

JAGANATH J. MULGAONKAR

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Date: 09/08/2022

Title Opinion

This opinion of title is issued at the request of SHRI. ROHAN RAMESH KAMAT, partner of KAMAT REALTY, a partnership firm registered under 232/2012, registrar of firms-Ilhas -Goa.

DESCRIPTION OF PROPERTY:

All that piece or parcel of free hold land identified as **plot no.60** admeasuring 508 sq.mts. which forms part of the property bearing Survey no.42/1 of the village Socorro- taluka, Bardez- Goa, and is bounded as under:

On the East: partly by plot no.59 and partly by road.

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On the West: partly by plot no.56, partly by plot no.57
and partly by plot no.61.

On the North: partly by plot no.56, plot no.55 and
partly by plot no.59.

On the South: partly plot no.61, plot no.62 and
road.

LIST OF DOCUMENTS:

1. Certified copy of Livro De Descricoes Prediais of property bearing description no.39269.
2. Authenticated English translation of description certificate no. 39269 issued by Dr. F. E. Norohna, Advocate dated 6.12.2021.
3. Certified copy of Registo De Transmissoes
4. Authenticated English translation of register of transfer (inscription certificate)
5. Photocopy of Deed of Declaration of Succession executed on 12/10/1992 before the Civil Registrar and Notary Ex-Officio at Panaji, at Deed book No.642 page 89 reverse onwards.
6. Photocopy of Agreement dated:20/07/1993
7. Photocopy of conversion Sanad bearing no. CNV/BAR/116/94/5473 dated: 28/07/1995.
8. Photocopy of provisional N.O.C. for sub-division under DB/1195/657/94.
9. Photocopy of Final N.O.C. for sub-division under no.VP/SOC/1603/FN/1999 dated:22/02/1999 for several plots including plot no.60.
10. Photocopy of Deed dated: 25/06/2004, registered in the office of sub registrar of Bardez under no.

2044 at pages 70 to 84 of Book I volume No. 1169 on 01/10/2004.

11. Photocopy of Deed of Sale dated:14/03/2022 registered in the office of sub registrar of Bardez under Book 1 Document registration no. BRZ-1-1373-2022 on 28/03/2022.
12. Photocopy of Partnership Deed "Kamat Realty" registered under Registration No.234/2012
13. Photocopy of construction license issued by the Village Panchayat of Socorro bearing Ref no. VP/SOC/989/2022-2023.
14. Form 1 and 14 of survey no. 42/1 of village Socorro
15. Survey plan of property bearing survey no. 42/1 of village Socorro.

FLOW OF TITLE:

1) There existed a larger property bearing description no.39269. This property along with certain other properties is found inscribed in the name of Henrique Bestos Ribeiro de Santana. The Inscription further records that the said description no.39269 along with certain other properties has been allotted to Henrique Bestos Ribeiro de Santana in the Inventory Proceedings carried out upon the demise of his mother Carmina Chico Ribeiro de Santana, also known as Rosa Maria Carmela Rodrigues Chico and Roza Chico Ribeiro.

2) Inscription and Description Certificates are records maintained during the Portuguese Colonial Rule in Goa and are records of Title and Ownership of Land.

3) The Hon'ble High Court of Bombay at Goa in the case of *Josephine de Costa versus Kushali Naik Desai* and others Has observed that "One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality, the transfer of possession in favour of a person in whose favour such inscription has been done."

4) It is therefore safe to trace the title from the said Henrique Bestos Ribeiro de Santana.

5) The said Henrique Bestos Ribeiro de Santana divided the entire larger property bearing description no.39269, which was subsequent to Survey no.42/1 and 43/1 of village Socorro into 110 plots, Nos.1 to 38 and 40 to 110.

6) Mr. Henrique Bestos Ribeiro de Santana expired on 19/04/1991. By a Deed of Declaration of Succession executed on 12/10/1992 before the Civil Registrar and Notary Ex-Officio at Panaji, at Deed book No.642 page 89 reverse onwards whereby his children and their respective spouses namely:

- a) Mr. Derek Amulyanath Ribeiro alias Derek Ribeiro.
- b) Louisa Ribeiro.
- c) Mrs. Lorna Victor alias L. Victor.
- d) Mrs. Coral Vimla Ribeiro alias Coral Ribeiro alias C. Ribeiro alias Mrs. C.V. Gomes.
- e) Mrs. Elaine Rohini Ribeiro also known as Elaine da Victoria Lobo and
- f) Erlich Jose de Victoria Lobo .

All the above mentioned names were declared as the sole heirs of the late Henrique Bestos Ribeiro de Santana. The said heirs therefore become the lawful and exclusive owners of the unsold plots in the said entire property out of the said unsold plots.

7) By an Agreement dated:20/07/1993, the said heirs of the late Henrique Bestos Ribeiro de Santana agreed to sell 48 unsold plots identified as Plot nos: 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,36,37,38,40,41,42,43,49,50,51,52,53,54,55,59 and 60, totally admeasuring 24,000/-(twenty four thousand) sq.mts. together with right to use open spaces, roads and common areas to Messrs. Kamat Construction Pvt. Ltd.

8) The said property which was constituted of 48 plots was developed by the said Messrs. Kamat Construction into residential plots and as a conversion Sanad bearing no. CNV/BAR/116/94/5473 dated: 28/07/1995 and also obtained provisional N.O.C. for sub-division under DB/1195/657/94 . Subsequently a final N.O.C. for sub-

division was obtained under no. VP/SOC/1603/FN/1999 dated:22/02/1999 for several plots including plot no.60.

9)By Deed dated:25/06/2004, registered in the office of sub registrar of Bardez under no. 2044 at pages 70 to 84 of Book I volume No. 1169 on 01/10/2004, the said Plot no.60 was transferred in favour of Kamat Construction Pvt. Ltd. who became the exclusive owners in possession of the said plot.

10) By Deed of Sale dated:14/03/2022 registered in the office of sub registrar of Bardez under Book 1 Document registration no. BRZ-1-1373-2022 on 28/03/2022 the M/s. Kamat Construction Pvt. Ltd. transferred the said plot in favour of Kamat Realty.

11)By virtue of this Deed it is clear that Kamat Realty is the exclusive owner in possession of the said plot no.60.

CONCLUSION

I am therefore of the considered opinion that KAMAT REALTY a partnership Firm registered under Registration No.234/2012 through its partner SHRI. RAMESH ANAND KAMAT and SHRI.ROHAN RAMESH KAMAT are the exclusive

owners in possession and have a clear and marketable title to the said **plot no.60** being part of the property bearing Survey no.42/1 of village Socorro, Bardez-Goa, subject to carrying out mutation and production of the Nil Encumbrance Certificate.



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Place:

Date: 9/9 /2022.