

VISHAL MHAMMAL

L.L.B HONS

ADVOCATE

Office at: Saldanha Business Tower, 'A' Block, 3rd Floor, A-303, Mapusa, Bardez, Goa.
Pin code-403507

Ref:

Dated 25.12.2022

SCRUTINY REPORT IN RESPECT OF THE PROPERTY SURVEYED UNDER P.T. SHEET NO 27, CHALTA NO 5/3, (P.T. SHEET NO. 27 SURVEY NO 5 SUB DIVISION 3 AS SURVEY PLAN) OF THE VILLAGE MAPUSA, BARDEZ, GOA

Having been instructed by Mr. Casmiro Charles Mario Lobo resident of Socorro, Bardez, Goa to scrutinize the document and ascertain the title in respect Of Property Surveyed Under P.T. Sheet No 27, Chalta No 5/3, (P.T. Sheet No. 27 Survey No. 5 Sub Division No. 3 As Survey Plan) of The Village Mapusa, Bardez, Goa, the following documents place before me and scrutinize by me :-

1. Records of Right /Form I and IX (Xerox copy).
2. Survey plan (Xerox copy).
3. Sale Deed dated 03.09.1971.
4. Sale Deed dated 02.03.1973.
5. Deed of Conveyance on Sale dated 28.04.1975.
6. Deed of Sale dated 10.07.1981.
7. License bearing No.313 dated 26.02.1985 of Mapusa Municipal Council.
8. Occupancy Certificate bearing No. ENGG/1/103/2585/85 dated 19.08.1985.
9. Deed of Sale dated 25.10.1990.
10. Deed of Succession dated 15.01.2019.

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11. Deed of Sale dated 15.02.2007.
12. Deed of Rectification dated 14.04.2014.
13. Conversion Sanad under no. RB/CNV/26/72/585(10) dated 24.11.1973.
14. Corresponding certificate vide Letter no. 9(02)-02/DSLRL-2022/672 dated 28.01.2022.
15. Nil Encumbrance Certificate Certificate No. 2736 dated 14.12.2021 and Certificate No. 2769 dated 10.12.2021.
16. Technical clearance under no. NGPDA/M/1923/1849/2022 dated 02.11.2022.
17. Construction License no. CONSTLIC/MAPUSA/2022-2023/12 dated 02.12.2022 issued by Mapusa Municipal Council.
18. NOC from Health Centre.
19. Deed of Sale dated 17.03.2022

1. Perusal of Records of Rights /Form reveals that there exist immovable properties surveyed under Surveyed under P.T. Sheet no 27, Chalta no 5/3, (P.T. Sheet No. 27 survey no 5 sub division 3 as survey plan) situated Duler-Mapusa, Bardez, Goa totally admeasuring an area of 938 square meter.

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2. A perusal of documents also reveals that immovable property known as "BOMBA OR CORMOLBOMBA OR KONDA", situated within the jurisdictional limits of Municipal City of Mapusa, sub district of Bardez, North District of Goa, Goa, Surveyed under P.T. Sheet no 27, Chalta no 5/3, (P.T. Sheet No. 27 survey no 5 sub division 3 as survey plan), admeasuring an area of 938 square meters along with residential house/building in dilapidated condition having Mapusa Municipal Council House no. 2/95/A1 (2/95/A) including Flat bearing no 95/A/2 (old)/ (2/95/A) and house no. 97/1A and the said property is not found registered in the Land Registration Office of Bardez at Mapusa however is found enrolled in Taluka Revenue Office under Matriz No.708 situated therein which are in dilapidated condition shall hereinafter be referred to as the SAID PROPERTY for the sake of brevity.

3. A perusal of the Sale Deed dated 03.09.1971 reveals that the said properties originally belonged to Mrs. Pedrinha Maria Santamaria alias Maria Santamaria, daughter of Jose Paulo Santamaria, and her husband Pedro Nolasco Fonseca, Mrs. Alice Faustina Santamaria, daughter of Jose Paulo Santamaria and her husband Armando Jose Paulo Sebastiao Milagres Dos Filipes who sold the said property to Shri. Gojanana Arjuna Harmalkar alias Mr. Gajanan Arjun Harmalkar for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.4873 at page 102 to 107 of Book No.1, Volume 55 dated 22-10-1971.

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4. A perusal of the Sale Deed dated 02.03.1973 reveals that the Mr. Gajanan Arjun Harmalkar sold the said property to Mr. Antonio Caetano Francisco Pereira for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.6315 at page 388 to 391 of Book No.1, Volume 69 dated 19.03.1973.
5. A perusal of the Deed of Conveyance on Sale dated 28.04.1975 reveals that the the original owner of the Said Property Mr. Antonio Caetano Francisco Pereira alias Antonio Pereira sold the Said Property to Shri. Suryakant Tukaram Mandrekar with Mr. Gajanan Arjun Harmalkar alias Gojanana Arjuna Harmalkar and his wife Mrs. Shuddhamati Gajanan Harmalkar as the Consenters to the Deed for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.346at page 139 to 146 of Book No.1, Volume 93 dated 30.05.1975.
6. A perusal of the Deed of Sale dated 10.07.1981, reveals that said Shri. Suryakant Tukaram Mandrekar and his wife Mrs. Jayshree Suryakant Mandrekar sold the Said Property to one Mr. Purushottam Pandurang Kamat for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.710 at page 8 to 13 of Book No.1, Volume 167 dated 22.09.1981.

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7. A perusal of license bearing No. 313 dated 26.02.1985 of Mapusa Municipal Council reveals that Mr. Purushottam Pandurang Kamat built a residential building within the Said Property after obtaining a license bearing No.313 dated 26.02.1985 of Mapusa Municipal Council.

8. A perusal of Occupancy Certificate bearing No. ENGG/1/103/2585/85 dated 19.08.1985 reveals that Engineering department of Mapusa Municipal Council issued necessary Occupancy Certificate bearing No. ENGG/1/103/2585/85 dated 19.08.1985 to Mr. Purushottam Pandurang Kamat.

9. A perusal of Deed of Sale dated 25.10.1990 reveals that Mr. Purushottam Pandurang Kamat and his wife Mrs. Usha Purushottam Kamat sold northern half of the said residential building on the ground floor admeasuring 74 square meters of built-up area presently bearing No. 95/A2 (old)/ and house no. 97/1A with land beneath of said 74 square meters of the building of the Said Property to Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali, and said deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.1277 of Book No.1, Volume 109 dated 01.08.1991.

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10. A perusal of Deed of Succession dated 15.01.2019 reveals that said Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali who expired on 22.02.2018 leaving behind Mr. Kamalesh Keshavrav Thali Alias Kamlesh Thali Alias Kamalesh Keshavarav Thali, married To Mrs. Geeta Kamlesh Thali, Mr. Nilkant Keshavrao Thali, Married To Mrs. Juhi Nilkant Thali Alias Juhi Nilkhanth Thali Alias Juhi Nilkanth Thali legal heirs to the estate of said Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali. Further it is revealed that said Succession dated 15.01.2019 is found registered in the office of the Civil cum Sub Registrar and Special Notary (Ex-officio), Pernem, Goa at Folio 39V to 40V bearing No.24.

11. A perusal of Deed of Sale dated 15.02.2007 Mr. Purushottam Pandurang Kamat and his wife Mrs. Usha Purushottam Kamat sold to Mr. Thomas Jose Fernandes Alias Tomas Micael Fernandes, Mrs. Lina Fernandes Alias Lina Thomas Fernandes, Mr. Leo Loyd Joseph Fernandes, Mrs. Thina Liza Fernandes Alias Fernandes Thina Liza, herein all that remaining undivided portion admeasuring an area of 864 square meters of the Said Property which includes house/ building admeasuring 264.80 square meters existing in the Said Property bearing House Nos. 2/95/A1, for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.979 at pages 173 to 208 of Book No.1, Volume 2011, dated 6-03-2007 except the built area of 74 square meters on the ground floor already sold to Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali by Deed of Sale dated 25.10.1990.

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12. A perusal of Deed of Rectification dated 14.04.2014 reveals that said Deed of Sale dated 15.02.2007 was rectified by correcting the word "portion" and replacing the same with "Undivided portion admeasuring 864/938 square meters" on page 13 para 1 line 3 and at page 15 para 1 line 2 phrase "undivided portion admeasuring 864/938 sq. mts was added after word "remaining". Further at page 15 para 2 line 2 phrase "undivided portion admeasuring 864/938 sq. mts was added after word "remaining". At at page 16 para 2 line 2 phrase "undivided portion admeasuring 864/938 sq. mts was added after word "remaining" and in schedule III line 1, the phrase "property alongwith" was replaced by sentence " undivided portion admeasuring 864/938 sq. mts. of the property which includes" was added.

13. That said Deed of Rectification dated 14.04.2014 is duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under Document serial no. 1538, Registration No. BRZ-BK1-01615-2014, Book-1 Document, CD No.BRZD664 dated 15.04.2014.

14. A perusal of Deed of Sale dated 17.03.2022 reveals that Mr. Casmiro Charles Mario Lobo had purchased the said property totally admeasuring an area of 938 square meters from Mr. Thomas Jose Fernandes Alias Tomas Micael Fernandes, Mrs. Lina Fernandes Alias Lina Thomas Fernandes, Mr. Leo Loyd Joseph Fernandes , Mrs. Reena Pradhan E Fernandes, Mrs. Thina Liza Fernandes Alias Fernandes Thina Liza, Mr.

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Sunil Singh, Mr. Kamalesh Keshavrav Thali Alias Kamlesh Thali Alias Kamalesh Keshavarav Thali, Mrs. Geeta Kamlesh Thali, Mr. Nilkant Keshavrao Thali, Mrs. Juhi Nilkant Thali Alias Juhi Nilkhanth Thali Alias Juhi Nilkanth Thali.

15. That said deed of Deed of Sale is found registered before Sub Registrar of Bardez Taluka, Mapusa Goa under Document Serial No. 2022-BRZ-1271, Book - 1 Document, Registration No. BRZ-1-1229-2022 dated 21.03.2022.

16. That the Directorate of Settlement & Land Records, Panaji Goa corresponding certificate and certified that the new survey no. / Sub Division, viz., P.T. Sheet no. 27, survey no. / Chalta no. 5/3 corresponding to the old Cadastral Number/lote no. viz., 145 (part) of above said Property vide Letter no. 9(02)-02/DSLRL-2022/672 dated 28.01.2022.

17. A perusal of Conversion sanad under no. RB/CNV/26/72/585(10) dated 24.11.1973 reveals that Deputy Collector and S S.D.O had issued conversion sanad for the said property.

18. **AND WHEREAS** the Sub Registrar of Mapusa-Goa has issued a Nil Encumbrance Certificate for the said Plot bearing Chalta no. 5/3 of P.T. Sheet no. 27 of city survey, Mapusa, under Certificate No. 2736 dated 14.12.2021 and Certificate No. 2769 dated 10.12.2021.

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19. That vide Technical clearance under no. NGPDA/M/1923/1849/2022 dated 02.11.2022, the North Goa Planning Authority office had issued technical clearance for carrying work of proposed construction of compound wall for the said property

20. A perusal of Construction License no. CONSTLIC/MAPUSA/2022-2023/12 dated 02.12.2022 issued by Mapusa Municipal Council reveals that Mapusa Municipal Council had issued construction license for purpose of construction of residential buildings, as per plan approved by North Goa Planning Authority in the said property and allowed the demolition of existing building structure in dilapidated condition having Mapusa Municipal Council House no. 2/95/A1 (2/95/A) including Flat bearing no 95/A/2 (old)/ (2/95/A) and house no. 97/1A.

21. Certificate issued by Directorate of Health services, Urban Health centre Mapusa Goa reveals that Urban Health centre has given N.O.C. from Sanitary point of view to Proposed Construction of Residential Building, Compound wall and Swimming Pool in said property vide letter no. DHS/2022/DHS0901/00029/1498 dated 11.11.2022.

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22. That the office of Sub-Divisional Engineer Electricity Department, Sub-Div. I(U), Mapusa – Goa has issued N.O.C. to Proposed Construction of Residential Building, Compound wall and Swimming Pool in said property vide letter no. AE-I(U)/VI/O&M/2022-2023/Tech -40/1622 dated 9.11.2022.

23. That the office of the Assistant Engineer, Sub Div. II, W.D.XVII, (PHE-N), P.W.D., Mapusa Goa has issued N.O.C. Proposed Construction of Residential Building, Compound wall and Swimming Pool in said property vide letter no. PWD/SDII/PHE-N/F. 10/464/22-23 dated 15.11.2022.

TRACING OF TITLE

A perusal of all the above mentioned documents reveals that the said property which is the subject matter of scrutiny is the immovable property known as "BOMBA OR CORMOLBOMBA OR KONDA", situated within the jurisdictional limits of Municipal City of Mapusa, sub district of Bardez, North District of Goa, Goa, Surveyed under P.T. Sheet no 27, Chalta no 5/3, (P.T. Sheet No. 27 survey no 5 sub division 3 as survey plan), admeasuring an area of 938 square meters along with residential house/ building in dilapidated condition having Mapusa Municipal Council House no. 2/95/A1 (2/95/A) including Flat bearing no 95/A/2 (old)/ (2/95/A) and house no. 97/1A and the said property is not found registered in the Land Registration Office of Bardez at Mapusa however is found enrolled in Taluka Revenue Office under Matriz No.708 .

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That said properties originally belonged to said properties originally belonged to Mrs. Pedrinha Maria Santamaria alias Maria Santamaria, daughter of Jose Paulo Santamaria, and her husband Pedro Nolasco Fonseca, Mrs. Alice Faustina Santamaria, daughter of Jose Paulo Santa Maria and her husband Armando Jose Paulo Sebastiao Milagres Dos Filipes who sold the said property to Shri. Gojanana Arjuna Harmalkar alias Mr. Gajanan Arjun Harmalkar which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.4873 at page 102 to 107 of Book No.1, Volume 55 dated 22-10-1971.

That vide Sale Deed dated 02.03.1973 the said Mr. Gajanan Arjun Harmalkar sold the said property to Mr. Antonio Caetano Francisco Pereira and said deed was duly found registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.6315 at page 388 to 391 of Book No.1, Volume 69 dated 19.03.1973.

That vide Deed of Conveyance on Sale dated 28.04.1975, the original owner of the Said Property Mr. Antonio Caetano Francisco Pereira alias Antonio Pereira sold the Said Property to Shri. Suryakant Tukaram Mandrekar with Mr. Gajanan Arjun Harmalkar alias Gojanana Arjuna Harmalkar and his wife Mrs. Shuddhamati Gajanan Harmalkar as the Consenters to the Deed for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa,

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under No.346at page 139 to 146 of Book No.1, Volume 93 dated 30.05.1975.

That said Mr. Antonio Caetano Francisco Pereira alias Antonio Pereira, a bachelor sold the Said Property to Shri. Suryakant Tukaram Mandrekar with Mr. Gajanan Arjun Harmalkar alias Gojanana Arjuna Harmalkar and his wife Mrs. Shuddhamati Gajanan Harmalkar as the Consenters to the Deed for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.346at page 139 to 146 of Book No.1, Volume 93 dated 30.05.1975

That by virtue of Deed of Sale dated 10.07.1981, the said Mr. Suryakant Tukaram Mandrekar and his wife Mrs. Jayshree Suryakant Mandrekar sold the Said Property to Mr. Purushottam Pandurang Kamat and the said Deed is duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.710 at page 8 to 13 of Book No.1, Volume 167 dated 22.09.1981.

That said Mr. Purushottam Pandurang Kamat obtained necessary permission/licenses for construction under license bearing No. 313 dated 26.02.1985 from Mapusa Municipal Council for construction of residential building in the Said Property .

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That said Mr. Antonio Caetano Francisco Pereira alias Antonio Pereira, a bachelor sold the Said Property to Shri. Suryakant Tukaram Mandrekar with Mr. Gajanan Arjun Harmalkar alias Gojanana Arjuna Harmalkar and his wife Mrs. Shuddhamati Gajanan Harmalkar as the Consenters to the Deed for valuable consideration which deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.346at page 139 to 146 of Book No.1, Volume 93 dated 30.05.1975

That by virtue of Deed of Sale dated 10.07.1981, the said Mr. Suryakant Tukaram Mandrekar and his wife Mrs. Jayshree Suryakant Mandrekar sold the Said Property to Mr. Purushottam Pandurang Kamat and the said Deed is duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.710 at page 8 to 13 of Book No.1, Volume 167 dated 22.09.1981.

That said Mr. Purushottam Pandurang Kamat obtained necessary permission/licenses for construction under license bearing No. 313 dated 26.02.1985 from Mapusa Municipal Council for construction of residential building in the Said Property .

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That Occupancy Certificate bearing No. ENGG/1/103/2585/85 dated 19.08.1985 was issued by Engineering department of Mapusa Municipal Council under Occupancy Certificate bearing No. ENGG/1/103/2585/85 dated 19.08.1985 to Mr. Purushottam Pandurang Kamat.

That vied Deed of Sale dated 25.10.1990 the said Mr. Purushottam Pandurang Kamat and his wife Mrs. Usha Purushottam Kamat sold northern half of the said residential building on the ground floor admeasuring 74 square meters of built-up area presently bearing No. 95/A2 (old)/ and house no. 97/1A with land beneath of said 74 square meters of the building of the Said Property to Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali, and said deed was duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.1277 of Book No.1, Volume 109 dated 01.08.1991.

That on the death of said Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali, a Deed of Succession dated 15.01.2019 was drawn before Sub Registrar of Pernem wherein Mr. Kamalesh Keshavarav Thali Alias Kamlesh Thali Alias Kamalesh Keshavarav Thali, Married To Mrs. Geeta Kamlesh Thali, Mr. Nilkant Keshavrao Thali, Married To Mrs. Juhi Nilkant Thali Alias Juhi Nilkhanth Thali Alias Juhi Nilkanth Thali were declared as legal heirs to the estate of said Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali,.

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That said Deed of Sucession dated 15.01.2019 is found registered in the office of the Civil cum Sub Registrar and Special Notary (Ex-officio), Pernem, Goa at Folio 39V to 40V bearing No.24.

That by virtue of Deed of Sale dated 15.02.2007, the said Mr. Purushottam Pandurang Kamat and his wife Mrs. Usha Purushottam Kamat sold that remaining undivided portion admeasuring an area of 864 square meters of the Said Property which includes house/ building admeasuring 264.80 square meters existing in the Said Property bearing House Nos. 2/95/A1 to Mr. Thomas Jose Fernandes Alias Tomas Micael Fernandes, Mrs. Lina Fernandes Alias Lina Thomas Fernandes, Mr. Leo Loyd Joseph Fernandes, Mrs. Thina Liza Fernandes Alias Fernandes Thina Liza except the built area of 74 square meters on the ground floor already sold to Mrs. Pramodini Raghunath Pai alias Smita Keshav Thali by Deed of Sale dated 25.10.1990.

That said Deed of Sale dated 15.02.2007 is found registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under No.979 at pages 173 to 208 of Book No.1, Volume 2011, dated 6-03-2007.

That vide Deed of Rectification dated 14.04.2014, the said Deed of Sale dated 15.02.2007 was rectified by correcting the word "portion" and replacing the same with "Undivided portion admeasuring 864/938 square meters" on page 13 para 1 line 3 and at page 15 para 1 line 2 phrase "undivided portion admeasuring 864/938 sq. mts was added after

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word "remaining". Further at page 15 para 2 line 2 phrase "undivided portion admeasuring 864/938 sq. mts was added after word "remaining". At at page 16 para 2 line 2 phrase "undivded portion ademeasuring 864/938 sq. mts was added after word "remaining" and in schedule III line 1, the phrase "property alongwith" was replaced by sentence "undivided portion admeasuring 864/938 sq. mts. of the property which includes" was added.

That said Deed of Rectification dated 14.04.2014 is duly registered before the Civil cum Sub Registrar of Bardez at Mapusa, Goa, under Document serial no. 1538, Registration No. BRZ-BK1-01615-2014, Book-1 Document, CD No.BRZD664 dated 15.04.2014.

That vide Deed of Sale dated 17.03.2022, Mr. Casmiro Charles Mario Lobo had purchased the said property totally admeasuring an area of 938 square meters from Mr. Thomas Jose Fernandes Alias Tomas Micael Fernandes, Mrs. Lina Fernandes Alias Lina Thomas Fernandes, Mr. Leo Loyd Joseph Fernandes , Mrs. Reena Pradhan E Fernandes, Mrs. Thina Liza Fernandes Alias Fernandes Thina Liza, Mr. Sunil Singh, Mr. Kamalesh Keshavrav Thali Alias Kamlesh Thali Alias Kamalesh Keshavarav Thali, Mrs. Geeta Kamlesh Thali, Mr. Nilkant Keshavrao Thali, Mrs. Juhi Nilkant Thali Alias Juhi Nilkhanth Thali Alias Juhi Nilkanth Thali.

That application for mutation is pending before Mamlatdar of Bardez

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That Conversion sanad under no. RB/CNV/26/72/585(10) dated 24.11.1973 was obtained for the said property from the office of Deputy Collector and S.D.O for the said property.

That vide Technical clearance under no. NGPDA/M/1923/1849/2022 dated 02.11.2022, the North Goa Planning Authority office had issued technical clearance for carrying work of proposed construction of Residential Building , compound wall and Swimming Pool for the said property .

That Construction License no. CONSTLIC/MAPUSA/2022-2023/12 dated 02.12.2022 issued by Mapusa Municipal Council for construction of residential building, compound wall and Swimming Pool as per plan approved by North Goa Planning Authority in the said property .

I have scrutinized documents of property surveyed under P.T. Sheet No 27, Chalta No 5/3, (P.T. Sheet No. 27 Survey No 5 Sub Division 3 As Survey Plan) Of The Village Mapusa, Bardez, Goa and I have to conclude as follows:

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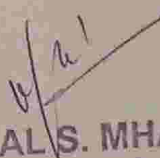
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CONCLUSION

In view of the above, I have to conclude that Mr. Casmiro Charles Mario Lobo have a clear and marketable title to the said immovable property known as "BOMBA or CORMOLBOMBA or KONDA ", situated within the jurisdictional limits of Municipal City of Mapusa, sub district of Bardez, North District of Goa, Goa, Surveyed under P.T. Sheet no 27, Chalta no 5/3, (P.T. Sheet No.27 survey no 5 sub division 3 as survey plan), admeasuring an area of 938 square meters along with residential house/ building in dilapidated condition having Mapusa Municipal Council House no. 2/95/A1 (2/95/A) including Flat bearing no 95/A/2 (old)/ (2/95/A) and house no. 97/1A and the said property is not found registered in the Land Registration Office of Bardez at Mapusa however is found enrolled in Taluka Revenue Office under Matriz No.708.


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Advocate