

**SHRI VASUDEV SHIRODKER**

**B.A., LL.B.**

**ADVOCATE**


4<sup>th</sup> April, 2008.

**CERTIFICATE OF TITLE CLEARANCE OF THE PLOT OF LAND  
BEARING PLOT NO.M-9, ADMEASURING 576 SQ. MTRS. BEARING  
SURVEY NO.114/1-A OF THE VILLAGE TALEIGAO, TALUKA  
TISWADI, GOA.**

The undersigned is called upon by MRS. VEENA DEVENDRA PRABHU TENDULKAR, wife of Mr. Devendra Prabhu Tendulkar, resident of H.No.M-10, Mahalaxmi Nivas, Chidvilas Colony, Opp. Ghavnekar's Nursing Home, St. Inez, Panaji, Goa, 403 002 to prepare the Certificate of Title Clearance of the property consisting of Plot no.M-9, admeasuring 576 sq. mtrs. situated at CHIIDVILAS COLONY, St. Inez, Panaji, Goa bearing Survey No.114/1-A, of the Village Taleigao, Taluka Tiswadi, Goa. This Plot is herein after referred to as the "said Plot No.M-9".

**Following original documents were examined/perused:**

1. Inscription and Description.
2. Deed of Sale dated 19/6/1985 registered in the office of the sub-Registrar of Ilhas bearing Reg. No.124 at pages 383 to 387 Book No.I Volume No.236 dated 10-6-1988 .
3. Records and proceedings in Inventory Proceedings No.76/94/A.
4. Deed of Succession dated 3-8-2006 drawn in Book No.690 at page 92-V onwards
5. Form I & XIV of the said Plot No.M-9.
6. Power of Attorneys dated 21-4-2007, bearing Registered No.26758; dated 27-8-2007 bearing

  
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OFFICE: 11, FLOOR, CASA IMMACULADA, JOSE FALCÃO ROAD, NIR. PHOENIX, PLS. PANAJI, GOA. (PH. 2335 1021) (MO. 9822111151)

...2/-

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registered no.29994 and dated 23-10-2007 bearing registered no.31130.

7. Agreement for Sale dated 30-4-2007 found registered in the office of the Sub-Registrar of Ilhas bearing Reg. No.1341 at pages 190 to 214 Book No.I Volume No.1797 dated 18-5-2007.
8. Deed of Sale dated 23/10/2007 found registered in the office of the Sub-Registrar of Ilhas, at Panaji under No.2954 at pages 255 to 274 of Book No.I Volume No.1872 dated 25/10/2007.
9. Nil Encumbrance Certificate No.437 of 2008 dated 2-04-2008.

SEARCH WAS MADE AT FOLLOWING OFFICES:

- i. Office of the Sub-Registrar of Ilhas.
- ii. Department of Archeology, Mala, Panaji.
- iii. Revenue Office at the office of the Mamlatdar of Tiswadi at Panaji.

Upon perusal of the documents mentioned herein above and the search made at the respective offices it is revealed that the said Plot No.M-9 formed part of the larger property described under land registration no.945 at folios 542 of Book B-11 old of the containing coconut trees and mango trees, situated at St. Inez Land Registration of Tiswadi preserved in Historical archives and is named fifth part of coconut grove named "Odlem Morod"

  
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village Taleigao, Taluka Tiswadi, Goa, bearing Matriz No.23 and the ownership of the same was wholly allotted to Rogunata Visrma Porobo Nachinolcar of Santa Cruz allotted to him through paternal inheritance in the inventory orphan intervention processed in the Court of Panaji – Cartory of 3<sup>rd</sup> section Colvalcar after the death of his father Visrama Rogunata Porobo Nachinolcar of Santa Cruz which allotment was confirmed by the court order dated 26-08-1933. The said larger property is bounded as follows:

EAST, WEST and NORTH –By the arm of river or navegable  
river arm and  
SOUTH –By the property named Bailo  
Morod of Jose Antonio Carvalho

It is seen that vide Deed of Sale dated 19/06/1985 referred to herein above at serial no.2, said Rogunata Visram Porobo Nachinolcar and his wife sold the said Plot No.M-9 to Shri Camilo Antonio Gonsalves and his son Shri Oscar Francisco Ruberto Ortins Gonsalves. Said Plot No.M-9 (nine) admeasuring an area of 576 sq. Mts. bearing Survey no.115 sub division no.1-A and having residential house bearing No. 983 of Village Taleigao, within the Panchayat limits of Village of Taleigao and bounded as follows:

On the East : By plot no.M-10 and open space  
On the West : By plot no.M-8  
On the North : By Open space  
South : By 10 metres road.

  
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It is further seen that in vide order dated 21-4-2001 passed by the Civil Judge Senior Division at Panaji in said Inventory Proceedings No.76/94/A, the said Plot No.M-9 was allotted in auction to Shri Oscar Francisco Ruberto Ortins Gonsalves, who had made the payment of owelty amount in the court and as such acquired exclusive right to the said Plot No.M-9.

It is also seen that in the meantime, some of the interested parties i.e. Smt. Maria Feliciano Ezabel Fernandes and others on 18-09-2002 filed Civil Miscellaneous Application No.34/2002/A(P) before the same court and prayed for nullifying the order dated 21-4-2001 referred to herein above. However, said interested parties filed one more application dated 16-06-2007 before the same court in said C.M.A. No.34/2002/A(P) and prayed for withdrawal of the said C.M.A. No.34/2002/A and the Hon'ble Civil Judge Senior Division vide order dated 26-06-2007 allowed the said interested parties withdraw the said application nullifying the Inventory Proceedings and hence the said application dated 18-09-2002 is dismissed as withdrawn. In view of the above order the exclusive right and title of Shri Oscar Francisco Ruberto Ortins Gonsalves to said Plot No.M-9 is confirmed.

On perusal of the Deed of Succession referred to at serial no.4 herein above drawn upon the death of said Shri Oscar Francisco Ruberto Ortins Gonsalves on 02-03-2006, it seen that all the Vendors mentioned in the Deed of Sale dated 23-10-2007 referred to herein above at serial no.8 are the only legal heirs of said Shri Oscar Francisco Ruberto Ortins Gonsalves. It is also seen that said deed of sale dated 23-10-2007 has been

  
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executed after due performance of the terms and condition of the agreement for sale dated 30-04-2007 referred to at serial no.7 herein above and this position is confirmed in the said deed of sale dated 23-10-2007.

It is further established from the document at serial no.6, 7 and 8 herein above, which are found to be duly registered that said MRS. VEENA DEVENDRA PRABHU TENDULKAR acquired legal/lawful title to the said Plot No.M-9 by virtue of a registered document before the Sub-Registrar of Ilhas at Panaji.

It is further established from the document at serial no.9 herein above that there is no encumbrance of whatsoever nature over the Said Plot No.M-9.

I am therefore is of the considered opinion that said MRS. VEENA DEVENDRA PRABHU TENDULKAR, wife of Mr. Devendra Prabhu Tendulkar, resident of H.No.M-10, Mahalaxmi Nivas, Chidvilas Colony, Opp. Ghavnekar's Nursing Home, St. Inez, Panaji, Goa, 403 002 has got clear and marketable title to the said Plot no.M-9, admeasuring 576 sq. mtrs. situated at CHIDVILAS COLONY, St. Inez, Panaji, Goa bearing Survey No.114/115, of the Village Taleigao, Taluka Tiswadi, Goa.



Adv. Vasudev Shirodker

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T I T L E   R E P O R T

1. Documents Produced by : Mr Devendra Dilip Prabhu Tendulkar  
Panaji
  
2. Documents Examined :
  1. Deed of Sale dated 11/3/1989
  2. Nil Certificate of Encumbrance  
on Property
  3. Deed of Sale 22/4/96
  4. Form I & XIV of Records of  
Rights
  5. Copy of Survey Plan
  6. Inscription and Description  
Certificate
  7. Copy of Approved Sub-Division  
Plan
  
4. Description of Property : All that plot of land bearing "Plot  
No M-10" of "Chidvilas Colony"  
admeasuring 379 sq mts in area, and  
forming part of the bigger property  
known as "Oulem Morod", situated at  
St Inez, Taleigao, within the  
limits of Taleigao Village  
Panchayat, Taluka Tiswadi and

Registration Sub-District of Ilhas,  
State of Goa, described in the Land  
Registration Office of Ilhas under  
No 945 at folio 542 of Book B-11  
(old), enrolled in the Taluka  
Revenue Office under Matriz No 23  
and surveyed under Survey Nos 114  
and 115, totally admeasuring 34,470  
sq mts in area. The Plot No M-10  
is identified under Survey No 114  
Sub-Division No 1-A and Survey No  
115 Sub-Div No 1-C, the same being  
bounded as under :-

East : by open space;

West : by Plot No M-9;

North : by open space;

South : by 10 mts wide road;

The Plot No M-10 is hereinafter  
called "the said Plot", the  
property of which the said plot  
forms a part is hereinafter called  
"the said Property".

(5) Flow of Title

: I have examined the documents mentioned at para (2) above and carried out searches in the various offices mentioned at para (3) above.

From the documents examined and the searches carried out it transpires that the said property was originally owned and possessed by one Dr Rogunata Visrama Porobo Nachinolcar and his wife Mrs Indirabai Rogunata Porobo Nachinolcar;

Said Dr Rogunata Visrama Porobo Nachinolcar and his wife Mrs Indirabai Rogunata Porobo Nachinolcar entered into an agreement dated 13/11/1984 with M/s Masu Real Estate, a partnership firm, for carrying out development and sub-division of the same;



M/s Masu Real Estate were accordingly put in possession of the said property, and they after getting plans for sub-division duly approved by the concerned Authorities, sub-divided the said property into plots, which sub-division was granted Final NOC by the Panjim Planning and Development Authority vide Sanad No PDA/T/5323/2754/87 dated 12/1/1987;

Pursuant to an Agreement dated 13/11/1984, the Developers, M/s Masu Real Estate, together with the owners of land, namely Dr Rogunata Visrama Porobo Nachinolcar and his wife, Mrs Visrama Porobo Nachinolcar, under a Deed of Sale dated 22/4/1996, duly registered in the Office of the Sub-Registrar of Ilhas at Panaji under No 937 at pages 322 to 387 of Book No I Vol 515 dated 6/6/1996, sold and

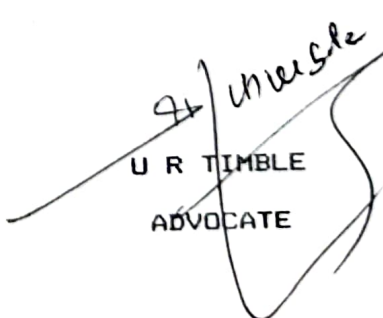
transferred the Plot No M-10  
admeasuring 379 sq mts in area to  
M/s WISS GOA, a partnership firm;

M/s WISS Goa are thus the absolute  
owners in exclusive possession of  
the said Plot No M-10 described  
above and they have now orally  
agreed to sell the same to Mr  
Devendra Tendulkar.

I tried to carry out searches in  
the Office of the Sub-Registrar  
Ilhas at Panaji. However, since  
the indexes in the said office have  
not been maintained upto date it  
was not possible to carry out a  
detailed search. Therefore, there  
is no other alternative but to rely  
on the Nil Certificate of  
Encumbrance on Property issued by  
the Sub-Registrar of Ilhas,  
certifying that there are no  
encumbrances registered in the said  
Department in respect to the  
aforesaid plot described above.

(6) Legal Opinion

: I have, therefore, to opine that the aforesaid Plot No M-10 is free from any encumbrances or charges, whatsoever. M/s WISS GOA is the absolute owner in exclusive possession of the same and the title of the firm thereto is clean, clear and marketable. Upon Sale Deed being executed in favour of said Mr Devendra Dilip Prabhu Tendulkar by the partnership firm, M/s WISS Goa, in respect of the said Plot No M-10, said Mr Devendra Tendulkar will acquire a clean, clear and marketable title to the said plot.

  
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ADVOCATE

Place : Panaji, Goa

Dated : 20/12/2004