

LEGAL OPINION ON TITLE

SURVEY NO. 64/1 OF OXEL VILLAGE

SAVIO X. SOARES

ADVOCATE

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LEGAL OPINION

This Legal Opinion on title is given by me, to M/s JAGLAX REALTY PVT. LTD., having its office at T-16, Andheria More, Mehrauli, New Delhi 110030, based on the xerox copies of documents, made available to me for scrutiny (on the premises that the said documents are genuine, authentic and its contents are accurate and correct and I disclaim responsibility in the event of any false or incorrect or incomplete information arising out of the said documents), pertaining to the SAID PROPERTY, described herein below.

I. DESCRIPTION OF THE SAID PROPERTY:

All that Property known as "BALACHEM BATTA" or "BALIACHEM BATTA" or "GOR BATTA" or "BHAMAN WADO", consisting of Coconut grow in two adicoes having Coconut Trees and Mango Trees and a field forming one property, situated in Village Oxel, Siolim within the area of Village Panchayat of Siolim, Bardez Taluka, Bardez Sub-District of Registration District, State of Goa, North District, described in the Land Registration Office under Description No. 4887 at page 181 of Book B-13 (new), not found recorded in Land Revenue Office, surveyed under Survey No. 64 Sub-division 1 of Oxel Village, admeasuring 5675 sq. mtrs., and is bounded as under :



On the East : By the Bund of Dalaxete Rafael de Araujo and of Babu Camotim, presently by the property surveyed under no. 61/1 & 61/16.

On the West: By Public Road of ward & Coconut grove of heirs of Jacinto Fernandes & ors., presently by a Public Road.

On the North: By the coconut grow Gorbatta of Panduronga Xete, Ary Xete & Locu Xete and by the coconut grow of heirs of Jacinto Fernandes, presently by the property surveyed under no. 65/3 & 65/4.

On the South: By the Coconut grow Gorbatta, field Molloy of heirs of Babu Camotim, presently by the property surveyed under no. 63/1, which property shall hereafter be referred to as the SAID PROPERTY, for the sake of brevity.

II. DOCUMENTS PERUSED:

1. Description No. 4887 at page 181 of Book B-13 (new) of the Land Registration Office of Bardez alongwith its english translation.
2. Inscription No. 14615 at folio 13 of Book G-21 of the Land Registration Records of Bardez alongwith its english translation.
3. Deed of Sale dated 09-11-1920, drawn up in the office of the Joao Copertino da Caridade Frias, Notary Public of the Division of Bardez, at Mapusa, at folio 54 of Book No. 199 alongwith its English translation.



4. Inscription No. 16614 at folio 39V of Book G-23 of the Land Registration Records of Bardez alongwith its English translation.
5. Deed of Gift dated 11-5-1922 alongwith its English translation
6. Form III of survey no. 64/1 of Oxel Village.
7. Form IX of survey no. 64/1 of Oxel Village.
8. Manual Form I & XIV of survey no. 64/1 of Oxel Village.
9. Deed of Sale dated 28-05-1980, registered with the Sub-Registrar of Bardez under No. 672, of Book No. -I, on 18-07-1980.
10. Inventory proceeding no. No. 572/2018/C of the Court of Civil Judge Senior Division, Mapusa, Goa alongwith its Final Order dated 22-03-2019.
11. Agreement for Sale dated 29-06-2019, registered with the Sub-Registrar of Bardez, at Mapsua, under registration no. BRZ-1-2639-2019, Book -I document, on 19-08-2019.
12. Judgment and Order dated 09-02-2021, in Case No. JM/II/TNC/SR/NEG/24/2019, of the Court of the Mamlatdar of Bardez.
13. Judgment and Decree dated 04-08-2021 in Regular Civil Suit No.87/2021/E.



14. Inventory proceeding no. No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa alongwith Judgment and Order dated 12-08-2022.
15. Form I & XIV dated 11/06/2021 of survey no. 64/1 of Oxel Village
16. Conversion sanad of the said property dated 01/11/2021, issued by the Additional Collector III North-Goa, for the property bearing survey no. 64/1 of Oxel Village.
17. The Navhind Times (English) Newspaper of 03-11-2021.
18. The Gomantak (Marathi) Newspaper of 03-11-2021.
19. Form I & XIV dated 15-12-2021 of survey no. 64/1 of Oxel Village.
20. Deed of Sale dated 15-12-2021, registered with the Sub-Registrar of Bardez, under registration no. BRZ-1-4727-2021, of Book I document, on 17-12-2021.
21. Survey Plan of survey no. 64/1 of Oxel Village.
22. Latest Form I & XIV of the said property, in the name of Jaglax Realty Pvt. Ltd., dated 14/03/2022.
23. Technical Clearance Certificate dated 04-03-2022 issued by the Town & Country Planning Department to Jaglax Realty Pvt. Ltd.



24. Construction License dated 23-03-2022, bearing No. VP/OXEL/const-lic/residential-bldg/1322, issued by the Village Panchayat of Oxel to Jaglax Realty Pvt. Ltd.

III. **FACTS AS AVAILABLE:**

1. That the said property described in the Land Registration Office of Bardez under No. 4887 at page 181 of Book B-13 (new), originally belonged to Mr. Pascoal Antonio Pereira also known as Antonio Agostinho Pereira and his wife Cristalina Rosaria De Souza, and the same was inscribed in favour of the said Cristalina Rozaria de Souza married to Pascoal Antonio Pereira also known as Antonio Agostinho Pereira, under Inscription No. 14615 at folio 13 of Book G-21 of the Land Registration Records of Bardez.
2. That the said Pascoal Antonio Pereira also known as Antonio Agostinho Pereira and his wife Cristalina Rosaria De Souza sold the said property, to Mr. Jose Manoel Cardozo, vide a Deed of Sale dated 09-11-1920, drawn up in the office of the Joao Copertino da Caridade Frias, Notary Public of the Division of Bardez, at Mapusa, at folio 54 of Book No. 199.
3. That the said Jose Manoel Cardozo, thus came to be the sole, absolute and exclusive owner of the said property and the same came to be inscribed in his name under Inscription No. 16614 at folio 39V of Book G-23 of the Land Registration Records of Bardez.



4. That the said Jose Manoel Cardozo was married in his first nuptial to Mrs. Joaquina Cardozo, out of which marriage they had one sole heir/child, namely, Mr. Domingos Maria Cardozo, who was their sole and universal heir, which is confirmed vide Inventory Proceeding bearing No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa.
5. That after the death of the said Joaquina Cardozo, the said Jose Manoel Cardozo, subsequently got married in his second nuptial to Mrs. Dominica De Souza, out of which wedlock they did not have any issues, heirs or descendants, however, the Mrs. Dominica De Souza, prior to her death gifted all her rights, interest and title in the said property, to her step son, the said Mr. Domingos Maria Cardozo, vide a Deed of Gift dated 11-5-1922, which is confirmed vide the said Deed of Gift dated 11-5-1922.
6. That the said Mrs. Dominica De Souza, expired without any descendants or ascendants, living behind a Deed of Gift dated 11-5-1922, in favour of her stepson, son of her husband from the first marriage, Mr. Domingos Maria Cardozo, by which Deed of Gift dated 11-5-1922, the said Mrs. Dominica De Souza transferred and conveyed all her one half rights, interest and title, in the said property, to the said Mr. Domingos Maria Cardozo, which was confirmed vide the Deed of Gift dated 11-5-1922.
7. That thereafter expired the said Jose Manoel Cardozo, on 26-09-1942, which is seen from the Burial Certificate issued by the Church of St. Joseph, Bombay and the same is also



confirmed vide Inventory Proceeding bearing No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa.

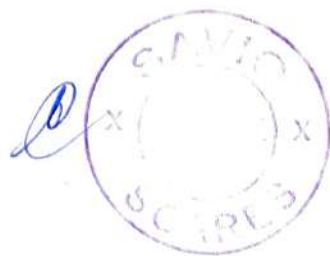
8. That the said Jose Manoel Cardozo left behind his only son/child, Domingos Maria Cardoso, as his sole and universal heir, which is confirmed vide Inventory Proceeding bearing No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa.
9. That thus the said Domingos Maria Cardoso came to be the sole, absolute and exclusive owner of the said property, as seen from the aforesaid documents.
10. That the said Mr. Domingos Maria Cardozo was also known as Domnic M. Cardozo alias Domnic Cutinho Kordoz alias Domnic Maria Cardoz alias Domnic Maria Cardoso alias Domnic Maria Cardozo alias Domnic Mario Cardoso alias Domnic Coutinho Cardozo alias Domnic Cutinho Kardoze, as seen from the Inventory proceeding no. No. 572/2018/C of the Court of Civil Judge Senior Division, Mapusa, Goa and Inventory Proceeding bearing No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa.
11. That the said property thus came to belong to Mr. Domnic M. Cardozo alias Domnic Cutinho Kordoz alias Domnic Maria Cardoz alias Domnic Maria Cardoso alias Domnic Maria Cardozo alias Domnic Mario Cardoso alias Domnic Coutinho Cardozo alias Domnic Cutinho Kardoze and his wife Mrs. Philomena Cardozo alias Philomena Cardoz alias Philomena Feliciano De Souza e Cardoz alias Cardoso alias Filomena



Feliciana De Souza e Cardoso alias Filomena Feliciana De Souza e Cardoso, one half by the Deed of Gift dated 11/05/1922 of the late Dominica De Souza and the other half through inheritance, being the sole heir of the late Mr. Jose Manoel Cardoso and late Mrs. Joaquina Cardoso, which is seen from the Deed of Gift dated 11/05/1922 and the Inventory Proceeding bearing No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa.

12. That accordingly the said property is surveyed in the records of survey of Village Oxel under Survey No. 64/1 in his name as Domnic Cardoso and Domnic Cutinho Kordoz.

13. That the said Mr. Domnic M. Cardoso alias Domnic Cutinho Kordoz alias Domnic Maria Cardoz alias Domnic Maria Cardoso alias Domnic Maria Cardoso alias Domnic Mario Cardoso alias Domnic Coutinho Cardoso alias Domnic Cutinho Kordoz was married to Mrs. Philomena Cardoso and upon their death an Inventory Proceeding was filed in the Court of Civil Judge Senior Division, at Mapusa, Goa, registered under No. 572/2018/C in which inventory proceedings, the said property which was listed as the only asset of the deceased was allotted exclusively to Mr. Ajay Jude Cardoso, Mrs. Aneta Jane Cardoso, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes and Mrs. Rufina Dias, Mr. Keith Dias, which was confirmed vide Final Order dated 22/03/2019, of the Court of Civil Judge Senior Division, at Mapusa, Goa, passed in the said inventory proceedings.



14. That an inventory proceeding was conducted of the late Jose Manoel Cardozo, which was registered as Inventory Proceeding bearing No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa, wherein the succession of the late Jose Manoel Cardozo was confirmed and the said property having been originally belonging to the late Jose Manoel Cardozo, was listed herein as the sole asset of the late Jose Manoel Cardozo, in which inventory proceedings the heirs of the late Jose Manoel Cardozo, were the same as the heirs of his son, the late Mr. Dominic Maria Cardoso alias Dominic M. Cardozo alias Dominic Coutinho Kordoz alias Dominic Maria Cardoz alias Dominic Maria Cardoso alias Dominic Mario Cardoso alias Dominic Coutinho Cardozo alias Dominic Coutinho Kardo, namely, Mr. Ajay Jude Caedozo, Mrs. Aneta Jane Cardozo, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes, Mrs. Rufina Dias and Mr. Keith Dias, which was confirmed vide Judgment and Order dated 12-08-2022, of the Court of the Civil Judge Junior Division, Mapusa, passed in the same proceedings.

15. That in the Form I & XIV of the said property the name of one Vishnu Jana Vaigunkar who was also know as Raghun Jana Vaigunkar was erroneously entered in the Column "Name of the Tenant", which name of Vishnu Jana



Vaigunkar, has been declared as an erroneous entry by the Court of the Mamlatdar of Bardez -II, vide its order dated 09-02-2021, passed in case no. JM-II/TNC/SR/Neg/24/2019, wherein it has been held that the said Vishnu Jana Vaigunkar, was not a tenant of the SAID PROPERTY and his name was erroneously entered in the tenants column of the Form I & XIV of the Survey No. 6/1 of Oxel Village (SAID PROPERTY), and thus the said name of Vishnu Jana Vaigunkar, came to be deleted from the Tenants column of the Form I & XIV of the said property.

16. That there was a Deed of Sale dated 28-05-1980, registered with the Sub-Registrar of Bardez under No. 672, of Book No. -I, on 18-07-1980, which was executed by some of the co-heirs of the late Jose Manoel Cardozo and late Domnic Maria Cardoso, without the consent and knowledge of the other co-heirs, to Mrs. Swarni Janardhan Vaigunkar and Mr. Narayan Vinshnu Vaigankar, which Deed of Sale dated 28-05-1980, was challenged by Mr. Ajay Jude Cardozo, Mrs. Aneta Jane Cardozo, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes and Mrs. Rufina Dias, Mr. Keith Dias, in the Court of the Civil Judge Junior Division, at Mapusa, vide Regular Civil Suit No. 87/2021/F, which Regular Civil Suit No. 87/2021/F came to be Decreed vide Judgment and Decree dated 04-08-202, wherein the said Deed of Sale dated 28-05-1980, was declared as null and void.

17. That from the aforesaid documents, namely, the Description No. 4887 at page 181 of Book B-13 (new) of the Land Registration Office of Bardez, Inscription No. 14615 at folio 13



of Book G-21 of the Land Registration Records of Bardez, Deed of Sale dated 09-11-1920, drawn up in the office of the Joao Copertino da Caridade Frias, Notary Public of the Division of Bardez, at Mapusa, at folio 54 of Book No. 199, Inscription No. 16614 at folio 39V of Book G-23 of the Land Registration Records of Bardez, Deed of Gift dated 11-5-1922, Inventory proceeding no. No. 572/2018/C of the Court of Civil Judge Senior Division, Mapusa, Goa, Inventory proceeding no. No. 236/2021/F of the Court of Civil Judge Junior Division, Mapusa, Goa Judgment and Order dated 09-02-2021, in Case No. JM/II/TNC/SR/NEG/24/2019, of the Court of the Mamlatdar of Bardez, Judgment and Decree dated 04-08-2021 in Regular Civil Suit No.87/2021/E and the survey records of the said property, which have remained unchallenged, it stands established that the said property which was originally of the late Jose Manoel Cardoso, devolved upon the said Mr. Ajay Jude Caedozo, Mrs. Aneta Jane Cardozo, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes, Mrs. Rufina Dias and Mr. Keith Dias and the said Mr. Ajay Jude Caedozo, Mrs. Aneta Jane Cardozo, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes, Mrs. Rufina Dias and Mr. Keith Dias, came to be the exclusive owners of the said property by title, succession and prescription and accordingly their names also came to be found recorded in the survey records of the said property.

18. That the said property converted for residential use, vide sanad dated 01/11/2021, issued by the Additional Collector III North-Goa, to Mrs. Anastasia Fernandes and Mr. Simon Ellison Fernandes.



19. That two Public Notices were issued by the undersigned with respect to the sale/purchase of the said property, one in the Navhind Times (English) newspaper and the other in the Gomantak (Marathi) newspaper, both of which appeared in the edition dated 03-11-2021 of the respective newspaper, calling for objections if any, to the sale of the said property, which public notices did not attract/yield any objections or claims.
20. That the said Mr. Ajay Jude Caedozo, Mrs. Aneta Jane Cardozo, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes, Mrs. Rufina Dias and Mr. Keith Dias and the said Mr. Ajay Jude Caedozo, Mrs. Aneta Jane Cardozo, Mrs. Anastasia Fernandes, Mr. Simon Ellison Fernandes, Mrs. Rufina Dias and Mr. Keith Dias, thereafter sold, transferred and conveyed the said property, to M/s JAGLAX REALTY PVT. LTD., vide a Deed of Sale dated 15-12-2021, registered with the Sub-Registrar of Bardez, under registration no. BRZ-1-4727-2021, of Book I document, on 17-12-2021.
21. That the name of the said M/s JAGLAX REALTY PVT. LTD. is presently found recorded in the latest Form I & XIV (dated 14/03/2022) of the said property bearing survey no. 64/1 of Oxel Village.
22. That M/s JAGLAX REALTY PVT. LTD. has been issued a Technical clearance Certificate by the Town & Country Planning Department to construct Villas on the said property.



23. That the Village Panchayat of Oxel has issued construction license to the said M/s JAGLAX REALTY PVT. LTD., to construct villas on the said property.
24. That based on the documents mentioned hereinabove, which have remained unchallenged and the corresponding survey records which have flowed in tune with the flow of title upto M/s JAGLAX REALTY PVT. LTD., it can be conclude that M/s JAGLAX REALTY PVT. LTD., is presently, the owner in possession of the said property and has a clear and marketable title to the said property.

IV. NOTE:

The accuracy of this opinion/report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or suppression of facts or suppression of facts or documents or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.




V. OPINION ON TITLE:

It is, now therefore, opined by me, in view of the facts brought out by the documents cited above, the observations made hereinabove and the representations of the parties, that M/s JAGLAX REALTY PVT. LTD., has a clear and marketable title to the said property, bearing survey no. 64/1 of Oxel Village, admeasuring 5675 sq. mtrs., situated at Oxel, Bardez, Goa, subject to obtaining/providing the latest Nil Encumbrance Certificate.

Mapusa – Goa.

28th September, 2022



Adv. Savio X. Soares