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ADVOCATES

FONTAINHAS
PANJIM GOA.

Ph. No.: Off.: 2423190
9822127471

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Dated: 16/9/2011

OPINION ON TITLE

This opinion on title is given at the request of Mr. Francisco Xavier da Silva Moniz residing at Corlim, Ilhas, Goa, with respect to the property known as "Gina or Bombilem or Gorgine", situated at Vaddem, Vasco-da-Gama, Mormagao, Goa, bearing Chalta Nos. 4,6,7,8, A and B, and 12.

The said property "Gina or Bombilem or Gorgine", bears Land Registration No. 4076 of Book B-17 Old Series and bears Matriz No. 35, 36 and 37 of Mormugao and is presently surveyed under Chalta No. 4,5,6,7,8, A, B, and 12 of P.T. Sheet No. 145 of Vasco City. The same is bounded on the North by the plot of Joaquim Mariano Cancio Pereira, on the South with the plot of Jose Barreto of Loutolim, on the East by drain/rivulet and on the West with the property of Antonio Salvador Dias and his brothers, from Vaddem.

The said property is inscribed in the Land Registration Office in favour of Fr. Sinforiano Constantino Caetano Dias

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alias Fr. Antonio Caetano Constantino Sinforiano Dias or Fr. Antonio Caetano Constantino Exaltacao Sinforiano Dias and in the inscription it is mentioned that the said Fr. Sinforiano purchased the same in the judicial auction held by the Court in the execution proceedings filed by Fr. Rosendo Pancraccio de Araujo and another from Verna against Maria Aurora George and others.

The said Fr. Sinforiano passed away as a bachelor but left behind a will dated 4/1/1926 executed by clerk/Notary of Marmagoa, Taluka at Vaddem for which he was expressly called appointing as his testamentary heirs Maria Virginia Cecilia de Piedade Dias, Maria Amanda Amelia Dias and Jose Aleixo do Carmo Dias, with the fideicommissary clause that the two sisters would preserve the same during their lifetime or till their respective marriages for the said Jose Aleixo.

The said Maria Virginia got married in the year 29/9/1933 and so she ceased to be the heir of Fr. Sinforiano on her marriage and thereafter Jose Aleixo passed away on

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10/12/1973 as a bachelor and Maria Amanda who was the fiduciary passed away subsequently on 8/2/1980.

Since the said Jose Aleixo who was the fideicommissary passed away before the fiduciary Maria Amanda, all the estate of Fr. Sinforiano vested and descended and devolved on or to the said Maria Amanda.

The said Maria Amanda left behind a will dated 8/1/1980 executed before the Notary Public Ex-Officio cum Sub- Registrar of Mormugao at Vasco, appointing Francisco Xavier da Silva Moniz as her sole and universal heir.

Therefore, all the estate of Fr. Sinforiano which included all the properties he owned came to belonged to Francisco Xavier da Silva Moniz, as stated above.

The above position stands confirmed by the Judgement, order and decree dated 23/12/2010 passed in the RCS No. 51/2010/B (New) which earlier was registered as Sp.Civil Suit No. 37/2000/B (Old), by the Court of the Civil Judge Senior Division at Vasco which had been filed by

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one Fausto Dias, his wife, his brother Fr. Sergio and his sister Maria Augusta and her husband Lino Rodrigues , claiming to be heirs of the said Maria Amanda and of Jose Aleixo and the said suit was dismissed by the judgement, order and decree dated 23/12/2010. The said Fausto Dias even approached the District Court in appeal i.e First Civil Appeal No. 40/2011 which was dismissed as withdrawn and in the application for withdrawal the appellants accepted that all the properties or estate of Fr. Sinforiano came to belong to the said Francisco da Silva Moniz.

The said Francisco da Silva Moniz was married to Maria Eugenia da Melo e Moniz who unfortunately passed away on 23/5/2004 with neither nor descendants nor collaterals and living behind her the said husband Francisco Xavier da Silva Moniz as her sole heir. And this status of the said Francisco Xavier da Silva Moniz being the sole heir has been confirmed in the inventory proceedings No. 47/06/A filed in the Court of the Civil Judge Senior Division at Panaji .

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Consequently, the said Francisco Xavier da Silva Moniz is the confirmed owner in possession of the above mentioned properties.

In the form D of the above mentioned properties the name of Francisco Xavier da Silva Moniz has been registered as the occupant of the same.

As per the Nil Encumbrance certificate dated 15/9/2001 bearing No. 659 as well as the Nil Encumbrance Certificate bearing certificate No. 660 also dated 15/9/2011 issued by the Sub-Registrar of Murmogao, it can be seen that there are no encumbrances on the said property except for a person called Vasanti S. Redkar who is the tenant of one of the structures existing therein.

From the entire property which included the Chalta No. 5 of P.T. Sheet No.145, the said Chalta No. 5 admeasuring 277 sq.mts, bearing Chalta No. 5 of P.T. Sheet No. 145 purchased by Mr. Baban Naik and another in terms of the consent decree passed in Reg. Civil Suit No. 6/1980 in the Court of the Civil Judge Senior Division at Vasco.

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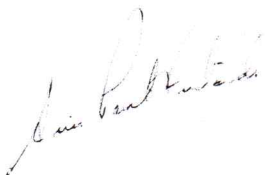
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In view of the above and subject to the tenancy of one of the premises in favour of said Vasanti S. Redkar, I am of the opinion that Mr. Francisco Xavier da Silva Moniz holds a clear and marketable title to the above mentioned property bears Chalta No., 4,6,7,8,A,B and 12 of P.T. Sheet No. 145.



(Adv. Aires Pinto Furtado)