



Ref. no.

Date:- 29/07/2021

LEGAL OPINION ON TITLE

This Legal Opinion on Title is prepared at the instance of in respect of the property which property is described in the Schedule written below and this Opinion is prepared strictly on the basis of the copies of the below mentioned documents produced before me for verification and information provided in respect to the said property described in Schedule-I written below and in the following manner;

SCHEDULE-I

(DESCRIPTION OF THE SAID AMALGAMATED PROPERTY)

All that Property collectively comprising of the two amalgamated properties/ plots, surveyed under survey Nos. **4/21 (Western Property)** and **4/22 (Eastern Property)**, admeasuring 1175 sq.mts and 1250 sq.mts respectively (both altogether admeasuring 2425 sq.mts), situated at Tivim Village of Bardez, North Goa, State of Goa thereabouts and are described in detail herein below:

SCHEDULE-I(a)

(DESCRIPTION OF THE SAID WESTERN PROPERTY)

All that **Western Plot/property** known as "BAZAR PETH' also known as 'VOLVONECHEM GALLOUM" surveyed under Survey no. 4/21, admeasuring an area of 1175 sq.mts. of Village Tivim, Bardez Goa, situated at Village Tivim, Taluka Bardez of District of North Goa, State of Goa, registered in the Land

Registration Office under no.4517, and the said Western property is bounded as under;

North: by property bearing Survey no. 4/18.

South: by road;

East: by property bearing Survey no. 4/22;

West: by property bearing Survey no. 4/20-A.

This Property shall hereinafter be referred to as the said **WESTERN PROPERTY**.

SCHEDULE-I(b)

(DESCRIPTION OF THE SAID EASTERN PROPERTY)

All that Eastern Property known as 'BAZAR PETH' OR 'VOLVONECHEM GALLOUM" admeasuring 1250 sq.mts. , bearing Survey no. 4/22 of Village Tivim, Bardez Goa, situated at Village Tivim, Taluka Bardez of District of North Goa, State of Goa, registered in the Land Registration Office under no.4517, and the said Eastern property is bounded as under;

EAST:- BY road

WEST:- By survey No. 4/21

North By Survey No. 4/18

SOUTH:- By Road.

This Property shall hereinafter be referred to as the said **EASTERN PROPERTY**.

LIST OF DOCUMENTS PERUSED

1. Inscription certificate bearing Inscription No. 3086 at pages 93 and 94 of Book G-5.

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2. Land Registration certificate under Description No. 4517 at page 207 of Book B-12 along with English translation.
3. Deed of Division of Assets dated 18-09-1891 at page 96v of Book No 162 along with English translation.
4. Deed of Declaration and Rectification dated 14-01-1893 along with English translation.
5. Deed of Exchange dated 04-04-1900 transcribed at pages 18 to 19v of Book No. 42 of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim along with English translation.
6. Deed of Division dated 04-04-1900 transcribed in Book 42 at pages 19v to 20v of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim along with English translation.
7. Deed of Sale with Discharge of Price dated 28-08-1905 transcribed in Book 42 at pages 19v to 20v of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim.
8. Gift Deed dated 29-04-1932 transcribed at pages 16 of Book No. 305 of the Notary of the Comarca of Mapusa Mr. Guilherme Diago Jose Conceicao das Dores Lobo at Mapusa along with translation.
9. Form I& XIV of property bearing survey no. 4/21 of Tivim, Bardez, Goa.
10. Inventory proceeding bearing inventory file no. 117/99/A along with order dated 16/09/1999.
11. Inventory Proceeding bearing no. 511/2014/F before Civil Court of Mapusa alongwith Judgment and order dated 23/02/2015.
12. Registered Agreement for Sale dated 11/11/2014, of Book-1 document, bearing registration no.BRZ-BK1-04928-2014, CD number BRZD750, dated 13/11/2014.
13. Registered Deed of Sale dated 21/05/2015, bearing registration no. BRZ-BK1-06041-2015, of Book-1 Document, CD No.BRZD766, dated 21/05/2015.
14. Conversion Sanad dated 29/06/2018, bearing conversion sanad no. 4/25/CNV/AC- III /2018/708.

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15. Deed of sale dated 04/02/2020 bearing Registration noBRZ-1-510-2020 dated 05/02/2020.
16. Survey Plan of the property bearing survey no. 4/21 of Tivim, Bardez, Goa.
17. Inventory Proceeding bearing No. 16/2008/A at Bicholim in the Civil Court Division at Bicholim along with Final Order dated 28-12-2009 and Corrigendum dated 14-6-2010 of the Civil Judge Senior Division at Bicholim.
18. Deed of Sale dated 18-08-2011 bearing Registration no.BRZ-BK1-03996-2011, CD No.BRZD21, dated 18/08/2011.
19. Deed of Rectification dated 14-01-2013, bearing registration no.BRZ-BK1-00467-2013, CD No.BRZD431 dated 28/01/2013.
20. Form I and XIV of the property bearing survey no. 4/22 of Tivim, Bardez, Goa.
21. Conversion sanad issued by the District Collector of North Goa dated 04/03/2015, bearing No.RB/CNV/BAR/COLL/3/2014.
22. Survey Plan of the property bearing survey no. 4/22 of Tivim, Bardez, Goa.
23. Sale Deed dated 26/06/2019, bearing registration no. BRZ-1-1937-2019, Book -1, Document dated 03/07/2019.
24. New Form I & XIV of the property bearing survey no. 4/22 of Tivim, Bardez, Goa.

OPINION ON TITLE

1). That upon perusal of the above referred documents and examining the same it is seen that the said Larger property originally belonged to Comunidade of Tivim and was inscribed in favour of Antonio Manuel Monis at page 56v of Book 2B and was described in the Land Registration Office of Bardez under Description No. 4517 at page 207 of Book B-12 and consequently inscribed in his favour under Inscription No. 3086 at pages 93 and 94 of Book G-5 in the Land Registration Office of Bardez, at Mapusa.

2). Upon perusal of a Deed of Partition dated 18-09-1891 at page 96v of Book No 162 read with Deed of Declaration and Rectification dated 14-01-1893, it is further seen that the larger property of which; the said Western property was part of, was allotted to the said Antonio Manuel Monis vide Deed of Partition dated 18-09-1891 at page 96v of Book No 162 read with Deed of Declaration and Rectification dated 14-01-1893 all transcribed in the Books of the Notary of the said Comarca Joao Cupertino de Caridade Frias.

3). Upon perusal of the above listed documents namely Deed of Exchange dated 04-04-1900 transcribed at pages 18 to 19v of Book No. 42 of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim , it is seen that the said Antonio Manuel Monis (widower) and his two sons (a) Victorino Mariano Monis married to Josinha Florinda D'Sa and (b) Caetano Francisco Monis had exchanged the larger property described under Description No. 4517 for the property bearing Description No. 6767 vide Deed of Exchange dated 04-04-1900 transcribed at pages 18 to 19v of Book No. 42 of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim with Mucunda Porobo and his wife Raday Bay, Sitarama Porobo and his wife Ganga Bay, Ananta Porobo and his wife Sundora Bay, Esoda Bay and Loximim Bay.

4). Upon perusal of Deed of Division dated 04-04-1900 transcribed in Book 42 at pages 19v to 20v of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim , it is seen that the said Mucunda Porobo and his wife Raday Bay, Sitarama Porobo and his wife Ganga Bay, Ananta Porobo and his wife Sundora Bay, Esoda Bay and Loximim Bay, as owner of $16\frac{1}{2} / 33$ share in the larger property then partitioned their $16\frac{1}{2} / 33$ share in the larger property with Ignacio Francisco de Menezes married to Florinda de Souza, Anna Maria Pascoela de Souza widow of Thomas Nascimento Pereira and Anna Francisca Rocha vide Deed of Division dated 04-04-1900 transcribed in Book 42 at pages 19v to 20v of the Notary Jose Jovem Flaviano Ferreira of the Comarca of

Bicholim. And in pursuance of the aforesaid the said Mucunda Porobo and his wife Raday Bay, Sitarama Porobo and his wife Ganga Bay, Ananta Porobo and his wife Sundora Bay, Esoda Bay and Laxmibay came to be vested with the said property constituting one glebe in the property described under Description No. 4517.

5). Upon perusal of a **Deed of Sale with Discharge of Price dated 28-08-1905** transcribed in Book 42 at pages 19v to 20v of the Notary Jose Jovem Flaviano Ferreira of the Comarca of Bicholim, the said **Mucunda Porobo and his wife Raday Bay** then sold the property situated on the eastern side of the larger property to **Diago Martinho de Menezes alias Martinho Menezes and Ignacio Francisco Menezes** and in pursuance thereof the said **Diago Martinho de Menezes alias Martinho Menezes** came to be vested with **3/56th share in the larger property.**

6). That upon perusal of the registered **Deed of Gift dated 29/4/1932** transcribed at pages 16 of Book No. 305 of the Notary of the Comarca of Mapusa Mr. Guilherme Diago Jose Conceicao das Dores Lobo at Mapusa, it is seen that the said **Mr. Diogo Martinho de Menezes and his wife Maria Esmeralda de Menezes**, had gifted with the consent of their other legal heirs **Eastern side property bearing land registration no. 4517 to (a) Filipe Santiago de Menezes and Western side property bearing land registration no. 4517 to (b) Agostinho de Menezes.** The said **Agostinho de Menezes** therefore was allotted **WESTERN side** of the said property bearing Land registration no. 4517 situated in the said Village of Tivim, is described in the Land Registration office and upon execution of the said Gift Deed dated 29/4/1932, the said late Agostinho Menezes acted upon the gift and started enjoying and possessing and owning the said **WESTERN property** described in Schedule-I(a) as his own and to the knowledge of public in general as well as to the knowledge of his other two brothers namely Filipe Santiago de Menezes and Crisanto Joaquim Caetano Menezes who were allotted the remaining properties by their parents.

7). It is seen that said Western Property 'VOLVONECHEM GALLOUM' is situated presently at Bazar Peth Tivim Bardez Goa, hence in the survey records the said property is known as "BAZAR PETH" and that the said property 'VOLVONECHEM GALLOUM' is now allotted new Survey bearing Survey no. 4/21 of Village Tivim, Bardez Goa.

8). It is seen that subsequently the said Agostinho de Menezes or Agusthin Menezes alias Augastian Martin Menezes and his wife Ubaldina Menezes both expired and upon their death an inventory proceeding bearing inventory file no. 117/99/A was initiated, wherein the said Western Property which was listed in the list of assets at Item no. I and was allotted to the Mrs. Etelvina Thereza Fernandes and Mr. Johnny Fernandes.

9). It is seen that subsequently Mr. Johnny Fernandes expired and upon his death an Inventory Proceeding bearing no. 511/2014/F was initiated by his widow Mrs. Theresa Fernandes Also Known as Etelvina Thereza Fernandes before Civil Court of Mapusa, wherein the Said Western Property described in Schedule-I(a) was allotted to his widow i.e. Mrs. Theresa Fernandes also Known as Etelvina Thereza Fernandes in an auction proceeding by its Order dated 24/2/2015. In this manner Mrs. Theresa Fernandes Also Known As Etelvina Thereza Fernandes acquired absolute ownership right, title, interest and possession over the Said Western Property described in Schedule-I(a).

10). That upon perusal of the Registered Agreement for Sale dated 11/11/2014, of Book-1 document, bearing registration no. BRZ-BK1-04928-2014, CD number BRZD750, dated 13/11/2014, it is seen that the said Mrs. Theresa Fernandes Also Known as Etelvina Thereza Fernandes with the consent of the Confirming Parties namely 1) Ms. Cecilia Fernandes Alias Sicilia John Fernandis, (2) Mrs. Caroline Samson, (3) Mr. Allwyn Samsun, (4) Mr. Savio Fernandes agreed to sell the Said Western Property described in Schedule-I(a) to Mr. Narendra Shirodkar.



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11). That upon perusal of the Registered Deed of Sale dated 21/05/2015, bearing registration no. BRZ-BK1-06041-2015, of Book-1 Document, CD No.BRZD766, dated 21/05/2015, it is seen that the said Mrs. Theresa Fernandes Also Known As Etelvina Thereza Fernandes sold the Said Western Property described in Schedule-I(a) to Mr. Narendra Shirodkar, in this manner Mr. Narendra Shirodkar became absolute owner in possession of the said Western Property described in Schedule-I(a).

12). It is seen that the mutation was carried out by Mr. Narendra Shirodkar in his name in the survey records of the said Western Property described in Schedule-I(a).

13). That upon perusal of the Conversion Sanad dated 29/06/2018, bearing conversion sanad no. 4/25/CNV/AC- III /2018/708, it is seen that Mr. Narendra Shirodkar has obtained conversion sanad from the Additional Collector for the purpose of residential use of the said Western Property described in Schedule-I(a).

14). That Upon perusal of a Deed of Sale dated 04/02/2020, bearing registration no. BRZ-1-510-2020, Book-1 Document, dated 05/02/2020, it is seen that the said Mr. Narendra Shirodkar along with his wife Mrs. Kalpana Narendra Shirodkar being the absolute and exclusive owners of the Said Western Property, sold the same to **M/s Girija Estates Private Limited**, in this manner the said **M/s Girija Estates Private Limited** acquired absolute and exclusive ownership right, title, possession and interest in the Said **Western Property described in Schedule-I(a)**.

15). That based on the Deed of Sale dated 04/02/2020 the said **M/s Girija Estates Private Limited** have carried out mutation in the survey records of the said Western Property described in Schedule-I(a) and their name is recorded in the form I & XIV of the Said Western Property described in Schedule-I(a) as sole occupant.



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Now referring to the Eastern property described in Schedule-I(b) above:-

16). That Upon perusal of the same Gift Deed dated 29-04-1932 transcribed at pages 16 of Book No. 305 of the Notary of the Comarca of Mapusa Mr. Guilherme Diago Jose Conceicao das Dores Lobo at Mapusa, it is further seen that the said **Diago Martinho Menezes alias Martinho Menezes and his wife Maria Esmeralda de Menezes** who had gifted the **EASTERN side property to Filipe Santiago de Menezes** in as much as the Eastern part of the property bearing same Description no. 4517 came to be gifted to Filipe Santiago de Menezes. Thereby, the said Filipe Santiago de Menezes had become the absolute owner of The Said **EASTERN side property** and accordingly the said late **Filipe Santiago Menezes** acted upon the said gift deed and started enjoying and possessing and owning the said **WESTERN property** described in Schedule-I(b) which is now bearing survey no.4/22 of Village Thivim, Bardez Goa.

17). It is further seen that the said Filipe Santiago de Menezes alias Philip Santiago Menezes alias Jaime Menezes was married to Senhorina D'Souza e Menezes and came to expired on 27-5-1983 without leaving any Will or disposition of his last wish, but leaving behind as his widow and moiety-holder, the said Mrs. Senhorina D' Souza e Menezes and as his universal heirs, namely (a) Mrs. Francisca Jessie de Menezes married to Albert Menezes; (b) Mr. Selvin Martin Custadio de Menezes married to June Marie Menezes; and (c) Mrs. Lilian Mary Netto, married to Oscar Anthony Netto.

18). Upon perusal of an Inventory proceeding no. 16/2008/A, it is seen that the on demise of the said Filipe Santiago de Menezes alias Philip Santiago Menezes alias Jaime Menezes an Inventory Proceedings bearing No. 16/2008/A was filed by his son; the said Selvin Martin Custodio de Menezes at Bicholim in the Civil Court Division at Bicholim and the Said Eastern Property listed as Item No. 1 came to be allotted to the said Selvin Custodio de Menezes vide Final Order dated 28-12-2009 and Corrigendum dated 14-6-2010 of the Civil Judge Senior Division at Bicholim.

19). Upon perusal of Deed of Sale dated 18-08-2011, bearing Registration no.BRZ-BK1-03996-2011, CD No.BRZD21 dated 18/08/2011, read with Deed of Rectification dated 14-01-2013, bearing registration no.BRZ-BK1-00467-2013, CD No.BRZD431 dated 28/01/2013, it is seen that the said Selvin Martin Custodio de Menezes and his wife June Marie Menezes as owners in possession of the Said Eastern Property holding moiety shares in the Said Eastern Property then sold the **Said Eastern Property to Austin Denis Monis** as confirmed by Mrs. Senhorina D' Souza e Menezes, Mrs. Francisca Jessie de Menezes and her husband Albert Menezes, and Mrs. Lilian Mary Netto and her husband Oscar Anthony Netto.

20). Upon perusal of earlier issued Form I and XIV of the Said Eastern Property described in Schedule-I(b), it is seen that based on the above referred Deed the said **Austin Denis Monis** mutated his name in the Said Eastern Property bearing survey no. 4/22, admeasuring 1250 sq.mtrs, within the limits of the Village Panchayat of Tivim, Bardez, Goa.

21.) Upon perusal of the conversion sanad issued by the District Collector of North Goa dated 04/03/2015, bearing No.RB/CNV/BAR/COLL/3/2014, it is seen that the said Mr. Austin Denis Monis had obtained Conversion sanad from the Additional Collector for the purpose of residential use of the Said Eastern Property described in Schedule-I(b).

22). Upon perusal of a Sale Deed dated 26/06/2019, bearing registration no. BRZ-1-1937-2019, Book -1, Document dated 03/07/2019, it is seen that the said Mr. **Austin Denis Monis** being an absolute and exclusive owner of the said property sold the same to M/s **Girija Estates Private Limited, in this manner the said M/s Girija Estates Private Limited** acquired absolute and exclusive ownership right, title, possession and interest in the Said Eastern Property described in Schedule-I(b).

23.) That based on the Sale deed dated 26/06/2019, the said M/s Girija Estates Private Limited have accordingly carried out mutation in the survey records of the Said Eastern Property and their name is recorded in the form I & XIV of the Said Eastern Property described in Schedule-I(b) as sole occupant.

24.) That M/s Girija Estates Private Limited have acted upon the sale deed dated 26/06/2019 and have obtained the following approvals and licences for carrying out propose amalgamation of the Plots and construction of residential buildings Block A1, A2, A3, Block B1 and Block B2 in properties described in Schedule-I(a) and Schedule-I(b);

- a) Technical Clearance Order issued by the Office of the Senior Town Planner bearing Ref No.TPB/6461/TIV/TCP-21/1856, dated 17/05/2021.
- b) Construction License issued by the village Panchayat Tivim Bardez Goa, bearing Ref No.VP/T/F6/21-22/497, dated 26/06/2021.
- c) No Objection certificate for proposed construction issued by Directorate of Health Services Primary Health Centre Colvale Bardez Goa, bearing No.PHC Colvale/NOC/2021-21/296, dated 15/06/2021.
- d) No objection certificate for proposed construction issued by Office of Sub-Divisional Engineer Electricity Department, S/D Mapusa, bearing No.AE/II/XVII/2021-22/O&M/Tech-5/428, dated 16/06/2021.
- e) Provisional NOC for proposed construction issued by Office of Assistant Engineer, Sub-Div, II, DXVII(PHE-N), PWD, Mapusa Goa, dated 18/06/2021.


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OBSERVATIONS:

i. Although it is mentioned in the Agreement for sale dated 11/11/2014, sale deed dated 21/05/2015, Sale deed dated 4/02/2020, Deed of sale dated 18/08/2011, deed of rectification dated 14/01/2013 and sale deed dated 26/06/2019 that the above properties described in schedule-I(a) and Schedule-I(b) are not registered in the Land Registration Office, upon perusal of the inscription and the said deed of gift dated 29/04/1932 it is discovered that the above said properties described in schedule-I(a) and Schedule-I(b) are found registered under no.4517 at folios 353 of Book B one New of Bardez in the Land Registration Office of Bardez. Similarly, in the description certificate produced before me and referred herein, it is seen that the above said properties described in schedule-I(a) and Schedule-I(b) are found registered under no.4517 at page 207 of Book B-12 New of Bardez in the Land Registration Office of Bardez. If one peruses the documents listed in the list of documents one can easily conclude that above said properties described in schedule-I(a) and Schedule-I(b) are found registered under no.4517 as the Land Registration documents relied upon and referred herein speak for itself.

ii. It is seen that in the Agreement for sale dated 11/11/2014, sale deed dated 21/05/2015 and Sale deed dated 04/02/2020, pertaining to the survey no.4/21, the name of the Western property (survey no.4/21) is mentioned as 'BORDA DE VOLVONEM MUDECHI ARADI' and in the original document the said property was described as 'VOLVONECHEM GALLOUM" and not as BORDA DE VOLVONEM MUDECHI ARADI'.

iii. It is to be noted that Deed of Partition dated 18-09-1891 although has been registered and recorded at page 96v of Book No 162 transcribed in the Books of the Notary of the said Comarca Joao Cupertino de Caridade Frias; presently the certified copy of the said Deed of Partition dated 18-09-1891 is issued under folios 96 reverse, 97, 97 reverse and 98 of the Book No.439 of the

Notary of the said Comarca Joao Cupertino de Caridade Frias, which can be seen from the certified copy of the said deed of partition along with its translation listed in the list of documents.

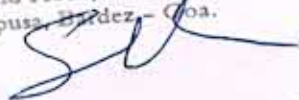
OPINION:

I am therefore of the opinion that M/s **Girija Estates Private Limited** has acquired ownership right pursuant to the two registered Sale Deeds dated 26/06/2019 and 04/02/2020, and subject to the compliance of the terms and conditions of the said two sale deeds dated 26/06/2019 and 04/02/2020; their title over all that Property collectively comprising of the two amalgamated properties/ plots (described in Schedule-I), surveyed under survey Nos. **4/21 (Western Property** described in Schedule-I(a)) and **4/22 (Eastern Property** described in Schedule-I(b)), admeasuring 1175 sq.mts and 1250 sq.mts respectively (both altogether admeasuring 2425 sq.mts), situated at Tivim Village of Bardez, North Goa, State of Goa is absolutely clear and marketable.

The above mentioned documents relied upon for the preparation of this title report have been returned back to the client.

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Mr. Shanker P. Chodankar

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