

SITARAM SINGBAL

ADVOCATE

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Date : 06/12/2022

To,
Sarthak Developers,
Ponda-Goa.

SEARCH REPORT AND LEGAL OPINION
(FOR NIL ENCUMBRANCE CERTIFICATE)

OPINION SOUGHT :

I have been engaged by Sarthak Developers, Ponda, Goa, to take search of the records available in the office of the Sub-Registrar of Ponda, Goa, pertaining to the property described more particularly in the **Schedule I and Schedule II** hereunder written and give legal opinion of the Title.

DESCRIPTION OF PROPERTY :

All that plot of land admeasuring 800.00 sq. mts. in a piece of land admeasuring 1321.00 sq. mts, bearing distinct survey No.172/6-L, of village Ponda, in the larger property known by name " LOCONDIEM", situated at Shantinagar, Ponda, Goa, within the limits of Ponda Municipal Council, being part of the larger property by name " LOCONDIEM FIRST ADICAO "



consisting of two sub-divisions or Glebas, the first named as "LOCONDIEM" and the second as "CUMBARBATA", described as whole in the Land Registration Office of Ilhas under No. 299 of Book B-1 (New) and enrolled in the taluka land revenue office under Matriz No. 1032 and plot of land admeasuring 1321 sq. mts. is bounded On the East By Plot Marked as 14 in survey No. 172/6, On the West : By Plot Marked as 19 in survey No. 172/6, On the North : By remaining property under survey No. 172/6 and On the South : By 10 mts wide municipal road leading to the Municipal road from Santa Cruz to Upper Bazar and the Plot of land admeasuring 800.00 sq. mts. is bounded On the East By Plot Marked as 14 in survey No. 172/6, On the West : By Plot Marked as 19 in survey No. 172/6 and part of the same piece of land, On the North : By remaining property under survey No. 172/6 and On the South By 10 mts wide municipal road. The area admeasuring 1321 sq. mts. surveyed under Sy. No. 172/6-L shall be referred to hereinafter as the **"said piece of land"** and plot of land admeasuring 800 sq. mts. in it shall be referred to as the **"Said Plot"**) and both are described more particularly in **Schedule I** and **Schedule II** respectively hereunder written.

DOCUMENTS:

I have inspected the following documents and have taken search in the office of the Sub-Registrar of Ponda of last 30 years records pertaining to the said property.

1. Copy of Land Registration certificate No. 299 of Book B-1 (New).

2. Copy of Matriz certificate No. 1032
3. Copy of the Deed of Sale dated 26/07/1963, duly written in Book No. 1195 at page 47 of the Notary of Margao, Mr. Santa Rita Vaz.
4. Copy of Deed of Gift, dated 24/02/1972, duly registered in the office of the Sub-Registrar of Ponda, under No. 68 at pages 341 to 345 of Book I Volume 17 dated 03/03/1972.
5. Copy of Deed of Gift, dated 10/03/1972, duly registered in the office of the Sub-Registrar of Ponda, under No. 78 at pages 379 to 382 of Book I Volume 17 dated 10/03/1972.
6. Copy of the order dated 02/02/1995 by Court of the Civil Judge, Senior Division at Margao, Goa, in civil suit No. 49/79/B.
7. Copy of Deed of Sale dated 22/12/1995, duly registered in the office of the Sub-Registrar of Ponda, Goa, under Reg. No. 347 at pages 225 to 236 of Book I Volume 811 on 03/03/2005.
8. Deed of Succession dated 04/05/2017
9. Copy of the Agreement of Development dated 04/03/2021 registered in the office of the Sub-Registrar of Ponda, Goa under Reg. No. PON-1-391-2021 dated 05/03/2021.
10. Form I & XIV of Survey No. 172/6-L of village Ponda


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OBSERVATIONS :

- A. From the perusal of the above documents it is seen that there exists a larger property known by name " LOCONDIEM" situated at Shantinagar, Ponda, Goa, within the limits of Ponda Municipal Council, taluka and registration sub-district of Ponda, being part of the larger property by name " LOCONDIEM FIRST ADICAO " consisting of two sub-divisions or Glebas, the first named as "LOCONDIEM" and the second as " CUMBARBATA", described as whole in the Land Registration Office of Ilhas under No. 299 of Book B-1 (New) and enrolled in the taluka land revenue office under Matriz No. 1032.
- A. That the said larger property by the name " LOCONDIEM FIRST ADICAO " was owned and possessed by Shri. Shrikrishna Jaganath Kamat and his brother Shri. Vithal Jaganath Kamat, who purchased the same in equal shares from Doctor Francisco Oriando Coelho under a Deed of Sale dated 26/07/1963, duly written in Book No. 1195 at page 47 of the Notary of Margao, Mr. Santa Rita Vaz.
- B. That vide a Deed of Gift, dated 24/02/1972, duly registered in the office of the Sub-Registrar of Ponda, under No. 68 at pages 341 to 345 of Book I Volume 17 dated 03/03/1972, said Shri. Shrikrishna Jaganath Kamat and his wife Smt. Gangabai Shrikrishna Kamat, gifted their undivided share of the said larger property to their sons Shri. Ravindra Shrikrishna Kamat and


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Jagannath Shrikrishna Kamat and vide a Deed of Gift, dated 10/03/1972, duly registered in the office of the Sub-Registrar of Ponda, under No. 78 at pages 379 to 382 of Book I Volume 17 dated 10/03/1972, said Shri. Vithal Jaganath Kamat and his wife Smt. Rucmini @ Rukmini Vithal Kamat, gifted their undivided share of the said larger property to their only son Shri. Virendra Vithal Kamat.

- C. That said Shri. Ravindra Shrikrishna Kamat, Shri. Jagannath Shrikrishna Kamat became joint owners of the half share of the undivided said larger property while Shri. Virendra Vithal Kamat became the owner of the other half share, all held jointly by three of them.
- D. That there existed number of houses in the said larger property even before the said larger property was purchased by the above mentioned owners and the said owners agreed to sell the pieces of land over which said houses existed to the respective owners of said houses along with some area around the houses.
- E. That one such house existing in the part surveyed under survey No. 172/6 of village Ponda, of said lager property, belonged to late Chandrakant Antu Naik and the and the abovementioned land owners agreed to sell to said Chandrakant Naik, the piece of land on which his house existed along with some surrounding area.
- F. That disputes arose between the above mentioned three joint owners due to disagreement in partitioning of their


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assets and a civil suit was filed in the Court of the Civil Judge, Senior Division at Margao, Goa, which civil suit was registered as Special Civil suit No. 49/79/B, with Shri. Ravindra S. Kamat, Shri. Jagannath S. Kamat and Smt. Usha Jagannath Kamat as Plaintiffs and Shri. Virendra Vithal Kamat, represented by his father Shri. Vithal Jagannath kamat as Defendant, wherein Shri. Dilip Dharma Kurtarkar, was appointed as the court receiver.

G. That the owners who were parties to the suit and who agreed to sell some pieces of land to the owners of the existing houses in the said larger property, requested the court receiver to seek leave of the Court of Civil Judge Senior Division at Margao, to execute the sale Deeds to convey the pieces of land to the respective house owners, which permission was granted by the Court by its order dated 02/02/1995, directing the said court receiver to execute the Deeds of Sale to the house owners.

H. AND WHEREAS pursuant to the said permission by the Court, the Court receiver, Shri. Dilip Kurtarkar, duly appointed so by the Civil Judge Senior Division, Margao, in Special Civil Suit No. 49/79/B, sold the said Piece of land marked as Plot No. 26, admeasuring 1321 sq. mts. to late Chandrakant Antu Naik, vide a Deed of Sale dated 22/12/1995, duly registered in the office of the Sub-Registrar of Ponda, Goa, under Reg. No. 347 at pages 225 to 236 of Book I Volume 811 on 03/03/2005.


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- I. That said Chandrakant Antu Naik and his family has been in peaceful possession and occupation of the said Piece of land since its purchase.
- J. That said Chandrakant Antu Naik expired on 28/11/2016 and a Deed of Succession dated 04/05/2017 was drawn in the Notarial Office of the Judicial Division of Ponda, whereby Smt. Vilas Babuli Naik alias Chandrika Chandrakant Naik was declared as his Moity holder and half sharer and Smt. Chandrakala Chandrakant Naik alias Sneha Samir Naik married to Samir Madu Naik and Shri. Sanat Chandrakant Naik, bachelor, were declared as the sole and universal heirs of late Chandrakant Antu Naik.
- K. That by an agreement of Development dated 04/03/2021 duly registered in the office of the Sub-Registrar of Ponda Goa under Reg. No. PON-1-391-2021 dated 05/03/202 said Chandrika Chandrakant Naik, Smt. Chandrakala Chandrakant Naik alias Sneha Samir Naik, Shri. Samir Madu Naik and Shri. Sanat Chandrakant Naik appointed and nominated M/s Sarthak Developers, a Partnership Firm, having its registered office at Ponda, Goa as Developers of a plot admeasuring 800 sq. mts. in the said piece of land admeasuring 1321 sq. mts. surveyed under distinct survey No. 172/6-L of Ponda, Goa, which Plot of 800 sq. mts is more particularly described in the Schedule II.
- L. That Form I & XIV of Sy. No. 172/6-L of village Ponda shows the names of Smt. Chandrika Chandrakant Naik,


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Smt. Chandrakala Chandrakant Naik, Samir Madu Naik and Shri. Sanat Chandrakant Naik as occupants without any names in other rights columns.

CONCLUSIONS AND LEGAL OPINION :

- I. That as per documents listed above and perused in the office of the Sub-Registrar of Ilhas, the link in the chain of title to said Plot admeasuring 1321 sq. mts. surveyed under survey No. 172/6-1 of village Ponda, situated within the limits of the Ponda Municipal Council, Ponda, Goa has been properly established and the said Plot has been validly and legally transferred in the name of Chandrakant Antu Naik and after his death his wife, Smt. Chandrika Chandrakant Naik, his daughter Smt. Chandrakala Chandrakant Naik alias Sneha Samir Naik married to Samir Madu Naik and Shri. Sanat Chandrakant Naik are the lawful owners having absolute title, right and interest to the said Piece of land admeasuring 1321 sq. mts. surveyed under distinct survey No. 172/6-L and are in peaceful possession of the same without any encumbrances and are entitled to sell the same or make use or enjoyment of the same as per their own choice.
- II. That under the Agreement of Development dated 04/03/2022, M/s Sarthak Developers has the right of development in the Plot admeasuring 800 sq. mts. in the larger plot admeasuring 1321 sq. mts.

- III. That the search in the office of the Sub-Registrar of Ponda has revealed that Smt. Chandrika Chandrakant Naik, Smt. Chandrakala Chandrakant Naik alias Sneha Samir Naik, Samir Madu Naik and Shri. Sanat Chandrakant Naik have not sold, gifted, mortgaged, transferred or leased the said piece of land to any person or entity and hence the said piece of land is free from all sorts of encumbrances.
- IV. Therefore, I am of the considered opinion that Smt. Chandrika Chandrakant Naik, Smt. Chandrakala Chandrakant Naik alias Sneha Samir Naik, Samir Madu Naik and Shri. Sanat Chandrakant Naik have clear and marketable title to the said piece of land admeasuring 1321 sq. mts. surveyed under Sy. No. 172/6-L of Ponda and the Plot admeasuring 800 sq. mts in it and they jointly have clean and marketable title and rights to the properties described in the Schedules written hereunder.

SCHEDULE I

(Description of " Said Piece of land")

All that piece of land admeasuring 1321.00 sq. mts, bearing distinct survey No.172/6-L, of village Ponda, in the property known by name " LOCONDIEM", situated at Shantinagar, Ponda, Goa, within the limits of Ponda Municipal Council, being part of the larger property by name " LOCONDIEM FIRST ADICAO " consisting of two sub-divisions or Glebas, the first named as "LOCONDIEM" and the second as " CUMBARBATA", described as whole in the Land Registration Office of Ilhas


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under No. 299 of Book B-1 (New) and enrolled in the taluka land revenue office under Matriz No. 1032 and which piece of land is bounded as under :

On the East : By Plot Marked as 14 in survey No. 172/6

On the West : By Plot Marked as 19 in survey No. 172/6

On the North : By remaining property under survey No.
172/6

On the South : 10 mts wide municipal road leading to
the Municipal road from Santa Cruz to Upper
Bazar

SCHEDULE II

(Description of " Said Plot")

All that Plot of land admeasuring 800.00 sq. mts. being part of the piece of land described in the Schedule I written hereinabove and which plot is bounded as under :

On the East : By Plot Marked as 14 in survey
No. 172/6

On the West : By Plot Marked as 19 in survey
No. 172/6 and part of the same
piece of land described in
Schedule I.

On the North : By remaining property under


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survey No. 172/6

On the South : By 10 mts wide municipal road

Dated : 06/12/2022

Place : Ponda-Goa



Sitaram Singbal

Advocate

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Reg. No. MAH/2036/2007



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