

Purushottam R. Karpe
ADVOCATE & NOTARY

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To,
Rajdeep Builders,
2nd Floor, Mathias Plaza,
Above Canara Bank,
18th June Road, Panaji, Goa

Date:06/03/2020

LEGAL OPINION

Sub: - Legal Opinion in respect of Survey no. Survey No. 5/1 Village Cujira
(Plot no. 8), admeasuring 780sq. mtrs belonging to Rajdeep Builders.

Rajdeep Builders approached me and requested me to give Search Report in respect of property mentioned below. For that purpose **Rajdeep Builders** produced on record following documents. I have perused these documents and on the basis of these documents and Search of available documents, I have formed my opinion as below.

1. **NAME OF THE OWNERS OF THE PROPERTY:-**

Rajdeep Builders (Plot No. 8).

2. **[A] DESCRIPTION OF THE ENTIRE PROPERTY**

SCHEDULE – I



All that property known as "PREDIO PALMAR CABECA" situated at Santa Cruz in the Taluka of Tiswadi, Sub-District of Ilhas in the State of Goa.

The entire property being one part of the property earlier described in the Land Registration office of Ilhas Taluka under no. 7324 of Book no. B-19 New, mentioned as Plot A and described as of now in the Land Registration office of Ilhas Taluka under no. 15191 at page 50 of Book B-40 New and registered in the Land Revenue record of Cujira under nos. 1 and 2. In this property there exists one house which is registered under Land Revenue records under no. 216 of Calapur, Santa Cruz, Goa. A portion of the property is Surveyed under new Survey no, 110/1, 111/1 of Village Calapur of Tiswadi Taluka, and Survey no. 5/1 and 6/1 of Cujira Village, Tiswadi Taluka in the State of Goa.

The portion of the property **Survey no, 111/1 of Calapur Village** is bounded as under:

East: by Village boundary of Cujira and property bearing Survey no. 112 of Calapur Village

West: by property bearing Survey no. 109/1 of Calapur Village

North: 110/1 and

South: by the existing tar road.

The portion of the property **Survey no, 110/1 of Calapur Village** is bounded as under:

East: by Village boundary of Cujira

West: by property bearing Survey no. 109/1 & 77/1

North: by Village boundary of Cujira &

South: by property bearing Survey no. 111/1.



The portion of the property **Survey no, 5/1 of Cujira Village** is bounded as under:

East: by property bearing Survey no. 44 of Cujira Village

West: by Village boundary of Calapur and dry nalla, Survey no. 6/1 of Cujira Village

North: by property bearing Survey no. 6/1, 4/1, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11 & 4/12 and

South: by Village boundary of Calapur of Survey no. 110/1.

The portion of the property **Survey no, 6/1 of Cujira Village** is bounded as under:

East: by property bearing Survey no. 5/1 of Cujira Village

West: by Village boundary of Calapur and dry nalla

North: by property bearing Survey no. 4/1, 7/16 and 8/7 and

South: by property bearing Survey no. 5/1.

SCHEDULE – II

All that Plot bearing No. Plot No. 8, admeasuring 780 sq. mtrs, in Survey no. 5/1 of Village Cujira, Tiswadi, forming part of the property better described in Schedule – I herein above is bounded as under:-

East: by 6 mtrs wide road;

West: by 8 mtrs wide road;

North: by Plot No. 6 & 7 and

South: by Plot No. 9 & 10.

[B] NATURE OF PROPERTY:- As per Sanad dated 20/09/1991 issued by the Office of the Dy. Collector and SDO Panaji, Goa in respect of Survey no. 5,6, 110,111 of Village Calapor.



3. FLOW OF TITLE:-

There exists a property known as "PREDIO PALMAR CABECA" situated at Santa Cruz, in the Taluka of Tiswadi, Sub-District of Ilhas in the State of Goa. The entire property being one half of the earlier is described in the Land Registration office of Ilhas Taluka under no. 7324 of Book no. B-19 New, mentioned as plot A which is situated on the East side by making itself a distinct property Horta Mang uerial of Ludiva Xavier Mouraso and at present of Francis Cosme Matia Anine, Xavier Rebario, Soares of Cujira, in the West by Plot B, on the North by the same Plot B drain Valley and annexed property of Antonio Bothelho of Santa Cruz and the said "Horta Mang uerial", on the South by Plot B, a street which leads to Nauxi and hillock "Gulmando" of Comunidade of Cujira and the Calapura. The property is described in the Land Registration office of Taluka of Ilhas of Goa under no. 15191 page 50 of Book B - 40 New and registered in the Land Revenue records of Cujira under nos. 1 & 2. On this property there exists one house which is registered under Land Revenue Records under no. 216 of Calapur, Sanata Cruz of Goa. A portion of this property is Surveyed under new Survey no. 110 and 111 of Village Calapur of Tiswadi Taluka, and is more particularly described on the **Schedule I** written hereunder, the property being hereinafter referred to as the "SAID PROPERTY".

The said property was originally owned by Late Bhalchandra Fatu Kenkre and on his demise as also of his wife, came to be owned by his seven children namely Shri. Umakant Bhalchandra Kenkre, Shri. Fatu Bhalchandra Kenkre, Shri. Trimbak Bhalchandra Kenkre, Shri. Diwakar Bhalchandra Kenkre, Shri. Shrikrishna Bhalchandra Kenkre, Shri. Shripad Bhalchandra Kenkre and Shri. Rajendra Bhalchandra Kenkre.

Vide a Deed of Partition dated 30/11/1970 registered in the office of the Sub-registered of Ilhas at Panaji under no. 42 at pages 342 to 364 in Book no. 48 on 23/02/1971, the SAID PROPERTY came to be



allotted unto the seven sons of Late Bhalchandra Fatu Kenkre with one seventh share to each of the children.

Vide Sale Deed dated 02/01/1973 registered in the Sub –Registrar office of Ilhas under no. 37 at pages 93 to 104 in Book no. Volume no. 71 on 19/01/1973, one co-owner Shri. Trimbak Bhalchandra Sinai Kenkre along with his wife conveyed and transferred their one seventh share in the SAID PROPERTY in favour of Shri. Umakant Bhalchandra Kenkre.

Vide another Sale Deed dated 19/03/1980 registered in the Sub –Registrar office of Ilhas under no. 373 at pages 337 to 346 in Book no. I Volume no. 150 on 06/10/1980, Shri. Shripad Bhalchandra Kenkre and his wife, Shri. Diwakar Bhalchandra Kenkre and his wife and Shri. Rajendra Bhalchandra Kenkre and his wife conveyed and transferred their undivided right and share in the SAID PROPERTY in favour of Late Fatu Bhalchandra Kenkre and his wife and Shri. Umakant Bhalchandra Kenkre and his wife.

In terms of the Deeds aforementioned Shri. Umakant Bhalchandra Kenkre along with his wife Smt. Durga Umakant Sinai Kenkre became the absolute owner of half of the undivided right, share and interest in the SAID PROPERTY and Smt. Vanashri Fatu Kenkre and her husband Fatu Bhalchandra Sinai Kenkre the owner of the remaining half of the SAID PROPERTY.

Smt. Vanashri Fatu Kenkre, Shri. Nitin Fatu Kenkre and his wife Smt. Pratibha Nitin Kenkre comprises the entire half share of Late Fatu Bhalchandra Kenkre and Smt. Durga Umakant Kenkre, Dr. Sunil Umakant Kenkre and his wife Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre and his wife Dr. Smt. Ashwini Sandeep Kenkre comprises the entire half share of Late. Umakant Bhalchandra Kenkre.



By Deed of Partition dated 06/12/1990 a part of the said property comprising of Survey no.5, 6 and 64 of the Village of Cujira and Calapur was partitioned.

In or about the year 2005, Late Shrikrishna Bhalchandra Kenkre and Smt. Anasuya Shrikrishna Kenkre alias Anasuya Sheila Kenkre filed a Special Civil Suit no. 56/2005/B and Special Civil Suit no. 58/2005/B in The Court of Civil Judge Senior Division Panaji challenging the Deed of Sale dated 19/03/1980 and Deed of Partition dated 06/12/1990. On the death of said Shrikrishna Bhalchandra Kenkre, Dr. Smt. Tanya Shrikrishna Kenkre & Mr. Bhalchandra Nilesh Kenkre were impleaded as parties to the said Suit. The said Suits were dismissed on 22/10/2009 and 29/08/2009 respectively by the Court of Civil Judge Senior Division Panaji by Judgment and Order dated 22/10/2009 and 29/08/2009 respectively.

Smt. Anasuya Shrikrishna Kenkre alias Anasuya Sheila Kenkre, Dr. Smt. Tanya Shrikrishna Kenkre & Mr. Bhalchandra Nilesh Kenkre carried forward the said litigation in appeal challenging the said Judgment in High Court of Bombay at Panaji, which appeals are pending disposal and are numbered as First Appeal No. 192/2009 and First Appeal No. 252/2009.

Upon obtaining Conversion of the part of the property from Agricultural to non Agricultural purpose and upon obtaining approval from the Town and Country Planning Department vide letter no. DE/PNJ/16/T/6119/TCP/93/5291 dated 14/10/1993 and from the Village Panchayat of Santa Cruz under no. VP/SC13/93-94 dated 17/10/1993. The said property was divided into Sub divided plots by Umakant Kenkre and heirs of late Fatu Kenkre.

By Deed of Gift dated 28/03/1981 registered in the office of the Sub-Registrar of Ilhas under no. 60 of Book no. I Vol no. 134 at pages 99 to 121 Shri Fatu Bhalchandra Kenkre, Smt. Vanashree Fatu Kenkre Shri. Umakant Bhalchandra Kenkre, and Smt. Durga Umakant Kenkre as donors conveyed



and transferred inter alia the property Surveyed under Survey no. 110/1, 111/1 and 119/1 of Village Calapur of Tiswadi Taluka, and Survey no. 5/1, 6/1 of Cujira Village in the State of Goa in favour of Dr. Sunil Umakant Kenkre, Dr. Sandeep Umakant Kenkre and Shri. Nitin Fatu Kenkre.

In turn by Deed of Partition dated 28/03/1981 registered in the office of the Sub-Registrar of Ilhas under no. 374 of Book no. I, Vol. no. 179 at pages 172 to 185 on 25/09/1982 Shri Fatu Bhalchandra Kenkre, Smt. Vanashree Fatu Kenkre, Shri. Umakant Bhalchandra Kenkre, Smt. Durgabai Umakant Kenkre, Dr. Sunil Umakant Kenkre, Dr. Sandeep Umakant Kenkre and Shri. Nitin Fatu Kenkre the plots of the plots of the said property were partitioned and each of them was allotted independent plots of the said property "Palmar Cabeca".

In terms aforesaid Deed of Partition dated 28/03/1981, the Plot no. 8 is allotted to Smt. Vanashree Fatu Kenkre.

Smt. Durgabai Umakant Kenkre, Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre, Smt. Vanashree Fatu Kenkre, Shri. Nitin Fatu Kenkre, Smt. Pratibha Nitin Kenkre moved a M.C.A no. 833/2011 in F.A. no. 252/2009 to secure permission to dispose off some Sub-divided plots of the said property "Palmar Cabeca".

When the said M.C.A came up for hearing due to the intervention of a common family friend and relative, namely Krishnaraj Sukerkar, Smt. Durgabai Umakant Kenkre, Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre, Smt. Vanashree Fatu Kenkre, Shri. Nitin Fatu Kenkre, Smt. Pratibha Nitin Kenkre & Smt. Anasuya Shrikrishna Kenkre alias Anasuya Sheila Kenkre, Dr. Smt. Tanya Shrikrishna Kenkre & Mr. Bhalchandra Nilesh Kenkre could sit together to resolve amicably their dispute which had surfaced between the families of Smt. Durgabai Umakant Kenkre, Dr. Sunil



Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre, Smt. Vanashree Fatu Kenkre, Shri. Nitin Fatu Kenkre, Smt. Pratibha Nitin Kenkre & Smt. Anasuya Shrikrishna Kenkre alias Anasuya Sheila Kenkre, Dr. Smt. Tanya Shrikrishna Kenkre & Mr. Bhalchandra Nilesh Kenkre.

Smt. Durgabai Umakant Kenkre, Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre, Smt. Vanashree Fatu Kenkre, Shri. Nitin Fatu Kenkre, Smt. Pratibha Nitin Kenkre & Smt. Anasuya Shrikrishna Kenkre alias Anasuya Sheila Kenkre, Dr. Smt. Tanya Shrikrishna Kenkre & Mr. Bhalchandra Nilesh Kenkre sat together and decided, in order to preserve and maintain the dignity and honour of the family that all the dispute should be decided and/or settled within the family which they could sit down and resolve in a manner set out in this Deed of Family Settlement Cum Allotment.

By Deed of Family Settlement Cum Allotment dated 17/09/2012 between Smt. Durgabai Umakant Kenkre, Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre, Smt. Vanashree Fatu Kenkre, Shri. Nitin Fatu Kenkre, Smt. Pratibha Nitin Kenkre & Smt. Anasuya Shrikrishna Kenkre alias Anasuya Sheila Kenkre, Dr. Smt. Tanya Shrikrishna Kenkre & Mr. Bhalchandra Nilesh Kenkre and Dr. Anthony Leonard Fabio (Confirming Party) divided the Plots amongst themselves. The said Deed of Family Settlement Cum Allotment 17/09/2012 was registered under Book I, Document Registration no. PNJ-BK1-02481-2012 CD Number PNJD17, dated 18/09/2012 before Sub-Registrar of Ilhas.

In the said First Appeal No. 192/2009 and First Appeal No. 252/2009, the respective parties were filed the Consent Terms along with the Copy of the Deed of Family Settlement Cum Allotment 17/09/2012 and the Power of Attorney before the Hon'ble High Court of Bombay at Goa and in terms of Consent Terms along with the Copy of the Deed of Family Settlement Cum



Allotment 17/09/2012 and the Power of Attorney the Hon'ble High Court of Bombay at Goa vide Order dated 17/09/2012 were disposed of the said First Appeal No. 192/2009 and First Appeal No. 252/2009.

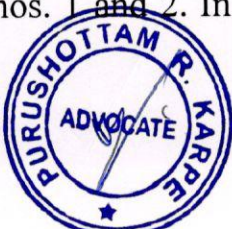
Vide Agreement dated 09/09/2015, executed between Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre AND Smt. Durga @ Durgabai U. Kenkre, the said plot 8 is allotted to Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre. The said Agreement is registered under no. 893/2015, Dated 09/09/2015, before the Notary Sanjay A. Gaonkar.

Vide Deed of Sale dated 12/12/2019, Dr. Sunil Umakant Kenkre, Smt. Seema Sunil Kenkre (First vendors) AND Smt. Durga @ Durgabai U. Kenkre, Dr. Sandeep Umakant Kenkre, Dr. Smt. Ashwini Sandeep Kenkre, Mrs. Vanashri Fatu Kenkre, Mr. Nitin F. Kenkre, Mrs. Pratibha Nitin Kenkre sold the Plot No. 8 better described in the Schedule II herein under written to Rajdeep Builders. The said Deed of Sale is Registered under no. PNJ-1-2574-2019, Book -1, Date 17/12/2019, before the Sub Registrar of Ilhas.

SCHEDULE – I

All that property known as “PREDIO PALMAR CABECA” situated at Santa Cruz in the Taluka of Tiswadi, Sub-District of Ilhas in the State of Goa.

The entire property being one part of the property earlier described in the Land Registration office of Ilhas Taluka under no. 7324 of Book no. B-19 New, mentioned as Plot A and described as of now in the Land Registration office of Ilhas Taluka under no. 15191 at page 50 of Book B-40 New and registered in the Land Revenue record of Cujira under nos. 1 and 2. In this property there exists one house which is registered



under Land Revenue records under no. 216 of Calapur, Santa Cruz, Goa.
A portion of the property is Surveyed under new Survey no, 110/1, 111/1 of Village Calapur of Tiswadi Taluka, and Survey no. 5/1 and 6/1 of Cujira Village in the State of Goa.

The portion of the property **Survey no, 111/1 of Calapur Village** is bounded as under:

East: by Village boundary of Cujira and property bearing Survey no. 112 of Calapur Village

West: by property bearing Survey no. 109/1 of Calapur Village

North: 110/1 and

South: by the existing tar road.

The portion of the property **Survey no, 110/1 of Calapur Village** is bounded as under:

East: by Village boundary of Cujira

West: by property bearing Survey no. 109/1 & 77/1

North: by Village boundary of Cujira &

South: by property bearing Survey no. 111/1.

The portion of the property **Survey no, 5/1 of Cujira Village** is bounded as under:

East: by property bearing Survey no. 44 of Cujira Village

West: by Village boundary of Calapur and dry nalla, Survey no. 6/1 of Cujira Village

North: by property bearing Survey no. 6/1, 4/1, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11 & 4/12 and

South: by Village boundary of Calapur of Survey no. 110/1.

The portion of the property **Survey no, 6/1 of Cujira Village** is bounded as under:

East: by property bearing Survey no. 5/1 of Cujira Village



West: by Village boundary of Calapur and dry nalla

North: by property bearing Survey no. 4/1, 7/16 and 8/7 and

South: by property bearing Survey no. 5/1.

SCHEDULE – II

All that Plot bearing No. Plot No. 8, admeasuring 780 sq. mtrs, in Survey no. 5/1 of Village Cujira, Tiswadi, forming part of the property better described in Schedule – I herein above is bounded as under:-

East: by 6 mtrs wide road;

West: by 8 mtrs wide road;

North: by Plot No. 6 & 7 and

South: by Plot No. 9 & 10.

4. DOCUMENT SCRUTINIZED :-

Sr. No.	Date	Name of Document	Whether Original/ Certified copy/ Photostat
1.	17/09/2012	Deed of Family settlement cum Allotment	Photo State Copy
2.	22/08/2013	Form I & XIV of Survey no. 6/1, 5/1 of Village Cujira (2 nin nos.)	Photo State Copy
3.	17/10/1993	N.O.C bearing Ref. no. VP/SC/18/1993-94 issued by Village Panchayat Santa Cruz	Photo State Copy
4.	20/09/1991	Sanad bearing Ref. no. CNV/TIS90/89 issued by Dy. Collector & SDO Panaji	Photo State Copy
5.	28/03/1981	Deed of Gift	Photo State Copy



6.	30/11/1970	Instrumento de Partiteia	Photo State Copy
7.	30/11/1970	Instrument of partitioning 30/11/1960	Photo State Copy
8.		Escritura De Venda	Photo State Copy
9.	19/03/1980	Conveyance of Sale	Photo State Copy
10.	06/12/1990	Deed of Partition	Photo State Copy
11.	17/09/2012	Order passed by Hon'ble High Court of Bombay at Goa in F.A. No. 192 & 252/2009	Photo State Copy
12.		Approved Plan	Photo State Copy
13.	09/09/2015	Agreement	Photo State Copy
14.	12/12/2019	Deed of Sale	Photo State Copy

After going through the said document and search made in the Office of the Sub Registrar of Ilhas, Panaji, Goa, I arrive at the conclusion that Rajdeep Builders , have clear and marketable title of the Survey no. 5/1 of Village Cujira (Plot no. 8), total admeasuring 780 sq. mtrs.



Purushottam R. Karpe
Advocate High Court