

LINUS EMMANUEL

ADVOCATE/NOTARY

Office 1 & 2, Ground Floor, Models Celeste,
Opp Models Celebrity, Caranzalem, Panaji - Goa. INDIA
Email: linusemmanuel@rediffmail.com
Off: 91+ 9822161162/9850152184

LEGAL OPINION

THIS LEGAL OPINION on title is based on the copies of documents, which were made available to me for scrutiny, believed to be the true and genuine copies of the originals, and pertains to the following property:

I. DESCRIPTION OF THE SAID PROPERTY:

ALL THAT PROPERTY known as "CUMBIACHI GALLI", admeasuring 3,07,437 sq.mtrs, bearing survey No 289/0 of Village Carambolim, situated at Carambolim, Tiswadi, Goa, within the limits of the Village Panchayat of Carambolim, described under Description No 2307, folio 129 of Book B-27(Old) in the Land Registration Office of Ilhas at Panaji, not known to be registered in the Taluka Revenue Office and is bounded as under:

On or towards the EAST : by survey no 291/1(part), 290/2 & 288/2;

On or towards the WEST : by the village boundary of Goalim-Moula;

On or towards the NORTH: by survey no 291/1(part);



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On or towards the SOUTH: by the village boundary of Azossim and survey No. 288/2.

II. DESCRIPTION OF THE SAID PLOT:

ALL THAT PLOT of land designated as Plot No Y-4, admeasuring 2,144 sq.mtrs, forming part of the SAID PROPERTY described under Schedule I above, bearing survey No 289/0(part) of Village Carambolim, situated at Carambolim, Tiswadi, Goa, within the limits of the Village Panchayat of Carambolim, and which plot is bounded as under:

On or towards the EAST : by Plot No Y-5 of survey No 289/0 and open space;

On or towards the WEST : by Plot No Y-3 of survey No 289/0;

On or towards the NORTH: by the 15-meter road;

On or towards the SOUTH: by Plot No X-4 of survey No 289/0.

III. TITLE HOLDERS:

1. **Mr. ALLEN CARMO LOBO** alias ALLEN DO PERPETUO SOCORRO DO CARMO LOBO, major of age, son of late Mr. Jose Quintino do Carmo Lobo, married, Engineer, Indian National, and his wife;
2. **Mrs. JESSICA S. LEITAO** alias JESSICA SOFIA LEITAO, major of age, d/o late Mr. Antonio Simao Jose Leitao and wife Mr. Allen do



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Carmo Lobo, married, housewife, Canadian National of Indian Origin holding OCI Card No A2713236;

both residents of House No 143/A, Opp BED College, Altinho, Panaji, Goa, 403001 and presently at A6, Baywatch, Jetty Road, Opp. Govt. School, Dona Paula, Panaji, Goa, 403004

IV. FACTS:

1. The SAID PROPERTY originally formed part of the Larger Property described under Description No 2307, folio 129 of Book B-27(Old) in the Land Registration Office of Ilhas at Panaji was bounded as under: On or towards the EAST: by the compound wall of the extinct fort; On or towards the WEST: by the public way; On or towards the NORTH: by the enclosure of the Comunidade of Carambolim; On or towards the SOUTH: by the enclosure of the Comunidade of Carambolim.
2. The Larger Property described under Description No 2307 originally belonged to a Sociedade Familia comprising of members of Bandari family, which Sociedade Familia was established by Deed dated 25-03-1900 registered in Book No 42 at folio 4v of the Notary of the Comarca of Bicholim, Ferreira.



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3. The aforesaid Sociedade Familia was dissolved vide Deed of Partition of the Clerk of the 3rd Office of Ilhas, Cristovao Maria de Menezes of the Court of the Judge Emerico de Alpoi Cerqueira Borges Cabral, together with the Deed of Conferment of Right in the Inventory Proceedings that was held on the death of one of the members of the Sociedade Familia, namely Gopica Bandarinim, in terms of which the Larger Property described under Description No 2307 came to be allotted to one Ananta Locu Bhandari.
4. Consequently, the Larger Property described under Description No 2307 came to be inscribed in favour of the said Ananta Locu Bhandari on 17th October, 1932 vide Inscription No 7194 at folio 146v and 147 of Book G-16 of the Land Registration Office of Ilhas, at Panaji.
5. The said Ananta Locu Bhandari who expired on 19-10-1945 leaving behind his widow and moiety-holder Ramabai Locu Bhandare and as his heirs, his two sons: (a) Venctexa Ananta Bandari married to Manicabai Bandari and (b) Vassanta Ananta Bandari married to Nirmalabai Bandari who partitioned the Larger Property into two equal parts vide Deed of Declaration



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of Heirship and Partition dated 09-12-1945 drawn in the office of Notary of Judicial Division of Ilhas in Book No. 391 at pages 90 onwards.

6. Therefore, the right, title and interest in the Larger Property came to be vested in the following shares, viz:
- a. Venctexa Ananta Bandari - ½ share
married to
Manicabai Bandari
 - b. Vassanta Ananta Bandari - ½ share
married to
Nirmalabai Bandari
7. Consequently, one-half share in the Larger Property came to be inscribed in favour of Vassanta Ananta Bandari and his wife Nirmalabai Bandari vide Inscription No 16892 at folio 91v of Book G-29 on 20-12-1945 and the other half share in the Larger Property came to be inscribed in favour of Venctexa Ananta Bandari and his wife Manicabai Bandari vide Inscription No 16893 at folio 92 of Book G-29 on 20-12-1945, both in the Land Registration Office of Ilhas, at Panaji.



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8. The said Venctexa Ananta Bandari and his wife Manicabai Bandari then gifted their one-half (1/2) share in the Larger Property to their son Prabacora Venctexa Bandari alias Prabhakar Venkatesh Bhandare vide the same Deed of Declaration of Heirship and Partition dated 09-12-1945 drawn in the Office of Notary of Judicial Division of Ilhas in Book No. 391 at pages 90 onwards and consequently their half share in the Larger Property came to be inscribed in favour of their son Prabacar Venctexa Bandari vide Inscription No 16894 at folio 92v of Book G-29 on 20-12-1945 in the Land Registration Office of Ilhas, at Panaji.
9. The said Vassanta Ananta Bandari alias Vassant Anant Bhadari thereafter expired on 27-08-1987 leaving behind his widow and moiety holder: Nirmalabai Vasant Bhandare and as his universal heirs, the following, viz:
- Ananta Vassanta Bhandari alias Anant Vasant Bhadare married to Rekha Anant Bhandare
 - Jai Pracash Vassanta Bandari alias Jayprakash Vasant Bhandare alias Prakash Vasant Bhandare married to Indira Jayprakash Bhandare
 - Vamana Vassanta Bandari alias Vaman Vasant Bhandare and his wife Vrinda Vaman Bhandare



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- d. Canta Vassanta Bandari alias Kanta Govind Kamat and her husband Govind Krishna Kamat
- e. Voizn Vassanta Bandari alias Preeta Anand Sawakar married to Anand Bhagvant Sawarkar
10. The said (i) Canta Vassanta Bandari alias Kanta Govind Kamat and her husband Govind Krishnaji Kamat and (ii) Voizn Vassanta Bandari alias Preeta Anand Sawakar married to Anand Bhagvant Sawarkar, relinquished their share to the estate of their late father/father-in-law Vassanta Ananta Bhandari vide Termo de Repudio de Heranca dated 19th November 1987 executed before the Hon'ble Civil Judge G V Ratnam in the Court of the Civil Judge Senior Division at Panaji.
11. Consequently, the one-half share in the Larger Property of Vassanta Ananta Bandari came to be vested in the following, viz:
- a. Nirmalabai Bandari, widow and moiety-holder;
- b. Ananta Vassanta Bhandari alias Anant Vasant Bhandare married to Rekha Anant Bhandare
- c. Jai Pracash Vassanta Bandari alias Jayprakash Vasant Bhandare alias Prakash Vasant Bhandare married to Indira Jayprakash Bhandare



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d. Vamana Vassanta Bandari alias Vaman Vasant Bhandare
and his wife Vrinda Vaman Bhandare

12. Therefore, the Larger Property came to be vested as under in
the following shares, viz:

- a. Prabacora VencTexa Bandari alias- ½ share
Prabhakar Venkatesh Bhandare, bachelor
- b. Nirmalabai Vasant Bhandare - 1/4th share
alias Nirmalabai Bandari,
widow and moiety-holder
- c. Ananta Vassanta Bhandari - 1/12th share
alias Anant Vasant Bhandare
married to
Rekha Anant Bhandare
- d. Jai Pracash Vassanta Bandari - 1/12th share
alias Jayprakash Vasant Bhandare
alias Prakash Vasant Bhandare
married to Indira Jayprakash
Bhandare alias Indira Prakash Bhandarie
- e. Vamana Vassanta Bandari - 1/12th share
alias Vaman Vasant Bhandare
and his wife Vrinda Vaman Bhandare



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13. The said (i) Prabacora Venctexa Bandari alias Prabhakar Venkatesh Bhandare, bachelor (ii) Nirmalabai Vassant Bhandare alias Nirmalabai Bandari, widow (iii) Ananta Vassanta Bhandari alias Anant Vassant Bhadare and his wife Rekha Anant Bhandare (iv) Jai Pracash Vassanta Bandari alias Jayprakash Vassant Bhandare alias Prakash Vasant Bhandare married to Indira Jayprakash Bhandari alias Indira Prakash Bhandarie (v) Vamana Vassanta Bandari alias Vaman Vassant Bhandare and his wife Vrinda Vaman Bhandare then sold the Larger Property to Mr. SURESH VISHWANATH PARULEKAR vide Deed of Sale dated 06-07-2006, registered under No. 2044 at pages 278 to 389 of Book I, Volume 1670 on 07-08-2006 in the Office of Sub-Registrar of Ilhas/Tiswadi at Panaji.
14. The said Mr. SURESH VISHWANATH PARULEKAR subsequently mutated his name in Form I & XIV of the Larger Property and in order to develop the Larger Property applied for and obtained Conversion Sanad dated 29-11-2007 bearing No RB/CNV/TIS/55/2007 issued by the Office of the Addl Collector of North at Panaji, of a part of the Larger Property admeasuring 2,92,815 sq. mts for residential purpose.



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15. The Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR, therefore, came to be vested with right, title and possession of the Larger Property and being married under the Regime of Communion of Assets are holding moiety shares in the Larger Property.
16. The said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR then sold portions of the Larger Property and therefore the balance area constitutes the SAID PROPERTY and the said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR entered into an Agreement dated 17th April, 2009, executed before the Notary D P Dabholker under No 3091/2009 with ALPHA IMPEX PRIVATE LTD for the sale & development of the SAID PROPERTY.
17. The said ALPHA IMPEX PRIVATE LTD inorder to develop the SAID PROPERTY by sub-division into plots, applied for and obtained the following, viz:
 - a. Final No Objection Certificate dated 05-05-2016 issued by the Asst Engineer, Office of the Asst Engineer, PWD, St. Inez, Panaji, Goa.



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- b. Final No Objection Certificate dated 21-10-2016 issued by the Town & Country Planning Department.
- c. Final No Objection Certificate bearing No VP/CAR/2016-17/1050 dated 31-10-2016 issued by the Village Panchayat of Carambolim.
18. Based on the aforesaid representations of the said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR, the ALPHA IMPEX PRIVATE LTD and **M/s IAG ENTERPRISES** agreed to purchase a plot of land designated as Plot No Y-4, admeasuring 2,144 sq.mtrs, forming part of the SAID PROPERTY described under Schedule I hereunder, bearing survey No 289/0(part) of Village Carambolim, situated at Carambolim, Tiswadi, Goa, within the limits of the Village Panchayat of Carambolim, hereinafter referred to as the 'SAID PLOT' for brevity's sake and consequently the parties entered into a Memorandum of Understanding dated 20th July, 2022.
19. The said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR and ALPHA IMPEX PRIVATE LTD represented to **M/s IAG ENTERPRISES** as under:
- a. That the SAID PROPERTY is zoned as "settlement" in the Regional Plan which has been corroborated vide Zoning



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Certificate dated 27-09-2017 issued by the Deputy Town Planner.

- b. That there is no road or access through the SAID PLOT as an access to any other person, nor there is any easement right of way to any other person through the SAID PLOT.
 - c. That there are no tenants and or mundkars and/or any other person who can claim any right of whatsoever nature in respect of the SAID PLOT and the said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR are the sole and exclusive owners of the SAID PLOT.
 - d. That save and except these presents and the Agreement dated 17th April, 2009 with the ALPHA IMPEX PRIVATE LTD, the said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR have not entered into any Agreement, Deed, Memorandum of Understanding to convey the SAID PLOT to any other person/entity.
20. **M/s IAG ENTERPRISES** issued a public notice dated 17-07-2022 in the English Daily, the Navhind Times with respect to the sale of the SAID PLOT and no objection/s have been received by the Advocate of **M/s IAG ENTERPRISES** in respect thereto.



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21. The said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR and the ALPHA IMPEX PRIVATE LTD furnished Certificate of Nil Encumbrance dated 18-08-2022 bearing No 1148/2022 issued by the Office of the Civil Registrar and Sub-Registrar of Tiswadi, at Panaji to corroborate that there are nil encumbrances on the SAID PLOT.
22. The said Mr. SURESH VISHWANATH PARULEKAR and his wife Mrs. MANDA SURESH PARULEKAR as "VENDORS" and ALPHA IMPEX PRIVATE LTD as "CONFIRMING PARTY/DEVELOPER" then conveyed the SAID PLOT to **M/s IAG ENTERPRISES** herein vide Deed of Sale dated 22-10-2022, registered under No PNJ-1-2704-2022 dated 26-10-2022 in the Office of the Sub-Registrar of Tiswadi, at Panaji.
23. **M/s IAG ENTERPRISES** then, subsequently, applied for mutation in the revenue records i.e. Form I & XIV and the names of **M/s IAG ENTERPRISES** came to be recorded in the Form I & XIV of the SAID PLOT.
24. **M/s IAG ENTERPRISES** then came to be dissolved vide Deed of Dissolution of Partnership dated 01-04-2023, duly executed before the Notary Adv Linus Emmanuel under No. 3938/2023



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on 30-12-2023 and in terms of the said Deed of Dissolution of Partnership dated 01-04-2023, **M/s IAG ENTERPRISES** was dissolved and the business including the assets of **M/s IAG ENTERPRISES** was taken over by the TITLEHOLDERS herein who came to be vested in the SAID PLOT holding moiety-shares therein being married under the Regime of Communion of Assets.

25. The Registrar of Firms came to be notified of the said dissolution on 01-02-2024 vide Form VII and the Registrar of Firms and was pleased to endorse the same in the Register of Firms against registration No. 151/1991 of **M/s IAG ENTERPRISES** to the effect that the same is dissolved w.e.f. 01-04-2023 and a Certificate to that effect has been duly issued on 01-02-2024.
26. The TITLEHOLDERS are therefore, vested with right, title, interest and possession of the SAID PLOT and are holding moiety-shares in the SAID PLOT in terms of the Deed of Dissolution dated 01-04-2023 and under the provisions of the Portuguese Civil Code.
27. The Form I & XIV of the SAID PLOT does not reveal any mundcarial rights or tenancy rights over the SAID PLOT.



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V. LEGAL OPINION:

Therefore, in pursuance of the aforesaid, the TITLEHOLDERS have a clear, marketable and unencumbered right, title and interest in the SAID PLOT including possession of the SAID PLOT.

Panaji – Goa

3rd June, 2024



Adv. LINUS EMMANUEL