

Edwin Fernandes
Advocate

Office 416, 4th Floor,
Rajdeep Galleria, Sadar
Ponda-Goa. 403401
Phone: 9890214701

LEGAL OPINION

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 Plot No. 10 admeasuring 3900 sq. mtrs. and surveyed under no. 153/1-B-1 of village Bethora formed after subdivision of a portion of the property known as "Cazrachi Add" or "Kolya Khali" admeasuring 14,303 sq.mtrs surveyed under no. 153/1-B within the jurisdiction of Village Panchayat of Bethora-Nirancal and Conxem-Codar, Taluka and Sub district of Ponda, District of South Goa (prior to the notification No.8-17-2015-LD(Estt)917 dated 29/04/2015 was in the North District), State of Goa, which property as a whole is described in the Land Registration Office of Ilhas under No.2039 at folios 128 of Book B-24 (old) and inscribed under no. 15572 and not enrolled in the Taluka Revenue Matriz records and bounded as

On the East: By open space;

On the West: By property bearing survey no. 151;

On the North: By Plot no. 9 and partly by road of the aforesaid survey number;

On the South:By property bearing survey no. 153/1-C.



II TITLE HOLDERS:

Mr. Sunder Shiva Prabhudesai, son of Shiva Prabhudesai and Mrs. Swati Sunder Prabhudesai, wife of Mr. Sunder Shiva Prabhudesai both R/o H. No. 370, "Shiv Krupa Niwas", Curti, Ponda-Goa.

III. DOCUMENTS EXAMINED:

- 1) Preliminary decree dated 21/06/1980 in Special civil suit No. 29/1979 passed by the Civil Judge Senior Division, Ponda.
- 2) Final decree dated 10/11/1993 in Special civil suit No. 29/1979 passed by the Civil Judge Senior Division, Ponda.
- 3) Consent Decree dated 17/07/2001 in Civil Suit No. 47/95/A passed by Civil Judge Senior Division at Ponda.
- 4) Deed of Sale dated 10/07/2006 registered under No. 1246 at pages 1 to 45, Book No. I, Vol. No. 985 dated 26/07/2006.
- 5) Deed of Sale dated 05/11/2021 registered at Book 1 Document under registration no. PON-1-1515-2021.
- 6) Order in Case No. ISLR/PART/PON/BETO/459/21/169 dated 21/02/2022 issued by ISLR.
- 7) Order No. ISLR/PART/PON/BETO/459/2021 dated 24/01/2022 issued by ISLR.



- 8) Form no. I & XIV of the property surveyed under no. 153/1-B-1 of village Bethora.
- 9) Survey Plan.
- 10) Conversion Sanad No. 6(i)AC-III/10/2022/427 dated 04/04/2022 issued by Office of Additional Collector-III, Ponda-Goa.
- 11) Letter No. 5/CNV/PON-38/DCFN/TECH/22-33/491 dated 17/08/2022 issued by Dy. Conservator of Forests, North Goa.
- 12) Approved Plans.
- 13) Technical clearance Order vide ref. TPP/208/Bethora/153/1-B/2022/2078 dated 07/09/2023 granted by Dy. Town Planner, Town & Country Planning Department, Ponda Goa.
- 14) NOC No. DHS/2023/DHS0901/00052/1501 dated 28/09/2023 issued by the Directorate of Health Services, Government of Goa.
- 15) Construction license no. VP/BNCC/Const.Licence/19/2023-2024/2156 dated 5/02/2024 issued by the Village Panchayat of Betoda-Nirankal-Conxem Codar.

IV **FACTS**

1. That the said entire property named "Cazrachi Add" is inscribed under No. 15572 in favour of Gopal Hari Vaidya.



2. That the said entire property was surveyed by the Directorate of Land Survey under various survey numbers namely 151/1, 144/1, 162/1, 156/1, 153/1, 157/1, and 157/2, 155/2, 158/2, 159/1, 155/1 of Bethora village.

3. That the said entire property originally belonged to the joint family of Sociedade Familiar of Vaidyas which was dissolved in the year 1940 when inventory proceedings were initiated upon the death of Pandurang Ramchandra Vaidya and others for the partitioning of the assets of the joint family.

4. That the said entire property was listed in the list of assets in the said inventory proceedings under item No. 124 and by final judgment dated 14/02/1942 which was passed in the said inventory proceedings the said entire property was partitioned among the co-owners.

5. That in the said inventory proceedings, 1/4th part of the said entire property was allotted to one Shridhar Gopal Vaidya and as such 1/4th part came to be owned and possessed by Shridhar Gopal Vaidya and his wife Savitribai Shridhar Vaidya. This 1/4th Portion of the said entire property was inscribed in the name of Shridhar Gopal Vaidya under No. 15575 in the year 1943.

6. That said Shridhar Gopal Vaidya expired on 16/08/1974 leaving behind his widow Savitribai Sridhar Vaidya and one daughter by name Anuradha Sridhar Vaidya married to Sharachandra G. Bhagwat.



7. That subsequently, said Anuradha Sharadchandra Bhagwat also expired leaving behind her as her moiety share holder her husband Shri. Sharadhchandra G. Bhagwat and as her sole and universal successors her children namely Shekhar Sharadchandra Bhagwat, Shashank Sharadchandra Bhagwat married to Rajashree Shashank Bhagwat, Shrish Sharadchandra G. Bhagwat married to Bhagyashri Shirish Bhagwat.

8. That though late Sridhar Gopal Vaidhya was allotted 1/4th share in the said entire property, the said entire property remained joint and common as 1/4th share each in the said entire property was allotted to Srinivas Gopal Vaidya, Hari Gopal Vaidya and Anant Gopal Vaidya.

9. That said Savitribai Shridhar Vaidya along with Sushilabhai Hari Vaidya filed a civil suit against the other co-owners of the property before Civil Judge Senior Division at Ponda for the partition of the said entire property which suit was registered as special civil suit N o. 29/1979, and in the said civil suit, the preliminary decree was passed on 21/06/1980 and accordingly Commissioner was appointed for partitioning of the said property. That further on the basis of Commissioner's report, the final decree was passed on 31/10/1989 and thereafter as per the final decree the allotment of plots were done on 10/11/1993.

10. That on the basis of said allotment of plots done by the civil court, Smt. Savitribai Shridhar Vaidya along with the others applied to the Deputy Collector, Ponda, for carrying out necessary changes in the survey records and allotment of



separate survey numbers but the said proceedings were challenged by one of the co-owners Ramchandra Srinivas Vaidya and his brother before the Additional Collector, Panjim being case No. LRC/AC/APL/2/95 and the proceedings before the Deputy Collector was consequently stayed.

11. That one Smt. Meenaxi Uday Vaidya, wife of Uday Srinivas Vaidya, i.e. one of the co-owners of the said entire property filed a civil suit No. 47/95/A in the court of Civil Judge Senior Division at Ponda challenging the Preliminary decree, final decree and allotment of plots made there under in special civil suit No. 29/1979 and obtained stay on further proceedings. After considerable efforts a compromise was arrived at between the co-owners of the said entire property and accordingly compromise terms were filed in the civil suit No. 47/95/A on 11/01/2001 along with the plan of partition and accordingly consent decree was passed on 17/07/2001 and preliminary decree, final decree and allotment made in special civil suit being No. 29/1979 were set aside and fresh allotments of plots were made to each groups of the co-owners.

12. That on the basis of the Consent Decree dated 17/07/2001 and on the basis of specific portions allotted to the each group of co-owners, the co-owners jointly applied for carrying out necessary changes in the survey records and to carry out mutation and after carrying out such changes in the survey records Smt. Savitribai Shridhar Vaidya, Shri. Sharadchandra G. Bhagwat and the children left behind by his deceased wife Smt. Anuradha Sharadchandra Bhagwat were allotted the land admeasuring 14303 sq. mtrs surveyed under



No.153/1-B, land admeasuring 1125 sq. mtrs surveyed under No. 156/1-E and land admeasuring 66700 sq. mtrs surveyed No. 156/1-B.

13. That said Smt Savitribai Shridhar Vaidhya alongwith other owners by virtue of the Deed of Sale dated 20/08/2002 sold an area of 6891 sq. mtrs. surveyed under no. 156/1-B (old survey No. 156/1) the portion of the said land to Smt. Sharmila Satish Tendulkar and the said deed is registered under no. 1205 at pages 288 to 301 of Book I, volume 621 dated 26/08/2002.

14. That M/s Good Luck Developers vide Deed of Sale dated 10/07/2006 duly registered in the office of the Sub-registrar of Ponda under registration No. 1246 at pages 1 to 45, Book No. I, Vol. No. 985, dated 26/07/2006 purchased from Smt. Savitribai Shridhar Vaidya and others a portion of land admeasuring an area 75,237 sq. mtrs bearing Survey No. 153/1-B, 156/1-B and 156/1-E.

15. That M/s Good Luck Developers developed a portion of the property surveyed under survey no. 153/1-B admeasuring 14,303 sq.mtrs by sub dividing the same into several Plots.

16. That in terms of Deed of Sale dated 05/11/2021 executed before the Sub Registrar of Ponda at Book 1 Document under registration no. PON-1-1515-2021, M/s Good Luck Developers through their Partners sold, conveyed and transferred unto the title holders Mr. Sunder Shiva Prabhudesai and his wife Mrs. Swati Sunder Prabhudesai the said sub divided Plot No. 10 admeasuring 3900 sq.mtrs.



17. That Inspector of Survey and Land Records passed an Order in Case No. ISLR/PART/PON/BETO/459/21/169 dated 21/02/2022 confirming sub division for said Plot No. 10 surveyed under no. 153/1-B of Bethora village.

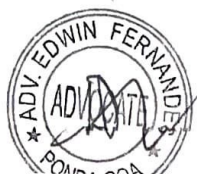
18. That further said Plot No. 10 was issued a new survey number by Inspector of Survey and Land Records vide Order No. ISLR/PART/PON/BETO/459/2021 dated 24/01/2022 and is now surveyed under no. 153/1-B-1.

19. That the name of Mr. Sunder Shiva Prabhudesai and his wife Swati Sunder Prabhudesai is recorded in the Occupant's column of Form no. I & XIV of the property surveyed under no. 153/1-B-1 of village Bethora.

20. That Conversion Sanad vide letter No.6(i)AC-III/10/2022/427 dated 26/08/2022 was issued from the Office of Additional Collector-III, Ponda-Goa.

21. That Dy. Conservator of Forests, North Goa issued a letter vide No. 5/CNV/PON-38/DCFN/TECH/22-33/491 dated 17/08/2022 confirming that the said Plot does not fall under private forest.

22. That said Shri Vishwanath Vasu Morajkar prepared a plan for the construction of multi-storeyed building on the said plot which was approved by the Deputy Town Planner, Town and Country Planning Dept., Ponda, Goa, vide its letter bearing Ref No. TPP/208/Bethora/153/1-B/2022/2078 dated 07/09/2023.



23. That the office of the Dy. Town Planner, Town & Country Planning Department, Ponda Goa granted technical clearance Order vide ref. TPP/208/Bethora/153/1-B/2022/2078 dated 07/09/2023 to carryout the construction of residential buildings and compound wall in the said Plot.

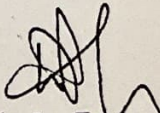
24. That the Directorate of Health Services, Government of Goa, has issued NOC No. DHS/2023/DHS0901/00052/1501 dated 28/09/2023 from sanitary point of view for the construction of the residential buildings and compound wall in the said Plot.

25. That the Village Panchayat of Betoda Nirankal Conxem Codar has issued construction license no. VP/BNCC/Const.Licence/19/2023-2024/2156 dated 5/02/2024 to construct residential buildings and compound wall in the said Plot.

V LEGAL OPINION

Therefore in pursuance and subject to the aforesaid, the TITLE HOLDERS have a clear, marketable and unencumbered title, right and interest (in the said Plot and are in possession of the said Plot.

Ponda-Goa
10/02/2024


Adv. Edwin Fernandes

