

Date: ----/06/2020

LEGAL SCRUTINY REPORT

AND

CERTIFICATE OF TITLE

NAME OF OWNER:- Vijaya Govind Naik Desai, Vinod Govind Naik Desai, Vidya Krishna Mashelkar, Sandhya Naresh Desai, all children of late Govind Narayan Naik Desai, Pundalik Naraina Naique Desai and his wife Usha alias Manik Naik Desai, Resident of Canacona, Goa

DETAILS OF THE PROPERTY UNDER SCRUTINY:

Plot admeasuring 1694 square meters under survey no. 45/5 of village Chaudi, at Sheller, Chaudi, Canacona Taluka bounded at present towards East by drain and boundary of village Nagarcem, Palolem, towards West by survey no. 45/3, towards North by present National Highway 17, towards South by survey no. 45/4, which property is one third part of the property known "PANGEAVONIM" enrolled in the Land Revenue office Canacona under Matriz No. 1773 of earlier village Nagorcem presently recorded in survey records as "PANGALYA VARNA" of village Chaudi situated at village Sheller, Chaudi within the limits of Canacona Municipal Council in Taluka Canacona of South Goa District which property as a whole is bounded as per Matriz documents on the East:- Nalla/rivulet, West:- by property Gotonamoroda under matriz no. 1776 of Santoba Govind Sinai North:- Municipal road and on the South:- by property Vegrempa under Matriz no. 1774 of Narain Bombo Naik.

DOCUMENTS SCRUTINISED

1. Copy of Matriz certificate bearing no. 1773
2. Copy of Roznama order and Plaint in Regular Civil Suit NO. 13/1994 disposed by Civil Judge Junior Division at Canacona on 31/1/1996.
3. Copy Consent decree dated 25/8/2001, Plaint, written statement in Regular Civil Suit No. 22/1997 disposed by Civil Judge Junior Division at Canacona.
4. Copy of Form I & XIV of survey no. 45/5, 45/1, 45/1-A, 45/2, 45/3, 45/4 of village Chaudi, Canacona Taluca..
5. Copy of Sale Deed dated 16/8/2007 registered under no. 233, pages 442 to 480, Book I, Volume No. 182, registered on 20/8/20017 between Asha Ramesh Sawant, alongwith her husband Ramesh Bhikaro Sawant, Lata Rajendra Dessai, alongwith

her husband Rajendra Appa Dessai, Vanita Anil Gaonkar, her husband Anil Kashinath Gaonkar And purchaser Mr. Premamnand Anant Kenkre.

6. Copy succession deed dated 8/1/1997 of late Govind N. Naik Desai
7. Copy relinquishment Deed dated 8/1/1997.
8. Copy of death certificates of Vishwas Govind Naik Desai
9. Copy of marriage certificates of Pundalik Naraina Naique Desai
10. Copy of marriage certificates of vandana alias Sandya Naresh Desai
11. Copy of Nil Encumbrance certificate

TRACING OF THE TITLE

As per Matriz certificate No. 1773 the property known as "PANGEAVONIM" or "PANGALYA VARNA" now situated at Shellar, village Chaudi within the limits of Municipality Council of Canacona, in Taluka Canacona of South Goa District is enrolled in the name of three persons to the proportion of one third each; namely Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique. The property which is enrolled in the Land Revenue office Canacona under Matriz No. 1773 is presently under survey no. 45/1, 45/1-A, 45/2, 45/3, 45/5 of village Chaudi, Canacona Taluka which admeasures 5783 sq mts. As per the matriz Certificate names of Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique are recorded, however in the present survey records names of their successors or purchasers are recorded as these 3 persons namely; Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique are not living. There is no Succession or Inventory proceedings of Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique and the succession of of these 3 persons to the present holders of the land under above survey numbers can be found from the records of Regular Civil Suit No. 22/1997 and Regular Civil Suit NO. 13/1994 disposed by Civil Judge Junior Division at Canacona. These records are solemn statement made before the court of law and can be considered for tracing the title and ownership of the property. In these records it is stated and admitted by the parties that the one third part of the said three persons recorded in the Matriz record were independently possessed and enjoyed by their respective successors.

The area under 45/1, 45/2, 45/3 was owned and possessed by the successors of Bicaro Pissolo Naique Laxman Balsu Naique. Out of which part admeasuring 60 sq mts is acquired by the government and remaining part under survey no. 45/1 is sold and part under survey no. 45/2, 45/3 is developed by the successors of late Bicaro Pissolo Naique (1/3rd), Laxman Balsu Naique (1/3rd) and what is left is the area under survey 45/5 admeasuring 1694 sq mts which was owned by late Pundi Vithoba Naique whose name is in the Matriz certificate no. 1773 and presently acquired by way of inheritance by wife and children of late of Govind Narayan Naik Desai namely Mrs. Vijaya Govind Naik Desai and children Vinod Govind Naik Desai, Vidya married to Krishna Mashelkar, Vandana alias Sandhya married to Naresh Desai, original resident of Canacona, Goa.

The fact of division and the ownership of the larger property under Matriz certificate No. 1773 known as "GOTNAMOROD" or "PANGEAVONIM" in three parts of above persons ie. Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique is clear from the plaint and written statement and consent order in Regular Civil Suit No. 22/1997 and pleadings in Regular Civil Suit NO. 13/1994 as well as sale deed dated 16/8/2007 under which part of survey no. 45/1 is sold. In the said proceedings the parties have clearly stated that the one third part belonging to Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique is separated long back and possessed by their respective successors and there is no claim by the successors of Bicaro Pissolo Naique, Laxmona Balsu Naique to the property presently under survey no. 45/5 which is originally of Pundi Vitoba Naique and now recorded in the survey records of Form I and XIV in the name of Govind Narayan Desai and Pundalik Narayan Desai.

The survey in villages of Canacona Taluka is said to be conducted and promulgated somewhere between 1973 to 1975 and names of Govind Narayan Desai and Pundalik Narayan Desai who are said to be successors of Pundi Vitoba Naique whose name is in the Matriz certificate 1773 as one third holder of property are recorded in the form I and XIV of survey no. 45/5 admeasuring 1694 sq mts. The present village Chaudi was originally part of village Nagorcem and after enactment of Goa land revenue Code the villages were renamed or bifurcated or new villages were created.

In the written statement of Regular Civil Suit No. 22/1997 filed by Lata Rajendra Desai and others it is pleaded that the land under matiz no. 1773, was originally

owned and possessed in $1/3^{\text{rd}}$ proportion by three persons namely Bicaro Pissolo Naique, Laxmona Balsu Naique and Pundi Vitoba Naique and the eastern $1/3^{\text{rd}}$ land under survey no. 45/5 was allotted to Pundi Vithoba Naik, middle $1/3^{\text{rd}}$ part of the land under survey no. 45/1 and 2 to Bhicaro Pissolo Naik. It is stated that in the survey records the survey no. 45/1 is recorded in the name of Smt. Saku Narayan Naik Gaonkar, survey no. 45/2 is recorded in the name of late Shri. Bhikan Pissolo Naik Gaonkar and Gangu Ganba Dessai, survey no. 45/3 is recorded in the name of Balsu Ghanashyam Dessai and Laxman Ghanashyam Dessai and survey no. 45/5 is recorded in the name of Govind Narayan Dessai and Pundalic Narayan Dessai. This suit was compromised before the Lok Adalat by way of consent decree dated 25/8/2001 and the compromise does not make any claim over survey no. 45/5 by the other parties in the said suit and under the said decree the defendants had agreed to purchase the property under survey no. 45/1 of the plaintiff no. 1 and 2.

Prior to the above suit Shri Pissolo Naik Dessai along with his mother claiming to be successors of Bicaro Pissolo Naik had filed Regular Civil Suit No. 13/94 before Civil Judge Senior Division Canancona on 28/4/1984, against Smt. Vanita Narain Naik Gaonkar and others for declaration and other reliefs in respect of the portion of the property under survey no. 45/1 and 45/2 claiming the same to be inherited by them. The said suit was dismissed as withdrawn on 31/1/96. This proceedings shows that survey no. 45/5 was not claimed to be a joint ownership by the said parties.

Subsequently by deed of sale dated 16/8/2007, registered under no. 233, pages 442 to 480, Book I, Volume No. 182, registered on 20/8/2007 the legal heirs of late Narayan Naik Gaonkar 9 (who claimed to have inherited this part originally belonging to Bicaro Pissolo Naik) namely Asha Ramesh Sawant and her husband Ramesh Bhikaro Sawant, Lata Rajendra Dessai and her husband Rajendra Appa Dessai, Vanita Anil Gaonkar and her husband Anil Kashinath Gaonkar sold an area of 647 sq. mts. under survey no. 45/1 to one Premamnand Anant Kenkre which is now survey no. 45/1-A and in this sale deed it is recorded that this area of 60 sq. mts. was acquired by the government for National Highway 17 which is now in original survey no. 45/1. This sale deed has not been disputed by any of the other parties. This confirms that original property under Matriz no. 1773 was duly divided/partitioned and there was no issue of joint ownership of survey no. 45/5 by

successors of Late Bicaró Pissolo Naique and Laxman Balsu Naique whose names are in the Matriz record as 1/3rd owner of the entire property.

The inheritance of Govind Narayan Dessai and Pundalic Narayan Dessai whose names are now found recorded in survey form of survey no. 45/5 which is 1/3rd part of property in the name of Pundi Naique as per matriz no. 1773 is stated and traced from the information given by the parties and the above referred two civil suits as under:-

Pundi Naique expired leaving behind his son Soiroba and his brother Govind. However his son Soiroba expired without any issues and the property was succeeded by Govind Naik Desai. Said Govind Naik Desai expired leaving behind one son by name Narayan. Said Narayan expired leaving behind two sons namely Pundalik and Govind Naik Desai. Pundalik Naik Desai is married to Usha alias Manik Naik Desai and Govind Naik Desai married to Vijaya. and Govind Naik Desai expired on 8/3/1990 leaving behind their two sons Vinod, Viswas (who expired bachelor) and two daughters Vidya married to Krishna Mashelkar and Vandana married to Naresh Desai and her Name Vandana is changed to Sandhya Naresh Desai after marriage. The succession deed dated 8/1/1997 confirms the succession of Govind Naik Desai. Vijaya Naik Desai is wife of Govind Desai and was survived by above referred to sons and two daughters. Further there is a relinquishment deed date 8/1/1997 under which the two daughters namely Vidya married to Krishana Mashelkar and Vandana subsequently married to Naresh Desai had relinquished their rights in the inheritance of their father in favour of the remaining heirs who were said Vinod and Vishwas. However subsequently Vishwas Desai expired bachelor on ----.

At present name of late Govind Narayan Desai and Pundalik Narayan Desai are recorded in survey record of survey no. 45/5. Said Pundalik Narayan Desai is married to Usha alias Manik Naik Desai who are living and late Govind Narayan Desai is survived by Vinod Govind Naik Desai, Vidya Krishna Mashelkar, Sandhya Naresh Desai along with their spouses.

As per the clarification given by the parties the surname "Naik Desai" is adopted by the successors of late Pundi Naique over a period of time during the Portuguese regime and subsequent to liberation of Goa in 1961 and adoption of such surnames

is prevalent in the village and Canacona Taluca and in the documents in Portuguese language present surname NAIK is spelled or written as NAIQUE.. It may be noted that most of the properties in Canacona Taluka do not have Land Registration Number and ownership and possession can be traced from the available documents. In the present case I have to rely on the documents and court proceedings referred herein above.

Considering above facts and documents, I am of the opinion that heirs of Govind Narayan Dessai namely his wife Vijaya Naik Desai, Vinod Govind Naik Desai, Vidya Krishna Mashelkar, Sandhya Naresh Desai along with their spouses and Pundalik Narayan Dessai along with his wife Usha alias Manik Naik Desai are co-owners of the said property admeasuring 1694 sq. mts. under survey no. 45/5 of village Chaudi of Canacona Taluka.

ENCUMBRANCES:

As per Nil Encumbrance certificate issued by Sub registrar of Canacona there is no encumbrance on the said plot under survey no. 45/5 of village Chaudi of Canacona Taluka..

POSSESSION:

As per entry in the survey records the names of late late Govind Narayan Dessai and Pundalik Narayan Dessai are in survey records and there is succession deed upon the death of Govind Narayan Desai. I am therefore of the opinion that heirs of Govind Narayan Dessai namely his wife Vijaya Naik Desai, Vinod Govind Naik Desai, Vidya Krishna Mashelkar, Sandhya Naresh Desai along with their spouses and Pundalik Narayan Dessai along with his wife Usha alias Manik Naik Desai are co-owners of the said property admeasuring 1694 sq. mts. under survey no. 45/5 of village Chaudi of Canacona Taluka which is from 1/3rd part of the original property, known as "PANGEAVONIM" or "PANGALYA VARNA" described above.

INSPECTION AND VERIFICATION:

I have inspected and verified all the above documents furnished to me . I am satisfied that they are properly attested, signed and registered before the respective authorities and in accordance with the Law in force during the respective period.

CERTIFICATE OF TITLE:

On going through all the above mentioned documents, I am of the opinion that Plot admeasuring 1694 square meters under survey no. 45/5 of village Chaudi, at Sheler, Canacona Taluka is from 1/3rd part of the property known as "PANGEAVONIM" enrolled in the Land Revenue office Canacona under Matriz No. 1773 of earlier village Nagorcem presently recorded in survey records as "PANGALYA VARNA" of village Chaudi situated at village Sheller, Chaudi within the limits of Canacona Municipal Council in Taluka Canacona of South Goa District is owned and possessed jointly by heirs of late Govind Narayan Dessai namely Vijaya Govind Naik Desai, Vinod Govind Naik Desai, Vidya Krishna Mashelkar, Sandhya Naresh Desai with their respective spouses and Pundalik Narayan Dessai along with his wife Mrs. Taramati Naik Desai.

Adv. Pronoy Kamat

12. Copy of death certificates of Vishwas Govind Naik Desai
13. Copy of marriage certificates of Pundalik Naraina Naique Desai
14. Copy of marriage certificates of vandana alias Sandya Naresh Desai
15. Copy of Nil Encumbrance certificate