 24, 2007.



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13. That vide the said Deed of Partition dated May 21, 2007, all those Plots bearing Nos. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 33, 35, 37 and 39 of the Said Portion of the Entire Property were allotted solely and exclusively to Mr. Vaikunth Vassant Kare and his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, with Mrs. Loxmibai Vassanta Sinai Caro reserving in her favour, usufructory rights to all the above said Plots for her lifetime.

14. That vide the said Deed of Partition dated May 21, 2007, all those Plots bearing Nos. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 31, 32, 34, 36 and 38 of the Said Portion of the Entire Property were allotted solely and exclusively to Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare, with Mrs. Loxmibai Vassanta Sinai Caro reserving in her favour, usufructory rights to all the above said Plots for her lifetime.

15. That further, vide the said Deed of Partition dated May 21, 2007 all those Plots bearing Nos. 29 and 40 were jointly allotted to Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare and Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare, with Mrs. Loxmibai Vassanta Sinai Caro reserving in her favour, usufructory rights to all the above said Plots for her lifetime, while all the internal roads formed out of the partition of the Said Portion of the Entire Property were jointly allotted to Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare and Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare.

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16. That vide an Agreement dated October 29, 2009<sup>10</sup>, entered into by Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare and Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro with M/s

<sup>10</sup> Agreement dated October 29, 2009, entered into by Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare and Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro with M/s Alcon Developers.



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Alcon Developers, the said M/s Alcon Developers was entrusted the work of development work of the Said Plots, including the work of construction of roads, side drains, electricity and water supply, obtaining required conversion sanad for non – agricultural use of the Said Plots and other infrastructure on the Said Plots, on the terms and conditions contained in the Agreement dated October 29, 2009.

17. That vide the said Agreement dated October 29, 2009 it was also agreed, inter alia, that Mr. Vaikunth Vasant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vasant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro and M/s Alcon Developers would jointly sell and dispose off the Said Plots as per the price mutually agreed upon by and between themselves.

18. That further, it was agreed that from the sale consideration of the Said Plots, M/s Alcon Developers would be entitled to 45% of the said sale price charged to the prospective purchasers of the Said Plots, towards the cost of development of the Said Plots, and Mr. Vaikunth Vasant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vasant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro would be entitled to retain 55% of the said sale price charged to the prospective purchasers of the Said Plots towards the cost of land / ownership rights of the Said Plots.

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19. That vide the said Agreement dated October 29, 2009 it was also agreed that Mr. Vaikunth Vasant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vasant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro and M/s Alcon Developers would be free to distribute amongst themselves, all those unsold Said Plots, by allotting 55% of the net area of the unsold Said Plots to the Mr. Vaikunth Vasant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vasant Kare, Mrs. Mangala alias Indira Shrivallabh Kare



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and Mrs. Loxmibai Vassanta Sinai Caro in the form of plots, and by allotting 45% of the net area of the unsold Said Plots to M/s Alcon Developers in the form of plots.

20. That pursuant to the abovementioned Agreement dated October 29, 2009, M/s Alcon Developers have carried out the development of the Said Plots in accordance with the agreed terms and conditions.

21. That pursuant to the abovementioned Agreement dated October 29, 2009, M/s Alcon Developers has also, *inter alia* obtained following permissions on behalf of Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro:

1. Conversion Sanad bearing No. COL/SG/CONV/25/2011/2348 dated February 20, 2013 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa;
2. Conversion Sanad bearing No. COL/SG/CONV/23/2011/2350 dated February 20, 2013 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa;
3. Conversion Sanad bearing No. COL/SG/CONV/24/2011/4361 dated May 9, 2013 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa; and
4. Corrigendum to the Conversion Sanad bearing No. COL/SG/CONV/24/2011/4361 dated May 9, 2013 bearing No. COL/SG/CONV/24/2011/11792 dated November 30, 2015 issued by the Office of the Collector, South Goa District, Margao, Salcete – Goa.

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22. That amongst the Said Plots allotted to Mr. Vaikunth Vassant Kare and his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, there exists all that Plot bearing No. 14, presently surveyed under Chalta No. 28 of P. T. Sheet No. 128 of Margao City Survey<sup>11, 12</sup> admeasuring an area of about 413 sq mts,

<sup>11</sup> Form D of the property bearing Chalta No. 28 of P. T. Sheet No. 128, recorded in the names of Mr. Vaikunth V. Kare and Mrs. Shanta V. Kare dated August 10, 2007 issued by the Inspector of Survey and Land Records, Salcete – Goa.



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which Plot No. 14 as an independent, distinct and separate property is bounded on the East by the Plot No. 15 surveyed under Chalta No. 9 of P. T. Sheet No. 127, on the West by the Road, on the North by the Road, and on the South by the Road, and which Plot shall hereinafter be referred to as the 'Said Plot No. 14'.

23. That Mr. Vaikunth Vassant Kare and his wife Mrs. Meenaxi alias Shanta Vaikunth Kare are the sole and exclusive owners in title and possession to the Said Plot No. 14, along with the usufructory rights reserved in favour of Mrs. Loxmibai Vassanta Sinai Caro for her lifetime.

24. That among the Said Plots allotted to Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare, there exists all that Plot bearing No. 15, presently surveyed under Chalta No. 9 of P. T. Sheet No. 127 of Margao City Survey<sup>13, 14</sup> admeasuring an area of about 372 sq mts, which Plot No. 15 as an independent, distinct and separate property is bounded on the East by the Plot No. 16 surveyed under Chalta No. 10 of P. T. Sheet No. 127, on the West by the Plot No. 14 surveyed under Chalta No. 28 of P. T. Sheet No. 128, on the North by the Road, and on the South by the Road, and which Plot shall hereinafter be referred to as the 'Said Plot No. 15'.

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25. That Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare are the sole and exclusive owners in title and possession to the Said Plot No. 15, along with the usufructory rights reserved in favour of Mrs. Loxmibai Vassanta Sinai Caro for her lifetime.

26. That subsequent to M/s Alcon Developers carrying out the development works of the Said Plots, and in terms of the aforesaid Agreement dated October 29, 2009, Mr. Vaikunth Vassant Kare,

<sup>12</sup> Survey Plan of the property bearing Chalta No. 28 of P. T. Sheet No. 128, dated September 3, 2007, issued by the Directorate of Settlement and Land Records, Salcete - Goa.

<sup>13</sup> Form D of the property bearing Chalta No. 9 of P. T. Sheet No. 127, recorded in the names of Mr. Shrivallabh V. Kare and Mrs. Indira S. Kare dated August 10, 2007 issued by the Inspector of Survey and Land Records, Salcete - Goa.

<sup>14</sup> Survey Plan of the property bearing Chalta No. 9 of P. T. Sheet No. 127, dated September 3, 2007, issued by the Directorate of Settlement and Land Records, Salcete - Goa.



# JONATHAN COSTA

ADVOCATE

OFF: 0832 - 2736412  
CELL: 0091 - 9673626460  
EMAIL: JONATHAN@ADVOCATECOSTA.COM

his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro and M/s Alcon Developers were entitled to distribute amongst themselves, all those unsold Said Plots, by allotting 55% of the net area of the unsold Said Plots to Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro in the form of plots, and by allotting 45% of the net area of the unsold Said Plots to M/s Alcon Developers in the form of plots.

27. That by a mutual understanding arrived at by and between Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, his wife Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro and M/s Alcon Developers, it was decided, inter alia, that Mr. Vaikunth Vassant Kare and his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, would retain for themselves, the title, ownership and possession to the Said Plot No. 14, along with the usufructory rights to the same reserved in favour of Mrs. Loxmibai Vassanta Sinai Caro for her life time, and that Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare would retain for themselves, the title and ownership and possession to the Said Plot No. 15, along with the usufructory rights to the same, reserved in favour of Mrs. Loxmibai Vassanta Sinai Caro for her life time.

14

28. That further by an instrument of Declaration dated August 30,<sup>15</sup> 2016, M/s Alcon Developers, declared and confirmed that in view of the above stated agreement, M/s Alcon Developers have no right, title or interest of whatsoever nature to the Said Plot No. 14.

<sup>15</sup> Declaration issued by M/s Alcon Developers dated August 30, 2016, duly executed before the Notary Public Adv. B. S. Gaunker at Panaji, Goa under Reg. No. 3303/2016 on 31-08-2016.



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OFF: 0832 - 2736412  
CELL: 0091 - 9673626460  
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29. That by an instrument of Declaration dated August 30, 2016,<sup>16</sup> M/s Alcon Developers, declared and confirmed that in view of the above stated agreement, M/s Alcon Developers have no right, title or interest of whatsoever nature to the Said Plot No. 15.

30. That as such, Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare are the sole and absolute owners in title and possession to the Said Plot No. 14 and the Said Plot No. 15 respectively, along with the usufructory rights reserved therein, in favour of Mrs. Loxmibai Vassanta Sinai Caro for her lifetime.

31. That the Said Plot No. 14 and the Said Plot No. 15, amalgamated together and forming a separate, distinct and independent portion of property, admeasures an area of 785 square meters, is bounded on the East by the Plot No. 16, now surveyed under Chalta No. 10 of P. T. Sheet No. 127, West by the Road, North by the Road, and South by the Road, and shall hereinafter be referred to as the "Said Property".

15

32. That being desirous of developing the Said Property, entirely at its own risk and cost, vide an Agreement for Development and Sale dated October 2, 2017<sup>17</sup>, Kare Realtors LLP agreed with Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Mangala alias Indira Shrivallabh Kare and Mrs. Loxmibai Vassanta Sinai Caro, to purchase and develop the Said Property, on the terms and conditions mentioned therein.

<sup>16</sup> Declaration issued by M/s Alcon Developers August 30, 2016, duly executed before the Notary Public Adv. B. S. Gaunker at Panaji, Goa under Reg. No. 3300/2016 on 31-08-2016.

<sup>17</sup> Agreement for Development and Sale dated October 2, 2017 executed by and between Mr. Vaikunth Vassant Kare, Mrs. Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Indira Shrivallabh Kare, Mrs. Loxmibai Vassant Kare and Kare Realtors LLP, before the Notary Public Adv. R. M. Shinkre, at Margao, Salcete - Goa, under Reg. No. 93369.



# JONATHAN COSTA

ADVOCATE

OFF: 0832 - 2736412  
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33. That subsequently, the said Mrs. Loxmibai Vassanta Sinai Caro expired at Margao, on October 24, 2017<sup>18</sup> and as such, the usufructory rights, reserved in the Said Property, in favour of late Mrs. Loxmibai Vassanta Sinai Caro now stand permanently extinguished.

34. That as such, the above said Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare are the sole and absolute owners in possession and title to the Said Property.

35. That in pursuance of the said Agreement for Development and Sale dated October 2, 2017, Kare Realtors LLP, have obtained, in the names of Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare, Mrs. Mangala alias Indira Shrivallabh Kare, construction license from the Margao Municipal Council, No Objection from the Health Officer, Urban Health Centre Margao, and Development Permission from the South Goa Planning and Development Authority for the purpose of development of the Said Property and construction of Residential Buildings thereon.

16

36. That pursuant to the said Agreement for Development and Sale dated October 2, 2017, Kare Realtors have also obtained the necessary statutory approvals from the concerned authorities such as approved construction plans<sup>19</sup>, Development Permission<sup>20</sup>, Construction License,<sup>21</sup> Conversion Sanad<sup>22</sup>, and NOC from the Health Department<sup>23</sup>, and are thus entitled and permitted to carry out construction on the Said Property in accordance with and subject to the above said approvals and permissions.

<sup>18</sup> Death Certificate of Mrs. Loxmibai Vassant Kare dated October 24, 2017 issued by the Sub – Registrar of Births and Deaths, Margao Municipal Council bearing No. 5374.

<sup>19</sup> Approved Plans and Layout.

<sup>20</sup> Development Permission from the South Goa Planning and Development Authority under Ref No. SGPDA/P/6009/1629/17-18 dated January 30, 2018.

<sup>21</sup> Construction License issued by the Margao Municipal Council, Margao, under No. A/86/17-18/10102 dated March 7, 2018.

<sup>22</sup> Conversion Sanad issued by the Office of the Collector and District Magistrate, South Goa bearing No. COL/SG/CONV/24/2011/4361 dated May 9, 2013 alongwith the Corrigendum bearing No. COL/SG/CONV/24/2011/11792 dated November 30, 2015 and 3 ors.

<sup>23</sup> No Objection Certificate issued by the Health Officer, Urban Health Centre, Margao bearing No.17-18/2387 dated February 9, 2018.





# JONATHAN COSTA

ADVOCATE

OFF: 0832 - 2736412  
CELL: 0091 - 9673626460  
EMAIL: JONATHAN@ADVOCATECOSTA.COM

## 4. Conclusion:

Therefore based on the above, I conclude and opine that the said Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare have a clear and marketable title, free from any encumbrances in the **Said Property**, being **ALL THAT IMMOVABLE PROPERTY** comprising of the amalgamation of Plot No. 14 and Plot No. 15 of the larger property known as AZULLANCHI TOLLOY or AZULEANCHI TOLLOY or ASULEANCHITOLLOY or ASSULEANCHITOLLOY or ASUTEANCHY TOLLOY or ASSULIANCHITOLLOY or GOGOLLA or GOGOLA situated at Gogol, Margao, within the limits of the Margao Municipal Council, Taluka and Sub - District of Salcete, District of South Goa, State of Goa, which larger property is found described in the Land Registration Office of Salcete under Nos. 456 and 457 at folio 30 of Book B - 2 of New Series, and forms part of the property enrolled in the Land Revenue Office of Salcete for Matriz under No. 1085 and 1087, which amalgamated property, as a single, independent and distinct entity, admeasures an area of about **785 sq mts**, is surveyed under **Chalta No. 28 of P. T. Sheet No. 128 and Chalta No. 9 of P. T. Sheet No. 127**, and is bounded as follows:

17

East : by the Plot No. 16, now surveyed under Chalta No. 10 of P. T. Sheet No. 127,

West : by the Road,

North : by the Road, and

South : by the Road.

The Said Property is not subject to any encumbrances, charges, claims, interest of whatsoever nature including minor's claims. There are no proceedings pending with respect to the abovenamed Said Plot concerning Land Acquisition or Requisition. There are no Tenants in the Said Property. The said



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OFF: 0832 - 2736412  
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Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare have also procured and obtained the most recent and upto date Nil Encumbrance Certificate in respect of the Said Property, from the Office of the Sub – Registrar of Salcete at Margao.

The said Kare Realtors LLP also have a valid and subsisting Agreement for Development and Sale with the said owners, Mr. Vaikunth Vassant Kare, his wife Mrs. Meenaxi alias Shanta Vaikunth Kare, Mr. Shrivallabh Vassant Kare and his wife Mrs. Mangala alias Indira Shrivallabh Kare. Kare Realtors LLP have also obtained the necessary statutory approvals for the developments of the Said Property and construction of residential buildings thereon, in accordance with and subject to the above said approvals and permissions.

18

The Said Property or any unit constructed thereon, if taken as security towards any loans or finances shall create a valid charge in the favour of any Bank or Financial Institution. The Title to the Said Plot can be more particularly verified upon comparison of the documents provided to me with their respective originals / certified copies.

Margao, April 13, 2018.

  
JONATHAN COSTA  
Advocate





Government of Goa

Form 'D'

See Rule 7

Goa Land Revenue (City Survey) Rules, 1969

Page No. 1

Property Card of Margao city

Date 12/01/2018

| Pt Sheet No | Chalta No | Area<br>Sq.Mts | Tenure | Particulars of assessment<br>or rent paid to Government<br>and when due for revision | Category |
|-------------|-----------|----------------|--------|--|----------|
| 128         | 28        | 413.00         | --     |  | Private  |

## Easements

---- Nil ----

 Holders in the origin of the title  
 (So far as traced) -

1) SHRI. VAIKUNTH V. KARE. 2) SMT. SHANTA V. KARE.

## Lessees -

---- Nil ----

## Other Encumbrances -

---- Nil ----

## Other Remarks -

---- Nil ----

## Details -

| Mutation<br>Date | Mutation<br>Number | Mutation<br>Type | Name<br>Remarks | New Holder (H),<br>Lessee (L),<br>Encumbrance(E)<br>Other Remarks(R)<br>Easements(A) | Area<br>(Sq.Mts) |
|------------------|--------------------|------------------|-----------------|--|------------------|
|                  |                    |                  |                 |  | ---- Nil ----    |

[ ] Bracketed entries indicate Deletion

For any further inquiries, please contact the ISI.R of the concerned city.

\*\*\* END OF REPORT \*\*\*

## CERTIFIED COPY

Office of the Inspector of Survey and Land Records  
City Survey, MargaoCopy applied by Mr. Shrivallabh  
V. KARECopy ready on 12/01/2018Copy delivered to Newton Dilve (SI) AluisCompared by P. KaralimkerCopying fees Rs. 200 (Rupees)) which are credited  
by Receipt No. 561 dt. 11/1/18

Clerk-in-charge


 Inspector of Surveys and Land  
 Records

(City Survey)

Margao - Goa



## Government of Goa

Form 'D'

See Rule 7

Goa Land Revenue (City Survey) Rules, 1969

Property Card of Margao city

Page No. 1

Date 12/01/2018

| Pt Sheet No | Chalta No | Area<br>Sq.Mts | Tenure | Particulars of assessment<br>or rent paid to Government<br>and when due for revision | Category |
|-------------|-----------|----------------|--------|--|----------|
| 127         | 9         | 372.00         | --     |  | Private  |

## Easements

---- Nil ----

Holders in the origin of the title  
(So far as traced) -

1) SHRI. SHRIVALLABH V. KARE. 2) SMT. INDIRA S. KARE.

## Lessees -

---- Nil ----

## Other Encumbrances -

---- Nil ----

## Other Remarks -

---- Nil ----

## Details -

| Mutation<br>Date | Mutation<br>Number | Mutation<br>Type | Name<br>Remarks | New Holder (H),<br>Lessee (L),<br>Encumbrance(E)<br>Other Remarks(R)<br>Easements(A) | Area<br>(Sq.Mts) |
|------------------|--------------------|------------------|-----------------|--|------------------|
|                  |                    |                  |                 |  | ---- Nil ----    |

[ ] Bracketed entries indicate Deletion

For any further inquiries, please contact the ISLR of the concerned city.

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by Receipt No. 561 dt. 11/1/18

Clerk-in-charge

Inspector of Surveys and Land  
Records  
(City Survey)  
Margao - Goa



GOVERNMENT OF GOA  
Directorate of Settlement and Land Records  
Office of Inspector of Survey and Land Records  
MARGAO-GOA



Inward No:36

Plan Showing plots situated at

Village : MARGAO

Taluka : SALCETE

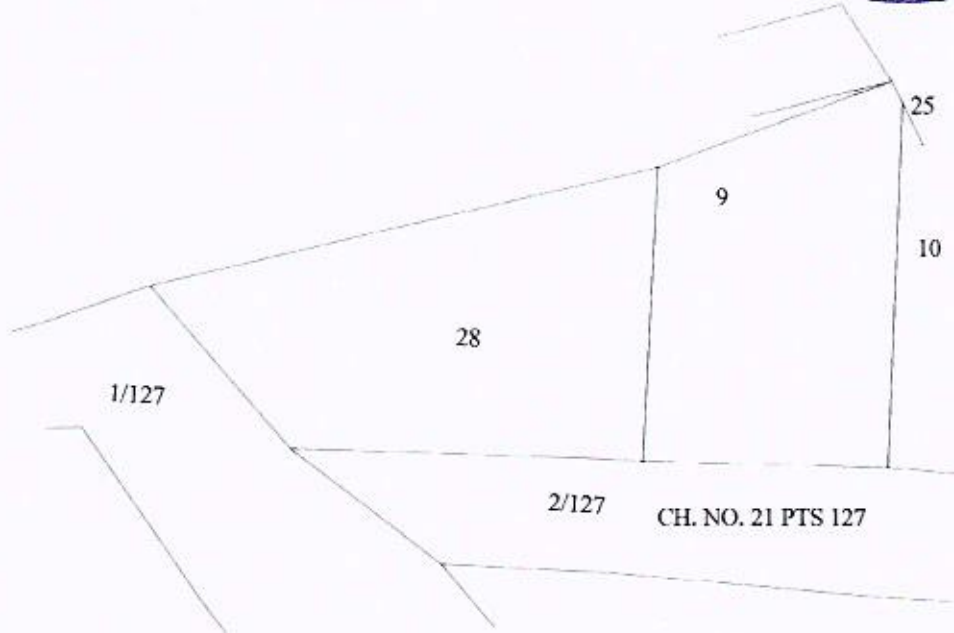
P.T.Sheet No.127/Chalta No. 9

P.T.Sheet No.128/Chalta No. 28

Scale :1:500

(Savio C. Silveira)

Inspector of Survey & Land Records  
Margao-Goa



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On : 06-04-2018

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