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Res: S-3, Gokula Smruti,

Opp. Syndicate bank

Dhavli, Ponda-Goa.

LEGAL OPINION/REPORT

1. Referred By;

RUDHRA DEVELOPERS, a partnership firm engaged in the business of development and real estate and having office at Shop No 3, Ashvek Residency, Santa Cruz, Tisk, Ponda-Goa.

2. Description of the Property:

All that plot of land being plot A admeasuring 960 sq. mts. forming part of the larger plot being plot no 1 allotted to Smt. Sushilabai Vaidya in terms of decree passed in the Special Civil Suit no 47/95 and which plot is now surveyed under survey no 151/1-A-8 of Bethora Village and plot A hereby sold forms part



of the larger property known as "CAZARACHI ADD' or "CAZARACHI ADA" and also locally known as "KOLYA MOL", situated Bethora, within the jurisdiction of Village Panchayat of Bethora, Conxem and Nirankar, Taluka and sub-District of Ponda South District (earlier North District) of Goa State. The said plot no A admeasuring 960 hereby sold is bounded as under: on the East by the road beyond which lies the plot no 2 of the whole property allotted to Smt. Savitribai Sridhar vaidya on the West by the remaining part of the plot no 1, on the North by remaining part of plot no 1 and on the South by Borim-Bethora bypass road.

3. Documents submitted and Inspected.

- (1) Inventory proceedings Instituted in the year 1940 (In Portuguese with English Translation).**
- (2) Copy of the Special Civil Suit No 29/1979 fled by Sushilabai Hari Vaidya and ors. against Ramchandra Vaidya and ors.**
- (3) Copy of Preliminary Decree dated 23-6-1980 passed in said Spl Civil Suit. 29/1979**



- (4) Copy of Final Decree dated 31-10-1989 passed in Spl. Civil Suit 29/1979.
- (5) Copy of Allotments of Plots in Spl. Civil Suit No 29/1979.
- (6) Memorandum of Understanding dated 11-1-2001 executed between the Co-owners of the property.
- (7) Copy of Compromise terms dated 11-1-2001 filed in Special Civil Suit No 47/95/A and Copy of Compromise Decree dated 17-7-2001. terms dated
- (8) Copy of Deed of sale dated 20-8-2002 executed by Sushilabai Hari Vaidya in favour of Sharmila Satish Tendulkar and duly registered before the Sub-Registrar of Ponda under No 1206 at no 1 to 14 of Book No I volume No 622 dated 26-8-2002.
- (9) Copy of Survey form no 151/1-A-8.
- (10) Copy of Survey plan of survey no 151/1-A-8
- (11). Copy of Partition Order passed by the Inspector of Survey and Land Records dated 16-9-2022



(12) Copy of the Order passed by The Deputy Collector Ponda in case No LRC/PART/9/18/2002 dated 19-8-2002

13. Copy of Sale Deed in favour of Rudra Developers dated 5-12-2022.

(14) Copy of the Conversion Certificate (N.A.) issued by the office of Additional Collector-III at Ponda.

4. Flow of Title:

(a) The plot A admeasuring 960 sq. mts. and situated at Bethora, Ponda-Goa forms part and parcel of the original property known as "CAZARACHI ADD" or "CAZARACHI ADA" and also locally known as "KOLYA MOL", situated Bethora, within the jurisdiction of Village Panchayat of Bethora, Conxem and Nirankar, Taluka and sub-District of Ponda South District (earlier North District) of Goa State.

(b) the above property consists of seven pieces namely Cazur, Zorxee, Divanxete, Catric, Ornem, Santigungueo and Bardessachi Bandurli and bounded as a whole, on or towards East by the ditch nindeantil valley and by public road, on or towards West by public road which leads to Borim and by the paddy field without any



special name of Joao Antonio De Aguiar, on or towards North by the spilling water of the hill, and ,On or towards South by the slope of hill and by the property named as Ucoldega of Pandurang Ramchanadra Vaidia and described in the Land Registration Office under No Two Thousand Thirty nine, at folio one hundred twenty eight of the Book B -24 overleaf (old) excluding the residential house with its orchard existing therein and surveyed under old cadastral survey no 3.

(C) The above described property along with several other properties formed a part of the estate of family society (Sociedade Family) of Vaidia or Vaidya of Querim village, Ponda-Taluka and the said family society was formed by the sons of Ramchandra Crisna Vaidia some years before 15th December One Thousand Eight Hundred and Eighty (1880) and which continued later on without any interruption or dissolution of the family society.

(D) The said family society of Vaidia or Vaidya was dissolved somewhere in the year, 1940 and an inventory proceeding being Orphanological Inventory was instituted in the Special Municipal



Court at Ponda, upon the death of Panduraonga Ramchondra Vaidia and other members of the family society and a legal declaration on oath was given on 11th November One Thousand Nine Hundred and Forty by the head of family Shri Ramchondra Panduronga Vaidia of Querim, Ponda as to the title holders and legal heirs/ successors entitled to the estate of family society of Vaidia or Vaidya.

(E) The above described property was listed under item no 124 in the list of assets submitted in the said inventory proceedings. The said Orphanological Inventory came to its logical conclusion and the properties listed therein were allotted to the legal heirs and successors of the deceased in the manner accepted by all the interested party and certified by the inventory court.

(F) The property mentioned above and listed in the inventory proceedings under item no 124 was divided among (a) Shri Sridhar Gopal Vaidia or vaidya (1/4), (b) Shri Hari Gopal Vaidia or vaidya (1/4), (c) Shri Srinivas Gopal vaidia or Vaidya (1/4) and (d) Shri Anant Gopal Vaidia or Vaidya (1/4) and as such above mentioned persons were entitled to $\frac{1}{4}$ share each.



- (G) That Smt Savitribai Sridhar Vaidya and others filed a civil suit being Special Civil Suit No 29/1979 before the Civil Judge Senior Division at Ponda against the other co-owners of property to partition the said property Cazrachi Add. In the said civil suit a Preliminary Decree was passed by the Civil Court dated 21-6-1980 declaring the shares of the parties and surveyor was appointed to partition the same based on such shares and the Civil Court based on the plan submitted by the commissioner appointed by the court passed a final decree dated 31-10-1989 and accordingly the plots made were allotted to the co-owners.
- (H) However one of the co-owner of the property by name Mrs. Meenaxi Uday Vaidya challenged the said final decree by filing a civil suit before the civil court Ponda, being Special Civil Suit No 47/1995.
- (I) The said special Civil Suit No 47/1995 was later on compromised between the parties in terms of compromise terms and plan attached to the said consent terms dated 11-1-2001, whereby earlier preliminary decree and final decree passed by the court in Special Civil Suit no 29/1979 was set aside and fresh



plots were made and allotted to each groups as per the plan submitted along with the consent terms.

(J) The said Special Civil Suit 47/95 was decreed on 17-7-2001 in terms of the consent terms and plans attached to the consent terms

(K) That by said Consent Decree Smt. Sushilabai Hari Vaidya was allotted plot no 1,1A,1B and 1C of the said property and pots allotted her formed part of survey no 151/1 (part) and 144/1 (part) and admeasuring 43924 sq. mts. and as such as per the said consent decree, Smt. Sushilabai Hari Vaidya become the absolute owner in possession of plot no 1 admeasuring 43924 sq. mts and forming part of survey no 151/1 (part) and 144/1(part) of Bethora village.

(L) The plot no 1 so allotted to Smt. Sushilabai Hari Vaidya is bounded on the East by plot no 2 allotted to Smt. Savitribai Sridhar Vaidya and ors, on the West by property under survey no 145, on the North by the property under survey no 150 and on the South by Boirim -Bethora bypass road



(M) That a plot of land admeasuring 960 sq. mts. identified as Plot A forming part of plot no 1 allotted to Smt. Sushilabai Hari Vaidya and forming part of survey no 151/1 of Bethora village, was purchased by Mrs. Sharmila Satish Tendulkar by a registered sale deed dated 20-8-2002 duly registered before the Sub-Registrar at Ponda under no 1206 at no 1 to 14 of Book No I volume No 622 dated 26-8-2002.

(N) That after the purchase of the said plot by Mrs Sharmila Satish Tendulkar, the said Sushilabai Hari Vaidya and ors filed an application for partition and allotment of separate survey nos , under section 61 of Land Revenue Code, before the Deputy Collector of Ponda and the same was registered as case no LRC/PART/9/18/2002

(O) That after receipt of report from the Director of Settlement and Survey records a final order was passed by the Deputy Collector, Ponda confirming the Area Adjustment Statement drawn by DSLR under reference no 9/440/DSLR/2002 dated 16-9-2002.



(P) That in view of the subsequent partition and separation of the holding by the co-owners the said plot 1 of which plot A purchased by the vendor no 1 herein, admeasuring 960 sq. mts, formed part of newly allotted survey no 151/1-A. as such after the said partition and allotment of separate survey nos. the plot A admeasuring 960 sq. mts came to form part of survey no 151/1-A.

(Q) That Sushilabai Hari Vaidya have sold the remaining portion of survey no 151/1-A to one Shri Tukaram Prabhu and ors and who have in turn sub-divided the said portion in to various small plots and have sold to various prospective purchasers.

(R) That Mrs. Sharmila Satish Tendulkar applied to the Mamlatdar of Ponda, to get her name included in the occupants column of survey no 151/1-A and which application was registered as Mutation Case No 14183 and after due inquiry, the name of Mrs. Sharmila Satish Tendulkar was included in occupants column of survey no 151/1-A at serial no 16.



(S) That Mrs. Sharmila Satish Tendulkar thereafter filed an application before the Inspector of Survey and Land Records, Ponda to partition and separate her holding from survey no 151/1-A and to allot a separate survey no under section 61 of Land Revenue Code and the said application was registered as Case No ISLR/PART/ PON/ BETO/10/2022 and an order was passed dated 29-7-2022 allowing the application.

(T) That in view of the order of the Inspector of Survey and Land records, Ponda dated 29-7-2022, the plot A of Mrs. Sharmila Satish Tendulkar have been allotted a separate survey no 151/1-A-8 and the name of Mrs. Sharmila Satish Tendulkar has been recorded as exclusive occupant of the same.

(U) That Mrs. Sharmila Satish Tendulkar is married with Mr Satish Murari Tendulkar under the regime of Communion of Assets and as such is entitled to half share in the property owned by Mrs. Sharmila Satish Tendulkar.

(V) Therefore Mrs. Sharmila Satish Tendulkar and her husband Shri Satish Murari Tendulkar thus became the absolute owners in



possession of the plot of land identified as plot "A" admeasuring 960 sq. mts which is a part of plot no 1 admeasuring 43924 sq. mts. and surveyed now under no 151/1-A-8 and which plot no 1 forms part of the whole property known as "**CAZRACHI ADD**" or "**CAZARACHI ADA**" and locally known as "**KOLYA MOL**" situated at village Bethora, within the jurisdiction of village Panchayat of Bethora, Conxem, Nirankal and within the Ponda Taluka and presently in South District (Earlier North District) of State of Goa.

(W) The plot A admeasuring 960 sq. mts is an independent and separate plot bearing survey no 151/1-A-8 and is bounded on the East by the road beyond which lies the plot no 2 of the whole property allotted to Smt. Savitribai Sridhar vaidya, on the West by the remaining part of the plot no 1, on the North by remaining part of plot no 1 and on the South by Borim-Bethora bypass road.

(X) That Rudra Developers, a partnership firm purchased the said plot of land admeasuring 960 sq. mts described above by a registered Deed of Sale dated 5-12-2022 duly registered before the Sub-Registrar at Ponda under No PON-1-1940-2022.



(Y) Therefore after the purchase of the said plot Rudra Developers became the absolute owners in possession of the plot admeasuring 960 sq, mts and surveyed under No151/1-A-8 and has a clear and marketable title to the said plot.

4 Conclusion:

From the documents produced and inspected and after studying the same it is clear that Rudra Developers became the absolute owners in possession of the plot admeasuring 960 sq, mts and surveyed under No151/1-A-8 and has a clear and marketable title to the said plot.

Ponda

3-10-2023

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