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To,

M/S. AL MUSTAFA DEVELOPERS

Represented by its partner

MR. ZAHUR AHMED MOTIWALA,

resident of D1/2, Sapna Citadel, Nagalli Hills,

Taleigaon, Goa.

Date:13/08/2018

LEGAL OPINION

Sub: - Legal Opinion in respect of the property admeasuring 1400 sq. mts. surveyed under Survey no. 404/4-A of Village Soccorro, Bardez, Goa.

M/S. AL MUSTAFA DEVELOPERS approached me and requested me to give Search Report in respect of property mentioned below. For that purpose **M/S. AL MUSTAFA DEVELOPERS** produced on record following documents. I have perused these documents and on the basis of these documents and Search of available documents, I have formed my opinion as below.

1. **NAME OF THE OWNERS OF THE PROPERTY:-**

M/S. AL MUSTAFA DEVELOPERS , a Partnership Firm through its Partners (1) Mr. Amjad Hussein Katvelia and (2) Mr. Zahur Ahmed Motiwala.



2. **[A] DESCRIPTION OF THE ENTIRE PROPERTY**

All that immovable property known as "VODACHEM BHAT", admeasuring 1400 sq. mts. surveyed under Survey no. 404/4-A of Village Socorro, Bardez, Goa and bounded as follows:-

North: By PWD Road

South: By water drain and Survey No. 404/6

East: By the Property Surveyed under Survey No. 404/4

West: By Survey No. 404/3.

[B] NATURE OF PROPERTY:- The aforesaid property is a Agricultural Property.

3. **FLOW OF TITLE:-**

After carefully scrutinizing the above documents, it is seen that there exist a property admeasuring 1400 sq. mts. surveyed under Survey no. 404 4-A of Village Socorro, Bardez, Goa (herein after referred to as the said property.)

The said property subject matter of scrutiny originally belonged to Brigida Pereira alias Brigida Marcelia Lilia Rose De Souza and her husband Joaquim Martinho Pereira, who was also locally known as Martinho Pinto.

The said property was jointly surveyed under survey no. 404/4 of the village of Socorro, Bardez, Goa and the names of Jose Mario Cactaniha De Souza and Martinho Lourenco Pinto and the area of the property surveyed under survey No. 404/4 was 2775 sq.mts..

Prior to the promulgation of survey records a perusal of Form IX reveals that the name of Martinha Lauriana Pinto was found recorded in respect of survey no.404/4 and the said entry was effected on 21/10/1972 and thereafter in the pre-promulgated Index of Lands in Form III the name which was earlier recorded as Lauriana Pinto came to be deleted and corrected Martinho Lourenco Pinto.



After the promulgation of survey records for the village of Socorro, in the year 1974, the name of Jose Mario Caetanha De Souza and Martinho Lourenco Pinto came to be incorporated under mutation entry no. 713 and 907 respectively, which position continued until fresh entries came to be effected.

The said Joaquim Pereira who was also known as Martinho Pinto , expired leaving behind Brigida Pereira as his widow and moiety holder and Bruno Monty Pereira alias Brian Pereira married to Wilma Pereira, Thelma Diana Menezes married to Augustine Menezes, as their sole and universal heirs.

By virtue of a Deed of renunciation dated 6/5/1986 recorded in the office of the Ex-officio & Notary of the Bardez at Mapusa ,the said Thelma Diana Menezes and her Husband Augustine Menezes , renounced and released their right to the estate of their late father/father -in -law and consequently the said property was owned by Brigida Pereira and her son Brian Pereira married to Wilma Pereira .

By virtue of a Deed of Partition dated 7/5/1986 executed by and between all the 3 owners , the said property came to be allotted to Brian Pereira married to Wilma Pereira .

In the said Deed of Partition the right of usufruct in respect of the said property was maintained by the said Brigida Pereira , which according to Art. 607 of the Portuguese Civil code , constitutes one half right in the property .

The said Brigida Pereira expired on 9/4/1995 and therefore in terms of law the usufruct ceased and the said Brian Pereira and his wife acquired absolute, right, title and interest in the v said property.

For the purpose of establishing succession and to give effect to the deed of partition and renunciation, Inventory Proceeding no.67/2013 came to be initiated in the court of the Civil Judge Senior Division 'A' court at Mapusa and by order dated 13/3/2013, the property came to be allotted to Brian Pereira alias Bruno Monty Pereira.



At the time when an application for mutation came to be filed, it came to light that the name of one Antonita Goams was found mutated under No.47045, however the name of Bruno Monty Pereira alias Brian Pereira, also came to be mutated under no. 47959.

As the mutation entry no. 47045 was a fraudulent entry, the said Bruno Monty Pereira and his wife, conducted enquiries and it came to light that a fraudulent Deed of Sale by impersonating Brian Pereira alias Bruno Monty Pereira, was created in favour of one Antonita Goams, which was revealed by the information furnished by the Mamlatdar from the mutation records.

Bruno Monty Pereira, thereafter filed a civil suit bearing No. 49/2014 to declare the said Deed of Sale as null and void and to order its cancellation and the Court of the Civil Judge Senior Division at Mapusa by Judgment, order and Decree dated 8/1/2015 was pleased to declare the deed of sale dated 1/10/2013 as null and void and ordered its cancellation and a letter to that effect dated 02/11/2015 came to be issued to the Sub-Registrar of Bardez at Mapusa.

As the property was amalgamated and jointly surveyed under Survey no. 404/4, Bruno Monty Pereira alias Brian Pereira thereafter filed an application for partition of his part of the property from the larger property surveyed under survey no. 404/4 and by order dated 27/2/2018 passed by the Deputy Collector & SDO Mapusa, a new survey number was allotted to the portion belonging to Bruno Monty Pereira alias Brian Pereira surveyed under survey no. 404/4-A admeasuring 1400 sq. mts., and presently the survey plan and the Form I & XIV in respect of the said property subject matter of scrutiny is distinct and separate.

Vide Deed of Sale dated 26/07/2018 Mr. Bruno Monty Pereira alias Brian Pereira alias Brian Monty Pereira alias Bryan Monty Pereira and Mrs. Wilma Pereira sold the said property described in point 2A to Al Mustafa Developers, a Partnership Firm. The said Deed of sale is registered under No. BRZ-BK1-03473-2018. CD No. BRZD801, Book 1, Date 07/08/2018 before the Sub Registrar of Bardez, Mapusa, Goa.



4. DOCUMENT SCRUTINIZED :-

Sr. No.	Date	Name of Document	Whether Original/ Certified copy/ Photostat Photo State Copy
1.	26/07/2018	Deed of Sale	Photo State Copy
2.		Pre-Promulgated Records in Form IX	Photo State Copy
3.		I & XIV Form of Survey No. 404/4 of Village Soccoro	Photo State Copy
4.		I & XIV Form of Survey No. 404/4 of Village Soccoro (Computerized)	Photo State Copy
5.		I & XIV Form of Survey No. 404/4-A of Village Soccoro (Computerized)	Photo State Copy
6.		Survey Plan of Survey No. 404/4-A of Village Soccoro	Photo State Copy
7.	07/05/1986	Deed of Partition	Photo State Copy
8.	06/05/1986	Deed of Renunciation	Photo State Copy
9.		Inventory Proceeding No. 67/2013/A, before the C.J.S.D at Mapusa	Photo State Copy
10.	08/01/2015	Judgment, Order and Decree passed in SCS No. 49/2014/A	Photo State Copy
11.	27/02/2018	Order Passed by Dy. Collector & SDO Mapusa in 15/162/2017/PART/LAND/II	Photo State Copy
12.	23/08/2014	Paper Cutting of "The Navhind Times"	Photo State Copy



13.	01/10/2013	Deed of Sale	Photo State Copy
14.	02/11/2015	Letter issued by Ad. Hoc Senior Civil Judge "A" Court Mapusa, Goa to the Sub Registrar of Bardez, Mapusa, Goa	Photo State Copy

After going through the aforesaid documents, I arrive at the conclusion that Al Mustafa Developers, a Partnership Firm, has clear and marketable to the property admeasuring 1400 sq. mts. surveyed under Survey no. 404/4-A of Village Soccorro, Bardez, Goa, subject to production of the latest Nil Encumbrance Certificate from the Sub Registrar of Bardez.



Purushottam R. Karpe
Advocate High Court