

Ref. No.:

Date : _____

Date: 07/05/2012

OPINION ON TITLE

My services have been engaged by EMGEE HOUSING PVT. LTD. to give opinion on title in respect of the following property:

SCHEDULE OF THE PROPERTY:

The report pertains to the portion of the property known as "**PALMAR**" or "**ODXELL**" situated at Donapaula, within the limits of Village Panchayat of Taleigao, Taluka and Registration Sub District of Ilhas, District North Goa, State of Goa admeasuring 17,822 square meters and 100% of the FAR of the road admeasuring approximately 960 square meters, hereinafter jointly referred to as "SAID PROPERTY", forming a part of the still larger property totally admeasuring 96000 square meters, hereinafter referred to as "SAID ORIGINAL PROPERTY", surveyed under survey No. 234/2 of Village Odxell, which property is described in the office of Land Registrar of Ilhas under no.19683 at folio 138 of book B-



52 (New) and is not enrolled in the Taluka Revenue office.

DOCUMENTS SCRUTINIZED

- 1) Description of the Said Original Property.
- 2) Deed of Gift dated 22/02/1949.
- 3) Decree dated 29/07/1991 passed in the Special Civil Suit No. 182/91/A by the Court of Civil Judge Senior Division at Panaji.
- 4) Decree dated 20/05/1994 passed in the Special Civil Suit No. 83/94/A by the Court of Civil Judge Senior Division at Panaji.
- 5) Consent Decree dated 29/06/2010, Civil Suit bearing No. 544/2000/B (New) (Regular Civil Suit No. 72/97/B), registered under no PNJ-BK-1-00264-2011, CD NO PNJD6 on 02-02-2011.
- 6) Agreement for development and sale dated 06/05/2011 duly registered before the Sub-Registrar of Ilhas under no. PNJ-BK1-01262-2011, at Book-1, CD No. PNJD8 on 06/05/2011.



- 7) Agreement for development and sale dated 02/05/2012, duly registered before the Sub-Registrar of Ilhas under no. PNJ-BK1-01156-2012, at Book-1, CD No. PNJD 14 on 02/05/2012.
- 8) Pre-nuptial Agreement dated 07/04/1994
- 9) Conversion Sanad dated 30/03/07, bearing reference no. CNV/TIS/29/93.
- 10) Order dated 16/06/10 bearing reference no NGPDA/895/10
- 11) NOC from GSPCB vide Letter dated 01/09/09, bearing reference no.5/4330/09-PCB/3855.
- 12) NOC from TCP vide order dated 11/04/08, bearing reference no. 17-A/TIS/23/TCP-07-08/1520.
- 13) No Objection Certificate from Department of Health Dated 29/03/07 Reference No UHCP/DHS/NOC/06-07/1912;
- 14) Construction License dated 11/06/07 bearing reference no VP/TLG/07-08/3379 and License dated 22/06/10 bearing reference no VP/TLG/10-11/844, for the proposed construction;



REVELATIONS

- 1) Above documents reveal that the SAID ORIGINAL PROPERTY was owned and possessed by one Mr. Jose Martins alias Fr. Jose Francisco do Rosario Lourdes da Assuncao Martins.
- 2) SAID ORIGINAL PROPERTY was gifted to Pia Sociedade Salesiana by Fr. Jose Martins alias Fr. Jose Francisco do Rosario Lourdes do Assuncao Martins, vide Gift Deed dated 22/02/1949 executed before Notary Public Santa Rita Colaco.
- 3) In terms of Decree dated 29/07/1991 passed in the Special Civil Suit No. 182/91/A by the Court of Civil Judge Senior Division at, Mapusa and Decree dated 20/05/1994 passed in the Special Civil Suit No. 83/94/A by the Court of Civil Judge Senior Division, at Panaji Mr. Armando Gonsalves and Mr. Sadiq Shaik, acquired rights in the SAID PROPERTY.
- 4) Subsequent to the passing of the said Decrees, one Mrs. Leela Barreto and others claiming to be the tenants of



the SAID ORIGINAL PROPERTY filed Regular Civil Suit bearing No. 544/2000/B (New) (Regular Civil Suit No. 72/97/B) before the Court of Civil Judge Senior Division at Panaji, seeking declaration that the said Decrees are null and void.

- 5) Said suit was ultimately settled and in terms of consent Decree dated 29/06/2010 it was held that said Decrees dated 29/07/1991 passed in the Special Civil Suit No. 182/91/A by the Court of Civil Judge Senior Division at, Mapusa and Decree dated 20/05/1994 passed by the Court of Civil Judge Senior Division at Panaji, are subsisting, legal and binding on the parties.
- 6) In terms of Decree dated 29/06/2010, duly registered before the Sub-Registrar of Ilhas under no. PNJ-BK1-00284-2011 at Book -1, CD Number PNJD6 on 02/02/2011, the position of the SAID PROPERTY was further confirmed on the plan annexed to the consent terms and accordingly SAID PROPERTY was marked by alphabets ABCD delineated in blue outline on the same



and thus title of Mr Armando Gonsalves and Sadiq Sheikh to the SAID PROPERTY was further confirmed.

7) Vide two separate documents i.e. Agreement for development and sale dated 06/05/2011 executed between Sadiq sheikh and his wife Sadia sheikh and Emgee Housing Pvt. Ltd, and Agreement for development and sale dated 02/05/2012 (mentioned erroneously as 11/11/2011 earlier) between Armando Gonsalves and Emgee Housing Pvt. Ltd, said Emgee Housing has been granted development rights on the SAID PROPERTY and has been authorized to ultimately sell the tenements constructed on the SAID PROPERTY to the prospective purchasers, as defined in the said Agreements.

8) Vide Sanad dated 30/03/07, bearing reference no. CNV/TIS/29/93, office of the Collector North, Goa granted conversion of an area of 29,539 square meters of the SAID PROPERTY.



9) Vide order dated 31/05/06, bearing reference no. NGPDA/ 346/504/06, order dated 27/10/09 bearing reference no NGPDA/346/1757/09, order dated 16/06/10 bearing reference no NGPDA/895/10, which shall be deemed to include its renewals, modifications and alteration if any from time to time, North Goa Planning and Development Authority approved the plan and granted development permission for the SAID PROPERTY.

10) Vide letter dated 21/03/07, issued by the office of Assistant Engineer Sub Div I , Div V(B-N) PWD Panaji Goa bearing Reference No PWD/DV(B-N)F.01 2006-07/SDI/1393 and Vide letter dated 09/04/07, of the office of Assistant Engineer, Elect Sub Div II , Div (U) Public Works Department Panaji Goa bearing Reference No.AE/SD/II/(U)/PNJ/06-07/TECH-46/71, granted technical approval for the same.

11) Vide letter dated 01/09/09, bearing reference no.5/4330/09-PCB/3855, Goa State Pollution Control Board, granted consent to establish (NOC) for the same.



- 12) Vide order dated 11/04/08, bearing reference no. 17-A/TIS/23/TCP-07-08/1520, Office of the Town Planner, Town and Country Planning Department, conveyed their No Objection for construction and putting up building project on the SAID PROPERTY.
- 13) Department of Health has also issued their No Objection Certificate for proposed construction vide communication dated 29/03/07 bearing reference no. UHCP/DHS/NOC/06-07/1912.
- 14) In concurrence with the said permissions and other statutory approvals, Village Panchayat of Taleigao, granted construction License dated 11/06/07 bearing reference no VP/TLG/07-08/3379 and License dated 22/06/10 bearing reference no VP/TLG/10-11/844, for the proposed construction.
- 15) Based on the documents listed above and subject to above, I can fairly opine that EMGEE HOUSING PVT LTD. have right to sell the apartments constructed on the SAID PROPERTY, excluding the apartments which



are to the share of Mr. Sadiq Sheik and his wife and Mr. Armando Gonslaves, as per their respective Agreements, with a clear and marketable title to the intending Purchaser.



(Adv. Amit Palekar)

CERTIFICATE OF TITLE

I.- Description of the Property

All that property admeasuring 30404 sq.mts. comprising of three adjoining survey numbers bearing Sy.no.225/1 having an area of 6906m²; Sy.no. 225/4 admeasuring 3154m² and Sy.no.227/1 admeasuring 26088m² identified as **PALMAR** or **ODXELL** and **DHAKLE RANE PALMAR** situated at Dona Paula, within the limits of Village Panchayat of Taleigao, Taluka Tiswadi and Registration Sub-District of Ilhas, District North Goa, in the State of Goa, which property is described in the office of Land Registrar under no 19682 at folio 137 of Book B-52 (new) which is 1/8th part of property earlier described under no.9005 of book B-24 and is not enrolled in the Taluka Revenue Office.

The SAID PROPERTY as ONE UNIT is bounded as under:-

Towards the North:-By Sy.no.228 of Taleigao

Towards the South:-By River Zuari or Sea.

Shubhlakshmi Towards the East :-By Sy.no.225 of Taleigao

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Towards the West :-By Sy.no.234 and 266 of
Taleigao.

II.- LIST OF DOCUMENTS SCRUTINISED

I have examined the following documents which are
valid as per the prevailing laws:-

(i)-Certificates of Description and Inscription
from Land Registrar Ilhas.

(ii)Form I and XIV concerning survey no.225/1;
225/4 and 227/1 of Village Taleigao Tiswadi Goa.

(iii)-Will dated 24-7-1972 drawn at folio 180 (R)
of book 88 of Wills in the Office of Notary Ex-
Officio-Sub-Registrar Ilhas.

(iv).-Deed of sale dated 17-1-2005 registered
under no.742 of Book I volume 1450 in the office
of Sub-Registrar Ilhas.

(v).-Decree dated 10-5-2006 in Reg.
C.S.no.30/2006/C in the Courr of Civil Judge
Senior Division at Panaji.

(vi).-Agreement for Development and Sale dated
31-3-2006 registered under no.981 at pages 371 to
405 of book I Vol.1622 on 6-4-2006 in the office

Smt. Lof Sub-Registrar Ilhas.

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(vii)-Nil Encumbrance Certificate no.646/2015 from the Office of the Sub-Registrar Ilhas confirming that there is no registered charge on the said Plot from 1-1-2005 to 06-11-2015.

III.- FLOW OF TITLE

On perusal of the abovelisted documents produced on record I confirm that on 18-10-1948 the said property stands inscribed in favour of *Smt.* Ema Virginia Lourdes de Rozario Assuncao Martins under no.20068 of book at folio 120 of Book G-32 in the Office of Land Registrar Ilhas.

On 24-7-1972 Smt. Ema Virginia Lourdes de Rozario Assuncao Martins made a Will dated 24-07-1972 drawn at folio 8 (R) onwards of book 88 of Will in the Office of Notary-Ex-Officio Sub-Registrar Bardez at Mapusa bequeathing her Share to Filomena Martins e Rodrigues.

She died on 26-09-1985 and her Will became operative.

There are names of Other Right holders recorded in the Survey Record of Rights. By Judgement dated 10-5-2006 in Civil Suit no.30/2006/C the *Smt.* Suit was disposed off.

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By a Deed dated 17-1-2005 Shri Abel Rodrigues and his wife Filomena Lourdes Martins sold the said property to Shri Sajjad Sheikh; which Deed is duly registered in the Office of Sub-Registrar Ilhas.

In the light of the above the name of Shri Sajjad Sheikh is recorded in the Survey Record of Rights.

On 31-3-2006 Shri Sajjad Sheikh with his wife Sheikh Zaibunisa entered into an Agreement for Development and Sale dated 31-03-2006 with M/s. Emgee Housing Pvt. Ltd., represented by its Director Shri Mudhit Gupta; which Agreement is confirmed by Esar Builders represented by its Partner Sadiq Sheikh on the terms and conditions mentioned therein which Agreement is registered under no.981 at pages 371 to 405 of book I Vol.1622 on 06-04-2006 in the office of Sub-Registrar Ilhas.

IV.-OPINION

In the above circumstances I confirm that Shri Sajjad Sheikh and his wife Sheikh Zaibunisa have and hold clear, valid, absolute and marketable to the said Plot, subject to the Agreement for Development and Sale dated 31-3-2006.

Smt. N

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I have thus to state that the title of the above referred to the Owners to the said property is clear and marketable and free from all claims, charges etc. and as stated above, they have authorized the Developer M/s. Emgee Housing Pvt. Ltd., to develop the said properties and the Developer M/s. Emgee Housing Pvt. Ltd., is entitled to develop the said properties and deal with and sell the premises, apartments, Villas and plots as constructed thereon

Panaji, 15-12-2020



Adv.S.S.Naik