

**KAMALAKANT N. PAI**

ADVOCATE

B.A. (HONS.), LL.B.

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Date \_\_\_\_\_

19<sup>th</sup> June 2020

## **CERTIFICATE OF TITLE**

### **AND LEGAL OPINION**

This certificate of title and legal opinion is given at the request of Mr. Mujib Shaikh, sole proprietor of M/s. Roof Makers Realtors of Margao in respect of the property described hereunder and based on the documents scrutinised and listed herein below.

#### **DESCRIPTION OF THE PROPERTY**

All that immovable property denominated as "MALBOTA" (4<sup>th</sup>Lote), situated at Pajifond, Margao, within the area of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, described in the Land Registration Office of Salcete under No.33577 of New Series, enrolled in the Land Revenue Office of Salcete under Matriz No. 2855 and surveyed under Chalta No.188 of P.T.Sheet No.230, having an area of 985 sq. mts, wherein there exists a house, now demolished to construct a multi storied building and bounded on the east by Saudades Road, on the west by property under Chalta No. 1 of P.T.Sheet No.230, on the north by property under Chalta No.81 of P.T.Sheet No.230 and on the south by property under Chalta Nos.3, 4 and 5 of P.T. Sheet No.230.

*Law*

DOCUMENTS SCRUTINISED:

(All in Xerox copies)

1. Certificate of Inscription and description dt. 1<sup>st</sup> July 1994 issued by the Sub-Registrar-cum-Land Registrar of Salcete, Margao.
2. Certificate issued by Head of Taluka Revenue Office and Mamlatdar of Salcete, Margao (Matriz Certificate) dt 17<sup>th</sup> August 1972;
3. Gift Deed dt. 30<sup>th</sup> March 1968 registered in the office of the Sub-Registrar of Salcete, Margao under No.304 at pages 74 to 80 of Book No.I Vol.38 dt. 1<sup>st</sup> April 1968;
4. Agreement dt. 16<sup>th</sup> February 1972 with Receipts of Payments;
5. Records and Proceedings of Spl. Civil Suit No.147/1988/B from the Court of the Addl. Civil Judge, Senior Division, Margao including Consent Decree dt. 7<sup>th</sup> November 1995;
6. Deed of Succession drawn on 21<sup>st</sup> July 2015 by Ex-officio Notary of Salcete, Margao at folios 32V to 33V of Deeds Book No.1613 along with death certificates of Mr. Abdul Javerbhai Mavany and his wife;
7. Deed of Sale dt. 22<sup>nd</sup> July 2019 registered in the office of the Sub-Registrar of Salcete, Margao under No.MGO-1904-2019 dt. 24<sup>th</sup> July 2019;

*W.P.*

8. Form D and survey plan
9. Nil encumbrance certificate dt. 12<sup>th</sup> June 2020.

**SCRUTINY OF RECORDS:**

From certificate of Inscription and description read with Matriz certificate and survey records it is clear that there exists an immovable property denominated as "MALBOTA" (4<sup>th</sup> Lote), situated at Pajifond, Margao, within the area of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, described in the Land Registration Office of Salcete under No. 33577 of New Series, enrolled in the Land Revenue Office of Salcete under Matriz No. 2855 and surveyed under Chalta No. 188 of P.T. Sheet No. 230, having an area of 985 sq. mts., wherein there exists a house.

It is also clear from inscription in said Land Registration records the said property belonged to Mr. Hussenbhai Ramjee in whose name the same has been inscribed in the Land Registration records under Inscription No. 25827.

From Gift Deed dt. 30<sup>th</sup> March 1968 it is clear that said Mr. Hussenbhai Ramjee gifted the said property to his son Mr. Badruddin Hussenbhai Mavani.

From Agreement dt. 16<sup>th</sup> February 1972 it is clear that said Mr. Badruddin Hussenbhai Mavani and his wife Mrs. Daulat Badruddin Mavani agreed to sell

*Mavani*

the said property to Mr. Abdul Javerbhai Mavani alias Abdul Javerbhai Mavany from Margao;

From Receipts of the payments it is clear that as per the said Agreement said Mr. Abdul Javerbhai Mavani alias Abdul Javerbhai Mavany and his wife paid to said Mr. Badruddin Hussenbhai Mavani and his wife the agreed consideration and took possession of the said property;

From the Records and Proceedings of Spl. Civil Suit No.147/1998/B it is clear that as the title of the said property was not transferred by said Mr. Badruddin Mavani and his wife to said Mr. Abdul Javerbhai Mavany and his wife for a considerable time, a Civil Suit under Special Civil Suit No.147/1988/B was filed by said Mr. Abdul Javerbhai Mavany alias Abdul Javerbhai Mavani and his wife in the Court of the Addl. Civil Judge, Sr. Dvn, Margao against said Mr. Badruddin Husseinbhai Mavany and his wife, which suit was decreed by Consent Decree passed on 07<sup>th</sup> November 1995, whereby it has been declared that said property has been sold and transferred to said Mr. Abdul Javerbhai Mavany alias Abdul Javerbhai Mavani and his wife;

Thus said Mr. Abdul Javerbhai Mavany alias Abdul Javerbhai Mavani and his wife became sole owners and possessors of the said property;

From Deed of Succession drawn on 21<sup>st</sup> July 2015 read with death certificates it is clear that said Mr. Abdul Javerbhai Mavany alias Abdul Javerbhai Mavani and his wife expired leaving behind their

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only son, Mr. Akbar Abdul Mavany as only heir and successor.

From Deed of Sale dt. 22<sup>nd</sup> July 2019 it is clear that said Mr. Akbar Abdul Mavany and his wife sold and conveyed the said property to Mr. Mujib Shaikh.

Thus said Mr. Mujib Shaikh, a widower, sole proprietor of M/s. Roof Makers Realtors is sole owner and possessor of the same,

In survey records the said property stands recorded in the name of said Mr. Akbar Abdul Mavany as sole occupant thereof.

I have searched records of Sub-Registrar of Salcete and also gone through the Nil encumbrance certificate and found that the said property is free from all encumbrances, charges, liens whatsoever,

As per said Deed of Sale dt. 22<sup>nd</sup> July 2019 said Mr. Mujib Shaikh has to construct and allot two flats, namely Flats Nos.A-001 and A-002 on the fifth floor and two stilt parkings on basement/lower ground floor towards the part of the consideration of sale.

#### CONCLUSION AND OPINION

I, therefore, certify and opine that -

a) said Mr. Mujib Shaikh is sole owner and possessor of the said property described hereinabove and his title to the said property is free, clear and marketable;

b) the said property is free from all encumbrances, charges, liens and defects in title whatsoever;

*Waw.*

ADVOCATE

c), said Mr. Mujib Shaikh is free to construct and develop the said property by constructing a multi storied building with stilt parkings on the basement/lower ground floor and flats on upper floors and dispose of the same to any of his customers, except Flat Nos.A-001 and A-002 on the fifth floor and two stilt parkings on basement/lower ground floor.

Margao,

*Wg* 19<sup>th</sup> June 2020

*Wg*  
(ADV. KAMALAKANT PAI)