

20.2.2021

To

M/s M V R Sea View Homes Pvt. Ltd. ,
Above Audi Show Room ,
Caranzalem , Goa . 403002.

Dear Sir ,

This has reference to your request for my Legal Opinion / Title Verification in respect to the properties bearing Survey Nos. . 242/15 to 242/17 , 242/20 to 242/21 , 242/23 , 242/25 and 242/29 of the Village of Siolim in Bardez Taluka .

In this connection , I have perused the documents enclosed , comprising of

1. Survey Form No. I & XIV of the property bearing Survey No. 242/15 adm. 750 sq, mts., 242/16 adm. 600 sq. Mts., 242/17 adm. 1975 sq. Mts., 242/20 adm. 500 sq. Mts., 242/21 adm. 325 sq. Mts., 242/25 adm. 150 sq. Mts. and 242/29 adm. 125 sq. Mts. all of Village Siolim in Bardez Taluka .
2. Survey Form No. III of the properties aforesaid prepared under the provisions of the Land Revenue Code , 1968 .
3. Judgement & Order dated 4.9.2001 made in Inventory Proceedings No. 115/97 by the Civil Judge Senior Division at Mapusa conducted on the death of Shri Padmanabha A. Nagvekar .

Ajit Kantak

4. Deed of Sale dated 8.6.2006 registered in the Office of the Sub-Registrar of Bardez at Mapusa under No. 3109 at Pages 136 to 152 in Book No. I Volume No. 1688 on 12.6.2006 .
5. Deed of Rectification dated 10.8.2011 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-0389-2011 CD No. BRZD211 on 11.8.2011 regarding Sy. 242/8 , 242/15 and 246/6 of Siolim Village .
9. Deed of Sale dated 7.5.1999 registered in the Office of the Sub-Registrar of Bardez under No. 686 in Book No. I Vol. No. 652 on 8.6.1999 .
10. Deed of Sale dated 6.2.2013 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-01054-2013 CD No. BRZD450 on 21.2.2013 regarding Sy. 242/8 , 242/18 and 242/21 of Siolim Village .
11. Deed of Sale dated 6.2.2013 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-01050-2013 CD No. BRZD450 on 21.2.2013 regarding Sy. 242/15 and 242/16 of Siolim Village .
12. Deed of Sale dated 5.2.2013 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-01047-2013 CD No. BRZD450 on 21.2.2013 regarding Sy. 242/17 of Siolim Village .
13. Deed of Sale dated 5.2.2013 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-01049-2013 CD No. BRZD450 on 21.2.2013 regarding Sy. 242/17 , 242/20 , 242/25 and 242/29 of Siolim Village .

Signature

14. Deed of Sale dated 30.9.2020 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-1-2427-2020 dated 9.10.2020 .

DESCRIPTION OF THE PROPERTY & FLOW OF TITLE :

On going through the documents as aforesaid , it is evident that within the limits of the Village of Siolim in the Taluka of Bardez in the State of Goa , there exists different parcels of land comprising property known as PADMANABH FARM or MAINA.

The Survey Form III prepared under the provisions of the Land Revenue Code , 1968 , indicates the name in the Occupant column as that of Mr. Padmanabh Atmaram Nagvenkar .

The subsequent Form No. I & XIV of the Survey numbers depict as the Occupant , the names of Shri Padmanabh Atmaram Nagvenkar , which is the promulgated Survey record prepared and finalised in terms of the provisions of the Goa , Daman & Diu Land Revenue Code , 1968 .

It therefore follows that the name of Shri Padmanabh Atmaram Nagvenkar stood recorded in the Record of rights prepared under the provisions of the Goa , Daman & Diu Land revenue Code , 1968 till his death in the year 1984 , without any objection from any person whomsoever .

In this property there was a Mundkarial House and the Mundkar then initiated proceedings against Shri Atmaram

Atmaram

Padmanabh Nagvenkar & others under the Goa , Daman & Diu Mundkars (Protection from Eviction) Control Act , 1975 , since Shri Padmanabh Atmaram Nagvenkar expired on 7.6.1984 . The proceedings filed were for the purchase of the Mundkarial dwelling house . Vide Judgement dated 28.2.1990 made in Case No. MUND/PUR/SIO/64/88 (Vassudev Krishna Pednekar v/s Atmaram Padmanabh Nagvenkar & others) , the Joint Mamlatdar of Bardez at Mapusa finalised the purchase of the Mundkar rights to an area of 430.25 square metres under the provision of the Goa , Daman & Diu Mundkars (Protection from Eviction) Control Act , 1975 .

Pursuant to the demise of Shri Padmanabh Atmaram Nagvenkar on 7.6.1984 , Inventory proceedings were filed by his son Shri Dattaprakash Padmanabh Nagvenkar in the Court of the Civil Judge , Senior Division at Mapusa , the same being Inventory Proceedings No. 115/97 .These Inventory Proceedings were finally disposed off by the Civil Judge Senior Division at Panaji vide Order dated 4.9.2001 .

In terms of the Judgement and Order dated 4.9.2001 , Mutation was then sought by the allottees in the Survey records and the name of Shri Padmanabh Atmaram Nagvenkar was then bracketed and the names of the heirs of Late Padmanabh to whom the properties were allotted , came to be recorded in the Survey records.

The title to the properties allotted in terms of the Judgement & Order made in the Inventory Proceedings consequently came to vest unto the allottees and the possession confirmed in view of the recording of the names in the Survey records .

Atmaram

It is further evident that this Mundkarial area of 430.25 square metres purchased in terms of the Judgement dated 28.2.1990 made in Case No. MUND/PUR/SIO/64/88 was later re-purchased by Shri Dattaprakash Padmanabha Nagvenkar vide Deed of Sale dated 15.10.2012 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-04458-2012 CD No. BRZD386 on 15.12.2012 .

It is also evident that vide Deed of Sale dated 7.5.1999 registered in the Office of the Sub-Registrar of Bardez under No. 686 in Book No. I Vol. No. 652 on 8.6.1999 Shri Dattaprakash Padmanabh Nagvenkar purchased from Mrs. Artimisia Dalgado and others an area of 3,075 square metres bearing Survey No. 244/15 (Northern portion of 2,800 sq. Mts.) and Survey No. 242/23 (Southern portion of 275 sq. Mts.) of Siolim Village .

It is further evident that vide Deed of Sale dated 8.6.2006 registered in the Office of the Sub-Registrar of Bardez under No. 3109 at Pages 136 to 152 Book No I Volume No. 1688 on 12.6.2006 followed by a Deed of Rectification dated 10.8.2011 registered in the Office of the Sub-Registrar of Bardez at Mapusa under No. BRZ-BK1-0389-2011 CD No. BRZD211 on 11.8.2011 , Shri Dattaprakash P. Nagvenkar purchased from Mrs. Vitorin Fernandes & others an area of 825 square metres forming Survey No. 244/7 of Siolim Village along with properties bearing Survey Nos. 242/8 , 242/15 , 244/6 and 246/6 of Siolim Village .

It is further evident that vide Deed of Sale dated 12.5.2010 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-BK1-02296-2010 CD No. 23.6.2010 Shri Dattaprakash P.

Argued.

Nagvenkar purchased from Smt. Laxmi Laxman Naik & others an area of 600 square metres forming Survey No. 242/16 of Siolim Village

The Deeds of sale of the year 2013 indicate the purchase made by Paraiso Homes Pvt. Ltd. of the properties bearing Survey Nos. . 242/15 to 242/17 , 242/20 to 242/21 , 242/23 , 242/25 and 242/29 of the Village of Siolim in Bardez Taluka . On the registration of the Deed of sale , the title to the properties sold came to vest unto Paraiso Homes Pvt. Ltd.

The Deeds of Sale were made by virtue of the ownership rights that came to vest unto Shri Padmanabh Atmaram Nagvenkar as evident from the Survey records viz . Form No. III and Form, No I & XIV prepared and finalised under the provisions of the Goa , Daman & Diu Land revenue Code , 1968 . With the Deeds of Sale being of the year 2013 , the possession which continued with Padmanabh Atmaram Nagvenkar and later his heirs was for more than 40 years since the year 1970 .

From the above , it is clear that the properties were owned by Shri Padmanabh Atmarama Nagvenkar pursuant to the Deed of Sale in the year 1938 and any areas from the Survey numbers which did not form a part of the Deed came to vest unto Shri Padmanabh Atmaram Nagvenkar by virtue of his possession of the properties and got perfected by recording in the Form III and the promulgated Survey records prepared under the provisions of the Goa , Daman & Diu Land Revenue Code , 1968 .

Signature

Vide Deed of Sale dated 30.9.2020 registered in the Office of the Sub-Registrar of Bardez under No. BRZ-1-2427-2020 dated 9.10.2020 , M/s Paraiso Homes Pvt. Ltd. sold unto M/s MVR Sea View Homes Pvt. Ltd. an area of an area of **750** square metres bearing Survey No. 242/15 of Siolim Village in Bardez Taluka , **600** square metres bearing Survey No. 242/16 of Siolim Village in Bardez Taluka , an area of **1,975** square metres bearing Survey No. 242/17 of Siolim Village in Bardez Taluka , an area of **500** square metres bearing Survey No. 242/20 of Siolim Village in Bardez Taluka , an area of **325** square metres bearing Survey No. 242/21 of Siolim Village in Bardez Taluka , an area of **275** square metres bearing Survey No. 242/23 of Siolim Village in Bardez Taluka , an area of **150** square metres bearing Survey No. 242/25 of Siolim Village in Bardez Taluka , an area of **125** square metres bearing Survey No. 242/29 of Siolim Village in Bardez Taluka i.e. in all an area of 4,700 square metres . On the registration of the Deed of sale , the title to the properties sold came to vest unto M/s M V R Sea View Homes Pvt. Ltd.

In my opinion the title to the properties aforementioned which vest in M V R Sea View Homes Pvt. Ltd. could be said to be clear and marketable .

Thanking you ,

Yours faithfully,


Ajit R. Kantak
Advocate