

LINUS EMMANUEL

ADVOCATE

Office 1 & 2, Models Celeste, Opp Models Celebrity, Next to Landscape

By the Bay, Caranzalem, Panaji - Goa. INDIA 403002

Email: linusemmanuel@rediffmail.com

Off: 91+ 9850152184/9822161162

LEGAL Ø PINION

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

I. DESCRIPTION OF THE SAID PROPERTY:

ALL THAT PROPERTY known as 'VHALL' alias 'ORDA' alias 'VALE' alias 'PRIMEIRO LOTE DE LUIS ANTONIO', admeasuring 7,300 sq. mtrs, bearing survey no. 81/9 of Village Marra, situated at Saipem, Marra, Bardez, Goa, within the limits of the Village Panchayat of Candolim, bearing old cadastral no. 1010, described under Description No. 14029 at pages 136(v) of Book B-36 in the Land Registration Office of Bardez at Mapusa, bearing Inscription No. 32444 at pages 26 of Book G-37, not known to be registered in the Taluka Revenue Office and is bounded as follows:

On or towards the EAST: by property bearing survey no. 91/1;

On or towards the WEST: by property bearing survey no. 81/8, 81/14 & 81/16 and an internal road;



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On or towards the NORTH : by property bearing survey no.
83/1;

On or towards the SOUTH : by property bearing survey no.
92/2 & 92/1;

II. TITLE HOLDERS:

1. **M/s. PRIMAVERA REAL ESTATE DEVELOPERS**, a partnership Firm registered under the Indian Partnership Act under No.23/06 on 24-04-2006, with the Registrar of Firms of Bardez, at Mapusa and having its registered office at 1/271/E/FF-10, Casa Azure, Gauravaddo, Calangute, Bardez, Goa, represented herein through its partners:

- a. **Mr. VIRAJ BHOJRAJ SUVARNA**, major of age, s/o Mr. Uppoor Bhojraj, businessman;
- b. **Mr. CHIRAG VIRAJ SUVARNA**, major of age, s/o Mr. Viraj Suvarna, businessman;
- c. **Mr. DHRUV VIRAJ SUVARNA**, major of age, s/o Mr. Viraj Suvarna, businessman, Indian National;

all Indian Nationals and residents of House No 134/51 121, 2nd Floor, Ranka View Apartments, Richmond Road, Rathna Avenue, Near Hosmat Hospital, Bangalore, 560 025, Karnataka.

2. **Mr. MICHAEL FERNANDES**, major of age, s/o Mr. Alex Joaquim Luis Fernandes, Indian National, married, businessman and



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resident of H. No. 1707, Saipem, Candolim, Bardez, Goa, India, 403515.

3. **FAIR GREEN VENTURES LLP**, registered under the Limited Liability Partnership Act, 2008 with ROC, Hyderabad under No. AAL-4830 on 21-12-2017 at Hyderabad, Telangana, having its registered office address at M1, H. No. 2-1-251, Godama Mansion, Nallakunta, Hyderabad, TG, 500044.

III. FACTS:

1. The SAID PROPERTY originally belonged to (i) Mr. Rafael Rodrigo Santana de Souza alias Raphael Rodrigues e Souza, his daughter (ii) Ms. Maria Verediana Teodosia Olinda dos Milagres Vales e Souza and his son (iii) Mr. Candido Pedro Sabino Francisco Xavier de Vales e Souza, having been allotted the SAID PROPERTY vide Order of Inventory dated 13-10-1934 instituted on the death of their father/grandfather Mr. Pedro Sabino de Souza and the SAID PROPERTY was consequently inscribed in their favour vide Inscription No. 32444 of Book G-37 at pages 26 in the Land Registration Office of Bardez, at Mapusa.
2. The SAID PROPERTY was allotted to Mr. Rafael Rodrigo Santana de Souza alias Raphael Rodrigues e Souza, his daughter Ms. Maria Verediana Teodosia Olinda dos Milagres Vales e Souza, and his son Mr. Candido Pedro Sabino Francisco Xavier de Vales e Souza in the following shares:

A handwritten signature in black ink is written over a circular stamp. The stamp contains the text "LINUS EMMANUEL" at the top, "ADVOCATE" in the center, and "PANAJI - GOA" at the bottom, flanked by two stars.

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- i. Mr. Rafael Rodrigo Santana
de Souza - ½ share
 - ii. Ms. Maria Verediana Teodosia Olinda
dos Milagres Vales e Souza - 1/4th share
 - iii. Mr. Candido Pedro Sabino Francisco
Xavier de Vales e Souza - 1/4th share.
3. The said (a) Ms. Maria Verediana Teodosia Olinda dos Milagres Vales e Souza, and (b) Mr. Candido Pedro Sabino Francisco Xavier de Vales e Souza, came to be allotted a share in the SAID PROPERTY having inherited the moiety of their late mother Mrs. Apolonia Silveira Vales e Souza in the SAID PROPERTY, who was married to Mr. Rafael Rodrigo Santana de Souza, which was confirmed vide the aforesaid Order of Inventory dated 13-10-1934 instituted on the death of their grandfather Mr. Pedro Sabino de Souza.
4. The said Mr. Rafael Rodrigo Santana de Souza remarried one Mrs. Carmo Auxiliana D'Souza under the Regime of Communion of Assets.
5. The said Mr. Rafael Rodrigo Santana de Souza, however, came to expire on 18th October, 1989 leaving behind his moiety-holder, his wife from his second nuptials, Mrs. Carmo Auxiliana D'Souza



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and his share in the SAID PROPERTY came to devolve on his children from the first and second marriage as follows:

- a. Ms. Maria Verediana Teodosia Olinda
Dos Milagres Vales e Souza - 1/3rd share
married to Mr. Rogerio de Souza.
- b. Mr. Candido Pedro Sabino Francisco - 1/3rd share
Xavier de Vales e Souza
married to Mrs. Alvita Ilda Dias.
- c. Mrs. Bemvinda D'Souza - 1/12th share
married to Mr. Nicholas Fernandes

6. The said Ms. Maria Verediana Teodosia Olinda dos Milagres Vales e Souza and her husband Mr. Rogerio de Souza subsequently expired and their 1/3rd share in the SAID PROPERTY came to be vested in their only child and universal heir, their daughter Mrs. Amelia D'Souza married to Mr. Napoleon Rodricks.

7. Mr. Candido Pedro Sabino Francisco Xavier de Vales e Souza came to expire on 19th June, 1986 leaving behind as his moiety-holder his wife Mrs. Alvita Ilda Dias and as his sole and universal heirs, his following children, who have inherited his 1/3rd share in the SAID PROPERTY as follows:

- i. Mrs. Alvita Ilda Dias - 1/6th share.
- ii. Mrs. Antonetta D' Souza - 1/24th share.



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married to Mr. Anton Zito Gomes.

iii. Mr. Wilfred D'souza married - 1/24th share

to Mrs. Samia Carneiro.

iv. Mrs. Sara Sita D'souza

married to - 1/24th share

Mr. Carlos Figueiredo.

v. Mrs. Sheila D'souza

married to - 1/24th share

Mr. John Pinheiro.

8. As a consequence of the aforesaid, the SAID PROPERTY has devolved upon the following in the following shares:

i. Mrs. Carmo Auxiliana D'Souza - 1/4th share.

ii. Mrs. Bemvinda D' Souza - 1/12th share.

married to

Mr. Nicholas Fernandes

iii. Mrs. Amelia D' Souza - 1/3rd share

married to

Mr. Napoleon Rodricks

iv. Mrs. Alvita Ilda Dias, widow - 1/6th share.

v. Mrs. Antonetta D' Souza, - 1/24th share

married to

Mr. Anton Zito Gomes

vi. Mr. Wilfred D' Souza - 1/24th share

married to



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Mrs. Samia Carneiro

vii. Mrs. Sara Sita D' Souza - 1/24th share

married to

Mr. Carlos Figueiredo

viii. Mrs. Sheila D' Souza - 1/24th share

married to

Mr. John Pinheiro

9. The aforesaid predecessors in title except Mrs. Bemvinda D'Souza married to Mr. Nicholas Fernandes sold their share in the SAID PROPERTY to the TITLEHOLDER No. 1 and late Shri Nikhil Sen vide Deed of Sale dated 28th February, 2007, registered under No. 1187 dated 15-02-2007 of Book I Volume 2027 in the Office of the Sub-Registrar of Bardez, at Mapusa.
10. The said late Mrs. Bemvinda D' Souza and her husband late Mr. Nicholas Fernandes were holding 1/12th share in the SAID PROPERTY but the said Mr. Nicholas Fernandes had already conveyed his moiety share being 1/24th share in the SAID PROPERTY to the TITLEHOLDER No. 1 and late Shri Nikhil Sen herein under the Deed of Sale dated 15-02-2007. But the late Mrs. Bemvinda D'Souza married to late Mr. Nicholas Fernandes due to inadvertence was omitted from the Deed of Sale dated 15-02-2007 and therefore her 1/24th share in the SAID



PROPERTY remained to be conveyed to the TITLEHOLDER No. 1 and late Shri Nikhil Sen herein.

11. The 1/24th share of the said Mrs. Bemvinda D' Souza which was omitted from being conveyed to the TITLEHOLDER No. 1 and late Shri Nikhil Sen herein was equivalent to 304.166 sq.mtrs upon 7,300 sq.mtrs of undivided share in the SAID PROPERTY.
12. The said Mrs. Bemvinda D' Souza came to expire on 11-06-2010 and her 1/24th share therefore came to be vested in her children, viz.:
 - a. Mrs. Larisa Theresa Fonseca and her husband Mr. Mario Placido Fonseca.
 - b. Miss. Andreas Antoniella Fernandes, spinster.
 - c. Mr. David Royd Fernandes and his wife Mrs. Olinka Kristina Fernandes.
13. The said (a) Mrs. Larisa Theresa Fonseca and her husband Mr. Mario Placido Fonseca, (b) Miss. Andreas Antoniella Fernandes, spinster and (c) Mr. David Royd Fernandes and his wife Mrs. Olinka Kristina Fernandes then sold the 1/24th share of the said Mrs. Bemvinda D' Souza inherited by them to the TITLEHOLDER No. 1 and late Shri Nikhil Sen herein vide Deed of Sale dated 29th April, 2016, registered in the Office of the Sub-Registrar of Bardez, at Mapusa.




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14. The aforesaid succession to the estate of late Mr. Rafael Rodrigo Santana de Souza and his wife from his second nuptials, Mrs. Carmo Auxiliana D'Souza has been corroborated by Heirship Certificate dated 22-12-2021 in Inventory Proceedings no.489/2016/E in terms of Sec 373(b) of the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012.
15. The said Shri Nikhil Sen expired on 19-11-2019 and was survived by his wife, Mrs. Romila Sen and his three daughters, viz: (a) Ms. Ria Sen, (b) Ms. Divya Sen and (c) Ms. Zia Sen.
16. The said Shri Nikhil Sen had executed a Will dated 08-10-2019 bequeathing his properties including his one-half (1/2) share in the SAID PROPERTY to his wife, Mrs. Romila Sen vide Will dated 08-10-2019, which was granted probate vide Order dated 10-12-2020 in Probate Civil Petition No 09/2020 before the Hon'ble High Court of Karnataka at Bengaluru and therefore Mrs. Romila Sen was granted and allotted the one-half (1/2) share of Shri Nikhil Sen in the SAID PROPERTY.
17. The said Mrs. Romila Sen was therefore, entitled to one-half (1/2) share in the SAID PROPERTY equivalent to 3,650 sq.mts upon 7,300 sq. mtrs of undivided share in the SAID PROPERTY and sold her ½ share in the SAID PROPERTY to the TITLEHOLDER


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No. 3 herein vide Deed of Sale dated 20-04-2022, registered under No BRZ-1-1759-2022 on 20-04-2022 in the Office of the Sub-Registrar of Bardez, at Mapusa.

18. The TITLEHOLDER No. 2 i.e. Mr. Michael Fernandes, was a partner of the TITLEHOLDER No. 1 firm and has since retired from the said firm vide Deed of Admission and Retirement dated 03.08.2020, executed before the Notary Advocate Linus Emmanuel under 966/2020 at Panaji but continues to be vested with right in the SAID PROPERTY under the TITLEHOLDER No 1 in terms of the said Deed of Admission and Retirement dated 03.08.2020.
19. Therefore, the SAID PROPERTY is vested as under:
- i. **M/s Primavera Real Estate** - ½ share
Developers
&
Mr Michael Fernandes
 - ii. **FAIR GREEN VENTURES LLP** - ½ share
20. The TITLEHOLDERS being vested with the SAID PROPERTY mutated their names in the revenue records of the SAID PROPERTY.

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21. The Form I & XIV of the SAID PROPERTY does not reveal any tenanted or mundcarial encumbrances on the SAID PROPERTY.

IV. LEGAL OPINION:

That in pursuance of the aforesaid the TITLEHOLDERS are vested with right, title and interest in the SAID PROPERTY and are the sole owners in possession of the SAID PROPERTY and permitted to develop the SAID PROPERTY.

Panaji - Goa

4th February, 2023




Adv. LINUS EMMANUEL