

SAVIO X. SOARES
ADVOCATE

206 2nd Floor, Block A, Saldanha Business Towers, Near Civil & Criminal Court, Alinho, Mapusa, Bardez, Goa - INDIA
Tel: Off: 0832 6630262 Mobile: 9822685854 E-mail: adv.soaresandassociates@gmail.com

LEGAL OPINION

This Legal Opinion is given by me, to my client M/S PARADISE ESTATES, a partnership firm, through its Partner Mr. Mohamad Ali Haji, having its registered office at Pune, based on the xerox copies of documents, pertaining to the property described herein below, made available to me for scrutiny, which documents are presumed to be genuine and its contents correct and accurate, on the assurance given by my said client, hence this report, as follows..

I. DESCRIPTION OF THE PROPERTY:

ALL THAT immovable property known as "known as "SUTAREM PEQUENO" also known as "REDISAL" or REDI-SOY", admeasuring 4100 sq. mts., situated in the Village of Assagao, Bardez, Goa, not found described in the Land Registration office of Bardez, but enrolled in the Taluka Revenue Office under No. 234, presently bearing survey no. 94/5 of Assagoa Village, Sub-District and Taluka of Bardez, North-Goa District, Goa, bounded as,

On or towards the NORTH : by property bearing survey no. 93/4;

On or towards the SOUTH : by a Road;

On or towards the EAST : by property bearing survey no. 94/6;

On or towards the WEST : by property bearing survey no. 94/4,

The above described property shall hereinafter be called as the SAID PROPERTY.



II. DOCUMENTS PERUSED:

1. Record of Acknowledgment of Encroachment and its Remission dated 05-05-1919.
2. Deed of Sale with Discharge of Consideration dated 09-05-1919.
3. Deed of Sale with Discharge of consideration dated 17-05-1919.
4. Form I & XIV in the name of Prisca D'Souza.
5. Will of Prisca D'Souza @ Pires Magdalena Barreto, widow of Joao D'Souza.
6. General Power of Attorney by Mr. Simon Ludger Silveira in favour of his wife, dated 03-03-2006.
7. Irrevocable power of attorney by Mr. Joseph Cyril D'Souza & others in favour of Mr. Arun Gawandalkar dated 21-11-2006.
8. Irrevocable power of attorney by Mr. Anthony Dolorosa D'Souza & others in favour of Mr. Arun Gawandalkar dated 24-11-2006.
9. Irrevocable power of attorney by Mrs. Lea Silveira and Simon Silveira in favour of Mrs. Mary Menezes dated 01-12-2006.
10. Irrevocable power of attorney by Mrs. Mary Menezes in favour of Mr. Arun Gawandalkar dated 09-01-2007.
11. Irrevocable power of attorney by Mrs. Sabina Vaz and another in favour of Mr. Arun Gawandalkar dated 17-01-2007.
12. Power of Attorney by Mr. Garner Vaz in favour of Mr. Arun Gawandalkar.
13. Power of attorney by Mrs. Ermina Jacques and others in favour of Mr. Arun Gawandalkar dated 29-04-2007.
14. Agreement of Sale dated 17-12-2006 between Mr. Joseph Cyril D'Souza & Ors and Mr. Arun Gawandalkar.
15. Agreement of Sale dated 17-02-2007 between Mrs. Mary Menezes & Ors and Mr. Arun Gawandalkar.
16. Agreement of Sale dated 29-04-2007 between Mr. Ermina Jacques & Ors and Mr. Arun Gawandalkar.



17. Sale Deed dated 30-01-2007.
18. Deed of Sale/Confirmation dated 14-06-2007.
19. Inventory Proceeding No. 193/13/B, of the Civil Judge Senior Division, at Mapusa
20. Nil Encumbrance Certificate dated 28-08-2008
21. Survey Plan of survey no. 94/5 of Assagao Village.
22. Letter dated 28-08-2008 of the Mamlatdar of Bardez – Non-Availability of Martiz record.
23. Form I & XIV in the name of Shiv Dev Singh Malhotra alias S.D.S. Malhotra.
24. Conversion Sanad dated 01-11-2007.
25. Order dated 15-04-2010 bearing No. RB/CNV/BAR/69/2007, issued by the Additional Collector –II, North Goa, extending the validity of the Conversion Sanad dated 1/11/2007, of the said property.
26. Public Notice dated 11-07-2012, published in the Navhind Times Newspaper, in Goa.
27. Articles of Agreement dated 07-06-2018, between Shiv Dev Singh Malhotra alias S.D.S. Malhotra and M/s. PARADISE ESTATES, a registered Partnership Firm duly registered under Indian Partnership Act 1932, having its Office at 17, Gulmohar Apartments, East Street, Pune 411 001, which Articles of Agreement dated 07-06-2018, are duly registered with the Sub-registrar of Bardez, at Mapusa.

III. REPORT ON TITLE:

1. That the Property was owned originally by the Comunidade of Assagao and was possessed as an encroachment by one Mr. Baptista Baretto.
2. That by a document of Acknowledgement of Encroachment and its Remissions dated 5-5-1919, the Comunidade of Assagao accepted consideration for the transfer of the said encroached portion of 4100 sq.



mts. alongwith encroachment remission fees from Mr. Baptista Baretto, thereby conveying the said property admeasuring 4100 sq. mts, known as Sutarem Pequeno of Assagno Village, to the said Mr. Baptista Baretto.

3. That by a Deed of Sale dated 7-5-1919 the said Mr. Baptista Baretto and his wife Mrs. Ritinha de Souza sold and conveyed the said property to Mr. Joao Placido Fernandes.
4. That by a Deed of Sale dated 9-5-1919 the said Joao Placido Fernandes and his wife Mrs. Florinda Dias sold and conveyed the said property to Mr. Diogo Antonio Baretto and his wife Maria Joaquina Fernandes.
5. That the said Mr. Diogo Antonio Baretto and his wife Maria Joaquina Fernandes expired allegedly leaving Mrs. Prisca D'Souza married to Mr. John Sebastian D'Souza, as their sole heir.
6. That the said Mrs. Prisca D'Souza married to Mr. John Sebastian D'Souza expired allegedly leaving behind two sons and two daughters, i.e. Mr. Anthony D'Souza married to Mrs. Edna D'Souza, Mr. Joseph D'Souza married to Mrs. Helen D'Souza, Mrs. Sabina Vaz married to late Aleantro Vaz and Mrs. Mary Menezes married to late Mr. Socrates Menezes alias Sacru Menezes.
7. That the said Mrs. Prisca D'Souza during her life time executed a Will dated 01-07-1983, drawn at page 43V of Book 123, of the Notary Ex-Officio of the Judicial Division of Bardez, at Mapusa, wherein she bequeted her disposal share or her right in the Said Property in favour of her two sons, namely, Mr. Anthony D'Souza married to Mrs. Edna D'Souza, Mr. Joseph D'Souza married to Mrs. Helen D'Souza
8. That Mr. Anthony D'Souza, Edna D'Souza, Mr. Joseph D'Souza, Mrs. Helen D'Souza, Mrs. Sabina Vaz, Mrs. Meagan Vaz, Mrs. Mary Menezes alias Mary Theodora Menezes, Mrs. Lea Silveira, Mr. Simon



Silveira, Mrs. Ermínia Jaques, Mr. Roland Jaques, Mrs. Anita D'Sa, Mr. Conrad D'Sa, Mrs. Edna D'Souza, Mr. Garner Vaz, claiming to be the heirs of the late Mr. Diogo Antonio Baretto and his wife Maria Joaquina Fernandes, sold the SAID PROPERTY to Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra, vide a Sale deed dated 30-01-2007 and a Deed of Sale/Confirmation dated 14-06-2007.

9. That Mrs. Sabina Vaz daughter of Mrs. Prisca D'Souza and Mr. John Sebastian D'Souza commenced Inventory Proceeding of the estate of Mr. Diogo Antonio Baretto and his wife Maria Joaquina Fernandes and Mrs. Prisca D'Souza and her husband Mr. John Sebastian D'Souza, which was registered under Inventory Proceeding No. 193/13/B, of the Court of the Civil Judge Senior Division, Mapusa, wherein the SAID PROPERTY was listed as Item No. 1 in the list of assets and the description of assets, which said property was then taken in auction by Mrs. Sabina Vaz, Mrs. Mary Menezes, Mrs. Edna D'Souza and Mrs. Helena D'Souza and the same has been confirmed by Final Order dated 20-12-2013, which Inventory proceedings bearing No. Proceeding No. 193/13/B, of the Court of the Civil Judge Senior Division, Mapusa, has also confirmed the legal heirs of the late Mr. Diogo Antonio Baretto and his wife Maria Joaquina Fernandes and Mrs. Prisca D'Souza and her husband Mr. John Sebastian D'Souza.
10. That vide the Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra, all the heirs of the late Mr. Diogo Antonio Baretto and his wife late Maria Joaquina Fernandes and of the late Mrs. Prisca D'Souza and her husband late Mr. John Sebastian D'Souza had sold and conveyed all their rights, interest and title of/in the SAID PROPERTY, in favour of Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra vide a Sale deed dated 30-01-2007 and Deed of Sale/Confirmation dated 14-06-2007.



11. That it appears from the records that the Inventory Proceeding No 193/13/B, of the Court of the Civil Judge Senior Division, Mapusa, has ascertained and confirmed the legal heirs of the late Mr. Diogo Antonio Baretto and his wife late Maria Joaquina Fernandes and of the late Mrs. Prisca D'Souza and her husband late Mr. John Sebastian D'Souza and the allotment of the Said Property to Mrs. Sabina Vaz, Mrs. Mary Menezes, Mrs. Edna D'Souza and Mrs. Helena D'Souza, was only notional, as the SAID PROPERTY, was already conveyed and transferred to Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra, by all the heirs of the said Mr. Diogo Antonio Baretto and his wife Maria Joaquina Fernandes, Mrs. Prisca D'Souza and her husband Mr. John Sebastian D'Souza, including Mrs. Sabina Vaz, Mrs. Mary Menezes, Mrs. Edna D'Souza and Mrs. Helena D'Souza, vide the aforesaid Sale deed dated 30-01-2007 and Deed of Sale/Confirmation dated 14-06-2007.
12. The said property has a conversion sanad dated 01-11-2007, validity of which was extended vide order dated 15-04-2010, by the Additional Collector -II, North-Goa.
13. The said Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra has his name featuring in the Form I & XIV of the said property thereby confirming that the possession of the SAID PROPERTY, is with the said Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra.
14. That a Public Notice issued in the publication dated 11-07-2012, of the Navhind Times Newspaper, in Goa, calling for objections/claims, if any, to the SAID PROPERTY, did not get/receive any objections/claims, from any person/s.
15. That the said Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra, as owner and in possession of the said property, has entered into an Articles



of Agreement dated 07-06-2016, with M/s Paradise Estates, a partnership firm, registered in Pune, and has vide the said Articles of Agreement, conferred developmental rights of the SAID PROPERTY, upon the said firm, M/s Paradise Estates.

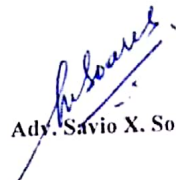
16. Therefore, it can be said, Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra, has ownership rights to the said property, while M/s Paradise Estates, has developmental rights to the said property.

IV CONCLUSION/OPINION:

In the light of the documents cited above and the facts derived therefrom, it is opined and certified by me, that, Mr. Shiv Dev Singh Malhotra alias S.D.S. Malhotra, has a clear and marketable title, to the SAID PROPERTY bearing survey no. 94/5 of Assagoa Village, which is subject to the rights and interests created and existing in favour of M/s Paradise Estates, in and to the Said Property, by virtue of the the Articles of Agreement dated 07-06-2016.

Mapusa – Goa
29th September, 2016




Adv. Savio X. Soares

Name of the Field

शेताचे नांव

FORM No. I & XIV

नमुना नं. १ व १४

Village

गांवाचे नांव

Survey Number

सर्व्हे नंबर

Sub. Div. Number

हिस्सा नंबर

Tenure

सत्तापकार

Khata No.

खाते नंबर

Taluka

तालुका

I Cultivable Area लागण क्षेत्र	Ha. Ars. हे. आर.	Name of the Occupant कवचेश्वराचे नांव	Mutation No. फरफार नं.	Name of the Tenant कुळ्याचे नांव
(a) Dry Crop.....	जिरायत ०.५०.००	Priscan [Barreto]	18911	
(b) Garden.....	बागायत			
(c) Rice.....	तरी			
(i) Rice.....	खाजण			
(ii) Rice.....	केर			
(iii) Rice.....	मोरड			
Total Cultivable Area	एकूण लागण क्षेत्र ०.५०.००	Joseph Cyril D'Souza Anthony D'Souza Helena D'Souza	18911	
II. Un-Cultivable....	नापिक			
Pot-Kharab.....	पोट खराब			
(a) Class (a).....	वर्ग (अ)			
(b) Class (b).....	वर्ग (ब)			
Total	एकूण			
Un-Cultivable....	नापिक जमीन			
Grand Total	एकूण ०.५०.००			
Assessment	आकार	Rs. P. रु. पै.		
Foro.....	फोर			
Predial.....	प्रेदियाल			
Rent.....	रेंट			

DETAILS OF CROPPED AREA पिकाधारित क्षेत्राचा तपशील							Source of Irrigation	Remarks
Year वर्ष	Name of Cultivator लागण करणाऱ्याचे नांव	Mode रीत	Season मौसम	Area of Crop पिकाचे नांव	Irrigated वर्गवट Ha. Ars. हे. आर.	Unirrigated जिरायत Ha. Ars. हे. आर.	Land not available for cultivation नापिक जमीन	
2009-10	Copy of the original document							
2010-11	Copy of the original document							

TRUE COPY

GORAKH V. KIRVE
NOTARY
GOVT OF INDIA