

MR. M. A. KHEDEKAR
ADVOCATE

D-5, 3rd floor, Shetye Sankul,

Near Mamlatdar office

Ponda - Goa

Mob. 9823866837

Date: - 26/11/2020

LEGAL SCRUTINY REPORT

LEGAL SCRUTINY REPORT

NAME OF THE BORROWER: - Mr. Dinesh Alias Vinay Ramchandra

Totekar

R/o Mardol, Ponda-Goa.

ANNEXURE II

**CHECKLIST FOR THE GUIDANCE OF THE ADVOCATES FOR
SUBMISSION OF LEGAL SCRUTINY REPORT.**

<i>Sr. no</i>	<i>Particulars</i>	<i>Remarks</i>
1.	Nature of Title (Ownership/leasehold/ Occupancy/ Govt. Grant allotments etc.)	ownership
2.	If Leasehold, whether a) lease deeds duly stamped and registered b) lessee is permitted to mortgage the leasehold right . c) Duration of the lease / unexpired period of lease. d) If a sub-lease, check the lease deed in favour of lessee as to whether lease deed Permits sub-leasing and mortgage by sub lessee also.	Not applicable
3.	If Govt. grant/allotment / lease - cum- sale agreement, whether.	Not applicable



	<p>a. Grant / agreement etc, provides for alienable rights to the mortgagor with or without conditions.</p> <p>b. The mortgagor is competent to create charge on such property.</p>	
4.	<p>If occupancy right, whether</p> <p>a. Such rights are heritable and transferable</p> <p>b. Mortgage can be created.</p>	<p>Yes</p> <p>yes</p>
5.	<p>a. Whether the provision of the urban land ceiling Act applicable / permission obtained.</p> <p>b. Whether NOC under income tax Act is required / obtained.</p> <p>c. Whether records with the registrar of assurance verified (if Applicable)</p>	Not applicable
6.	Whether there are claims from Minor /s and his/their interest in the property /ies, specify the share of the Minor/s with name.	Not applicable
7.	In case of the agricultural land, the position regarding creation enforceability with regards to local law.	Not applicable
8.	In case of conversion of agricultural land for commercial purpose, whether requisite producer/ permissions complied with. Obtain.	Not provided
9.	<p>a) In case of partition/settlement deeds, whether original deed is available for deposit. If not the modality/procedure to be followed to create a valid mortgage.</p> <p>b) Whether mutation has been effected and the mortgagor is in possession and enjoyment of his share.</p> <p>c) Whether the partition is valid in law?</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>
10	<p>a) In case of partnership firm, whether the property belongs to the firm and registered.</p> <p>b) Whether the person/s creating the mortgage has/have the</p>	Not applicable

	authority to execute on behalf of the firm.	
11	In case of limited companies, verify the Borrowing power Resolution, authority to create Mortgage/ execution of documents, any prior charges with ROC, MOA/AOA, provision for common seal etc.	Not applicable
12	In case of Societies/Associations, verify requisite resolutions, bye laws, power to borrow, encumbrances etc.	Not applicable
13.	In case of POA holder, verify the genuineness of POA and the extent of powers. Whether the POA is properly executed/stamped/authenticated/enforceable as per the law of the place.	Not applicable
14.	<p>If the property is a flat/apartment or residential/ commercial complex, verify</p> <p>a) Promoter's/land owner's title to the land/building.</p> <p>b) Whether the shop is developed by the land owner or constructed on joint development basis.</p> <p>c) Development agreement/POA</p> <p>d) Extent of authority of the developer</p> <p>e) Whether the construction approved by the competent authority.</p> <p>f) Independent title verification of the land or building in question.</p> <p>g) Deed of sale (Duly registered)</p> <p>h) Whether it is a second / subsequent sale?</p> <p>i) Payment of proper stamp duty.</p> <p>j) Conveyance in favour of the society/ Condominium concerned.</p> <p>k) Occupancy certificate / allotment letter. Letter of possession.</p> <p>l) Membership details in the society etc.</p> <p>m) Share certificates.</p> <p>n) Noc From the society.</p> <p>o) Latest maintenance charges paid receipt from society.</p> <p>p) Whether proportionate share in the</p>	<p>Owner</p> <p>Self Development</p> <p>Not applicable</p> <p>Sole Development</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>yes</p> <p>Yes</p> <p>Not applicable</p> <p>yes</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>



	land is transfer to the mortgagor, q) Documents evidence possession, telephones bills, electricity bill, tax paid receipt etc.	Not applicable Deed of sale, Nil Encumbrance Certificate, Occupancy Certificate, House Tax Receipt, and
	r) Other legal requirement under the local / Municipal laws with regards to the ownership of flats / apartments/ buildings regulations, society laws etc	Nil
15.	In case of joint family property and mortgage create for the family benefit/ legal necessarily, verify whether coparceners have no objection joined in execution, rights of female members, minor's share etc.	Not applicable
16.	Genological tree is to be drawn up whether the title is acquired by succession	Not applicable
17.	Pending litigations/court attachments / injunctions / stay orders / acquisition the Govt. local authorities, etc., if any.	Nil
18.	Any other matters effecting the proposed creation of mortgage not covered elsewhere	Nil

Place: Ponda-Goa

Date: 26/11/2020

(Signature)

(Adv. M. A. Khedekar)

Advocate/Legal



APPENDIX-III**LEGAL SCRUTINY REPORT****A. Description of the Document scrutinized:-**

Sr. no	Date of Document	Name of document	whether original certified /true copy/photosets
1.	28/08/1985	Deed of Gift with Reservation of Usufruct Portuguese along with the translation	Xerox
2	15/12/2017	Deed of Gift	original Verified Notarized Copy Obtain
3		Form No I & XIV of survey no. 302/1-A of Village Priol	Certified Copy
4.	7/11/2018	Technical Clearance Order	original Verified Xerox obtain
5.	22/11/2018	NOC from PHC	original Verified Xerox obtain
6.	30/08/2019	Conversion Sanad	original Verified Xerox obtain
7.	13/02/2020 & 24/07/2020	Nil Encumbrance Certificate	Xerox
8.	17/11/2020	Letter from Village Panchayat	original Verified Xerox obtain
9.		Approved Plans	Xerox

B. Description of the property and building to be constructed there on:-

Sr. No.	Survey no.	Extent/area (In Sq. Mtrs.)	Location	Boundaries of the Flat
1	302/1-A	832.00 Sq. mtrs	Priol, Mardol Ponda Goa	East: by the property surveyed under survey no.302/3.



			<p>West: by Partly by property surveyed under survey no. 303/2 and survey no. 303/4.</p> <p>North: By existing road proposed 15 meters wide</p> <p>South: By the plot admeasuring 200 Sq. Mtrs sold to Mahesh Ganesh Khedekar and surveyed under no. 302/6.</p>
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C. Search Report for 30 years: -

There exists a property known as "PALMAR", also known as NOGOR situated at Priol, within the limits of Village Panchayat of Veling Priol Cuncoliem of Ponda Taluka and Sub District of North Goa, (now in South Goa) State of Goa, described in the Land Registration Office this Comarca under no. 1443 of Book B-17 Old not enrolled in the Taluka Revenue Office and surveyed under Survey No 302/1 of Village Priol.

That the said Property originally belongs to Mr. Krishna Ramchondra Bhoto Totecar alias Babol and his wife Bhagirathi Bhotin alias Rama.

That said Mr. Krishna Ramchondra Bhoto Totecar alias Babol and his wife Bhagirathi Bhotin alias Rama vide Deed of Gift dated 28/08/1965 along with the above referred property gifted the said property to Vamona Ramchandra Bhoto Totecar, Prabhakar Ramchandra Bhoto Totecar and Vinoia Ramchandra Bhoto Totecar. The said Deed of Gift dated 28/08/1965 is duly registered before the office of Sub registrar and Notary Ex-Officio Ponda at pages 35 to 38 of Book 369.

Thereafter the name of Vamona Ramchandra Bhoto Totecar, Prabhakar Ramchandra Bhoto Totecar and Vinoia Ramchandra Bhoto Totecar is appearing in the Occupants column of Form I & XIV of Survey no. 302/1 of Village Priol.



Thereafter in the year 1984 an area of 200 Sq. Mtrs of the said property was sold to Mr. Mahesh Ganesh Khedekar and his name is appearing in the Occupants column of Form I & XIV of Survey no. 302/1 of Village Priol. And as such an area of 1175 Sq. mtrs were jointly owned and possess by the Vamona Ramchandra Bhoto Totekar, Prabhakar Ramchandra Bhoto Totekar and Vinoa Ramchandra Bhoto Totekar.

Thereafter vide Deed of Gift dated 15/12/2017 Shri. Vaman Ramchandra Totekar and his wife Smt. Yashoda, Mr. Prabhakar Ramchandra Totekar and his wife Prabha, Mrs. Madhura Pramod Bhat and her husband Mr. Pramod Dattatray Bhat gifted the property admeasuring 1175 S. Mtrs of the Property known as "PALMAR", also known as NOGOR situated at Priol, within the limits of Village Panchayat of Veling Priol Cuncolien of Ponda Taluka and Sub District of North Goa, (now in South Goa) State of Goa, described in the Land Registration Office this Comarca under no. 1443 of Book B-17 Old not enrolled in the Taluka Revenue Office and surveyed under Survey No 302/1 of Village Priol to the borrower Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar. The said Deed of Gift dated 15/12/2017 is duly registered before the office of Sub registrar of Ponda under serial no. 2640/2017 bearing registration no. 81/2018, at pages 256 to 273 of Book I, Vol. 351 dated 15/01/2018.

Thereafter the said borrower Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar applied for the partition and separation of the property which was granted by the Office of Dy. Collector and a separate survey no. was allotted as survey no. 302/1-A of Village Priol.

Thereafter said Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar applied for the conversion Sanad before the Office of Additional Collector III at Ponda which was granted under no. AC/PON/SG/CONV/11/2019/616 dated 30/08/2019.

Thereafter the borrower decided to construct two residential buildings being A and B for which Office of Town and Country Planning Department granted the Technical clearance Order under no. TPP/362/Priol/302/2018/215 dated 07/11/2018.



Thereafter the Primary Health Center Madkai also granted NOC for the proposed construction under no. PHCM/NOC/2018-19/178 dated 20/11/2018.

Thereafter Office of the Village Panchayat of Veling-Priol-Cuncoliem granted the Construction License for the construction of building A and B on the property bearing Survey no. 302/1-A of Village Priol under no. VP/VPC/Const.Lic/2018-19/2712 dated 23/01/2019. So also got approved the construction plan from the Office of Town and Country Planning Department of the building A and B.

Thereafter it is seen that there is mistake in mentioning the survey number in the Construction licence and the Approved Plan and the office of the Town and country planning department vide letter dated and the Village panchayat of Veling-Priol-Cuncoliem issued the letter there by allowing the borrower to read the correct survey no as 302.1-A of Village Priol.

Therefore the links in the chain of title has been properly established for last 13 years. I certify that the said the said the property admeasuring 1175 S. Mtrs of the Property known as "PALMAR", also known as NOGOR situated at Priol, within the limits of Village Panchayat of Veling Priol Cuncoliem of Ponda Taluka and Sub District of North Goa, (now in South Goa) State of Goa, described in the Land Registration Office this Comarca under no. 1443 of Book B-17 Old not enrolled in the Taluka Revenue Office and surveyed under Survey No 302/1-A of Village Priol along with the building A and B to be constructed thereon is owned and possessed by the borrower said Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar and his wife and the title of the said property is clean, clear and marketable.

D. - Encumbrance Certificate: -

The Nil Certificate of Encumbrance bearing no. 182/2020 dt. 13/02/2020 for a period starting from 15/12/2017 to 05/02/2020 and Certificate bearing no. 585/2020 dated 2/07/2020 for the period starting from 01/02/2007 to 14/12/2017 shows that there is no encumbrances, lien or charge on said property.



E. Evidence of possession:-

That Deed of Gift dated 15/12/2017, duly registered before Sub Registrar of Ponda Goa, Form No I & XIV, Sanad, Construction License, Nil Encumbrance Certificate shows that Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar is in the possession of the said property admeasuring 1175 S. Mtrs of the Property known as "PALMAR", also known as NOGOR situated at Priol, within the limits of Village Panchayat of Veling Priol Cuncollem of Ponda Taluka and Sub District of North Goa, (now in South Goa) State of Goa, described in the Land Registration Office this Comarca under no. 1443 of Book B-17 Old not enrolled in the Taluka Revenue Office and surveyed under Survey No 302/1-A of Village Priol along with the building A and B to be constructed thereon.

F. Documents to be obtain

- a. Original Deed of Gift dated 15/12/2017
- b. Nil Certificate of Encumbrance (two in numbers)
- c. Original Form I & XIV
- d. Construction licence
- e. Approved plan
- f. Occupancy Certificate after Completion

Note:- Wife of the Borrower Mrs. Meena Dinesh Totker be made as the party to the Mortgage Deed

G- Certificate of title:-

That Deed of Gift dated 15/12/2017 is duly registered before Sub Registrar of Ponda Goa shows that the Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar is in the possession of the said property admeasuring 1175 S. Mtrs of the Property known as "PALMAR", also known as NOGOR situated at Priol, within the limits of Village Panchayat of Veling Priol Cuncollem of Ponda Taluka and Sub District of North Goa, (now in South Goa) State of Goa, described in the Land Registration Office this Comarca under no. 1443 of Book B-17 Old not enrolled in the Taluka Revenue Office



and surveyed under Survey No 302/1-A of Village Priol along with the building A and B to be constructed thereon.

There is no impediment to mortgage the said Premises long with the proportionate undivided Share in the plot for raising loan as the title of Mr. Dinesh alias Vinay Ramchandran alias Shrikant Totekar is clear and marketable and therefore it can be mortgaged with the Bank to secure the loan by executing an equitable mortgage i.e. by depositing original Deed of Gift dated 15/12/2017.

The said premises to be mortgaged is not subject to any minor's or others claim.

CERTIFICATE OF THE SCRUTINY DOCUMENT

I have gone through the original title deeds intending to relating to the property and offered as scrutiny by way of equitable mortgage and that the documents of the title referred to above are perfect evidence of title and that the said equitable mortgage is created are deposited in the manner required by law. It will satisfy the requirements of creation of equitable mortgage and that I further certify that

1. I have made search in the land /revenue records and also do not find any adverse features, which would prevent the titleholder from creating a valid Mortgage.
2. I have visited the Registrar/Sub Registrar office on 25/11/2020 and verified the records /details of the property belonging to that Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar and his wife Mrs Meena Dinesh Totekar.
3. There are no prior mortgage/charges of whatsoever as could be seen from Nil Certificate of Encumbrance bearing no. 182/2020 dt. 13/02/2020 for a period starting from 15/12/2017 to 05/02/2020 and Certificate bearing no. 585/2020 dated 2/07/2020 for the period starting from 01/02/2007 to 14/12/2017 relating to immovable property covered by above said title deed.



4. There are no prior mortgages/charges to any extent of whatsoever nature could be cleared or satisfied.
5. There are no claims from minors or their interest to the said office along with the proportionate undivided share in the property to the extent of whatsoever nature.
6. There is no undivided or any other type of share of the minor or any minor does not have any claim in property to be mortgaged.
7. The property is not subject to the payment of amount to anybody else.
8. Provisions of Urban ceiling Act are not applicable.
9. There is no separate holding or acquisition and therefore provision of land reforms Act are not applicable to it.
10. If the mortgage is created will be available to the bank for the liability of intending borrower that Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar and his wife Mrs Meena Dinesh Totekar.
11. I certify that that Mr. Dinesh alias Vinay Ramchandra alias Shrikant Totekar and his wife Mrs. Meena Dinesh Totekar have valid and marketable title in the property mentioned hereinabove.

Place: - Ponda -Goa

Date: 26/11/2020

(Adv. M. A. Khedekar)

Advocate/Legal



