

# **ADV. SUSHANT S. DESAI**

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## **LEGAL SCRUTINY REPORT AND CERTIFICATE OF TITLE**

M/s Stalwart Realty has placed before me for the legal Scrutiny Report and certificate of title.

## **DESCRIPTION OF THE SAID PROPERTY**

All that property known as "MULATENIM" consisting of one "VERICA" with its bund one "ARO" and four pieces of Morod, situated at Taleigao - Goa, admeasuring an area of 1408.62 sq. mtrs., bearing Chalta No.39 of P.T. Sheet No.149 of the City survey Panaji situated within the jurisdiction of Panaji Municipal Council, Taluka Tiswadi, District of North Goa, State of Goa, and registered under inscription No.21,040 at page No.111(reverse) of Book No.B-56 (new series) and described under No.21,040 at page 111(reverse) of Book No.B-56 (new series) enrolled in the Taluka Revenue Office of Mhas at Panaji under Matriz No. 491 (1491) and bounded as under:-

East : by Panaji Dona Paula road

West : by portion of the same property

North : by access road

South : by proposed road

I, Mr. Sushant S. Desai, Advocate having my office at Bicholim Goa confirm that I have examined the following documents which I found to be in order as per the prevailing laws:-

| <b>Sr. No.</b> | <b>Name/Nature of the Document</b>  | <b>Original/Certified Copy/ Certified Extracted / Photocopy</b> |
|----------------|---|---|
| <b>1</b>       | Inscription No. 23537 at Pg no. 2 of Book No.G-37, in the land registration office of Ilhas at Panaji   | <b>Certified copy</b>   |
| <b>2</b>       | Description No.21040 at page No.(reverse) of Book No.B-56 (new series), in the land registration office of Ilhas at Panaji  | <b>Certified copy</b>   |
| <b>3</b>       | Inscription No. 17449, at page No. 57(reverse) of book No.C-43( New) in the land registration office of Ilhas at Panaji   | <b>Certified copy</b>   |
| <b>4</b>       | Inscription No. 17649, at page No. 125 of Book No. C-43( New), in the land registration office of Ilhas at Panaji   | <b>Certified copy</b>   |
| <b>5</b>       | Deed of Sale, Discharge and withdrawals dated 30/05/1963 was recorded by the then Notary of Ilhas , at Panaji , Dr. Antonio Orlando Lobo, at page nos 82 to 86 of Book No. 559 of the Notarial records of Panaji; | <b>Certified copy</b>   |
| <b>6</b>       | Deed of Relinquishment and Sucession dtd. 10/02/1992, under register no. 640.   | <b>Certified copy</b>   |
| <b>7</b>       | Deed of Partition dtd. 10/02/1992 executed before the Sub-Registrar Ilhas, Panaji under Reg. No.882/92, Book I, Vol.185 dtd. 14/9/1992  | <b>Certified copy</b>   |
| <b>8</b>       | Deed of sale dated 09/03/1993 executed before the Sub Registrar of Ilhas, Tiswadi, registered under Registration No.778 of Book No.I, Vol.236 dated 6/6/1993  | <b>Certified copy</b>   |
| <b>9</b>       | Deed of Rectification dated 14/08/1997 executed before the Sub Registrar of Ilhas, Tiswadi, registered under Registration No.1185 of Book No.I, Vol.617 dated   | <b>Certified copy</b>   |

|    |   |            |
|----|---|------------|
|    | 22/08/1997  |            |
| 10 | Award dated 27/10/1997, by the District and Session Court at Panjim Goa under land acquisition case no.38/90  | Photo copy |
| 11 | Sale deed dated 1/08/2019 registered before sub registrar Tiswadi taluka Panjim Goa, under reg. no. PNJ-1-1640-2019 dated 13/08/2019                      | Original   |
| 12 | Agreement for Development and construction dated 2/07/2021 Executed before the Notary Adv. U R Timble, at Panjim Goa, registered under Sr.No.1520/XD/2021 | Original   |
| 13 | Form D  | Original   |

### **FLOW OF THE TITLE**

**AND WHEREAS** there exists landed property known as “MULATENIM” consisting of one “VERICA” with its bund one “ ARO” and four pieces of Morod, situated at Taleigao - Goa, The “VERICA” of the said property, admeasuring an area of 2616 Sq. Mtrs., bearing Chalta No.39 of P.T. Sheet No.149 of the City survey Panaji situated within the jurisdiction of Panaji Municipal Council, Taluka Tiswadi, District of North Goa, State of Goa, being described in the land registration office of Ilhas, at Panaji under Description No.21040 at page No.(reverse) of Book No.B-56 (new series) and being inscribed in the taluka revenue office of Ilhas, at Panaji, under underMatriz No. 491 for brevity’s sake, hereinafter referred to as the “**Said Entire Property**”.

**AND WHEREAS** prior to 30<sup>th</sup>May of 1963, the said “ Verica”of the said property was belonging to one Shri Vital Francisco Paulo de Mendonca and his wife Smt. Maria Antonia Santana Alvares resident of Taleigao, Tiswadi,

Goa, which is inscribed under inscription No. 23537, at Pg. no. 2, of Book No.G-37, in the land registration office of Ilhas at Panaji.

**AND WHEREAS** Shri Vital Francisco Paulo de Mendonca and his wife Smt. Maria Antonia Santana Alvares, raised a loan of Rs.10,000/- (Rupees Ten Thousand Only) from one Shri. Cosme Palha, resident of St. Lawrence of Agacaim, and secured the same together with the interest payable thereon at the rate of 6% per annum, in terms of a Deed of Mortgage dated 10/08/1957, drawn by the then Notary of Ilhas, at Panaji, Dr. Guerra Bordalo, at Page No. 59 onwards of Notarial Book No. 491, in terms of which the said entire property was mortgagein favour of the said Shri. CosmePalha;

**AND WHEREAS** the said mortgage dated 10/08/1957 was inscribed in the records of land registration office of Ilhas, at Panaji, under inscription No. 17449, at page No. 57(reverse) of book No.C-43( New) ;

**AND WHERAS** the said Shri Vital Francisco Paulo de Mendonca and his wife Smt. Maria Antonia Santana Alvares, raised one more loan of Rs.3000/- (Rupees three thousand Only) from the said Shri. Cosmo Palha, which loan together with interest payable thereon atn the rate of 6% per annum was secured in terms of deed of Mortgage dated 21/02/1959, drawn by shri. Singbal assistant to the then Notary of Ilhas, the said Shri.Dr. Guerra Bordalo, at page no. 32 onwards of the Notarial Book No. 514 whereby the said entire property was further charged in favour of the said Shri.CosmePalha;

**ANDWHEREAS** the said Mortagage dated 21/02/1959 was inscribed in the land registration office of Ilhas, at Panaji, under inscription No. 17649, at page No. 125 of Book No. C-43( New);

**AND WHEREAS** vide Deed of Sale, Discharge and withdrawals dated 30/05/1963 the said Shri Vital Francisco Paulo de Mendonca and his wife Smt. Maria Antonia Santana Alvares, sold and transferred the said Enitre property in favour of the Shri. Upendra Vinaica Sinai Netravolcar and his brother, Shri.Sitacanta Vinaica Sinai Netravolcar. The said Deed of Sale, Discharge and withdrawals dated 30/05/1963 was recorded by the then Notary of Ilhas , at Panaji , Dr. Antonio Orlando Lobo, at page nos 82 to 86 of Book No. 559 of the Notarial records of Panaji;

**AND WHEREAS** in terms of the Said Deed dated 30/05/1963, the said Shri.CosmePalha released the said property from its mortagage charges dated 10/08/1957 and 21/02/1959, respectively, and relinquished all his rights in respect of the said property.

**AND WHEREAS** the said Mortgage inscription No. 17449, at page no. 57 ( reverse) of Book No. C-43( New) in the Land registration office of Ilhas, at Panaji, in respect of the said property, was cancelled on 4<sup>th</sup> day of July, 1963;

**AND WHEREAS** the said Mortgage inscription No. 17649, at page no. 125 (reverse) of Book No. C-43 (New) in the Land registration office of Ilhas, at Panaji, in respect of the said property, was cancelled on 4<sup>th</sup> day of July 1963;

**AND WHEREAS** by virtue of the said Deed of Sale, Discharge and withdrawalsdated 30/05/1963 and the subsequent cancellations of the aforesaid inscriptions regarding the mortagage charges created in respect of the same the Shri. Upendra Vinaica Sinai Netravolcar and his brother, Shri.Sitacanta Vinaica Sinai Netravolcar acquire clean, clear and marketable title in respect of the said property and become the absolute and exclusive owners in respect of the said property;

**AND WHEREAS** the said Property was purchased by Shri. Upendra Vinaica Sinai Netravolcar and his brother, Shri.Sitacanta Vinaica Sinai Netravolcar from the landowners Mr.Vital Francisco Paulo de Mendonca and his wife Maria Antonia Santana Alvares vide Deed of Sale, Discharge and withdrawals dtd. 30/05/1963 executed before the Office of Judicial Division of Ilhas of Goa in the city of Goa.

**AND WHEREAS** the Shri. Upendra Vinaica Sinai Netravolcar and his brother, Shri.Sitacanta Vinaica Sinai Netravolcar are seized and possessed of or otherwise well and sufficiently entitled to as absolute and exclusive owner of part of the said entire property admeasuring an area of 2616 Sq. Mtrs.,

**AND WHEREAS** aforesaid Mr.Sitacanta Vinaica Sinai Netravalkar alias Netravolcar expired on 25/10/1991 and vide Deed of Relinquishment of Rights and Succession dtd.10/02/1992 executed before the Sub-Registrar cum Notary and Ex-Officio Panaji and vide Deed of Partition dtd. 10/02/1992 executed before the Sub-Registrar Ilhas, Panaji under Reg. No.882/92, Book I, Vol.185 dtd. 14/9/1992, the part of the said property was allotted to the Shri. Upendra Vinaica Sinai Netravolcar alias Netravalkar and his wife Mrs. Vasanti U. Netravalkar herein and accordingly the said property came into possession and ownership of Mrs. Rajashri Sitakant Netravalkar and Shri. Upendra Vinaica Sinai Netravolcar alias Netravaikar.

**AND WHEREAS** vide Deed of Partition dtd. 10/02/1992 executed before the Sub-Registrar Ilhas, Panaji under Reg. No.882/92, Book I, Vol.185 dtd. 14/9/1992, an area admeasuring 1063.62 Sq. Mtrs.was allotted to Shri. Upendra



Vinaica Sinai Netravolcar alias Netravalkar and his wife Mrs. Vasanti U. Netravalkar.

**AND WHEREAS** Vide Deed of sale dated 09/03/1993 executed before the Sub Registrar of Ilhas, Tiswadi, registered under Registration No.778 of Book No.I, Vol.236 dated 6/6/1993 read with Deed of Rectification dated 14/08/1997 executed before the Sub Registrar of Ilhas, Tiswadi, registered under Registration No.1185 of Book No.I, Vol.617 dated 22/08/1997, an area admeasuring 838.38 Sq. Mtrs. was sold to M/S.Sunivas Builders represented by Mr.ShrinivasBujle, by Shri. Upendra Vinaica Sinai Netravolcar alias Netravalkar and others.

**AND WHEREAS** by acquisition under Award dated 27/10/1997, by the District and Session Court at Panjim Goa under land acquisition case no.38/90, an area admeasuring 369 Sq. Mtrs. of the said property was acquired by Government of Goa, Town and Country Planning Dept.

**AND WHEREAS** the parties herein have provided an access to the aforesaid adjoining land sold to Sunivas Builders and the aforesaid access is not the part of the legal sub division/ partition as approved by PDA or TCP or any other Government agencies as no records of the same have been mentioned in aforesaid Deed of Rectification. Therefore an area of 345 Sq. Mtrs. vests with the parties herein since in the Deed of sale read with Deed of Rectification aforesaid only plot area admeasuring 838.38 Sq. Mtrs. is mentioned and whilst defining the boundaries of the aforesaid plot of land. it is mentioned that on the eastern side plot is abating land sold to Sunivas Builder, by the remaining part of the land of the same property and the internal access.

**AND WHEREAS** an area admeasuring 345 Sq. Mtrs. vests with Mrs. Rajashree Sitakant Netravalkar and Mr. Upendra Vinayak Netravalkar alias Upendra Vinaica Sinai Netravolcar, the said area has not been sold or gifted to anyone.

**AND WHEREAS** the parties herein have right to half share in the aforesaid area of 345 Sq. Mtrs. i.e. Mrs. Rajashree Sitakant Netravalkar has right to an area of 172.5 Sq. mtrs. And Mr. Upendra Vinayak Netravalkar alias Upendra Vinaica Sinai Netravolcar and his wife have right to an area of 172.5 Sq. mtrs.

**AND WHEREAS** Mrs. Rajashree Sitakant Netravalkars undivided share corresponding to an area of 172.5 Sq. mtrs. forming part of the said entire property, purchased by Mr. Upendra Vinayak Netravalkar alias Upendra Vinaica Sinai Netravolcar and his wife Mrs. Vasanti U. Netravalkar, vide sale deed dated 1/08/2019 registered before sub registrar Tiswadi taluka Panjim Goa, under reg. no. PNJ-1-1640-2019 dated 13/08/2019.

**AND WHEREAS** in order to demarcate total plot of land admeasuring 1408.62 Sq. mtrs. which was in the possession of parties herein which constitutes an area of 1063.62 Sq. Mtrs. and 345 Sq. Mtrs. Herein referred to as said property.

**AND WHEREAS** Ms. Stalwart Realty signed an Agreement for Development and Construction dtd. 2/07/2021 Executed before the Notary Adv. U R Timble, at Panjim Goa, registered under Sr.No.1520/XD/2021, for development of the **SAID PROPERTY** and to construct thereon building in accordance with the terms and conditions mentioned in the agreement.



### **ENCUMBRANCES**

Latest Nil Encumbrance Certificate may be obtained by Mr.NetravalkarUpendra Alias Upendra Vinayak Netravalkar and his wife.

### **POSSESSION**

I can certify that the Legal possession of the above mentioned property is with Mr. Upendra Vinayak Netravalkar alias Upendra Vinaica Sinai Netravolcar and his wife Mrs. Vasanti U. Netravalkar.

The possession of the said property is with M/s Stalwart Realty in view of their Agreement for Development and Construction dated 2/07/2021, Executed before the Notary Adv. U R Timble, at Panjim Goa, registered under Sr.No.1520/XD/2021, at Panjim Goa, with the owner of said property. The same possession was handed over to M/s Stalwart Realty for development and Construction of the said property.

### **CERTIFICATE OF TITLE**

In the light of the above facts, I am of the opinion that as far as the property known as there exists landed property known as MULATENIM consisting of one "VERICA" with its bund one " ARO" and four pieces of Morod, situated at Taleigao - Goa, admeasuring an area of 1408.62 Sq.mtrs., bearing Chalta No.39 of P.T. Sheet No.149 of the City survey Panaji situated within the jurisdiction of Panaji Municipal Council, Taluka Tiswadi, District of North Goa, State of Goa, and registered under inscription No.21,040 at page No.111(reverse) of Book No.B-56 (new series) and described under No.21,040 at page 111(reverse) of Book No.B-56 (new series) enrolled in the

Taluka Revenue Office of Ilhas at Panaji under Matriz No. 491 (1491) is with Mr. Netravalkar Upendra Alias Upendra Vinayak Netravalkar and his wife Mrs. Vasanti U. Netravalkar and thus became the absolute /sole owner and in exclusive possession of the said property and has a clear and marketable title in respect of the said abovementioned property.

The possession of the said property is with M/s Stalwart Realty in view of their Agreement for Development and Construction dated 2/07/2021, with the owner of said property. The same possession was handed over to M/s Stalwart Realty for Construction and development of the said property.

This opinion is given at the request of Ms. Stalwart Realty and on the basis of the aforesaid documents placed before me.

Panaji- Goa

Dated: 27/07/2021

Adv. Sushant S. Desai

Porvorim - Goa