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Ref. No. :

Date : Date: 16/03/2019

SUB: TITLE REPORT AND LEGAL OPINION at the request of Mr. Atish Shetgaonkar, resident of Morjim, Pernem , North Goa.

NAME OF THE OWNERS :-

1. **Dr. FRANCIS P. CANDES alias FRANCIS PELAGIO CANDES,** son of late Pelagio Candes, aged about 71 years, married, Doctor, Indian National, holding PAN :AAAPC4684J and his wife,
2. **Dr. NIRMALA F. CANDES alias Dr. NIRMALA FRANCIS CANDES,** wife of Dr. Francis P. Candes alias Francis Pelagio Candes, aged about 68 years, married, Doctor, Indian National, holding PAN :AAAPC6206A, both residents of I.C Colony, Borivali (West), Mumbai – 400103,
3. **Mr. JAYRAM BANODKAR alias JAYRAM DAMODAR BANODKAR,** son of Mr. Damodar Banodkar, aged about 64 years, married, businessman, Indian National, and his wife,
4. **Mrs. PRATHIBHA J. BANODKAR alias PRATIBHA JAYRAM BANODKAR,** wife of Mr. Jayram Banodkar alias Jayram Damodar Banodkar, aged about 63 years, married, housewife, Indian National, holding PAN : ABLPB5124A,both residing at A/102, Lopez Residency, Opp. Shantidhan Hospital, Kandarapada, Dadar(West), Mumbai – 400 068.

I. DESCRIPTION OF THE PROPERTY:

ALL THAT piece or parcel of land admeasuring 2550.00 square meters, surveyed under Survey No.137/16, forming an independent and distinct property of the larger property known as "ODIECHO SORVO" or "ALTA" situated at Assagao Village, within the local limits of the Village Panchayat of Assagao, Taluka & Registration Sub-District of Bardez, District of North Goa, in the State of Goa, inscribed in the Land Registration Office under No. 26812 of Book G 32 Bardez and described under No. 14059 of Book B-36 New , and enrolled in the Taluka Revenue Office(Matriz) under No. 1783, bearing old Cadastral Survey No. 645, surveyed under new Survey No. 137/16, and bounded as under:-

On or towards the North: by Survey No.137/14 and 137/15,

On or towards the South: by a road,

On or towards the West: by Survey No. 137/17 and 137/19 and

On or towards the East: by Survey No. 139/2, 139/4 and 137/5 and partly by road of the Village of Assagao in Bardez Taluka.

(Piece and parcel of land admeasuring 2550.00 square meters, surveyed under Survey No.137/16, of the larger property known as "ODIECHO SORVO" or "ALTA" situated at Assagao, Bardez, Goa, shall hereinafter for brevity's sake, be referred to as **"the said property"**);

II. DOCUMENTS EXAMINED (Xerox Copies) :

1. Deed of Sale dated 23.04.1935 executed and recorded before Notary of Bardez at Mapusa Francisco Pinto De Menezes at folios 71 reverse and 72 in his Book 414.

2. Inscription Certificate No. 26812, issued by Land Registrar, of Bardez at Mapusa, Goa.

3. Form No.IX dated 21/03/2018, issued by Talathi of Assagao, Bardez, Goa.

4. Index of Lands dated 21/03/2018, issued by Office of the Talathi of Assagao, Saza, Bardez, Goa.

5. Old Cadastral plan of property bearing Survey No.645, issued by Directorate of Settlement and Land Records, Panaji, Goa.

6. Form No. I & XIV dated 26/02/2018, issued by the Office of the Talathi of Assagao, of property bearing Survey No.137/16.

7. Order dated 06/08/1990 passed by the Deputy Collector & S.D.O, Mapusa Sub-Division, Mapusa-Goa, the Mamlatdar of Bardez, Goa.

8. Deed of Declaration, Succession or Qualification of heirs dated 29/01/1991, was drawn at pages 64 to 67V Book No.637, in the Office of the Notary Ex-Officio of Tiswadi at Panaji, drawn upon the death of Clemento Francisco Xavier Fernandes.

9. Deed of Sale dated 07/08/1995, registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, under Registration No. 463, at Book No. I, Volume No.370 on 11/03/1996.

10. Deed of Sale dated 24/10/2016, registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, under Registration No. BRZ-BK1-04552-2016, CD No. BRZD783 on 31/10/2016;

III. TITLE REPORT:-

1. I have carefully examined the documents mentioned herein above in para II in respect of the said property originally belonged to Mr. Louis Jose Raposo and his wife, Mrs. Anna Maria Francisco Evelima De Souza alias Evelina Raposa who were residents of Assagao, Bardez Goa;

2. In terms of Deed of Sale dated 23.04.1935, executed between Said Mr. Louis Jose Raposo alias Luis Jose Raposo and his wife, Mrs. Ana Maria Francisca Evelima D Souza e Raposo alias Evelina

Raposa, as Vendors therein and Mr. Clemento Francisco Xavier Fernandes alias Clemente Florencio Xavier Fernandes, as Purchaser therein, said Vendors sold and transferred the said property to the Purchaser therein.

3. Said Deed of Sale dated 23/94/1935, stands recorded at page 71V of Book No.414 before, Notary in charge of Judicial Jurisdiction, Mr. Francisco Pinto de Menezes.

4. Said property stands inscribed in the name of Clemento Francisco Xavier Fernandes under Inscription No.26812.

5. Name of said Clemento Francisco Xavier Fernandes stands recorded in Registo De Agremensor of the said property bearing old Cadastral survey No.645.

6. The name of the said Mr. Clemento Francisco Xavier Fernandes has been wrongly recorded as " Ramed Xavier/ Remid Shavier "in the survey records Form No.9 as occupant thereof pertaining to the said property.

7. The name of Mr. Clemento Francisco Xavier Fernandes alias Clemente Florencio Xavier Fernandes stands wrongly recorded in the Index of Land of the said property as Remid Shaverse.

8. The said Mrs. Ruby Mary Fernandes wife of Mr. Clemento Francisco Xavier Fernandes instituted proceedings under Section 103 of the Goa Land Revenue Code, 1968, bearing Case No.

18/450/LRC/Misc., in the Court of the Deputy Collector & Sub-Divisional Officer, Mapusa Sub-Division, Mapusa-Goa, seeking correction of the survey records by recording her husband's name as an "Occupant" in respect of the said property by deleting the name of said Ramed Xavier appearing therein.

9. By virtue of Order dated 06/08/1990 passed by the Deputy Collector & S.D.O, Mapusa Sub-Division, Mapusa-Goa, the Mamlatdar of Bardez, Goa was directed to correct the survey records pertaining to the said property by recording the name of said Mr. Clemento Francisco Xavier Fernandes in the column of "Occupant" of Survey Form I & XIV pertaining to the said property instead of Ramed Xavier.

10. Accordingly the name of said Mr. Clemento Francisco Xavier Fernandes came to be mutated in the column of "Occupant" of the Survey Form I & XIV pertaining to the said property bearing Survey No.137/16.

11. Said Mr. Clemento Francisco Xavier Fernandes expired on 08/03/1983 leaving behind his wife, Mrs. Ruby Mary Fernandes as his widow and moiety holder and following children as his sole and universal heirs:-

(i) Mrs. Philomena Ann Dias alias Philomena Ivy Anne Fernandes E Dias, married to Mr. Albert Dias alias Albert Joaquim Francisco Pedro Dias and

(ii) Mr. Anthony Stanley Fernandes alias F.A.S. Fernandes, married to Mrs. June Marjorie Fernandes alias Smt. J. M. Fernandes.

12. Upon the death of aforesaid, Mr. Clemento Francisco Xavier Fernandes, a Deed of Declaration, Succession or Qualification of heirs dated 29/01/1991, was drawn at pages 64 to 67V Book No.637, in the Office of the Notary Ex-Officio of Tiswadi at Panaji and aforesaid persons were declared as his successors;

13. In terms of Deed of Sale dated 07/08/1995, executed between said (i) Mrs. Ruby Mary Fernandes, a widow, (ii) Mr. Francis Anthony Stanislau Fernandes alias Francis Anthony Stanley Fernandes alias F.A.S. Fernandes and his wife, (iii) Mrs. June Marjorie Fernandes alias Smt. J. M. Fernandes, (iv) Mrs. Philomena Ann Dias alias Philomena Ivy Anne Fernandes E Dias and her husband , (v) Mr. Albert Dias alias Albert Joaquim Francisco Pedro Dias; as Vendors therein and **Dr. FRANCIS P. CANDES alias FRANCIS PELAGIO CANDES**, as Purchaser therein, said Vendors sold and transferred the said property in favour of the Purchaser therein.

14. Said Deed of Sale dated 07/08/1995, stands registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, under Registration No. 463, at Book No. I, Volume No.370 on 11/03/1996;

15. By virtue of said Deed of Sale dated 07/08/1995, said **Dr. FRANCIS P. CANDES alias FRANCIS PELAGIO CANDES married to Dr. NIRMALA F. CANDES alias Dr. NIRMALA FRANCIS CANDES**, became the exclusive and absolute owners of the said property;

16. In terms of Deed of Sale dated 24/10/2016, executed between said **Dr. FRANCIS P. CANDES alias FRANCIS PELAGIO CANDES and his wife Dr. NIRMALA F. CANDES alias Dr. NIRMALA FRANCIS CANDES**, as Vendors therein and **Mr. JAYRAM BANODKAR alias JAYRAM DAMODAR BANODKAR, represented by his Power of Attorney holder, his wife Mrs. PRATHIBHA J. BANODKAR alias PRATIBHA JAYRAM BANODKAR,** as Purchaser therein, said Vendors sold and transferred the 1/3rd undivided right and share admeasuring 850.00 square meters of the said property to the Purchaser therein;

17. Said Deed of Sale dated 24/10/2016, stands registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, under Registration No. BRZ-BK1-04552-2016, CD No. BRZD783 on 31/10/2016;

18. By virtue of said Deed of Sale dated 24/10/2016, said **Mr. JAYRAM BANODKAR alias JAYRAM DAMODAR BANODKAR, married to Mrs. PRATHIBHA J. BANODKAR alias**

PRATIBHA JAYRAM BANODKAR became the 1/3rd owners of undivided share and right of the said property which is equivalent to 850.00 square meters;

19. The name of said Dr. Francis Pelagio Candes and Mr. Jayram Bandodkar alias Jayram Damodar Bandodkar stands recorded in Form I & XIV in respect of the said property bearing Survey No.137/16 as occupant thereof, against mutation entry No.52738 and 59360.

20. I have examined the documents mentioned hereinabove in respective offices and found that there are no acts or encumbrances registered in any of the said offices, would adversely affect the title of the owners, (1) **Dr. FRANCIS P. CANDES alias FRANCIS PELAGIO CANDES**,(2) **Dr. NIRMALA F. CANDES alias Dr. NIRMALA FRANCIS CANDES** , (3)**Mr. JAYRAM BANODKAR alias JAYRAM DAMODAR BANODKAR and (4) Mrs. PRATHIBHA J. BANODKAR alias PRATIBHA JAYRAM BANODKAR** in respect of the said property.

LEGAL OPINION:-

Based on the scrutiny of the title deeds and the searches taken I do hereby certify as under:-

a. That the title of above named owners, (1) **Dr. FRANCIS P. CANDES alias FRANCIS PELAGIO CANDES**, (2) **Dr. NIRMALA F. CANDES alias Dr. NIRMALA FRANCIS CANDES** , (3) **Mr.**

JAYRAM BANODKAR alias JAYRAM DAMODAR BANODKAR and (4) Mrs. PRATHIBHA J. BANODKAR alias PRATIBHA JAYRAM BANODKAR, to the said property is clean, clear and marketable, and free from any registered encumbrances, charges, liens and/or attachments of any kind whatsoever.

b. That the provisions of the Urban Land Ceiling Act are not applicable to the State of Goa.

c. That there are no acquisition and requisition proceedings pending in respect of the said property.

d. There are no tenants to the said property.

e. There are no mundkars in the said property.

f. No minor interest is involved in the said property.

g. The said property falls in settlement zone.

Thanking you.

Yours truly,

(Mrs. M. N. Medhekar)

Advocate

MEERA MEDHEKAR
ADVOCATE & NOTARY
Pinto Chambers, M. B. Road,
Panaji - Goa
Cert Exp. Date 10/08/2020