

**SURAJKUMAR NAIK**  
**B. Com. LL.B.**  
**ADVOCATE**  
**Office Address: Ground Floor,**  
**Shop No. 36, Apna Bazar,**  
**Near Civil & Criminal Court,**  
**Vasco da Gama, Goa.**

**Mobile: 9423310194,**

**date:- 16/08/2017**

To,

Mr. Munir Khan,  
R/o. Flat Nos.401 & 402,  
4<sup>th</sup> Floor, Hill Top Residency,  
Mangoor Hill, Vasco-Da-Gama, Goa.

Sir,

**SEARCH REPORT**

As per your request, I am herewith submitting the search report of the property described hereinbelow.

**DESCRIPTION OF THE PROPERTY**

**SCHEDULE-I**

All that 4/10<sup>th</sup> part of the property known as "COLLIA MOLI" alias "BOROD" alias "KOLIA MOLLI" admeasuring 11602.00 sq. mtrs. situated at Shiroda Village of Ponda Taluka, within the limits of Shiroda Village Panchayat, Sub-District and Taluka of Ponda, North Goa District and at present South Goa District of State of Goa which property neither described in the Land Registration Office nor enrolled in the Taluka Revenue Office but presently surveyed under Survey No.483/1 of Shiroda village.

**SCHEDULE-II**

All that plot of land admeasuring 3225.00 sq. mtrs. situated at Shiroda Village of Ponda Taluka, which portion constituted a separate and distinct property by itself which is forming part of the larger property more particularly described in Schedule-I hereinabove mentioned and the said plot of land is bounded as under :-

On the North : By the property surveyed under No.432;

On the South : By Borim Shiroda road;

On the East : By the remaining portion of the property surveyed under Survey No.483/1; and

On the West : By the remaining portion of the property surveyed under Survey No.483/1.

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**SCHEDULE-III**

All that property admeasuring 2225.00 sq. mtrs. situated at Shiroda Village of Ponda Taluka, surveyed under Survey No.483/1-B Shiroda Village of Ponda Taluka forming part of the larger property more particularly described in Schedule-I & II hereinabove mentioned and the said property of land is bounded as under :-

- On the North : By the property surveyed under No.482;
- On the South : By Borim Shiroda road;
- On the East : By the remaining portion of the property surveyed under Survey No483/1; and
- On the West : By the remaining portion of the property surveyed under Survey No483/1.

**DOCUMENTS PRODUCED FOR VERIFICATION**

1. Form I and XIV in respect of the property surveyed under Survey No.483/1 Shiroda Village of Ponda Taluka.
2. Form I and XIV in respect of property surveyed under Survey No.483/1-B Shiroda Village of Ponda Taluka.
3. Survey Plan in respect of the property surveyed under Survey No.483/1 Shiroda Village of Ponda Taluka.
4. Order dated 21/07/1926 in the Inventory Proceedings No.1216/1921 before the Court of the Civil Judge Junior Division at Ponda under
5. Deed of Gift dated 24/03/1976 duly registered before the Sub-registrar of Ponda Taluka under Registration No.125 at pages 315 to 318 of Book 1 Volume No.34 dated 29/05/1976.
6. Deed of Sale dated 03/10/1988 duly registered before the Sub-registrar of Ponda Taluka under Registration No.586 at pages 299 to 314 of Book 1 Volume No.42 dated 04/09/1991.
7. Deed of Succession dated 07/09/2004 was drawn before the Sub-Registrar cum Civil Registrar and Notary Ex-Officio of Margao Salcete, Goa at Folio 25 (overleaf) of Deeds Book No.1486.
8. Consent Terms in the Regular Civil Appeal No.14/06 before the Court Ad Hoc District Judge-1, Panaji, Goa.
9. Deed of Sale dated 16/09/2007 duly registered before the Sub-registrar of Ponda Taluka under Registration No.1827 at pages 251 to 269 of Book 1 Volume No.1177 dated 26/10/2007.

10. Deed of Sale dated 13/03/2009 duly registered before the Sub-registrar of Ponda Taluka under Registration No.526/09 at pages 207 to 226 of Book I, Volume No.1413 dated 26/03/2009.
11. Agreement for Development, Construction and Sale dated 05/05/2013 duly registered before the Sub-registrar of Ponda Taluka under Registration No.1530/13 at pages 51 to 87 of Book I, Volume No.2343 dated 01/07/2013.
12. Order dated 09/06/2014 under No.PON/LRC/PART/27/2014/834 before the Dy. Collector & SDO, Ponda.
13. Memorandum under No.RB/CNV/PON/COLL/04/2014 dated 19/08/2014 issued by Office of the District Collector, North Goa.
14. Sanad under No.RB/CNV/PON/COLL/04/2014/192 dated 22/03/2017 issued by Office of the Additional Collector & Additional District Magistrate Ponda Goa.
15. Technical Clearance Order under No.TPP/278/Shiroda/483/2016/1039 dated 10/08/2016 issued by Town and Country Department, Ponda, Goa.
16. No Objection Certificate under No.PHCS/2016-17/ cons/691 dated 17/08/2016 issued by Primary Health Centre- Shiroda.
17. Construction Licence under No.VPS/Const. Licence/06/P.F./201-17/3780 dated 25/11/2016 issued by Village Panchayat of Shiroda, Ponda.
18. NOC for cutting of land under No,TPP/17-A/06/cutting/483/2016/877 dated 11/07/2016 issued by Town and Country Department, Ponda, Goa.
19. NOC for cutting and filling of land under No,TPP/17-A/06/cutting/SIR/483/1/2016/15 dated 24/11/2016 issued by Town and Country Department, Ponda, Goa.
20. Agreement for Development, Construction and Resale dated 18/11/2016 duly registered before the Sub-registrar of Ponda Taluka under Registration No.2927/16 at pages 54 to 111 of Book I, Volume No.3305 dated 21/11/2016.
21. Power of Attorney dated 12/02/2011 executed before Notary Public Dello.
22. Power of Attorney dated 29/10/2012 executed before Notary Advocated Mr H. P. Gudekar of Ponda under registration No.4136.
23. Irrevocable Power of Attorney dated 05/05/2013 executed before Notary Advocated Mr. Manohar C. Adpaikar under registration No.6991/2013.
24. Power of Attorney dated 10/07/2017 executed before Notary Advocated Surajkumar N. Naik under registration No.6729/2017.
25. Power of Attorney dated 10/07/2017 executed before Notary Advocated Surajkumar N. Naik under registration No.6731/2017.
26. Nil Encumbrance Certificate under No.367 of 2012 dated 21/05/2012 for the period from 29/09/2008 to 21/05/2012.

**DEVOLUTION OF THE PROPERTY**

From the documents produced for verification it reveals that the property being "4/10<sup>th</sup> part of the property known as "COLLIA MOLI" alias "BOROD" alias "KOLIA MOLLI" admeasuring 11602.00 sq. mtrs, situated at Shiroda Village of Ponda Taluka, within the limits of Shiroda Village Panchayat, Sub-District and Taluka of Ponda, North Goa District and at present South Goa District of State of Goa which property neither described in the Land Registration Office nor enrolled in the Taluka Revenue Office but presently surveyed under Survey No.483/1 of Shiroda village.

The said larger property was originally belonged to Sociedade Familiar of Shri. Xec Amod Mozavar and others.

Upon the demise of Shri. Xec Amod Mozavar an Inventory Proceedings was initiated in the Court of the Civil Judge Junior Division at Ponda under Inventory Proceedings No.1216/1921 by Smt. Sultanbi who is widow of Shri. Xec Amod Mozavar.

In the said Inventory Proceedings it is stated that said Shri. Xec Amod Mozavar was living in a common family alongwith his brothers and hence they have purchased various properties in the name of Sociedade Familiar which is dissolve due to the death of various members and hence all the members have decided to partition various properties of Sociedade Familiar.

As per the said Inventory Proceedings the aforesaid larger property were enumerated at Sr. No.8 and 1/4<sup>th</sup> in the said larger property was allotted assigned to Shri. Xec Ibraimo, 1/4<sup>th</sup> in the said larger property was allotted assigned to Shri. Xec Usman, 1/4<sup>th</sup> in the said larger property was allotted, assigned to Shri. Xec Abdul Raiman and 1/4<sup>th</sup> in the said larger property was allotted, assigned to Xerifambi which allotment was duly sanctioned and confirmed by Order dated 21/07/1926 and as such said Shri. Xec Ibraimo, Shri. Xec Usman, Shri. Xec Abdul Raiman and Smt. Xerifambi became the lawful owners in possession of the said larger property having equal 1/4<sup>th</sup> share.

Said Smt. and Xerifambi and her husband Mr. Issac Khan (minority shareholder) gifted their 1/4<sup>th</sup> share in the entire property to their daughter viz Mrs. Zoinabi vide Deed of Gift dated 24/03/1976 duly registered before the Sub-Registrar of Ponda Taluka under Registration No.125 at pages 315 to 318 of Book I, Volume No.34 dated 29/05/1976.

Said Mrs. Zoinabi and her husband Mr. Xec Mussa expired on 27/10/1978 and 14/03/1977 respectively and upon their death a Deed of Succession dated 07/09/2004 was drawn before the Sub-Registrar cum Civil Registrar and Notary Ex-Officio of Margao Salcete, Goa at Folio 25 (overleaf) of Deeds Book (No.1480) wherein 1) Xec Ali Usman, 2) Ramiza Bi, 3) Noorjahan, 4) Saguirabi, 5) Xec Anwar, 6) Raziambi, 7) Nassima Bi and 8) Rafia Bi, have acquired right, title, interest and share interalia in the said property being sole and universal heirs/successors.

The aforesaid legal heirs of late said Mrs. Zoinabi and her husband Mr. Xec Mussa viz. 1) Ramiza Bi, 2) Noorjahan, 3) Saguirabi, 4) Xec Anwar, 5) Raziambi, 6) Nassima Bi and 7) Rafia Bi alongwith their respective spouses sold plot of land admeasuring an area of 3225.00 sq. mtrs. from the aforesaid larger property known as "COLLIA MOLI" alias "BOROD" alias "KOLIA MOLLI" admeasuring 11602.00 sq. mtrs. situated at Shiroda Village of Ponda Taluka which portion constituted a separate and distinct property by itself to Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh vide Deed of Sale dated 03/10/1988 duly registered before the Sub-registrar of Ponda Taluka under Registration No.586 at pages 299 to 314 of Book I, Volume No.42 dated 04/09/1991 (except Mr. Xec Ali Usman who was also one of the legal heir of late said Mrs. Zoinabi and her husband Mr. Xec Mussa).

Said Mr. Xec Ali Usman filed a Suit against the Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh and other legal heirs of late said Mrs. Zoinabi and her husband Mr. Xec Mussa in the Court of Civil Judge Junior Division at Ponda under Case No. Spl. Civil Suit No.50/1996 (old) /Reg. Civil Suit No.294/2000/D for declaring the Deed of Sale dated 03/10/19/88 as null and void.

During the pendency of the said Suit said Mr. Xec Ali Usman was expired and hence his legal heirs viz. Mrs. Mubina Shaikh, Sheikh Aiyaz Musáa and Sheikh Ali Wasin were brought on record.

The said Civil Suit was decreed vide Judgment and Decree dated 30/11/2005 in favour of the legal heirs of late Mr. Xec Ali Usman by which the aforesaid Deed of Sale dated 30/10/1988 was declared as null and void.

Said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh filed an Appeal under No. Regular Civil Appeal No.14/06 against Judgment and Decree dated 30/11/2005 passed by the Court of Civil Judge Junior Division at Ponda under Case No. Spl. Civil Suit No.50/1996 (old) /Reg. Civil Suit No.294/2000/D in the Court Ad-Hoc-District Judge-1, Panaji, Goa.

The said Appeal was however compromised and accordingly Consent Terms were signed on 06/07/2007 by the said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh, legal heirs of late said Mrs. Zoinabi and her husband Mr. Xec Mussa and the legal heirs of late Mr. Xec Ali Usman.

As per the said Consent Terms it was agreed by and between the parties that a) the Judgment and Decree dated 30/11/2005 be set aside, b) Legal heirs of Mr. Xec Ali Usman have agreed to ratify and confirm the Deed of Sale dated 30/10/1988 and an area of 500.00 sq. mtrs. from the aforesaid Plot of Land would be conveyed to the widow of said Mr. Xec Ali Usman Viz. Mubina Shaikh

As per the Consent Decree dated 20/07/2007, a portion admeasuring an area of 500.00 sq. mtrs. Of the said larger property was conveyed in the name of Mrs. Mubina Shaikh vide Deed of Sale dated 16/09/2007 duly registered before the Sub-registrar of Ponda Taluka under Registration No.1827 at pages 251 to 269 of Book I, Volume No.1177 dated 26/10/2007.

Said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh subsequently sold and conveyed another portion admeasuring an area of 500.00 sq. mtrs. To Mr. Sayed Shadula vide Deed of Sale dated 13/03/2009 duly registered before the Sub-Registrar of Ponda Taluka under Registration No.526/09 at pages 207 to 226 of Book I, Volume No.1413 dated 26/03/2009.

From the aforesaid it is clear that said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh is now lawful owner in possession and enjoyment of a Plot of Land admeasuring 2225.00 sq. mtrs. Which portion constitutes a separate and distinct property by itself.

Said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh alongwith his wife Mrs. Gulzar entered into an Agreement for Development, Construction and Sale dated 05/05/2013 duly registered before the Sub-Registrar of Ponda Taluka under Registration No.1530/13 at pages 51 to 87 of Book I, Volume No.2343 dated 01/07/2013 with Felicity Estate Private Limited and also executed an Irrevocable Power of Attorney dated 05/05/2013 and empowered him to carryout work of development construction and also to sell and enter into Agreement with prospective Purchasers.

Said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh had moved an application before Ld. Dy. Collector & SDO, Ponda for causing necessary mutation and partition in the Survey Record, which application came

to be registered under No.PON/LRC/PART/27/2014/834 and vide Order dated 09/06/2014 the said property was allotted a separate survey number under No.483/1-B of Shiroda Village. And also converted the said property into non-agricultural land by Sanad under No.RB/CNV/PON/COLL/04/2014/192 dated 22/03/2017 issued by Office of the Additional Collector & Additional District Magistrate, Ponda Goa.

Said M/s. Felicity Estate Private Limited obtained necessary Technical Clearance Order under No.TPP/278/Shiroda/483/2016/1032 dated 10/08/2016 issued by Town and Country Department, Construction Licence under No.VPS/Const. Licence/06/P.F./201-17/3780 dated 25/11/2016 issued by Village Panchayat of Shiroda, Ponda. Goa and all other required approvals from competent authority, for the construction of the multi-storied building in the said property .

Said Felicity Estate Private Limited due to some difficulties could not complete the development project of the said property and hence the Owners decided to forfeit the amount paid by the Confirming Party No.1 and handover the said project for development alongwith the permission/approvals obtained by the Confirming Party No.1 to new Builder.

By an Agreement for Development, Construction and Resale dated 18/11/2016 duly registered before the Sub-Registrar of Ponda Taluka under Registration No.2927/16 at pages 54 to 111 of Book 1, Volume No 3305 dated 21/11/2016, said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh alongwith his wife Mrs. Gulzar with the consent of Felicity Estate Private Limited agreed to sell the said property to Mr. Munir Khan for the development of the said property by constructing a multi-storied building thereon which building shall be named as "**Munir's Serenity**".

**ENCUMBRANCES, IF ANY**

I have visited the office of the Sub-Registrar of Mormugao and upon inspection of the records I found that there are no written encumbrances of whatsoever nature on the said flat till date.

OPINION

On considering what has been stated by me hereinabove and the documents produced before me at Sr. No.1 to 25, I am of the opinion that Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh and his wife Mrs. Gulzar Banu alias Gulzar BI alias Gulzar Shaikh has right over the said plot described in Schedule-III and that the construction of building undertaken by you is legal in nature in terms of Construction Licence, Development Permission and other approvals obtained by you

You viz. Mr. Munir Khan as "**Prospective Vendor-Cum-Developer**" with said Mr. Shaikh Cudratulla alias Shaikh Aslam alias Aslem Shaikh alongwith his wife Mrs. Gulzar Banu alias Gulzar BI alias Gulzar Shaikh as "**Owners**" and Mrs. Samina Munir Khan as "**Confirming Party**" can therefore safely enter into agreement to sell the units with the prospective purchasers.

Yours Truly



(Adv. Surajkumar N. Naik)