

# JONATHAN COSTA

ADVOCATE

OFF: 0832 - 2736412

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## OPINION ON TITLE

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### General Qualifications:

- i. At the outset, it is clarified that this Opinion on Title is prepared solely on the basis of documents furnished to me as enlisted hereinafter. The same may be compared with their respective originals / certified copies.
- ii. For the purpose of this Opinion:
  - a. I have not carried out a negative search in respect of litigations pertaining to the Subject Matter Property;
  - b. I have assumed the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents, of all documents of title submitted to me;
  - c. I have assumed that the documents have not been tampered with or modified in any form or manner and are valid, subsisting and remain in force;
  - d. I have assumed that the documents have been executed per law and duly delivered by the Parties to them;
  - e. I have assumed that all documents are within the capacity and powers of each Party, and have been validly authorized by each Party;
  - f. I have assumed that there are no pending litigations in respect of the Subject Matter Property;
  - g. I have assumed that the names of persons spelt differently in different documents are the same person.

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- iii. The accuracy of this Opinion necessarily depends on the documents furnished to me, and the information provided to me during the course of discussions being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.
- iv. The availability of access to the Subject Matter Property, its terrain and location, are not within the scope of this Opinion;
- v. This Opinion will not be binding on any Court of law or judicial or regulatory body, and the same would have to be independently satisfied, despite any provision in the title documents to the contrary.
- vi. This Opinion has been prepared in accordance with and is subject to the laws of Goa and/or India as the case maybe.

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## A. The First Said Property:

[Chalta No. 52 of P. T. Sheet No. 196]

### 1. Description of the First Said Property:

**ALL THAT LOTE No. 12 or PLOT No. 12** of the larger immovable property known as TOLCAI or TOLCAI CATEM or TOLSAI CATEM, together with the residential house bearing Municipal House No. 4/2778/, garage bearing H. No. 4/2779/ and car porch bearing H. No. 4/2780/, and compound wall and well existing therein, situated at Torsanzori ward of Margao City, within the limits of the Margao Municipal Council, Taluka and Registration Sub - District of Salcete, District of South Goa, State of Goa, which property is found described in the Land Registration Office of Salcete under No. 39,364, and enrolled in the Taluka Revenue Office for Matriz under No. 1152, which plot, as a

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separate, distinct and independent property in itself, presently admeasures an area of about **1,023 sq mts**, is surveyed under **Chalta No. 52** of **P. T. Sheet No. 196** of the Margao City Survey, and is bounded at present as follows:

East : by the property bearing Chalta No. 58 of P. T. Sheet No. 196,  
West : by the public road,  
North : by the property bearing Chalta No. 51 of P. T. Sheet No. 196, and  
South : by the properties bearing Chalta Nos. 68 and 53 of P. T. Sheet No. 196,

Which property shall hereinafter be referred to as the '**First Said Property**';

I, **Jonathan Delduque Costa**, advocate, having my office at D-3, Colaco Residency, Block D, Rua Abade Faria, Comba, Margao, Goa, and registered with the Bar Council of Maharashtra and Goa under No. MAH/2997/2008, at the request of Mr. Arvind Vishwanath Dhaimodkar, partner of M/s Trimurti Real Estates, have carried out an investigation of title in regard to the First Said Property.

I confirm that I have examined the following documents (*not in chronological order*) concerning the First Said Property.

## 2. Documents:

- i. Deed of Gift dated May 26, 2023, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-2350-2023, on 02-Jun-2023;
- ii. Deed of Sale dated February 20, 1963, drawn up before the Notary of the Judicial Division of Salcete, at pages 15v onwards of the Book of Deeds No. 1186;



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- iii. Deed of Sale dated December 11, 1975, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. 1654, at pages 279 to 288 of Book I, Vol No. 150, on 31-12-1975;
- iv. Deed of Sale dated April 5, 2005, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. 1524, at pages 167 to 187 of Book I, Vol No. 1792, dated 18-04-2005;
- v. Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196 recorded in the name of Mr. Mahabaleshwar Pai Palandikar;
- vi. Form B of the property bearing Chalta No. 52 of P. T. Sheet No. 196 recorded in the name of Mr. Mahabaleshwar Pai Palandikar;
- vii. Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196, dated August 28, 2024;
- viii. Construction License issued by the Margao Municipal Council, under No. 181/78 dated April 27, 1978;
- ix. Occupancy Certificate issued by the Margao Municipal Council under No. 3(OC)1/04-05/TECH/203, dated January 25, 2005;
- x. Survey Plan of the property bearing Chalta No. 52 of P. T. Sheet No. 196;
- xi. House Tax Receipts issued by the Margao Municipal Council in respect of the structures assessed to tax bearing Municipal House Nos. 4/2778/, 4/2779/ and 4/2780/;
- xii. Approved Construction Plans;
- xiii. Land Registration Certificate bearing No. 39,364, at Book B-102 (New) issued by the Land Registration Office of Salcete, along with Inscription No. 39,065;

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On examination of the abovementioned documents, I find the same to be in order as per the law prevailing in the State of Goa. Further, I opine the following:



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### 3. Origin of Title and Subsequent Developments:

- i. There exists ALL THAT 1/3<sup>rd</sup> OF THE LARGER IMMOVABLE PROPERTY known as TOLSAI CATEM or TOLCAI CATEM, denominated as LOTE No. 12 or Plot No. 12, designated for the construction of houses, situated in Ward Torsanzori of village Margao, within the jurisdiction of the Margao Municipal Council, Taluka and Registration Sub - District of Salcete, District of South Goa, State of Goa, which property is found described in the Land Registration Office of Salcete under No. 39,364<sup>1</sup>, and enrolled in the Taluka Revenue Office for Matriz under No. 1152, which property is bounded as follows:

East : by the Lote No. 18 of late Caxinata Damodar Naik,

West : by the public road,

North : by the Lote No. 11 of Maria Consolata Pais Barretto, and

South : by the Lote No. 13 belonging to Vencatesh Poi Palondicar and Mahabaleshwar Poi Palondicar,

Which property shall herein be referred to as the "**First Said Property**";

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- ii. The First Said Property, which originally admeasured an area of about 1,000 sq mts, per records, belonged to Mr. Vassanta Poi Palondicar, and the same is found inscribed in his name under Inscription No. 39,065 at Book G - No. 43<sup>2</sup>;
- iii. Vide a Deed of Sale dated February 20, 1963<sup>3</sup>, the said Mr. Vassanta Poi Palondicar and his wife, Mrs. Laxmibai Poi Palondicar, sold the First Said Property to Mr. Sebastiao Mazarelo;

<sup>1</sup> Land Registration Certificate bearing No. 39,364, at Book B-102 (New) issued by the Land Registration Office of Salcete, along with Inscription No. 39,065.

<sup>2</sup> Land Registration Certificate bearing No. 39,364, at Book B-102 (New) issued by the Land Registration Office of Salcete, along with Inscription No. 39,065.

<sup>3</sup> Deed of Sale dated February 20, 1963, drawn up before the Notary of the Judicial Division of Salcete, at pages 15v onwards of the Book of Deeds No. 1186.



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- iv. Vide a Deed of Sale dated December 11, 1975<sup>4</sup>, the said Mr. Sebastiao Mazarelo and his children and respective spouses, sold the First Said Property to Mr. Mahabalesvar Vassant Poi Palondicar, alias Mahableswhar Vassant Palondicar, alias Mahableswhar Poi Palondicar;
- v. During promulgation of survey for the City of Margao, under the City Survey Rules, the First Said Property was found to admeasure an area of about 1,023 sq mts on site, and the same is accordingly found reflected in the Property Card Form D<sup>5</sup> of the First Said Property, in the City Survey of Margao;
- vi. The First Said Property, presently comprises of the landed property, along with a residential house bearing Municipal House No. 4/2778/, garage bearing H. No. 4/2779/ and car porch bearing H. No. 4/2780/<sup>6</sup>, and compound wall and well existing therein, and as a separate, distinct and independent property in itself, presently admeasures an area of about 1,023 sq mts, is surveyed under Chalta No. 52 of P. T. Sheet No. 196 of the Margao City Survey and is bounded at present<sup>7</sup> as follows:
- East : by the property bearing Chalta No. 58 of P. T. Sheet No. 196,
- West : by the public road,
- North : by the property bearing Chalta No. 51 of P. T. Sheet No. 196, and
- South : by the properties bearing Chalta Nos. 68 and 53 of P. T. Sheet No. 196,
- vii. The construction of a residential house on the First Said Property was carried out by Mr. Mahabaleswar Pai Palandikar after obtaining necessary statutory approvals<sup>8 9</sup>;

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<sup>4</sup> Deed of Sale dated December 11, 1975, duly registered before the Office of the Sub - Registrar of Salcete at Margao, under Reg. No. 1654, at pages 279 to 288 of Book I, Vol No. 150, on 31-12-1975.

<sup>5</sup> Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196, recorded in the name of Mr. Mahabaleswar Pai Palandikar.

<sup>6</sup> House Tax Receipts issued by the Margao Municipal Council, in respect of the structures assessed to tax bearing Municipal House Nos. 4/2778/, 4/2779/ and 4/2780.

<sup>7</sup> Survey Plan of the property bearing Chalta No. 52 of P. T. Sheet No. 196.

<sup>8</sup> Construction License issued by the Margao Municipal Council under No. 181/78 dated April 27, 1978.

<sup>9</sup> Occupancy Certificate issued by the Margao Municipal Council under No. 3(OC)1/04-05/TECH/203 dated January 25, 2005.

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- viii. Further, the Property Card Form D of the First Said Property was found recorded in the name of Mr. Mahabaleshwar Pai Palandikar<sup>10</sup>;
- ix. Vide a Deed of Sale dated April 5, 2005<sup>11</sup>, the said Mr. Mahabalesvar Vassant Poi Palondicar, alias Mahableswhar Vassant Palondicar, alias Mahableswhar Poi Palondicar, and his wife, Mrs. Priya Mahableswhar Palondikar, sold the First Said Property and every part thereof, to Mr. Jose Savio Da Piedade Albuquerque Pinto and his wife Mrs. Maria Amelia Da Piedade Miranda e Pinto;
- x. Vide a Deed of Gift dated May 26, 2023<sup>12</sup>, the said Mr. Jose Savio Da Piedade Albuquerque Pinto and his wife Mrs. Maria Amelia Da Piedade Miranda e Pinto gifted the First Said Property, and every part thereof to their sons, jointly and equally, namely, Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto;
- xi. As such, the said Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto and their respective spouses are the sole and absolute owners in title, in the exclusive, peaceful, vacant and open possession of the First Said Property along with the residential house bearing Municipal House No. 4/2778/, garage bearing H. No. 4/2779/ and car porch bearing H. No. 4/2780/, and compound wall and well existing therein;
- xii. The Property Card Form D in respect of the First Said Property is also found recorded in the names of the above said Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto<sup>13</sup>;

<sup>10</sup> Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196 recorded in the name of Mahabaleshwar Pai Palandikar.

<sup>11</sup> Deed of Sale dated April 5, 2005, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. 1524, at pages 167 to 187 of Book I, Vol No. 1792, dated 18-04-2005.

<sup>12</sup> Deed of Gift dated May 26, 2023, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-2350-2023, on 02-Jun-2023.

<sup>13</sup> Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196 dated August 28, 2024.



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## 4. Conclusion:

- i. Therefore based on and in view of the above, I conclude and opine that the said Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto and their respective spouses, are the sole and absolute owners in exclusive possession, title, use and enjoyment to ALL THAT LOTE No. 12 or PLOT No. 12 of the larger immovable property known as TOLCAI or TOLCAI CATEM, along with the residential house bearing Municipal House No. 4/2778/, garage bearing H. No. 4/2779/ and car porch bearing H. No. 4/2780/, along with compound wall and well existing therein, situated at Torsanzori ward of Margao City, within the limits of the Margao Municipal Council, Taluka and Registration Sub - District of Salcete, District of South Goa, State of Goa, which larger property is found described in the Land Registration Office of Salcete under No. 39,364, and enrolled in the Taluka Revenue Office for Matriz under No. 1152, which plot, as a separate, distinct and independent property in itself, presently admeasures an area of about 1,023 sq mts, is surveyed under Chalta No. 52 of P. T. Sheet No. 196 of the Margao City Survey and is bounded at present on the East by the property bearing Chalta No. 58 of P. T. Sheet No. 196, on the West by the public road, on the North by the property bearing Chalta No. 51 of P. T. Sheet No. 196, and on the South by the properties bearing Chalta Nos. 68 and 53 of P. T. Sheet No. 196, which property is herein referred to as the "First Said Property";
- ii. The documents scrutinized as aforementioned sufficiently evidence the devolution of title of the First Said Property from Mr. Vassanta Poi Palondicar in favour of Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto, who have been, and before them, their predecessors in title have been in the open, peaceful and continuous possession of the First Said Property for the past more than 60 years and the same now stands prescribed in their favour;



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- iii. The First Said Property is found recorded in the name of Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto in the Property Card Form D<sup>14</sup>, which establishes their possession and corroborates their ownership of the same;
- iv. As such, the above title documents and revenue documents<sup>15</sup> in respect of the First Said Property is consistent with the devolution of ownership and the same evidences possession and indicates the ownership of Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto;

## B. The Second Said Property:

[Chalta Nos. 53 and 68 of P. T. Sheet No. 196]

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### 5. Description of the Second Said Property:

**ALL THAT LOTE No. 13 or PLOT No. 13**, and portion of the **LOTE No. 19 or PLOT No. 19** of the immovable property known as TOLCAI CATEM, along with the residential house existing therein, bearing Municipal H. No. 722, situated at Torsanzori ward of Margao City, within the limits of the Margao Municipal Council, Taluka and Registration Sub – District of Salcete, District of South Goa, State of Goa, which Plots are found described in the Land Registration Office of Salcete, under No.39,364 of Book B-102 (New), and under No.46,340 at page 19v of Book B-21 (New), respectively, and enrolled in the Land Revenue Office of Salcete under Matriz No. 1152, which Plots, merged together, and as a separate, distinct and independent entity by itself, admeasures an area of about **1,200 sq mts** and is surveyed under **Chalta Nos. 53 and 68 of P. T. Sheet No. 196** of the Margao City Survey, and is presently bounded as follows:

<sup>14</sup> Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196 dated August 28, 2024.

<sup>15</sup> Form B of the property bearing Chalta No. 52 of P. T. Sheet No. 196 recorded in the name of Mahabaleshwar Pai Palandikar.

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East : by the property bearing Chalta Nos. 57 of P. T. Sheet No. 196,  
West : by the public road,  
North : by the properties bearing Chalta Nos. 52 of P. T. Sheet No. 196, and  
South : by the properties bearing Chalta Nos. 54 and 56 of P. T. Sheet No. 196.

Which property shall hereinafter be referred to as the '**Second Said Property**';

I, **Jonathan Delduque Costa**, advocate, having my office at D-3, Colaco Residency, Block D, Rua Abade Faria, Comba, Margao, Goa, and registered with the Bar Council of Maharashtra and Goa under No. MAH/2997/2008, at the request of Mr. Arvind Vishwanath Dhaimodkar, partner of M/s Trimurti Real Estates, have also carried out an investigation of title in regard to the Second Said Property.

I confirm that I have examined the following documents (*not in chronological order*) concerning the Second Said Property.

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## 6. Documents:

- i. Land Registration Certificate bearing No. 39,364, at Book B-102 (New), issued by the Land Registration Office of Salcete, along with Inscription No. 39,065;
- ii. Public Deed of Sale and Quittances dated February 22, 1945, executed before the Notary Public of the Judicial Division of Salcete, Mr. Francisco Xavier Roque Da Cruz, along with its English Translation;
- iii. Form D of the property bearing Chalta No. 68 of P. T. Sheet No. 196, dated March 13, 2023;
- iv. Form D of the property bearing Chalta No. 53 of P. T. Sheet No. 196 dated March 13, 2023;
- v. Survey Plan of the property bearing Chalta No. 68 of P. T. Sheet No. 196;
- vi. Survey Plan of the property bearing Chalta No. 53 of P. T. Sheet No. 196;





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- vii. Deed of Gift dated January 19, 2005, duly registered before the Office of the Sub - Registrar of Salcete at Margao, under Reg. No. 261, at pages 162 to 179 of Book I, Vol. No. 1744, on 24-01-2005;
- viii. Deed of Sale dated April 10, 1978, duly registered before the Office of the Sub - Registrar of Salcete, at Margao, under Reg. No. 505, at pages 108 to 112 of Book I, Vol. No. 194, on 19-07-1978;
- ix. Land Registration Certificate bearing No.46,340 at page 19v of Book B-21 (New) issued by the Land Registration Office of Salcete, along with Inscription No. 51,617;
- x. Deed of Succession/Qualification of Heirship drawn on April 25, 2023, before the Civil Registrar Cum Sub-Registrar and Special Notary of Salcete at Margao, and recorded at page 24v to 26v of the Book of Deeds No. 1710;
- xi. Deed of Partition and Allotment executed on November 1, 1969, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under No. 1122, at pages 274 to 281, of Book I, Vol No. 54, on 17-11-1969;
- xii. Deed of Sale dated April 10, 1978, duly registered before the Office of the Sub - Registrar of Salcete, at Margao, under Reg. No. 505, at pages 108 to 112 of Book I, Vol. No. 194, on 19-07-1978;
- xiii. Deed of Sale dated June 7, 2023, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-2539-2023, on 13-Jun-2023;
- xiv. Form D of the property bearing Chalta No. 53 of P. T. Sheet No. 196, dated January 18, 2024;
- xv. Form D of the property bearing Chalta No. 68 of P. T. Sheet No. 196, dated December 20, 2023;

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On examination of the abovementioned documents, I find the same to be in order as per the law prevailing in the State of Goa. Further, I opine the following:



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## 7. Origin of Title and Subsequent Developments:

- i. There exists a plot of land, namely, **LOTE No. 13** or **PLOT No. 13** of the rustic property known as TOLCAI CATEM, along with the residential house existing therein, bearing Municipal H. No. 722, admeasuring about 1,000 sq mts, situated at ward Torsanzori – Aquem, Margao, lying within the jurisdiction of the Margao Municipal Council, Taluka and Registration Sub – District of Salcete, District of South Goa, State of Goa, which property is described in the Land Registration Office of Salcete under No.39,364 of Book B-102 (New), and is enrolled in the Land Revenue Office of Salcete under Matriz No. 1152;
- ii. The aforesaid Plot No. 13 was purchased by Mr. Vassanta Poi Palondicar from Mr. Narayan, alias Naraina Dattatria Hemady and his wife Radhabai Hemady, vide a Public Deed dated February 22, 1945<sup>16</sup>, and the same stands inscribed in the name of Mr. Vassanta Poi Palondicar, under Inscription No.39,065<sup>17</sup>;
- iii. The said Mr. Vassanta Poi Palondicar expired on June 16, 1966, leaving behind his widow Mrs. Laxmibai Poi Palondicar, and three children, namely:
  - a. Mr. Vencetexa Poi Palondicar, married to Mrs. Vassanti Poi Palondicar,
  - b. Mr. Mahabaleshvar Vassanta Poi Palondicar, alias Mahabaleshwar Vassanta Palondicar, alias Mahabaleshvar Vassant Poi Palondicar, and
  - c. Mrs. Xantulabai Palondicar, alias Xantabai Dattarama Priolcar, married to Mr. Dattarama Rajarama Priolcar;
- iv. The said Mrs. Xantulabai Poi Palondicar, alias Xantabai Dattarama Priolcar, and her husband Mr. Dattarama Rajarama Priolcar, relinquished all their rights in the aforesaid Plot No. 13, vide

<sup>16</sup> Public Deed of Sale and Quittances dated February 22, 1945, executed before the Notary Public of the Judicial Division of Salcete, Mr. Francisco Xavier Roque Da Cruz, along with its English Translation.

<sup>17</sup> Land Registration Certificate bearing No. 39364 at Book B-102 (New) Issued by the Land Registration Office of Salcete, along with Inscription No. 39,665.



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## 7. Origin of Title and Subsequent Developments:

- i. There exists a plot of land, namely, **LOTE No. 13** or **PLOT No. 13** of the rustic property known as TOLCAI CATEM, along with the residential house existing therein, bearing Municipal H. No. 722, admeasuring about 1,000 sq mts, situated at ward Torsanzori – Aquem, Margao, lying within the jurisdiction of the Margao Municipal Council, Taluka and Registration Sub – District of Salcete, District of South Goa, State of Goa, which property is described in the Land Registration Office of Salcete under No.39,364 of Book B-102 (New), and is enrolled in the Land Revenue Office of Salcete under Matriz No. 1152;
- ii. The aforesaid Plot No. 13 was purchased by Mr. Vassanta Poi Palondicar from Mr. Narayan, alias Naraina Dattatria Hemady and his wife Radhabai Hemady, vide a Public Deed dated February 22, 1945<sup>16</sup>, and the same stands inscribed in the name of Mr. Vassanta Poi Palondicar, under Inscription No.39,065<sup>17</sup>;
- iii. The said Mr. Vassanta Poi Palondicar expired on June 16, 1966, leaving behind his widow Mrs. Laxmibai Poi Palondicar, and three children, namely:
  - a. Mr. Venctexa Poi Palondicar, married to Mrs. Vassanti Poi Palondicar,
  - b. Mr. Mahabaleshvar Vassanta Poi Palondicar, alias Mahabaleshwar Vassanta Palondicar, alias Mahabaleshvar Vassant Poi Palondicar, and
  - c. Mrs. Xantulabai Palondicar, alias Xantabai Dattarama Priolcar, married to Mr. Dattarama Rajarama Priolcar;
- iv. The said Mrs. Xantulabai Poi Palondicar, alias Xantabai Dattarama Priolcar, and her husband Mr. Dattarama Rajarama Priolcar, relinquished all their rights in the aforesaid Plot No. 13, vide

<sup>16</sup> Public Deed of Sale and Quittances dated February 22, 1945, executed before the Notary Public of the Judicial Division of Salcete, Mr. Francisco Xavier Roque Da Cruz, along with its English Translation.

<sup>17</sup> Land Registration Certificate bearing No. 39364 at Book B-102 (New) issued by the Land Registration Office of Salcete, along with Inscription No. 39,665.

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- a Public Deed dated November 1, 1969, which is confirmed in a Deed of Partition and Allotment executed on November 1, 1969;
- v. Vide the said Deed of Partition and Allotment executed on November 1, 1969<sup>18</sup>, after the death of Vassanta Poi Palondicar, the aforesaid Plot No. 13 was divided into 2 Sub - Plots, i.e. Plot A and Plot B, and accordingly, Plot A of the aforesaid Plot No. 13, admeasuring an area of about 510 sq mtrs, was allotted to Mr. Mahabaleshwar Vassanta Poi Palondicar, and Plot B of the aforesaid Plot No. 13, admeasuring an area of about 490 sq mtrs, was allotted to Mr. VencTexa Poi Palondicar;
- vi. Upon promulgation of survey for the City of Margao, the said Plot A of the aforesaid Plot No. 13, admeasuring about 510 sq mts, and allotted to Mr. Mahabaleshwar Vassanta Poi Palondicar, is presently surveyed under Chalta No. 53<sup>19</sup> of P. T. Sheet No. 196 of the City Survey of Margao;
- vii. Vide a Deed of Gift dated January 19, 2005<sup>20</sup>, the said Mr. Mahabaleshwar Vassanta Poi Palondicar, alias Mahabaleshwar Vassanta Palondicar, alias Mahabaleshwar Vassant Poi Palondicar, and his wife Priya Mahabaleshwar Palondicar, gifted the said Plot A of the aforesaid Plot No. 13, admeasuring about 510 sq mtrs, to their sister in law, Mrs. Vassanti Poi Palondicar, wife of Mr. VencTexa Poi Palondicar;
- viii. Adjacent to and on the Southern side of Plot B of the aforesaid Plot No. 13, admeasuring about 490 sq mts, and allotted to Mr. VencTexa Poi Palondicar, there exists the Plot No. 19, (Lote No 19) of the property known as TOLCAI CATEM, originally admeasuring an area of about 1727.44 sq mtrs, situated at Aquem, Margao, lying within the jurisdiction of the Margao Municipal Council, Taluka and Registration Sub - District of Salcete, District of South Goa,

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<sup>18</sup> Deed of Partition and Allotment executed on November 1, 1969 registered under No. 1122, at pages 274 to 281, of Book I, Vol No. 54, on 17-11-1969.

<sup>19</sup> Form D of the property bearing Chalta No. 53 of P. T. Sheet No. 196 of the City Survey of Margao dated March 13, 2023.

<sup>20</sup> Deed of Gift dated January 19, 2005, duly registered before the Office of the Sub - Registrar of Salcete at Margao, under Reg. No. 261, at pages 162 to 179 of Book I, Vol. No. 1744 on 24-01-2005.



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State of Goa, which Plot is described in the Land Registration Office of Salcete, under No.46,340 at page 19v of Book B-21 (New) and is enrolled in the Land Revenue Office of Salcete under Matriz No. 1152;

- ix. The aforesaid Plot No. 19, admeasuring about 1727.44 sq mts, originally belonged to Mr. Satyendra Sridora Naik, in whose favour the same is inscribed under Inscription No.51,617<sup>21</sup>;
- x. The said Mr. Satyendra Sridora Naik, alias Satyendra Shreedhar Naik, along with his wife Roshan Satyendra Naik, sold a portion of the aforesaid Plot No. 19, admeasuring about 200 sq mts, to Mr. Venctexa Poi Palondicar, vide a Deed of Sale dated April 10, 1978<sup>22</sup>;
- xi. At the time of promulgation of survey for the City of Margao, the said Plot B of the aforesaid Plot No. 13, admeasuring about 490 sq mtrs allotted to Mr. Venctexa Poi Palondicar, and the portion of the aforesaid Plot No. 19, (Lote No. 19), admeasuring about 200 sq mts, and purchased by Mr. Venctexa Poi Palondicar as aforesaid, was merged together and surveyed as a single, distinct and independent entity, admeasuring about 690 sq mts, and the same is presently surveyed under Chalta No. 68 of P. T. Sheet No. 196 of the City Survey of Margao<sup>23</sup>;
- xii. As such, Mr. Venctexa Poi Palondicar was the sole and absolute owner in title and possession of the said Plot B of the aforesaid Plot No. 13, and the portion of the aforesaid Plot No. 19 of the property known as TOLCAI CATEM, cumulatively admeasuring about 690 sq mts, and surveyed, as a separate, distinct and independent entity, under Chalta No. 68 of P. T. Sheet No. 196 of the City Survey of Margao, and further, his wife, Mrs. Vassanti Poi Palondicar, was the sole and absolute owner in title and possession of Plot A of the aforesaid Plot No. 13 of the property known as TOLCAI CATEM, admeasuring about 510 sq mts, and surveyed under Chalta No. 53 of P. T. Sheet No. 196 of the City Survey of Margao;

<sup>21</sup> Land Registration Certificate bearing No.46,340 at page 19v of Book B-21 (New) issued by the Land Registration Office of Salcete, along with Inscription No. 51,617.

<sup>22</sup> Deed of Sale dated April 10, 1978, duly registered before the Office of the Sub-Registrar of Salcete, at Margao, under Reg. No. 505, at pages 108 to 112 of Book I, Vol. No. 194, on 19-07-1978.

<sup>23</sup> Form D of the property bearing Chalta No. 68 of P. T. Sheet No. 196 of the City Survey of Margao dated March 13, 2023;

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xiii. The above described properties, merged together, and as a separate, distinct and independent entity by itself, admeasures an area of about 1,200 sq mts, is surveyed under Chalta Nos. 53 and 68 of P. T. Sheet No. 196 of the Margao City Survey, and is presently bounded as follows<sup>24 25</sup>:

East : by the property bearing Chalta No. 57 of P. T. Sheet No. 196,

West : by the public road,

North : by the properties bearing Chalta Nos. 52 and 58 of P. T. Sheet No. 196, and

South : by the properties bearing Chalta Nos. 54, 56 and 82 of P. T. Sheet No. 196.

Which property shall hereinafter be referred to as the '**Second Said Property**';

xiv. The said Mr. VencTexa Poi Palondicar expired intestate on July 5, 2021, leaving behind his widow, the aforesaid Mrs. Vassanti, alias Audu Poi Palondicar as his moiety sharer, and as his sole and universal heirs, his 2 (two) children, namely:

d. Mrs Dipali Poi Palondicar, alias Dipali Ghanshyam Prabhu, married to Mr. Ghanshyam Prabhu, and

e. Mrs Vaishali Poi Palondicar, alias Vaishali Rahul Nadkarni, married to Mr. Rahul Nadkarni;

So qualified vide Deed of Succession/Qualification of Heirship drawn on April 25, 2023<sup>26</sup>;

xv. As such, upon the demise of Mr. VencTexa Poi Palondicar, the Second Said Property devolved solely and absolutely upon the aforesaid Mrs. Vassanti Poi Palondicar, Mrs Dipali Ghanshyam Prabhu, Mr Ghanshyam Prabhu, Mrs Vaishali Rahul Nadkarni, and Mr Rahul Nadkarni;

xvi. Vide a Deed of Sale dated June 7, 2023<sup>27</sup>, the above said Mrs. Vassanti Poi Palondicar, Mrs Dipali Ghanshyam Prabhu, Mr Ghanshyam Prabhu, Mrs Vaishali Rahul Nadkarni, and Mr

<sup>24</sup> Survey Plan of the property bearing Chalta No. 68 of P. T. Sheet No. 196 of the City Survey of Margao;

<sup>25</sup> Survey Plan of the property bearing Chalta No. 53 of P. T. Sheet No. 196 of the City Survey of Margao;

<sup>26</sup> Deed of Succession/Qualification of Heirship drawn on April 25, 2023, before the Civil Registrar Cum Sub-Registrar and Special Notary of Salcete at Margao, and recorded at page 24v to 26v of the Book of Deeds No. 1710.



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Rahul Nadkarni sold and conveyed the Second Said Property, to and in favour of M/s Trimurti Real Estates;

- xvii. M/s Trimurti Real Estates are thus the sole and absolute owners in title, in the exclusive, peaceful, vacant and open possession of the Second Said Property;
- xviii. The Second Said Property is also found recorded in the name of M/s Trimurti Real Estates in the Property Card Form D, as the Sole Holders thereof<sup>28 29</sup>;

## **8. Conclusion:**

- i. Therefore based on and in view of the above, I conclude and opine that the said M/s Trimurti Real Estates are the sole and absolute owners in exclusive possession, title, use and enjoyment to ALL THAT LOTE No. 13 or PLOT No. 13, and portion of the LOTE No. 19 or PLOT No. 19 of the immovable property known as TOLCAI CATEM, along with the residential house existing therein, bearing Municipal H. No. 722, situated at Torsanzori ward of Margao City, within the limits of the Margao Municipal Council, Taluka and Registration Sub – District of Salcete, District of South Goa, State of Goa, which Plots are found described in the Land Registration Office of Salcete, under No.39,364 of Book B-102 (New), and under No.46,340 at page 19v of Book B-21 (New), respectively, and enrolled in the Land Revenue Office of Salcete under Matriz No. 1152, which Plots, merged together, and as a separate, distinct and independent entity by itself, admeasures an area of about 1,200 sq mts and is surveyed under Chalta Nos. 53 and 68 of P. T. Sheet No. 196 of the Margao City Survey, and is presently bounded on the East by the property bearing Chalta Nos. 57 of P. T. Sheet No. 196, on the West by the public road, on the North by the properties bearing Chalta Nos. 52 of P. T. Sheet

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<sup>27</sup> Deed of Sale dated June 7, 2023, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-2539-2023, on 13-Jun-2023.

<sup>28</sup> Form D of the property bearing Chalta No. 53 of P. T. Sheet No. 196 of the City Survey of Margao, dated January 18, 2024.

<sup>29</sup> Form D of the property bearing Chalta No. 68 of P. T. Sheet No. 196 of the City Survey of Margao, dated December 20, 2023.

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No. 196, and on the South by the properties bearing Chalta Nos. 54 and 56 of P. T. Sheet No. 196, which property is herein referred to as the 'Second Said Property';

- ii. The documents scrutinized as aforementioned sufficiently evidence the devolution of title of the Second Said Property from Mr. Vassanta Poi Palondicar in favour of M/s Trimurti Real Estates, who have been, and before them, their predecessors in title have been in the open, peaceful and continuous possession of the Second Said Property for the past more than 60 years and the same now stands prescribed in their favour;
- iii. The Second Said Property is found recorded in the name of M/s Trimurti Real Estates in the Property Card Form D<sup>30</sup>, which establishes their possession and corroborates their ownership of the same;
- iv. As such, the above title documents and revenue documents<sup>31</sup> in respect of the Second Said Property is consistent with the devolution of ownership and the same evidences possession and indicates the ownership of M/s Trimurti Real Estates;

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## **9. The Subject Matter Property:**

- i. The Subject Matter of the present Opinion as such, is the landed property, comprising the First Said Property and the Second Said Property, first described hereinabove, which property, amalgamated together, as a separate, distinct and independent entity, admeasures a total area of **2,223 sq mts**, is surveyed under **Chalta Nos. 52, 53 and 68 of P. T. Sheet No. 196** of the City Survey of Margao, and is presently bounded as follows:

<sup>30</sup> Form D of the property bearing Chalta No. 52 of P. T. Sheet No. 196 dated August 28, 2024.

<sup>31</sup> Form B of the property bearing Chalta No. 52 of P. T. Sheet No. 196 recorded in the name of Mahabaleshwar Pai Palandikar.



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- East : by the properties bearing Chalta Nos. 58 and 57 of P. T. Sheet No. 196 of the City Survey of Margao,
- West : by the public road,
- North : by the property bearing Chalta No. 51 of P. T. Sheet No. 196 of the City Survey of Margao, and
- South : by the properties bearing Chalta Nos. 54 and 56 of P. T. Sheet No. 196 of the City Survey of Margao.

Which amalgamated property shall hereinafter be referred to as the "**Subject Matter Property**";

- ii. M/s Trimurti Real Estates have devised a scheme to develop the Subject Matter Property by constructing thereon, a residential cum commercial building, to be known as NITAL NISARG, comprising of residential apartments, commercial shops, and other facilities and amenities therein;
- iii. In pursuance thereof, M/s Trimurti Real Estates, as the owners in title and possession of the Second Said Property, have entered into an Agreement of Sale and Development, with Mr. Ameet Savio Da Piedade Pinto and Mr. Sunit Jose Da Piedade Pinto and their respective spouses, the owners in title and possession of the First Said Property, which Agreement is dated August 9, 2023, and is duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-3294-2023 on 10-Aug-2023, for the development of the Subject Matter Property, upon the terms and conditions enumerated therein;
- iv. M/s Trimurti Real Estates have also applied for and obtained all the necessary statutory permissions from the relevant authorities for the development of the Subject Matter Property, including but not limited to:

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- a. Development Permission from the South Goa Planning and Development Authority dated August 12, 2024, under Ref. No. SGPDA/P/6795/662/24-25 for the purpose of Amalgamation and construction of Commercial cum Residential Building;
  - b. Conversion Sanad issued by the Office of the Collector, South Goa District, dated November 26, 2024, under Ref. No. CAD2SAL09-23-202/430 in respect of the property bearing Chalta No. 52 of P. T. Sheet No. 196 of the City Survey of Margao;
  - c. Conversion Sanad issued by the Office of the Collector, South Goa District, dated May 20, 2024, under Ref. No. CCSAL09-23-192/172 in respect of the property bearing Chalta Nos. 53 and 68 of P. T. Sheet No. 196 of the City Survey of Margao
  - d. Water Availability Certificate issued by the Public Works Department, Govt. of Goa, dated August 26, 2024 under Ref. No. PWD-IX/2455/242/24-25;
  - e. Health NOC issued by the Urban Health Centre, Margao, dated August 23, 2024 under Ref. No. DHS/2024/DHS0901/O0028/73;
  - f. NOC issued by the Directorate of Fire and Emergency Services, St. Inez, Panaji, dated September 19, 2024, under Ref. No. DFES/FPNA/2024/44;
  - g. Construction License from the Margao Municipal Council dated January 23, 2025 bearing Ref. No. CONSTLIC/MARGAO/2024-2025/75;
- v. As such, the Promoter, M/s Trimurti Real Estates have a clean, clear and marketable title and/or development rights to the Subject Matter Property, described hereinabove, and further, have obtained all the necessary statutory permissions and licenses to develop the Subject Matter Property by constructing a residential cum commercial building thereon, to be known as NITAL NISARG in accordance with the same;



JONATHAN COSTA

Advocate

Margao, January 31, 2025.