Santosh D.Karwarker Advocate (MAH / 1268 / 2004)

405, 4th floor, Shree Plaza, near Damodar High School, Comba, Margao, Goa {Cell Nos. 9226592969, 9637093809}

E mail id: sdkarwarker@rediffmail.com

Date: 15th March 2021

To,
TWINKLE STAR DEVELOPERS,
207/1, near Colva Police Station,
Madel, Colva, Salcete, Goa, 403708,

## TITLE REPORT

Sir.

Under your instructions, I am submitting here with the title report with respect to the property described in the SCHEDULE mentioned herein below:

## SCHEDULE

All that sub divided plot of land bearing No.9 admeasuring 944 Sq.Mtrs., surveyed under No.43/2 of Benaulim Village, situated within the limits of Village Panchayat of Benaulim, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, and the said sub divided plot of land is bounded on the East by the property surveyed under 42/1 of Benaulim Village, on the West partly by 6.00 Mtrs.wide road and partly by plot No.8, on the North by plot No.7 and on the South partly by 6.00 Mtrs.wide road and partly by plot No.13 forming part of the larger property denominated as VARCAMVIXY alias ARVANVIXY alias VARCAMCHEVIXI ( as per survey records SANVOR CONDO) described in Land Registration office of Salcete under No. 29842 at page 187 overleaf of book B No.76 totally admeasuring 9550 Sq.Mtrs., and is bounded on the East by the property surveyed under No.44/1 and 44/1-B, on the West by the property surveyed under No.43/2-A, on the North by the property surveyed under No.43/2-AM and 42/1 and on the South by the property surveyed under No.43/2, 43/3, 43/3-A and 44/2.

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Documents scrutinized:

- 1. Land Registration office of Salcete under No. 29842 at page 187 overleaf of book B No.76 read with Inscription No. 20426 dated  $31^{st}$  August 1925.
- Pre nuptial contract (Escritura) dated 14th April 1941 (English translation).
- 3. Pre nuptial contract (Escritura) dated 20th October 1945 (English translation).
- 4. Deed of Gift dated 11th June 1959 (English translation).
- 5. Will dated 18th July 1986.
- Judgement passed in case No. JM-I/MUND/BEN/865/78 dated 2<sup>nd</sup> July 1987.
- Inventory Proceedings bearing No.15/1993 with final chart of partition and Judgement drawn on 30<sup>th</sup> November 2009.
- 8. PWD award passed in case No.10/496/2003/LAO/PWD dated 29th September 2006.
- Deed of Sale dated 8<sup>th</sup> June 2011 duly registered in the office of the Sub-Registrar of Salcete at Margao under No.MGO-BKI-03271-2011, CD No.MGOD52 dated 9<sup>th</sup> June 2011.
- 10. Form I and XIV with respect to the property surveyed under No.43/2 of Benaulim village.
- 11. Conversion Sanad from the office of the Additional Collector, South Goa District, Margao bearing No. AC-II / SAL/SG/CONV/10/2020/9542 dated 11<sup>th</sup> August 2020 for an area of land admeasuring 7790 Sq.Mtrs.,
- 12. Order issued by the Senior Town Planner, Margao bearing No.TPM/31874/BEN/43/2/2020/346 dated 22<sup>nd</sup> January 2020.
- 13. Provisional NOC from the Village Panchayat of Cana Benaulim bearing No. VPCB/67/2019-2020 dated 28<sup>th</sup> February 2020.
- 14. Technical clearance from the Town and Country Planning Department, Margao bearing No. TPM / 31874 / BEN/43/2/2020/5200 dated 24<sup>th</sup> November 2020 and
- 15. Final NOC issued by the Village Panchayat of Cana Benaulim bearing No. VPCB/32/2020/21 dated 15<sup>th</sup> January 2021.

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- 16. Deed of Sale dated 18th February 2021 duly registered in the office of the Sub Registrar of Salcete at Margao under book No.1, registration No.MGO-1-785-2021 dated 25th February 2021.
- 17. Public notice dated 20th January 2021 issued in Herald local daily.
- 18. Copy of the approved plan of final sub division.
- 19. Power of Attorney dated 9th January 2002 duly executed before the office of the Sub-Registrar of Salcete at Margao under No.3 / 2002.
- Power of Attorney dated 21<sup>st</sup> November 2006 duly executed before the Notary K.S. Angle of Margao under registration No. 15441.
- Power of Attorney dated 24th July 2004 duly executed before the Notary K.S.Angle of Margao under registration No.8854.
- 22. Registration of firms certificate issued to Twinkle Star Developers registered under No.MGO-F117 -2020 dated 19th November 2020.
- 23. Registration of firms certificate issued to M/S Reliance builders registered under No.112 dated 14<sup>th</sup> June 1991.
- 24. Nil encumbrance certificate dated 30<sup>th</sup> November 2020 issued by the Sub Registrar of Salcete, Margao.

## Scrutiny of title deeds:

The said entire property originally belonged to late Antonio Manuel Rodrigues and the same stands inscribed in his name in the Land Registration records under No. 20426 dated 31<sup>st</sup> August 1925 and later Antonio Manuel Rodrigues and his wife Esperanca Candida Da Costa E Rodrigues executed a Deed of Gift dated 11<sup>th</sup> June 1959 whereby they have bequeathed the said entire property to their son, Mr. Antonio Rosario Rodrigues and accordingly the said property stands inscribed in his name under inscription No. 48284 dated 19<sup>th</sup> November 1962.

The said Antonio Manuel Rodrigues had three children namely, Smt.Lourencinha Cruz Ana Rodrigues, Smt. Mariquinha Nativeity Rodrigues and Mr. Antonio Rosario Rodrigues and at the time of marriage of his daughter Smt.Lourencinha Cruz Ana Rodrigues married to Agostinho Fernandes she was given dowry for an amount of Rs. 6,000/- (Rupees Six Thousand only) (Thirty Six Contos) besides gold ornaments which is found recorded in a pre nuptial contract (Escritura) dated

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14<sup>th</sup> April 1941 and at the time of marriage of his daughter Smt. Mariquinha Nativeity Rodrigues married to James Maria Pinheiro she was given dowry for an amount of Rs.6,000/- ( Rupees Six Thousand only) ( Thirty Six Contos) besides gold ornaments which is found recorded in a pre nuptial contract ( Escritura) dated 20<sup>th</sup> October 1945.

The said Mr. Antonio Rosario Rodrigues was married to Mrs. Sheila Rodrigues under the regime of the Communion of Assets and he died without any issues, however before his death on 10<sup>th</sup> July 1986 he had executed a Will dated 18<sup>th</sup> July 1986 whereby he had bequeathed all his assets to his wife, Smt.Sheila Rodrigues and since they did not had any issues, there was no legal impediment for him to bequeath all his assets to his wife.

Subsequently Smt.Lourencinha Cruz Ana Rodrigues E Fernandes initiated Inventory Proceedings bearing No.15/1993 to partition the assets left behind by her parents said late Antonio Manuel Rodrigues and his wife late Esperanca Candida D'Costa including the said property described in the schedule mentioned herein below and upon the death of Lourencinha and Marequinha, their legal heirs were brought on record in the said Inventory proceedings and they were duly compensated towards their share in terms of payment of owelty money in the said Inventory proceedings and as a result of which Smt. Sheila Rodrigues along with her husband married to her in second nuptials, Mr. Isidore Barreto became the sole and exclusive owners of the said property in terms of final chart of partition and Judgement drawn on 30th November 2009.

A portion of land admeasuring 715 Sq.Mtrs., from the property surveyed under No. 43/2 stands acquired by the PWD by virtue of award passed in case No.10/496/2003/LAO/PWD dated 29<sup>th</sup> September 2006 and the entire compensation amount pertaining to the same is paid to Mrs. Sheila Rodrigues.

By executing Deed of Sale dated 8<sup>th</sup> June 2011 duly registered in the office of the Sub-Registrar of Salcete at Margao under No.MGO-BKI-03271-2011, CD No.MGOD52 dated 9<sup>th</sup> June 2011, the said Smt.Sheila Rodrigues along with her husband, Mr. Isidore Barreto sold altogether four properties except the area acquired for road widening surveyed under No.8/0, 22/5,28/0 and 43/2 to M/S RELIANCE BUILDERS, a partnership firm duly registered under the Indian Partnership Act,1932 registered with the Registrar of Firms at Margao under registration No. 112 dated 1<sup>st</sup> April 1984 comprising of the following partners

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namely Mr. Inesio Almeida Coutinho alias Mr. Inez Almeida Coutinho alias Mr. Anunciacao Inesio Almeida Coutinho, Mrs. Yvette Almeida Coutinho alias Mrs. Yvette Cecilia Almeida Coutinho, Miss Avril Almeida Coutinho, Miss Andrea Almeida Coutinho, and Miss Astrid Almeida Coutinho.

In the said deed, there is a mention about existence of a mundkarial house in the said property although the sole Mundkar who was existing in the said property namely Mrs. Maria Salvacao Santana Elizabeth Ferrao E Barreto has been already settled with the passing of Judgement in case No. JM-I/MUND/BEN/865/78 dated 2<sup>nd</sup> July 1987 by declaring herself to be a Mundkar for a portion of land admeasuring 300 Sq.Mtrs., and hence no name stands recorded as mundkar with respect to the property surveyed under No.43/2 of Benaulim village.

Subsequently M/S Reliance Builders have sub divided the said property surveyed under No.43/2 of Benaulim village into plots by obtaining the following permissions and licences namely:

- a) Conversion Sanad from the office of the Additional Collector, South Goa District, Margao bearing No. AC-II / SAL/SG/CONV/10/2020/9542 dated 11<sup>th</sup> August 2020 for an area of land admeasuring 7790 Sq.Mtrs.,
- b) Order issued by the Senior Town Planner, Margao bearing No.TPM/31874/BEN/43/2/2020/346 dated 22<sup>nd</sup> January 2020.
  - c) Provisional NOC from the Village Panchayat of Cana Benaulim bearing No.VPCB/67/2019-2020 dated 28th February 2020.
  - d) Technical clearance from the Town and Country Planning Department, Margao bearing No. TPM / 31874 / BEN/43/2/2020/5200 dated 24<sup>th</sup> November 2020 and
  - e) Final NOC issued by the Village Panchayat of Cana Benaulim bearing No. VPCB/32/2020/21 dated 15<sup>th</sup> January 2021.

Further by execution of Deed of Sale dated 18<sup>th</sup> February 2021 duly registered in the office of the Sub Registrar of Salcete at Margao under book No.I, registration No.MGO-1-785-2021 dated 25<sup>th</sup> February 2021, M/S Reliance Builders have sold and conveyed a sub divided plot of land bearing No.9 admeasuring 944 Sq.Mtrs., forming part of the property surveyed under No.43/2 of Benaulim Village to M/S Twinkle Star Developers comprising of only two partners namely Mr. Terence Rodrigues and Mr. Peter Gomes and in the said deed there has been a specific mention about settlement of only Mundkar in the said property.

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Accordingly the names of only M/S Reliance Builders and Twinkle Star Developers stands recorded in the occupants column of form I and XIV with respect to the property surveyed under No.43/2 of Benaulim village with the other rights column vacant and the area has also been considerably reduced of the entire survey from 9550 Sq.Mtrs., to 8835 Sq.Mtrs., on account of acquisition of an area of land admeasuring 715 Sq.Mtrs., by PWD as has been stipulated herein above.

In the said deed, the partners of Reliance Builders namely MRS. YVETTE ALMEIDA COUTINHO alias MRS. YVETTE CECILIA ALMEIDA COUTINHO, MISS ANDREA ALMEIDA COUTINHO, and MISS ASTRID ALMEIDA COUTINHO are duly represented by the partner MR. INESIO ALMEIDA COUTINHO alias MR. INEZ ALMEIDA COUTINHO alias MR. ANUNCIACAO INESIO ALMEIDA COUTINHO by virtue of Power of Attorney dated 21st November 2006 duly executed before the Notary K.S.Angle of Margao under registration No. 15441 and.

The partner of M/S Reliance Builders namely MISS AVRIL ALMEIDA COUTINHO is duly represented by the partner MR. INESIO ALMEIDA COUTINHO alias MR. INEZ ALMEIDA COUTINHO alias MR. ANUNCIACAO INESIO ALMEIDA COUTINHO by virtue of Power of Attorney dated 24<sup>th</sup> July 2004 duly executed before the Notary K.S.Angle of Margao under registration No.8854.

MR. INESIO ALMEIDA COUTINHO alias MR. INEZ ALMEIDA COUTINHO alias MR. ANUNCIACAO INESIO ALMEIDA COUTINHO is duly represented to appear before the Sub-Registrar of Salcete at Margao by Mr. Govind Tirodkar by virtue of Power of Attorney dated 9<sup>th</sup> January 2002 duly executed before the office of the Sub-Registrar of Salcete at Margao under No.3 / 2002.

## Conclusion:

After going through the above mentioned all the documents, I am of the considered opinion that Twinkle Star Developers have become the lawful owner and possessor of the said plot of land described in schedule herein above and their title with respect to the same is absolutely clear and marketable.

I am returning the file with a positive opinion.

SANTOSH D. KARWARKER ADVOCATE

MAH / 1268 / 2004