

**RAJASHRI V. PATIL**

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Date: - 15/03/2019



Legal Scrutiny Report

1	Name of the Person seeking opinion Please give reference of letter if any.	Mr. Surendra Gurusidappa Muger Mrs. Sarojini Surendra Muger R/o H. No. 65, Haveli Curti, Ponda Goa
2	Name of the Borrower/s	Mr. Surendra Gurusidappa Muger Mrs. Sarojini Surendra Muger R/o H. No. 65, Haveli Curti, Ponda Goa
3	Name of the owner /s of the property	Mr. Surendra Gurusidappa Muger Mrs. Sarojini Surendra Muger R/o H. No. 65, Haveli Curti, Ponda Goa
4	Full and detailed description of the property including the following details. (Description may be changed depending on the nature of the property and local condition. Please give description in such a way that it can be copied in loan documents/mortgage deed)	All that Plot No. E admeasuring 1250 sq. mts. along with a residential House bearing H. No. 65 part of the bigger landed property known as "BHORODO TICAN @ BHARAD THIKAN" situated at Village Curti, within the limits of Village Panchayat of Curti-Khandepar, Taluka Ponda, District South Goa, state Goa, described in the Land Registration Office at Ilhas Panaji under no. 12154 of Book B 32 and enrolled in the Matriz records under No. 520 and surveyed as a whole under Survey No. 61/7 of village Curti-Khandepar.  a. Survey No. /Khata No. etc Survey No. 61/7 of Village Curti-Khandepar  b. Door/House No. in case of building. NA  c. Area Area of Plot: - admeasuring 315 sq. mts Area of Proposed Construction;

	<p>d. Location details like Village, Taluka, District, City, and Registration sub district, State etc.</p> <p>e. Boundaries</p>	<p>Location is in Curti, Ponda, within the limits of Village Panchayat of Curti-Khandepar , Taluka Ponda, District South Goa, state Goa</p> <p><u>Boundaries of Plot No. E:-</u>          East: - with the road leading to Savoi Verem          West: - With the survey No. 60/1 of village Ponda          North:- with the Survey no. 61/6 of village Ponda          South:- with the Survey No. 61/8 of village Ponda</p>
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5 Particulars of documents scrutinized			
Sl. No.	Date	Description of documents	Original/ Photocopy of original/ Notarized copy/ Sub Register Certified Copy/ Photocopy of Notarized/ Certified copy etc.
1.	06/06/1925	Inscription of Land in Portuguese along with its English Translation	Photocopy.
2.	22/03/1958	Extract of Register of Transfer in Portuguese along with its English Translation	Photocopy
3	05/03/1963	Extract of Book of Land Description and Amendment in Portuguese along with its English Translation	Photocopy
4	03/10/1962	Deed of Sale with acceptance of Price in Portuguese along with its English Translation executed in the Notary Office of Ponda in Book No. 351 at page 36 onwards	Photocopy





5	27/02/1992	Public Testament dated 03/08/1992 drawn at page 68 onwards of Notarial book for Wills	Photocopy
6	27/02/1992	Public Testament dated 03/08/1992 drawn at page 68 onwards of Notarial book for Wills	Photocopy
7.	20/10/1997	Death Certificate of Gurushidappa Tippana Muger	Photocopy
8.	31/10/2000	Death Certificate of Gourava Gurushidappa Muger	Photocopy
9.	29/10/2018	Sanad bearing No. CONN/PON/AC-II/10/2018/295 issued by Additional Collector III Ponda Goa.	Photocopy
10.	18/12/2018	Technical Clearance Order TCP/931/Curti/61/7/2018/3170 dated 18/12/2018.	Photocopy
11	23/01/2019	Construction License bearing no. 36/2018-2019 issued by Village Panchayat Curti, Khandepar Ponda Goa	Photocopy
12	01/01/2019	Form I and XIV of Survey No. 61/7 of village Ponda	Photocopy
13	20/07/2018	Survey Plan of Survey No. 61/7 of village Ponda	Photocopy
14	01/01/2019	Nil Certificate of Encumbrance on Property bearing no. 02/2019 issued by Sub –Registrar of Ponda	Photocopy

6 Tracing of title of property- 1. That there exists a landed property known as

<p>It is expected that the title deed is traced for a period up to 30 years. Please discuss chain of title systematically referring to each document in the chain.</p>	<p>known as "BHORODO TICAN @ BHARAD THIKAN" situated at Village Curti, within the limits of Village Panchayat of Curti-Khandepar, Taluka Ponda, District South Goa, state Goa, described in the Land Registration Office at Ilhas Panaji under no. 12154 of Book B 32 and enrolled in the Matriz records under No. 520.</p> <p>2. That after perusing the document at Sr. No. 3 namely Copy of Extract of Book of Land Description and Amendment in Portuguese along with its English Translation it is seen that the half of the said property is inscribed under no. 23091 of Transfer in Book G-39 in the name of Mulla Mahamad Ussen or Mulam Mamod Hussein Muzawar.</p> <p>3. That after perusing the document at Sr. No. 4 namely Copy of Deed of Sale with acceptance of Price in Portuguese along with its English Translation it is seen that the said Mulla Mahamad Ussen or Mulam Mamod Hussein Muzawar divided the said half part of the said property into different plots and one of such Plot (lote) bearing No. E admeasuring 1307.25 sq. mts. was sold by Mulam Mamod Hussein Muzawar along with his wife Saquinabi to Gurusidapa Tipana Mugueri,</p> <p>4. That after perusing the document at Sr. No. 5 and 6 namely Copies of two Public Testaments (Wills) it is seen that said Gurusidapa Tipana Mugueri and his wife Smt. Gourava Gurushidappa Mugeri bequeathed the said Plot No. E of the said Property along with their residential house and rooms constructed to give on hire basis to their son Shri Surendra Mugeri,</p> <p>5. AND WHEREAS the said Plot No. E is presently surveyed under new survey no. 61/7 of village Ponda and admeasuring 1250</p>
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sq. mts. in area.		<p>6. That after perusing the document at Sr. No. 7 and 8 namely Copies of Death Certificates of said Shri Gurusidapa Tipana Mugerri and his wife Smt. Gourava Gurushidappa Mugerri it is seen that they expired on 11/10/1997 and 17/10/2000 respectively.</p> <p>7. AND WHEREAS after the deaths of said Gurusidapa Tipana Mugerri and his wife Smt. Gourava Gurushidappa Mugerri as per the abovementioned Public wills said Surendra Mugerri became the owner of the said Plot E surveyed under new survey no. 61/7 of village Ponda and admeasuring 1250 sq. mts. in area along with their residential house and rooms constructed to give on hire basis.</p> <p>8. That after perusing the document at Sr. No. 9 namely Copy of SANAD it is seen that the area admeasuring 1075 sq. mts. of the said Plot No. E bearing new survey no. 61/7 of village Ponda is converted for residential use only.</p> <p>9. That after perusing the document at Sr. No. 10 namely Copy of Technical Clearance Order it is seen that the Technical Clearance is granted by office of the Town and Country Planning Department Ponda Goa for carrying out the Residential Cum Commercial Building (revised Plan) in Survey No. 61/7 of village Ponda Goa to Surendra Mugerri..</p> <p>10. That after perusing the documents at Sr. No. 11 namely Copies of Construction License along with approved Plan it is seen that the permission is granted by Village Panchayat of Curti-Khandepar, Ponda Goa for carrying out the Residential Cum Commercial Building (revised Plan) in Survey No. 61/7 of village Ponda Goa to Surendra G. Mugerri.</p>
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	<p>11. That after perusing the documents at Sr. No. 12 namely Copy of Form I and XIV of Survey No. 61/7 of village Ponda it is seen that the name of Surenra G. Mugerri is appearing in occupant's column and tenant's and other right's column are blank.</p> <p>12. That after perusing the documents at Sr. No. 14 namely Copy of Nil Certificate of Encumbrance on Property it is seen that the said Plot No. E bearing new survey no. 61/7 of village Ponda is free from encumbrance from 15/01/2003 till 01<sup>st</sup> January 2019.</p>
<p>7</p> <p>Extent of ownership-</p> <p>Please discuss whether entitlement to property is on full ownership basis or limited ownership basis. For e. g: leasehold rights, tenancy rights, occupancy rights etc. What are the implications of limitation?</p>	<p>The said Surenra G. Mugerri is having ownership right in the SAID PLOT and as per family law applicable in Goa his wife Smt. Sarojini Mugerri is entitled to half right in the said Plot. No. E.</p>
<p>8</p> <p>In case the property belongs to special constitution/ special legal entities below, please discuss about the requirements including the ones given below.</p> <p>1) Company:</p> <p>a) Compliance with the provisions of Companies Act 2013 and in particular section 186.</p> <p>b) Compliance with the objection clause in the Memorandum of Association.</p>	<p>No</p> <p>NA</p> <p>NA</p>



	<p>c) Compliance with the borrowing powers/ power to give property as security in the Memorandum of Association/ article of Association.</p> <p>d) Necessary resolutions.</p> <p>2) Trust/ Society / Partnership Firm:</p> <p>a) Compliance with the applicable law relating to the trust / Society / Partnership firm.</p> <p>b) Borrowing powers / power to give property as security under the applicable trust law and also under the trust deed / Society By-Laws / Partnership deed and its applicable laws.</p> <p>c) Necessary resolution.</p>	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>
9	<p>Minor's interest-</p> <p>a. Have you considered whether the title scrutinized includes minor's right?</p>	<p>No</p> <p>NA</p>
10	<p>Whether the location of the property is subject to any legal restriction or restriction regarding its transferability or use For eg: Coastal zone regulation.</p> <p>If specific orders are needed</p>	<p>No</p> <p>NA</p>

	for use of the property for the intended purpose for example industrial use etc., please discuss about the same.	
11	Whether the location of the property is subject to any legal restriction or restriction regarding its transfer or use under town planning or similar laws. For eg: property in greenbelt area, residential zone etc.	The property is under settlement Zone (residential).
12	Whether there is any indication in the document to show that the property is under acquisition proceedings under Land Acquisition Act. Similarly whether by usual exposure to local affairs, the Advocate suspects that the property is under acquisition proceedings or is likely to be acquired soon under Land Acquisition Act. Please discuss in detail.	No
13	Whether there is any indication in the document (for eg: a document is marked as 'an Exhibit' in Court proceedings) that the property is subject to any litigation. Similarly whether by usual exposure to cases in local Courts, Advocate suspects that the property is subject to any litigation. Please discuss in detail.	NO, property is not subject to any litigation.
14	Please discuss about the recognition of the ownership / possession by the Revenue, Municipal or other authorities	That after perusing the documents at Sr. No. 12 namely Copy of Form I and XIV of Survey No. 61/7 of village Ponda it is seen that the name of







	<p>concerned by reference to RTC, Khata etc.</p>	<p>Surenra G. Muger is appearing in occupant's column and tenant's and other right's columns are blank.</p>
<p>15</p>	<p>Please discuss about approval of building plan, building license, completion certificate, occupancy certificate and such other documents to ensure that the building is in compliance with the relevant laws.</p>	<p>1. That after perusing the document at Sr. No. 9 namely Copy of SANAD it is seen that the area admeasuring 1075 sq. mts. of the said Plot No. E bearing new survey no. 61/7 of village Ponda is converted for residential use only.</p> <p>2. That after perusing the document at Sr. No. 10 namely Copy of Technical Clearance Order it is seen that the Technical Clearance is granted by office of the Town and Country Planning Department Ponda Goa for carrying out the Residential Cum Commercial Building (revised Plan) in Survey No. 61/7 of village Ponda Goa to Surendra Mugerii..</p> <p>3. That after perusing the documents at Sr. No. 11 namely Copies of Construction License along with approved Plan it is seen that the permission is granted by Village Panchayat of Curti-Khandepar, Ponda Goa for carrying out the Residential Cum Commercial Building (revised Plan) in Survey No. 61/7 of village Ponda Goa to Surenra G. Mugerii which is valid from 23/01/2019 till 23/01/2022.</p>
<p>16</p>	<p>Please discuss about up to date payment of outgoings of the property like land revenue, property tax etc., with reference to the related receipts.</p>	<p>No receipts were produced regarding land revenue, property tax etc.</p>
<p>17</p>	<p>Whether documents indicate that owner is in the occupation of the property. If the property is tenanted, details of tenancy may be discussed. Are there any indications in the documents to show that somebody else</p>	<p>Documents mentioned at Sr. No. 5 to 14 indicates that owner is in occupation of the said Plot No. E.</p> <p>The property is not tenanted.</p> <p>No</p>

	than the owner is in the possession of the property. If yes, please discuss in detail.	
18	Please discuss about the encumbrance and registered transactions concerning the property with reference to Encumbrance certificate, search report etc., for a minimum period of 13 completed years.	That after perusing the documents at Sr. No. 14 namely Copy of Nil Certificate of Encumbrance on Property it is seen that the said the said Plot No. E bearing new survey no. 61/7 of village Ponda is free from encumbrance from 15/01/2003 till 01 <sup>st</sup> January 2019.
19	Please discuss as to whether the documents indicate any attachment or other proceedings by Revenue authorities, tax authorities, court/ authorities	NO
20	Whether as per documents the property is clearly demarcated on the grounds or is un-demarcated portion of larger area. Please discuss.	Yes. Said Plot No. E is demarcated and identified in document at Sr. No. 13 i.e. Survey Plan of survey no. 61/7 of village Ponda .
21	Mention nature of property:  Like agricultural, non agricultural, residential, commercial, industrial etc.	Property is coming under Non Agriculture, Residential Zone.
22	Whether as a professional, having exposure to title deeds/ other documents, lawyer notices any features/ discrepancies in them giving rise to suspicion that they may fabricated or forged.	No
23	In case any Power of attorney is used in the documents verify the genuineness and accuracy of Power Of Attorney and the extent of powers. Whether	No





<p>the Power Of Attorney is properly executed/ stamped/ authenticated/ enforceable as per the law. Whether it is in currency?.</p>	
<p>24 Additional issues and discussions, if any.</p>	<p>No</p>

### CERTIFICATE

I certify that the below mentioned persons;

**Mr. Surendra Gurusidappa Muger**

**Mrs. Sarojini Surendra Muger**

**R/o H. No. 65, Haveli Curti, Ponda Goa**

have clear and marketable title to the property described below and taken permissions from all the concerned authorities except permission under RERA 2016 for construction of commercial cum residential building in the same.

### SCHEDULE OF THE PROPERTY

ALL THAT **Plot No. E** admeasuring 1250 sq. mts. along with a residential House bearing H. No. 65, part of the bigger landed property known as "**BHORODO TICAN @ BHARAD THIKAN**" situated at Village Curti, within the limits of Village Panchayat of Curti-Khandepar, Taluka Ponda, District South Goa, state Goa, described in the Land Registration Office at Ilhas Panaji under no. 12154 of Book B 32 and enrolled in the Matriz records under No. 520 and surveyed as a whole under Survey No. 61/7 of village Curti-Khandepar.

### Boundaries of Plot No. E:-

East: - with the road leading to Savoi Verem

West: - With the survey No. 60/1 of village Ponda

North: - with the Survey no. 61/6 of village Ponda

South: - with the Survey No. 61/8 of village Ponda

Place: Ponda

Date: 16 / 03 / 2019

Signature of the Advocate.

**Adv. Rajashri V Patil**

Off No. **S-10**, Ilhas Panaji,  
Coelho Apartments,  
Ponda - Goa.