



ADV. GAURI SARVANKAR LLB. (HONS)

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11/10/2019

**SUB: TITLE REPORT AND LEGAL OPINION AT THE
REQUEST OF MR.AMIT SAXENA, RESIDENT OF,
CALANGUTE, BARDEZ, GOA.**

I. DESCRIPTION OF THE PROPERTY:

ALL THAT property known as "PALMAR DENOMINADO SENOICHEM BATA" or " GODINHACHEM BATA" or "DANGNESHEM BATA" admeasuring an area of 7550 Sqmts., situated at Paliem, Within the limits of Village Panchayat of Ucassaim/Ponula, Taluka Bardez, Registration Sub District of Bardez, District North Goa, State of Goa, described in the Land Registration Office under No. 5415 at folio 315 of B New 14, not enrolled in the Taluka Revenue Office However Surveyed under Survey No. 40/8 of Village Paliem and the said Property is bounded as follows:-

**GAURI G. SARVANKAR
ADVOCATE**

Porvorim - Goa
MAH/2285/2005

On or towards the North: by Village Bastora,
On or towards the South: by the Road,
On or towards the East: by Property under survey No.
40/6 of Village Paliem
On or towards the West: by property under Survey
No.40/7 of Village Paliem.

II. DOCUMENTS EXAMINED

PHOTOCOPIES OF:

1. Deed of Gift dated 08/3/1978,
2. Deed of Rectification dated 11/4/1983,
3. Deed of Succession dated 07/10/1992,
4. Agreement for sale dated 27/9/2007,
5. Inventory Proceedings under No. 4/2008,
6. Sanad Conversion,
7. Deed of Sale dated 21/05/2008,
8. Deed of Sale dated 29/5/2008,
9. Deed of sale dated 27/4/2016,
10. Form I & XIV
11. Nil Encumbrance Certificate issued by the Sub Registrar of Bardez dated 23/08/2019.
12. Agreement for Sale dated 09/10/2019

III. OFFICES SEARCHED

1. Land Registrar and Sub-Registrar Office of Bardez at Mapusa, Goa.



2. Office of the Village Panchayat of Paliem, Ucassaim, Bardez, Goa.
3. Office of the Mamlatdar of Bardez, at Mapusa, Goa.
4. Office of the Collector, North Goa District, Panaji, Goa.
5. Office of the Senior Town Planner, Mapusa, Goa.

IV. TITLE REPORT:

1. I have carefully examined the documents mentioned herein above in para II in respect of the said property and from the same it transpires that said property belonged to Mr. Frank D. Paul, a widower, resident of Ucassaim, Bardez, Goa.
2. That said Frank D. Paul was married to Mrs. Marcelina Paul alias Lucia Marcelina Nagueira, who expired on 16/03/1977.
3. That vide Deed of Gift dated 08/3/1978 said Mr. Frank D. Paul gifted the said property to his only daughter Mrs. Lorna William Collaso alias Maria Lorna Nogueira Paul. The said Deed of Gift is duly registered before the Office of the Sub Registrar of Bardez under No. 309, Book I, Vol 120 at pages 288 to 291 on 5th May 1978.



4. That Vide Deed of Gift dated 08/3/1978 which was further rectified on 11/4/1983 to clear all the legal defects which had occurred in the previous deed, the said Mrs. Lorna William Collaso alias Maria Lorna Nogueira Paul became the absolute owner in possession of the said property. The said Deed of Rectification is duly registered before the Sub Registrar of Mapusa under No. 223, pages 384 to 387, Book I, Vol No. 181 on 12/3/1984.

5. Vide Deed of Succession dated 07/10/1992, drawn in the Office of the Judicial Division of Bardez, City of Mapusa and in the Notorial Office situated at St. Francis Road, before Shri. Pedro Filip Das Mercês Joao, Civil Registrar cum Sub Registrar and Notary Ex-Officio at Bardez, said Mrs. Maria Lona Colaco alias Maria Lona Nogueira Paul or Maria Lorna William Colaco was declared as the sole and universal heir of Mrs. Marcelina Paul alias Lucia Marcelina Nogueira and Mr. Frank D Paul.

6. The said Mrs. Maria Lona Colaco alias Maria Lona Nogueira Paul or Maria Lorna William Colaco was married to William Francis Colaco who expired on 28/6/1998 leaving behind said Mrs. Maria Lona Colaco alias Maria Lona Nogueira Paul or Maria Lorna William Colaco as her half sharer and Moiety holder and following children as his sole and universal heirs:-



- a. Mrs. Wilina Colaso e Mendes married to Victor Mendes.
- b. Mrs. Crystal Lovina W. Colaso e Dias married to Savio J. Dias.
- c. Mr. Lenin Max W Colaso, bachelor.
- d. Ms. WilimaValancia W. Colaso, minor.

7. Said Mrs. Maria Lona Colaco alias Maria Lona Nogueira Paul or Maria Lorna William Colaco and M/s. Goodwill Infrastructure Development Pvt. Ltd., had entered into an Agreement for sale dated 27/9/2007 in respect of the said property, where the said M/s. Goodwill Infrastructure Development Pvt. Ltd., agreed to purchase the said property for a total consideration of Rs. 25,00,000/- (Rupees Twenty Five Lakhs only). The Agreement for sale is duly registered before the Sub Registrar of Bardez under No. 4769 at pages 19 to 35, Book 1, Vol 2792, dated 27/09/2007.

8. An Inventory Proceedings were filed before Civil Court Senior Division under No. 4/2008 and the said property was described under Item No. 1 in the said proceedings came to be allotted to all the heirs of late William Francis Colaco in equal proportion.

9. Said Mrs. Maria Lorna William Collaso obtained Sanad for Conversion in respect of the Survey No. 40/8 vide Sanad bearing No. RB/CNV/BAR/274/2007, dated



02/06/2008, issued by the office of the Collector, North Goa District, Panaji, Goa.

10. Vide Deed of Sale dated 21/05/2008, said M/s Goodwill Infrastructure Development Pvt. Ltd., purchased the said property from all the legal heirs. The Said Deed of sale dated 21/5/2008 is duly registered before the Sub Registrar of Bardez under No. 2950, at pages 203 to 240, Book No. 1, Vol 2627 dated 28/05/2008.

11. By virtue of Deed of Sale dated 29/5/2008, said M/s Goodwill Infrastructure Development Pvt. Ltd., as Vendors/Owners therein sold the said property to M/s. Mayfair Resorts (India) Limited and Mr. Amit Saxena as a purchaser therein. The said Deed of sale dated 29/5/2008 is duly registered before the Sub Registrar of Bardez under No. 3054, at pages 280 t 298, Book 1, Vol 2635 dated 5/6/2008.

12. By virtue of the said Deed of sale dated 29/5/2008, the said M/s. Mayfair Resorts,(India) Limited and Mr. Amit Saxena became the absolute owners in possession of the said property.

13. Name of M/s. Mayfair Resorts (India) Limited and Mr. Amit Saxena stands recorded in the occupant column of Form I & XIV in respect of the said property bearing

Survey No.40/8 of Village Paliem, Ucassaim, Bardez, Goa as occupant thereof against the mutation entry No. 28525.

14. By virtue of Deed of sale dated 27/4/2016, said M/s. Mayfair Resorts (India) Limited and Mr. Amit Saxena sold the 1/3rd portion of the undivided share of land admeasuring an area of 2516 Sqmts to Mr. Nitin Choudhry resident of New Delhi. The said Deed of Sale 27/04/2016 is duly registered before the Sub Registrar of Bardez under Book-1, Registration Number BRZ-BK1-02080-2016, CD Number BRZD779 on 28/4/2016.

15. Name of Mr. Nitin Choudhry stands recorded in the occupant column of Form I & XIV in respect of the said property bearing Survey No.40/8 of Village Paliem, Ucassaim, Bardez, Goa as occupant thereof against the mutation entry No. 56635.

16. By virtue of the said Deed of sale dated 27/04/2016, the said M/s. Mayfair Resorts (India) Limited and Mr. Amit Saxena became the absolute owner in possession of the 2/3rd portion of the undivided proportionate share of land admeasuring to 5034 Sqmts., and Mr. Nitin Choudhry became the absolute owner in possession of the 1/3rd portion of the undivided proportionate share of land admeasuring to 2516 Sqmts.



17. On 9th October 2019 the said Mr. Nitin Choudhry entered into a "Agreement to Sell" for sale of his 1/3 undivided portion of Land admeasuring 2516 sq. mtrs. with Buyers ,Mr. Amit Saxena and M/s Mayfair Resorts (India) Limited for a total amount of Rs. 75,48,000/- (Rupees Seventy Five Lakhs Forty Eight Thousands Only)out of which an amount of Rs. 30,00,000/- (Rupees Thirty Lakhs Only) was paid to the said Mr. Nitin Choudhry as advance payment in this "Agreement to Sell" which is duly registered Vide Registration No.BRZ-13196-2019 dated 09/10/2019 at the Sub Registrar Office, Mapusa, Bardez, Goa.

I have carefully examined the documents mentioned hereinabove and have also taken searches in the records of various public offices mentioned hereinabove and found that barring the impending "Sale Deed" between Mr. Nitin Choudhry (Seller) and Mr. Amit Saxena(Buyers 1) and M/s Mayfair Resorts (India) Limited (Buyer 2) for the 1/3 undivided Land of share of equal to 2516 Sq. mtrs of Mr Nitin Choudhry, there are no acts or encumbrances registered in any of the said offices, which would adversely affect the title of the abovenamed owners, M/s. Mayfair Resorts (India) Limited, Mr. Amit Saxena and Mr. Nitin Choudhry in the said Property.