

ADVOCATE

S-4, II Floor, Karma's Paes Avenue, Near Civil & Criminal Court, Vasco - Goa. Mob.: 9822487771 / dnyaneshkarpe@gmail.com

November 26, 2020

To

Mr. Anil Maruti Sawant,
M/s. Gajraj Builders and Developers,
Having its office at 3rd Floor, Karma Paes Avenue,
Near Old Vasco Bus Stand
Vasco da Gama, Goa.

Sir,

This opinion is given at the request of Mr. Anil Sawant, M/s. Gajraj Builders and Developers, Vasco da Gama, Goa in respect of all that construction of Residential cum Commercial Building "A" comprising (Basement floor, Ground Floor + 5 floors) & Construction of Residential Building "B" comprising (Basement, Ground / Stilt floor + 6 floors) and Amalgamation of plots & Compound Wall/Gate constructed in all that property known as NAICOLEM or NARCALEM also known as "FIRST EDITION OF NAICOLEM" (Twenty Fourth Lote) or PALMAR BERNARDO FRANCIS D'COSTA, admeasuring 2404 sq.mts., which is on the whole described in the Land Registration Office of Salcete, under no 39, 254 at pages 151, Book B-101 (New Series) and lastly under no.39,667, at page 165 V, Book B-102, surveyed under Chalta nos 138, 139, 146 to 151 and 184, 185, P.T.S no 220 and Chalta nos.152 to 157, 186, P.T.S no 220 and chalta nos. 124 and 180, P.T.S no.227, situated at Aquem, (near Kerkar Hospital) within the Municipality, Margao, Salcete more particularly mentioned in Schedule B and C herein below.

DESCRIPTION OF PROPERTIES:

SCHEDULE A

All that property known as NAICOLEM or NARCALEM also known as "FIRST EDITION OF NAICOLEM" (Twenty Fourth Lote) or PALMAR BERNARDO FRANCIS D'COSTA , admeasuring 2404 sq.mts., which is on the whole described in the Land Registration Office of Salcete, under no 39, 254 at pages 151 , Book B-101 (New Series) and lastly under no.39,667, at page 165 V, Book B-102 , surveyed under Chalta nos 138 , 139, 146 to 151 and 184 , 185 , P.T.S no 220 and Chalta nos.152 to 157, 186, P.T.S no 220 and chalta nos. 124 and 180, P.T.S no.227, situated at Aquem , (near Kerkar Hospital) within the Municipality, Margao, Salcete, Goa bounded as under

On the East By property of the same name 25th Lote of Joao Xavier Esperato Gomes , now surveyed under no.183/220

On the West By the property of the same name 23rd Lote of Jose Fernandes , now surveyed under no.145/220

On the North By rivulet (water drain) and chalta no 137 and 181 , P.T.S 220

On the South By the road towards Torcansori

SCHEDULE 'B'

All that parcel of land, which is separate and independent, detached from above described property admeasuring 952 sq.mts. known as NAICOLEM or NARCALEM also known as FIRST EDITION OF NAICALEM or PALMAR BERNARDO FRANCIS Da COSTA (Twenty Fourth Lote) surveyed under Chalta no.138, 139, 146 to 151 and 184 and 185, P.T.S no 220, bounded as under:

On the East By a strip of land of property of the same name 25th Lote of Joao Xavier Esperato Gomes, now surveyed under Chalta no . 183, P.T.S no 220;

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On the West By a strip of land property of the same name 23rd Lote of Jose Fernandes , now surveyed Chalta no 145 , P.T.S no 220;

On the North By rivulet (water drain) and Chalta no 137 and 181 of P.T.S 220;

On the South By the remaining part of same property (2/3rd) surveyed under Chalta no. 152 to 157 and 186 , P.T.S no 220, and chalta no124, 180 P.T.S no 227.

SCHEDULE 'C'

All that parcel of land, which is separate and independent, detached from above described property admeasuring 1452 sq.mts. known as NARCALEM (Twenty Fourth Lote) surveyed under Chalta no.152 to 157 and 186 of P.T.S no 220 , Chalta no.124 and 180 of P.T.S no 227 bounded as under:

On the East By of property (a strip of land) surveyed under Chalta no . 183, P.T.S no 220;

On the West By property (strip of land) surveyed Chalta no 145 , P.T.S no 220;

On the North By the remaining part of same property surveyed under Chalta no. 138, 139, 146 to 151, 184 and 185 , P.T.S no 220.

On the South By Road towards Torcansori.

DOCUMENTS SCRUTINIZED

1. Public Deed of Adjustment of Sale and Quittance dated 13/01/1936 at pages 91 to 94 of Book 483.
2. Public Gift Deed dated 17/02/1944.

3. Will dated 09/07/1981, duly recorded in the Book of Notes no.103, executed before Ex-Officio Notary , Margao, Goa
4. Deed of Acquiescence dated 09/07/1981
5. Deed of Succession dated 17/03/15 duly recorded at pages 97 to 99 of the Notarial Book of Deeds no 47, executed before Civil cum Sub Registrar, Ex-Officio, Canacona, Goa.
6. Deed of Sale dated 31/03/2015 executed by Mr. David Trindade along with his wife, Mrs. Julieta Sebastiana Fernandes in respect of all that parcel of land, which is separate and independent, detached from above described property admeasuring 952 sq.mts. known as NAICOLEM or NARCALEM also known as FIRST EDITION OF NAICALEM or PALMAR BERNARDO FRANCIS Da COSTA (Twenty Fourth Lote) surveyed under Chalta no.138, 139, 146 to151 and 184 and 185, P.T.S no 220 mentioned in Schedule B with Gajraj Builder & Developers, Margao, Goa which deed is registered under Book -1 Document Registration Number MGO-BK-1 01663-2015 CD Number MGOD83 on Date 02-04-2015.
7. Deed of Succession dated 02/02/2007 duly recorded at pages 92v to 94 of the Notarial Book of Deeds no 1504, executed before Civil cum Sub Registrar, Ex-Officio, Canacona,
8. Deed of Relinquishment dated 15/01/2007 duly recorded at pages 174 reserve to 175 reverse of the Notarial Book of Deeds no.1503, executed before Civil cum Sub Registrar, Ex-Officio, Canacona.
9. Deed of Relinquishment of Undivided and Illiquid Rights dated 17/03/2015 duly recorded at pages 99 reserve to 100 reverse of the Notarial Book of Deeds no 45, executed before Civil cum Sub Registrar, Ex-Officio, Canacona.
10. Deed of Sale dated 19/05/2015 executed by 1.a.Shri Emericiano Rosario Gregorio Faleiro and 1.b. Mrs. Maria Dorina Faleiro, 2.a.Shri George Faliero and 2.b.Richa Gracia Faleiro and 3. Willson Falerio in respect of all that parcel of land, which is separate and independent, detached

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from above described property admeasuring 1452 sq.mts. known as NARCALEM (Twenty Fourth Lote) surveyed under Chalta no.152 to 157 and 186 of P.T.S no 220 , Chalta no.124 and 180 of P.T.S no 227 mentioned in Schedule C with M/s. Gajraj Builder & Developers, Margao, Goa which deed is registered under Book -1 Document Registration Number MGO-BK-1 02478-2015 CD Number MGOD84 on Date 25-05-2015.

11. Sanad has been issued by the Office of the Collector, South Goa District, Margao under no.AC-II/SAL/SG/CONV/90/2015/1303/D dated 11/11/2020 in respect of plot admeasuring 952 sq. mtrs.
12. Sanad has been issued by the Office of the Collector, South Goa District, Margao under no.AC-II/SAL/SG/CONV/90/2015/1303/I dated 11/11/2020 in respect of plot admeasuring 1452 sq. mtrs.
13. Construction License has been obtained from the Margao Municipal Council, Margao, Goa bearing no.A/52/2020-2021 Date 30/10/2020.
14. Development Permission has obtained from the South Goa Planning and Development Authority, Margao, Goa under no.SGDA/P/6338/538/20-21 dated 19/08/2020.
15. Nil Encumbrance Certificate issued by the Sub Registrar of Salcete, Margao, Goa under No.1504/2020 dated 18/11/2020.
16. No Objection Certificate for Temporary Water Connection - Letter dated 30/10/2020 from MMC to the Asst. Engineer, Water Department, Margao, Goa.
17. No Objection Certificate for Temporary Electric Connection - Letter dated 30/10/2020 from MMC to the Asst. Engineer, Water Department, Margao, Goa.
18. Form D of property surveyed under Chalta no 138,139,146, 147, 148, 149,150 to 151, 184, 185, P.T.S no 220 and under Chalta no.152, 153, 154 155, 156 to 157, and 186 P.T.S no.220, and Chalta no. 124, 180, P.T.S no 227.

19. Inscription of Transmission and Land Description nos.39254 and 39667 of New Series of Office of the Land Registrar of Salcete, Margao.

20. Approved Plan of Construction.

TRACING OF TITLE OF THE PROPERTY:

There exists a property known as NAICOLEM or NARCALEM (Twenty Fourth Lote) also known as FIRST EDITION OF NAICOLEM or PALMAR BERNARDO FRANCIS Da COSTA now surveyed under Chaltas no 138,139,146 to 151, 184, 185, P.T.S no 220 and under Chalta no.152 to 157, and 186 P.T.S no.220, and Chaltas no. 124, 180, P.T.S no 227, admeasuring 2404 sq.mts., situated at Aquem, (near Kerkar Hospital) within the Jurisdiction of Margao Municipality, Salcete , Goa which is described in the Schedule I and hereafter referred to as SAID PROPERTY

By a Sale Deed dated 13/01/1936, the said above mentioned property was purchased by Shri Rosario Faleiro, who was married to Smt. Marciana Mendes also known as Monica Menezes.

Title of Schedule B of property.

Mr. Rosario Faleiro and his wife Marciana Mendes under Gift Deed dated 17/02/1944 gifted 1/3rd(one third of the said property to their daughter Conceicao Timontina Faleiro e Fernandes, married to Joao also known as John Francisco Fernandes which is fully described in the Schedule B and hereafter referred to as "the part of the SAID PROPERTY"

Mr. Conceicao Timontina Faleiro e Fernandes, after obtaining consent of her husband Joao Fernandes, by a Will dated 09/07/1981, duly recorded in the Book of Notes no.103, executed before Ex-Officio Notary, Margao, Goa bequeathed to their daughter Julieta Sebastiana Fernandes who is married to Mr. David Trindade, the 1/3rd i. e the said part of the said property now admeasuring 952 sq.mts. (Twenty Fourth Lote) as described in Schedule II.

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By a Deed of Succession dated 17/03/15 duly recorded at pages 97 to 99 of the Notarial Book of Deeds no 47, executed before Civil cum Sub Registrar, Ex-Officio, Canacona, the Vendors, Mrs Julieta Sebastiana Fernandes along with her husband, Mr. David Trindade have qualified themselves as the only legal heirs and successors of late Conceicao Timotina Faleiro e Fernandes and her husband Joao Fernandes.

By a Deed of Sale dated 31/03/2015, Mr. David Trindade along with his wife, Mrs. Julieta Sebastiana Fernandes sold all that parcel of land, which is separate and independent, detached from above described property admeasuring 952 sq.mts. known as NAICOLEM or NARCALEM also known as FIRST EDITION OF NAICALEM or PALMAR BERNARDO FRANCIS Da COSTA (Twenty Fourth Lote) surveyed under Chalta no.138, 139, 146 to151 and 184 and 185, P.T.S no 220 mentioned in Schedule B to Gajraj Builder & Developers, a partnership firm, under Partnership Act, registered under no.MGO-F-21/2012, having PAN Card no.AALFG 1939M, through its Partner, Mr. Anil Maruti Sawant, son of Maruti Sawant, resident of Margao, Goa which deed is registered under Book -1 Document Registration Number MGO-BK-1 01663-2015 CD Number MGOD83 on Date 02-04-2015.

The Owners have agreed to sell to him the said part of the said property, for constructing multi storied building/s i.e multifamily dwellings (flat, villas, shop, offices) therein, at its own cost and expenses, , subject to giving them super built up area admeasuring 250 sq.mts. free of cost and ready for occupation, complete in all respect (as agreed separately in the MOU) in the said property , in lieu of monetary compensation by M/s. Gajraj Builder & Developers.

Title of Schedule C of property.

Mr. Rosario Faleiro and his wife Marciana Mendes (upon execution of Deed of Gift dated 17/02/1944) are entitled to 2/3th of the said property, which is

fully described in the Schedule C and hereafter referred to as "the part of the SAID PROPERTY".

By a Deed of Succession dated 02/02/2007 duly recorded at pages 92v to 94 of the Notarial Book of Deeds no 1504, executed before Civil cum Sub Registrar, Ex-Officio, Canacona, the following person have qualified themselves as the only legal heirs and successors of late Mr. Costao Faleiro alias Canstancio Faleiro, son of Late Mr. Rosario Faleiro and Mrs. Marciana Mendes.

Mr. Costao Faleiro alias Constancio Faleiro died on 06/10/2002, leaving behind his widow of Mrs. Juliana Faliero as his moiety sharer and as his sole and universal heirs his five children namely

1. Shri Emericiano Rosario Gregorio Faleiro married to Mrs. Maria Dorina Faleiro,
2. Shri George Faliero married to Richa Gracia Faleiro,
3. Elena Vitorisa Faleiro married to Antonio Felix da Costa,
4. Franklyn Celina Faleiro married to Antonio Leitao and
5. Willson Falerio.

Mr. Antonio Felix da Costa and his wife Elena Vitoria Faliero have relinquished their rights in the estate of their rights by Deed of Relinquishment dated 15/01/2007 duly recorded at pages 174 reserve to 175 reverse of the Notarial Book of Deeds no.1503, executed before Civil cum Sub Registrar, Ex-Officio, Canacona.

Mrs. Franklyn Celina Faleiro and her husband Mr. Antonio Leitao have relinquished their rights in the estate of their rights by Deed of Relinquishment of Undivided and Illiquid Rights dated 17/03/2015 duly recorded at pages 99 reserve to 100 reverse of the Notarial Book of Deeds no 45, executed before Civil cum Sub Registrar, Ex-Officio, Canacona.

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By a Deed of Sale dated 19/05/2015, 1.a.Shri Emericiano Rosario Gregorio Faleiro and 1.b. Mrs. Maria Dorina Faleiro, 2.a.Shri George Faliero and 2.b.Richa Gracia Faleiro and 3. Willson Falerio sold all that parcel of land, which is separate and independent, detached from above described property admeasuring 1452 sq.mts. known as NARCALEM (Twenty Fourth Lote) surveyed under Chalta no.152 to 157 and 186 of P.T.S no 220 , Chalta no.124 and 180 of P.T.S no 227 mentioned in Schedule C to M/s. Gajraj Builder & Developers, a partnership firm, under Partnership Act, registered under no.MGO-F-21/2012, having PAN Card no.AALFG 1939M, through its Partner, Mr. Anil Maruti Sawant, son of Maruti Sawant, resident of Margao, Goa which deed is registered under Book -1 Document Registration Number MGO-BK-1 02478-2015 CD Number MGOD84 on Date 25-05-2015.

About Legality of Construction:

M/s. Gajraj Builders and Developers have obtained permissions and approvals for proposed construction of Residential cum Commercial Building "A" comprising (Basement floor, Ground Floor + 5 floors) & Construction of Residential Building "B" comprising (Basement, Ground / Stilt floor + 6 floors) and Amalgamation of plots & Compound Wall/Gate as under:

1. Sanad has been issued by the Office of the Collector, South Goa District, Margao under no.AC-II/SAL/SG/CONV/90/2015/1303 D dated 11/11/2020 in respect of plot admeasuring 952 sq. mtrs.
2. Sanad has been issued by the Office of the Collector, South Goa District, Margao under no.AC-II/SAL/SG/CONV/90/2015/1303 1 dated 11/11/2020 in respect of plot admeasuring 1452 sq. mtrs.
3. Construction License has been obtained from the Margao Municipal Council, Margao, Goa bearing no.A/52/2020-2021 Date 30/10/2020.
4. Development Permission has obtained from the South Goa Planning and Development Authority, Margao, Goa under no.SGDA/P/6338/538/20-21

dated 19/08/2020.

The proposed construction of the building is legal.

Conclusion :

1. All that parcel of land, which is separate and independent, detached from above described property admeasuring 952 sq.mts. known as NAICOLEM or NARCALEM also known as FIRST EDITION OF NAICALEM or PALMAR BERNARDO FRANCIS Da COSTA (Twenty Fourth Lote) surveyed under Chalta no.138, 139, 146 to151 and 184 and 185, P.T.S no 220 mentioned in Schedule B is owned and possessed by Gajraj Builder & Developers, a partnership firm, under Partnership Act, registered under no.MGO-F-21/2012, having PAN Card no.AALFG 1939M, through its Partner, Mr. Anil Maruti Sawant, son of Maruti Sawant, resident of Margao, Goa.
2. All that parcel of land, which is separate and independent, detached from above described property admeasuring 1452 sq.mts. known as NARCALEM (Twenty Fourth Lote) surveyed under Chalta no.152 to 157 and 186 of P.T.S no 220 , Chalta no.124 and 180 of P.T.S no 227 mentioned in Schedule C is owned and possessed by M/s. Gajraj Builder & Developers, a partnership firm, under Partnership Act, registered under no.MGO-F-21/2012, having PAN Card no.AALFG 1939M, through its Partner, Mr. Anil Maruti Sawant, son of Maruti Sawant, resident of Margao, Goa.
3. M/s. Gajraj Builders and Developers have obtained permissions and approvals for proposed construction of Residential cum Commercial Building "A" comprising (Basement floor, Ground Floor + 5 floors) & Construction of Residential Building "B" comprising (Basement, Ground / Stilt floor + 6 floors) and Amalgamation of plots & Compound Wall/Gate. The Construction of the proposed building is legal.

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**ENCUMBRANCE CERTIFICATE FOR A PERIOD OF 13/30 YEARS FOR ALL ITEMS
OF PROPERTIES SUBJECT TO "C" ABOVE**

After carrying out a due search in the Office of the Sub-Registrar at Salcete, Margao, Goa on 18/11/2020, I did not find any recorded or registered encumbrances affecting the said property indicating the same to be free from any recorded encumbrances as seen from Nil Encumbrance Certificate No.1504/2020 from 01st January 1989 to 16th November 2020.

EVIDENCE OF POSSESSION - findings on document and revenue records.

The documents perused by me show the possession of the property from 1938 onwards.

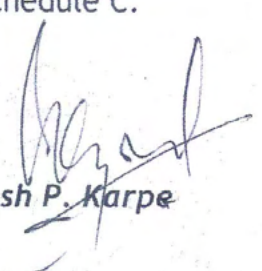
CERTIFICATE TO TITLE

M/s. Gajraj Builder & Developers, a partnership firm, under Partnership Act, registered under no.MGO-F-21/2012, through its Partner, Mr. Anil Maruti Sawant, son of Maruti Sawant, resident of Margao, Goa is having clean, clear and marketable title as under:

- a) All that parcel of land, which is separate and independent, detached from above described property admeasuring 952 sq.mts. known as NAICOLEM or NARCALEM also known as FIRST EDITION OF NAICALEM or PALMAR BERNARDO FRANCIS Da COSTA (Twenty Fourth Lote) surveyed under Chalta no.138, 139, 146 to 151 and 184 and 185, P.T.S no 220 mentioned in Schedule B
- b) All that parcel of land, which is separate and independent, detached from above described property admeasuring 1452 sq.mts. known as NARCALEM (Twenty Fourth Lote) surveyed under Chalta no.152 to 157 and 186 of P.T.S no 220 , Chalta no.124 and 180 of P.T.S no 227 mentioned in Schedule C.

November 26, 2020.

Vasco da Gama Goa


Adv. Dnyanesh P. Karpe