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ADVOCATES

Off:

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Behind Grace Church
Margao Goa.
Mob: 9850477425.

To,

1.MR. MOHAMMAD BAKKAR ALI,

2. MRS. TABUSSUM PARVEEN ALI

Both r/o Plot no. H-16, Vasant Nagar, Gogol, Margao, Salcete, Goa.

Sub: Legal opinion on Title Verification, Ownership and Marketability

Ref: All that building known as "ASHMI TOWERS" constructed in plot admeasuring 480 sq.mts situated at Fatorda in property surveyed under Chalta no. 15 of PTS no. 44 of city survey Margao.

Dear Sir,

With reference to above, I have to inform you that I have carried out scrutiny of documents and title deeds and also search of relevant records and I hereby give my legal opinion and report as under;

1. DESCRIPTION OF PROPERTY UNDER REFERENCE:



(Handwritten signature)

A. All that landed property known as 'AFORAMENTO', which is inscribed under the land inscription no. 15771 in the land registrar office of Salcete and described in the land registration office of Salcete under no. 25459 at folios 122 of Book B no. 65 of New Series and surveyed under survey no. 15 of P.T.S. no. 44 of city Survey Margao, admeasuring an area of 480 sq. mtrs situated at Fatorda, within the limits of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, State of Goa. and bounded as under:-

EAST :- by property of Francis Xavier and Property "Aforamento" of Cosme Severeno V. Rodrigues,

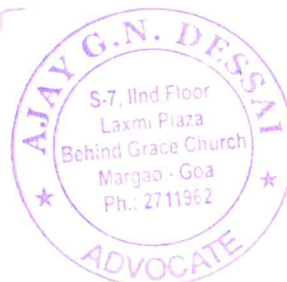
WEST :- by property of Joaquim Barreto,

NORTH :- by public road and

SOUTH :- by the property of Francisco Xavier

B. All that Bungalow bearing H. No. 2/4467/ and parking tax no. 2/4469/, consisting of Ground plus upper floor with one shop and a garage totally admeasuring an area of 250 sq. mtrs approx. which was existing/constructed and now being demolished and in place of same the proposed building "ASHMI TOWERS" is under construction in the said property, having an area of 480 sq. mtrs surveyed under survey no. 15 of P.T.S. no. 44 of City survey Margao and forming by itself a separate and distinct property for all purpose and is bounded as under :-

EAST :- by Compound wall



WEST :- by Compound wall

NORTH :- by 10 mtrs road

SOUTH :- by Compound wall

2. LIST OF DOCUMENTS SCRUNITIZED AND EXAMINED:

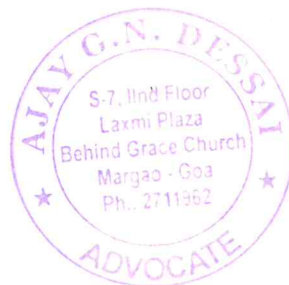
I have scrutinized and examined following documents in the Office of Land registrar of Salcete at Margao, Office of Sub-registrar of Salcete at Margao, Office of Collectors South Goa District Margao, Office of Inspector of land survey and Office of Comarca Judge of Salcete and Quepem at Margao.

- i. Land Registration Certificate issued by Civil Registrar cum Sub Registrar of Salcete in respect of the property described on the land description no. 24595 of Book 22 along with inscription.
- ii. Records and Proceedings of Inventory proceeding no. 80/99/M initiated before Comarca Judge of Salcete and Quepem at Margao consisting of:-
 - a. Statement on oath of Cabeça De Casal of Mr. Shobha Fernandes.
 - b. Meeting of Family Council.
 - c. Description of Assets along with Order dated 13/07/1999.
 - d. Final schedule of partition along with order dated 04/09/1999.
 - e. Judgment and Decree dated 07/09/1999.



(Signature)

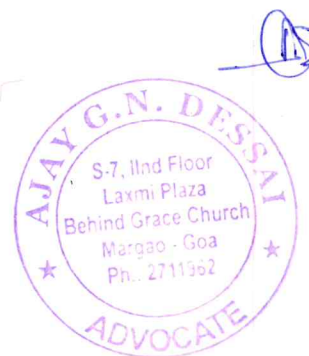
- f. Amended schedule of partition U/article 1425 of Portuguese civil procedure code along with allotment order dated 23/09/1999.
- g. Amended judgment and amended decree dated 24/04/1999.
- iii. Power of Attorney dated 17/09/1999 executed by Mr. Cajetan D'Costa.
- iv. Affidavit cum Declaration dated 07/04/1999 executed by Mr. Armihno Vincent Fernandes and Mr. Cajetan D'Costa.
- v. Deed of Sale dated. 28.09.1999, duly registered in the office of Sub-Registrar of Salcete, Margao-Goa, under no. 2292, at pages 155 to 187 book no. I vol no. 1008 dated. 29.9.1999.
- vi. Order dated 11/03/2003 passed in Mutation proceeding by Inspector of survey and land records City Survey Margao in respect of property bearing Chalta no. 15 of P.T. Sheet no. 44.
- vii. Survey plan of property bearing Chalta no. 15 of P.T. Sheet no. 44.
- viii. Conversion Sanad bearing no. SDO/SAL/CONV/247/00 from the office of Dy. Collector and SDO, Salcete dated 07.03.2003.
- ix. Deed of sale dated. 30.08.2018, duly registered before the Sub-Registrar of Salcete, under no. MGO-BK1-03845-2018, CD no. MGOD127, on 30.08.2018.
- x. Deed of Partnership dated 31.03.2017 entered into between **Mrs. Tabassum Parveen Ali and her husband Mr. Mohammad Bakkar Ali** under the name and style M/s ASBT Associates which is duly registered with the Registrar of Firms Margao Salcete Goa under No. MGO-F126-2017 dated 11.04.2017.



- xi. No objection Certificate dated 01/01/2020 issued by Health Officer Urban health centre Margao-Goa address to Chief Officer MMC.
- xii. Development permission issued by South Goa Planning and Development authority under reference no. SGPDA/6241/1353/19-20 dated. 13/12/2019.
- xiii. Construction license bearing no. A/52/2019-20 dated. 08.01.2020 issued by Margao Municipal Council.
- xiv. Form D issued by Inspector of land survey city survey Margao in respect of property bearing Chalta no. 15 of P.T. Sheet no. 44 under Mutation entry no. 312127.
- xv. Occupancy Certificate from the office of Margao Municipal Council under ref no. 3/(OC)1/03-04/TECH/59 Dated. 10.07.2003
- xvi. Two House tax receipts Bearing no. H. No. 2/4467/ and parking tax no. 2/4469 issued by Margao Municipal Council .

Flow of title

On Perusa of document at serial no. I it is seen that the above said property was originally purchased by one, late Mr. Caetano Francisco Fernandes by virtue of a Public Deed on 10.12.1918 drawn up in the Book of Deeds of the Assistant Notary of Salcete Mr. Francisco Marcelino Mousinho Epifanio Rodrigues at folios 56 reverse of Book no. 324 and accordingly the same is found inscribed in favor of said Mr. Caetano Francisco Fernandes under the land inscription no. 15771 in the land registrar office of Salcete and described in the land registration office of Salcete under no. 25459 at folios 122 of Book B no. 65 of New Series.



On Perusal of document at serial no. II It is seen that upon the death of said Mr. Caetano Francisco Fernandes, the said property devolved upon and was inherited by his son, late Mr. Antonio Piedade Fernandes, being the only successor and universal heir of the estates and properties of the said deceased;

The said late Mr. Antonio Piedade Fernandes is the father/father-in-law/grandfather of earlier Vendors namely Mrs. Elicao Fernandes e Alves, Mr. Carlos Alves, Mrs. Shobha Fernandes, Miss. Maria Fernandes, Miss. Maya Fernandes, Master Melvin Fernandes, Master Maurice Fernandes, Mrs. Rosa Venita Fernandes alias Rosy Benedita Fernandes, Mrs. Catherina Fernandes, Mr. Cajetan D'Costa and Mr. Caetano Fernandes, who were the joint co-owners in possession of the said property earlier;

On perusal of document at serial no. IV it is seen that by virtue of Deed of sale dated. 28.09.1999, duly registered in the office of Sub-Registrar of Salcete, Margao, under no. 2292, at pages 155 to 187 book no. I vol no. 1008 dated. 29.9.1999, the said earlier vendors Mrs. Elicao Fernandes e Alves, Mr. Carlos Alves, Mrs. Shobha Fernandes, Miss. Maria Fernandes, Miss. Maya Fernandes, Master Melvin Fernandes, Master Maurice Fernandes, Mrs. Rosa Venita Fernandes alias Rosy Benedita fernandes, Mrs. Catherina Fernandes, Mr. Cajetan D'Costa and Mr. Caetano Fernandes along with one Mr. Vishwanath Buddha Solienkar as consenting party, have sold, conveyed, transferred the right, title and interest of the said property to **MR. INOCENCIO ROMELLO VAZ** and **MRS. MAIZIE CLARA VAZ** .

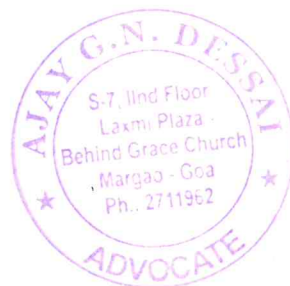


On perusal of document serial no. V it is seen that the said owners subsequently applied before the inspector of Survey and Land Records, Margao for mutation of property bearing Chalta no. 15 of P.T. Sheet no. 44 of City Survey Margao, in their name wherein the said inspector of survey and land records city survey had passed order dated 11.03.2003 confirming the mutation of the said property in their name.

On perusal of document serial no. VII it is seen that subsequently with an intension to construct a residential Bungalow therein the said owners have obtained conversion sanad bearing no. SDO/SAL/CONV/247/00 from the office of Dy. Collector and SDO, Salcete dated 07.03.2003, permitting to convert the said property into residential use and further obtained necessary NOC/development permission from South Goa Planning and Development authority under no. SGPDA/2267/1840/0203 dated. 04.07.2003 and also obtained construction license bearing no. A/37/2002-03 dated. 02.05.2002 from Margao Municipal Council for construction of bungalow consisting of Ground plus upper floor, one shop and garage in the said plot.

On perusal of document serial no. XIV it is seen that the vendors have completed the construction of the said bungalow, shop and Garage and have obtained the necessary Occupancy Certificate from the office of Margao Municipal Council under ref no. 3/(OC)1/03-04/TECH/59 Dated. 10.07.2003, certifying that the said bungalow comprising of Ground plus upper floor with one shop and one Garage is completed in all respect and fit for occupation.

(A)

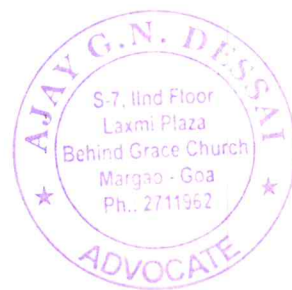


On perusal of document serial no. XV it is seen that the above bungalow bearing house tax no. H. No. 2/4467/ and parking tax no. 2/4469/, consisting of Ground plus upper floor with one shop and a garage totally admeasuring an area of 250 sq. mtrs approx which is existing/constructed by the said owners in the said property, having an area of 480 sq. mtrs.

On perusal of document serial no. VIII it is seen that by Deed of sale dated. 30.08.2018, duly registered before the Sub-Registrar of Salcete, under no. MGO-BK1-03845-2018, CD no. MGOD127, on 30.08.2018 the said land owners **MR. INOCENCIO ROMELLO VAZ** and **MRS. MAIZIE CLARA VAZ** have jointly sold and conveyed the said property along with residential bungalow and shops to the **MRS. TABASSUM PARVEEN ALI** and **MR. MOHAMMAD BAKKAR ALI**.

On perusal of document serial no. XIII it is seen that by virtue of above sale deed, the **Mrs. Tabussum Parveen Ali** and her husband **Mr. Mohammad Bakkar Ali** became the sole owner and possessor of the SAID PROPERTY along with the BUNGALOW consisting of Ground plus upper floor with one shop and a garage existing therein free from all encumbrance, liens, charges, etc and that upon purchase of said property the said land owners have mutated their name in Form D under Mutation no. 312127 and accordingly their names have been entered as a exclusive holder thereof.



On perusal of document serial no. IX it is seen that the above said land owners **Mrs. Tabassum Parveen Ali** and her husband **Mr. Mohammad Bakkar Ali** both had earlier entered into a Deed of Partnership dated



31.03.2017 under the name and style M/s ASBT Associates which is duly registered with the Registrar of Firms Margao Salcete Goa under No. MGO-F126-2017 dated 11.04.2017.

It is seen that after the purchase of the said property the above said land owners **Mrs Tabussum Parveen Ali and her husband Mr. Mohammad Bakkar Ali** have brought/ introduce the above said property as a capital in the above said firm M/s ASBT ASSOCIATES on 01/04/2019 and since then onwards the same is an assets of the said partnership firm M/s ASBT ASSOCIATES.

That in view of the said property being brought/introduce as a capital of the above partnership firm M/s ASBT Associates represented by said partners (1) Mrs. Tabassum Parveen Ali and (2) Mr. Mohammad Bakkar Ali as on 01/04/2019 as on the said firm subsequently obtained the Development Permission for Construction of Building under Order no. SGPDA/P/6241/1353/19-20 dated 13.12.2019 from the South Goa Planning and Development Authority and further obtained Construction License bearing no. A/52/2019-20, dated. 08.01.2020 from the office of Margao Municipal Council & have also obtained No objection Certificate from Urban Health Centre, Margao, under no. UHCM/NOC/19-20/2012 dated. 01.01.2020 for construction of Multi-Storied building by demolishing the said old bungalow existing the in the said property and have already commenced the construction multistoried building "ASHMI TOWERS" consisting of flats and other premises.

That the above said builder M/S ASBT Associates in order to construct and complete the said multistoried building **have obtained Housing finance/**  



loan from Andhra Bank, Vasco Branch, Vasco- Goa to whom the above said described property is presently mortgaged

LEGAL OPINION, VERIFICATION OF TITLE OF PROPERTY AND ITS MARKETABILITY:

From the above scrutiny of title documents and the searches carried out by me from the above referred competent offices I am of considered opinion that the said partnership firm M/s ASBT Associates represented by said partners (1) Mrs. Tabassum Parveen Ali and (2) Mr. Mohammad Bakkar Ali are the sole and exclusive owners of above described property as well as the owner of the proposed building "ASHMI TOWERS" and the said partnership firms M/s ASBT Associates have clean, clear and readily marketable title over the said property along with the proposed building "ASHMI TOWERS" existing therein **except the same is presently mortgaged to Andhra Bank, Vasco Branch, Vasco-Goa against the Housing finance.**

While scrutiny of title documents I did not come across any other encumbrance over the said property along with the proposed building "ASHMI TOWERS" existing therein **except the same is presently mortgage to Andhra Bank, Vasco Branch, Vasco-Goa against the Housing finance** and that the said M/s ASBT ASSOCIATES is required to close the said housing loan and to obtain the necessary letter of Loan Clearance/No due certificate from the said bank while selling/ disposing the flats and other premises situated in said multistoried project to the prospective buyers of the said flats and premises or to



their banks to whom the prospective buyers wanted to individually mortgage their flat or any other premises.

Further after closure of the said housing loan of Andhra Bank, Vasco Branch the said M/S ABST ASSOCIATES is required to obtain "NIL" certificate of encumbrance in respect of above described property from the Sub- Registrar of Salcete at Margao for a period 15 years till date. So that it can be conclusively opine that said property is free from any encumbrances, liens and charges.

Margao

04/05/2020

Ajay G. Naik Dessai

Advocate

