

# Narayan P. Sawant

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## LEGAL SCRUTINY REPORT

Based on the documents submitted by **Shri Vallabh Shivram Salkar**, the Proprietor of **M/s. Salkar Constructions**, having it's office at Sastiwada, Bordem, Bicholim, Goa, pertaining to the property known as "GORBATULEM BANDODKAROR GORBATULEM" commonly known as "GAONKARWADA", surveyed under Survey No. 88/1 of Village Bicholim, Taluka Bicholim and the property known as "PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL", commonly known as "ANTIL PETH", surveyed under recent Survey No. 92/13 of Village Bicholim, Taluka Bicholim, both situated in Village Bicholim, within the limits of Bicholim Municipal Council, Taluka and registration Sub District of Bicholim, District North Goa, State of Goa and the building projects to be constructed therein, I hereby submit the legal scrutiny report as under:

### 1. DETAILS/DESCRIPTION OF THE DOCUMENTS SCRUTINISED:

Sr. No.	Date of Document	Name of Document	Whether original/true/xerox.
1.	10.04.1947	Deed executed by Mrs. Maria Augusta da Rocha Campos Fronteira Roncon alias Maria Augusta Fronteira e Roncon & others in favour of Shri Sripad Voicunta Naique.	Xerox
2.	15.04.1947	Inscription & Description of the property.	Xerox
3.	20.10.1937	Deed executed by Mrs. Maria Francisca Lobatode Faria and her Husband Mr. Alfredo Jose Eleuterio Godinho De Mira of Bicholim in favour of Sripad Voicunta Naique.	Xerox
4.	21.10.1937	Inscription & Description of the property.	Xerox
5.	14.09.1988	Deed of Gift executed by Shri Sripad Voicunta Naique and his wife Smt. Heerabai Sripad Naique	Xerox

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6.	28.10.2005	Order of Homologation passed by the Civil Judge Senior Division at Bicholim in the Inventory Proceedings No. 2/2005/A, conducted on the demise of Sripad Voicunta Naique and his wife Heerabai Sripad Naique.	Xerox
7.	13.02.2004	Deed of Succession recorded after the death of Shri Subraya alias Subray alias Brahmanand Sripad Naique.	Original
8.	24.04.2018	Deed of Succession recorded after the death of Smt. Anuradha Voicunta Naique,	Original
9.	19.06.2015	Agreement for Development & Sale	Original
10.	06.12.2015	Deed of Addendum	Original
11.	11.10.2016	Deed of Sale	Original
12.	20.09.2017	Deed of Addendum & Rectification	Original
13.	14.12.2017	Deed of Rectification	Original
14.	-	Forms I & XIV of S. Nos. 88/1, 88/1-I, 88/3, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim.	Original
15.	-	Survey Plans in respect of S. Nos. 88/1, 88/1-I, 88/3, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim.	Original
16.	30.10.2017	Judgement, Order & Decree passed by the Civil Judge, Senior Division of Bicholim at Bicholim, Goa in Regular Civil Suit No. 85/2016/B.	Original
17.	24.01.2018	Order dated 24.1.2018 passed by the Dy. Collector & S.D.O., Bicholim in Case No. 8-115-2017-PART-BICH	Original
18.	04.05.2017	Conversion Sanad bearing No. RB/CNV/BICH/AC-II/07/2017 by the Addl.	Original

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		Collector-II of North Goa at Panaji in respect of Survey No. 88/1-I of Village Bicholim.	
19.	05.04.2017	NOC bearing No. PHCM/HS/NOC/2017-18/06 issued by the Directorate of Health Service, Primary Health Centre, Mayem.	Original
20.	11.04.2017	NOC bearing No. AE/V-I(U)/TECH-33/2017-18/69 issued by the Asst. Engineer, Department of Electricity, Bicholim.	Original
21.	07.04.2017	NOC bearing No. PWD/D.XXIV/SDII/F.180/19/17-18 dated 07.04.2017 issued by the Asst. Engineer, P.W.D., Bicholim.	Original
22.	29.03.2017	Technical Clearance bearing No. DC/6855/BICH/TCP-17/258 dated 29.03.2017 issued by the Town & Country Planning Department, Bicholim.	Original
23.	-	Approved Plan of construction in S. No. 88/1.	Original
24.	27.04.2017	Construction Licence bearing No. 09/2017-2018 issued by the Bicholim Municipal Council in respect of Survey No. 88/1-I of Village Bicholim.	Original
25.	05.07.2017	Technical Clearance bearing No. DC/6855/BICH/TCP-17/458 issued by the Town & Country Planning Department, Bicholim.	Original
26.	26.08.2017	Revised Construction Licence bearing No. 45/2017-2018 issued by the Bicholim Municipal Council.	Original
27.	07.11..2017	Conversion Sanad bearing No. RB/CNV/BICH/AC-II/02/2017 by the Addl. Collector-II of North Goa at Panaji in respect of Survey No. 92/13 of Village Bicholim.	Original
28.	05.04.2017	NOC bearing No. PHCM/HS/NOC/2017-18/05 issued by the Directorate of Health Service, Primary Health Centre, Mayem.	Original

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29.	11.04.2017	NOC bearing No. AE/V-I(U)/TECH-33/2017-18/68 issued by the Asst. Engineer, Department of Electricity, Bicholim.	Original
30.	07.04.2017	NOC bearing No. PWD/D.XXIV/SDII/F.180/20/17-18 issued by the Asst. Engineer, P.W.D., Bicholim.	Original
31.	03.04.2017	Technical Clearance bearing No. DC/7047/BICH/TCP-17/266 issued by the Town & Country Planning Department, Bicholim.	Original
32.	-	Approved Plan of construction in S. No. 92/13.	Original
33.	27.04.2017	Construction Licence bearing No. 10/2017-2018 issued by the Bicholim Municipal Council in respect of Survey No. 92/13 of Village Bicholim.	Original
34	24.05.2018.	Application filed by M/s. Salkar Construction for mutation of its name in occupant column in place of the name existing therein and to delete the erroneous entry in the other right column of survey record of Survey No. 88/3 of Village Bicholim.	Xerox

## 2. DETAILS/DESCRIPTION OF THE PROPERTY/PREMISES.

Item No.	Survey No./ Premises No.	Area	Location	Name of the properties/ premises and its boundaries.
1.	88/1-I 88/3 88/4 of Village	1049.00 sq.mtrs. 75.00 sq.mtrs. 425.00 sq.mtrs.	Bicholim, Taluka Bicholim, Goa.	<b>“GORBATULEM BANDODKAROR GORBATULEM”</b> commonly known as <b>“GAONKARWADA”</b> , with two houses existing therein and the same is bounded on or towards the East by the remaining part of said property bearing Survey No.

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	Bicholim, Taluka Bicholim.			88/1 of Village Bicholim, on or towards the West by the property bearing Survey No. 88/2 of Village Bicholim, on or towards the North by Road and on or towards the South by the property bearing Survey No. 88/1(part), 88/1-A & 88/2 of Village Bicholim;
2.	92/13 of Village Bicholim, Taluka Bicholim.	700.00 sq.mtrs.		“PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL”, commonly known as “ANTIL PETH” along with the house existing therein and the same is bounded on or towards the East by the Road, on or towards the West by the property bearing Survey No. 92/12 of Bicholim, on or towards the North by the property bearing Survey No. 92/12 (part) and the road, and on or towards the South by the Road.

### 3. BRIEF HISTORY OF THE PROPERTY:

That within the limits of Bicholim Municipal Council at Bicholim, Taluka Bicholim, North Goa District, State of Goa, there exists the property known as property known as “**GORBATULEM BANDODKAROR GORBATULEM**” commonly known as “**GAONKARWADA**” with four residential houses existing therein, described in the Land Registration Office of the Judicial division of Bicholim under description No. 1156 and 1157 of Book B – 3 ( New), and enrolled in the Taluka Revenue Office under Matriz No. 206 & 207 and was surveyed under Old Cadastral survey No. 416 of Village Bicholim and in the recent survey, the said property is surveyed under Survey No. 88/1 of Village Bicholim and the houses existing therein are surveyed under Survey Nos. 88/2, 88/3 & 88/4 of Village Bicholim and the part of the said property denominated as Plot No. 2, admeasuring an area of 1049.34 sq. mtrs., of said Survey No. 88/1 is partition with an independent and separate holding under Survey No. 88/1-I of Village Bicholim,

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Taluka Bicholim, with an area as 1049.00 sq. mtrs. and as per the new survey plan prepared by the Department of Settlement & Land Records, the said portion under new Survey No. 88/1-I of Village Bicholim, Taluka Bicholim is bounded on or towards the East by the remaining part of said property bearing Survey No. 88/1 of Village Bicholim, on or towards the West by the property bearing Survey No. 88/2 of Village Bicholim, on or towards the North by Road and on or towards the South by the property bearing Survey No. 88/1(part), 88/1-A & 88/2 of Village Bicholim (hereinafter referred to as **'THE PROPERTY NO. 1'**).

AND the Property known as "PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL", commonly known as "ANTIL PETH" with the old mud house existing therein situated in same village Bicholim, within the limits of Bicholim Municipal Council at Bicholim, Taluka Bicholim, North Goa District, State of Goa, described in the Land Registration Office of the Judicial division of Bicholim under description No. 4026 of Book 11 New, and enrolled in the Taluka Revenue Office under Matriz No. 204 and surveyed under recent Survey No. 92/13 of Village Bicholim, Taluka Bicholim and the said property is bounded on or towards the East by the Road, on or towards the West by the property bearing Survey No. 92/12 of Bicholim, on or towards the North by the property bearing Survey No. 92/12 (part) and the road, and on or towards the South by the Road (hereinafter referred to as **'THE PROPERTY NO. 2'**).

#### **4. SEARCH & INVESTIGATION:**

That the property No. 1 known as "**GORBATULEM BANDODKAROR GORBATULEM**" commonly known as "**GAONKARWADA**" bearing Survey No. 88/1 of Village Bicholim together with the houses existing therein which are independently surveyed under Survey Nos. 88/2, 88/3 & 88/4 of Village Bicholim were owned by Mrs. Maria Augusta da Rocha Campos Fronteira Roncon alias Maria Augusta



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Fronteira e Roncon, widow of Julio Cesar Roncon and his Children, Daughters in Law & Sons in Law, Luis Carlos Roncon and wife Mrs. Olivia Leonildes Ana da Costa Compos Roncon, Alvaro Augusto Roncon and his wife Mrs. Maria Jose Vedigal e Roncon and Luciano Cesar Roncon and wife Mrs. Ermelinda Amelia Roncon and by virtue of Deed dated 10<sup>th</sup> April 1947, recorded by the Officiating Assistant Notary of the Judicial Division of Ilhas, Shri Vinayak Sinai Singbal, at page 51 reverse of Book No. 379, the said property was purchased by Shri Sripad Voicunta Naique and the said property has been inscribed in the name of said Shri Sripad Voicunta Naique under Inscription No. 13087 at Folio 174 of Book G- 17 on 15- 04-1947.

That said Shri Sripad Voicunta Naique and his wife Smt. Heerabai Sripad Naique during their lifetime gifted the said property no. 1 bearing Survey No. 88/1 of Village Bicholim along with all the structures/houses existing therein bearing Survey Nos. 88/2, 88/3 & 88/4 of Village Bicholim to their sons namely Shri Voicunta Sripad Naique, Shri Subraya Sripad Naique, Shri Datta Sripad Naique, Shri Keshav Sripad Naique, Shri Prakash Sripad Naique and Shri Gopal Sripad Naique in equal shares by virtue of a Deed of Gift dated 14<sup>th</sup> September 1988, registered under No. 55 filed in Book No. I, Volume 12 dated 27.09.1988.

That the property No. 2, known as "PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL", commonly known as "ANTIL PETH" with the old mud house existing therein surveyed under recent Survey No. 92/13 of Village Bicholim, Taluka Bicholim belonged to Mrs. Maria Francisca Lobatode Faria and her Husband Mr. Alfredo Jose Eleuterio Godinho De Mira of Bicholim and by virtue of a deed dated 20<sup>th</sup> October 1937, drawn at folio 14 (R) of the Book 263 recorded by Vinaica Sinai Singbal in the Office of Assistant of Notary Shri Colaco in the Judicial Division of Ilhas, the said property was purchased by Sripad Voicunta Naique and the same stands inscribed in the name of Shri Sripad Voicunta Naique under Inscription No. 10324 at Folio No. 163 (R) of Book G-14 in the Office of Land registrar of Bicholim.



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That on the death of Sripad Voicunta Naique and his wife Smt. Heerabai Sripad Naique, there was an Inventory Proceedings initiated in the Court of the Civil Judge, Senior Division of Bicholim under Inventory Proceedings No. 2/2005/A and by virtue of an Order of Homologation dated 28<sup>th</sup> October 2005, passed in the Inventory Proceedings No. 2/2005/A, the said property bearing recent Survey No. 92/13 of Village Bicholim, Taluka Bicholim, along with the house existing therein which was listed under Item No VI, was allotted to Shri Voicunta Sripad Naique (1/6<sup>th</sup> Share), the heirs of late Shri Subraya Sripad Naique namely Smt. Indira alias Shanta Subray alias Brahmanand Naique (1/12<sup>th</sup> Share), Shri Saiprasad Subray alias Brahmanand Naique (1/24<sup>th</sup> Share), & Smt. Gauri Santosh Bhat (1/24<sup>th</sup> Share),, Shri Datta Sripad Naique (1/6<sup>th</sup> Share), Shri Keshav Sripad Naique (1/6<sup>th</sup> Share), Shri Prakash Sripad Naique (1/6<sup>th</sup> Share), Shri Gopal Sripad Naique (1/6<sup>th</sup> Share).

That on the death of Shri Subraya Sripad Naique, a Deed of Succession has been recorded on 13<sup>th</sup> day of February, 2004, in the Office of Notary Ex-Officio of Bicholim at page 82v of Book No. 305 and as per the said Deed of Succession, the said Shri Subraya Sripad Naique is survived by Smt. Shanta alias Indira Bramhanand Naik as his widow and Shri Saiprasad Bramhanand Naik alias Vishwesh Subray alias Bramhanand Naique, Smt. Ashwini Saiprasad Naik, Dr. Gauri Santosh Bhat and Shri Santosh alias Santoshkumar Damodar Bhat as his sole legal heirs.

That as per Deed of Succession recorded on 24<sup>th</sup> day of April, 2018, in the Office of Notary Ex-Officio of Bicholim at page 91 to 93 of Book No. 319, the wife of Shri Voicunta Sripad Naique expired leaving behind Shri Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik as her widower and Mrs. Suvarna alias Sneha Vaikunth Naik alias Sneha Uday Mahatme (divorcee), as her sole legal heir.





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That from the above said documents it is seen that Shri Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik, Mrs. Suvarna alias Sneha Vaikunth Naik alias Sneha Uday Mahatme, Smt. Shanta alias Indira Bramhanand Naik, Shri Saiprasad Bramhanand Naik alias Vishwesh Subray alias Bramhanand Naique, Smt. Ashwini Saiprasad Naik, Dr. Gauri Santosh Bhat and Shri Santosh alias Santoshkumar Damodar Bhat, Shri Datta Sripad Naique alias Datta Shreepad Naik, Shri Keshav Sripad Naique alias Keshav Sripad Naik, Shri Prakash Sripad Naique alias Prakash alias Parkash Sripad Naik and Shri Gopal Sripad Naique alias Gopal Sripad Naik were the owners of both the said property no. 1 and property No. 2 together with the houses existing therein.

That the Agreement for Development & Sale dated 19<sup>th</sup> day of June, 2015, executed by said owners Shri Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik & others with M/s. Salkar Constructions, a Proprietary concern of Shri Vallabh Shivram Salkar, having office at Sastiwada, Bordem, Bicholim Goa, registered at the Office of Sub-Registrar of Bicholim under Registration No. 655/2015 at pages 218 to 285 of Book No. I, Vol. No. 1253 dated 24.6.2015, it is seen that said owners Shri Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik & others have allowed M/s. Salkar Constructions to develop the part of the property no. 1 bearing Survey No. 88/1 of Village Bicholim together with the houses bearing Survey Nos. 88/3 & 88/4 of Village Bicholim existing therein and the property no. 2 bearing Survey No. 92/13 of Village Bicholim along with the old house existing therein, and have agreed to sell the same to him for the consideration in kind and vide Deed of Addendum dated 6/12/2015 registered in the office of Sub Registrar of Bicholim under no. 1370/2015 at pages 291 to 308 of Book No. I, Vol. No. 1303 on 9/12/2015, said owners handed over the possession of both the said properties to M/s. Salkar Constructions.

That subsequently, vide Deed of Sale dated 11<sup>th</sup> day of October, 2016, registered in the Office of Sub-Registrar of Bicholim under No. 1225/2016 at pages 45 to 147 of Book No. I, Volume No. 1410 dated 25<sup>th</sup> October, 2016, said owners Shri



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Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik & others sold the part of the property no. 1 together with houses existing therein, totally admeasuring an area of 1549.34 sq. mtrs, comprising an area of 1049.34 sq. mtrs. from Survey No. 88/1, an area of 425 sq.mtrs. occupied by houses bearing Nos. 9/1798 & 9/1799 surveyed under Survey No. 88/4 of Village Bicholim and an area of 75.00 sq mtrs. occupied by house bearing House No. 9/1800 surveyed under Survey No. 88/3 of Village Bicholim and the property no. 2, admeasuring an area of 700 sq. mtrs. bearing Survey No. 92/13 of Village Bicholim along with the old house existing therein, to said M/s. Salkar Constructions for the consideration in kind by constructing a building having built-up area of 895 sq. mtrs. in the part of the said portion of the property no. 1 bearing Survey No. 88/1 and transferring the same in favour of said owners Shri Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik & others.

That the errors occurred in the said Deed of Sale dated 11<sup>th</sup> day of October, 2016 regard to the clarification of area of the part of the property no. 1 sold, the survey number of house and the error in showing the area in the plan annexed to the said Deed of Sale has been rectified vide Deed of Addendum & Rectification dated 20th day of September, 2017 registered in the Office of Sub-Registrar of Bicholim under No. 1095/2017 at pages 166 to 244 of Book No. I, Volume No. 1528 dated 21.09.2017 and the Deed of Rectification dated 14<sup>th</sup> day of December, 2017 registered in the Office of Sub-Registrar of Bicholim under No. 1468/2017 at pages 114 to 181 of Book No. I, Volume No. 1561 dated 15.12.2017.

That upon the purchase of the said part of the property no. 1 and said property no. 2, said M/s. Salkar Constructions got partition the part of the property no. 1 bearing Survey No. 88/1, admeasuring an area of 1049.34 sq. mtrs. by metes and bound from the remaining part of said bigger property by initiating the proceeding bearing Case No. 8-115-2017-PART-BICH in the Court of the Dy. Collector & S.D.O., Bicholim and as per the order passed in the said proceedings, the Department of Settlement & Land Records



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carried out the survey and separated the said part and allotted with new holding bearing Survey No. 88/1-I upon deducting the area of 0.34 sq. mtrs. and vide Order dated 24.1.2018 passed by the Dy. Collector & S.D.O., Bicholim, the said partition has been confirmed and in the occupants column of Form I & XIV of said new holding bearing Survey No. 88/1-I of Village Bicholim, the name of M/s. Salkar Constructions is shown, for an area 1049.00 sq. mtrs. and similarly, said M/s. Salkar Constructions carried out the mutation of its name in the Survey Nos. 88/4 and 92/13 of Village Bicholim.

That as far as Survey No. 88/3 of Village Bicholim is concerned, in the Form I & XIV of said survey No. 88/3 of Village Bicholim, the name of late Shripad Vaikunth Naik is shown in the occupant's column and in the other rights column there is an entry as 'House owned by Camic Augusta Fernandes' and said Shri Voicunta Sripad Naik alias Vaikunth alias Satchit Sripad Naik & others had filed a civil suit bearing Regular Civil Suit no. 85/2016/B in the Court of the Civil Judge, Junior Division ('B' Court), Bicholim and the Hon'ble Civil Judge vide Judgement, Order & Decree dated 30<sup>th</sup> October, 2017 has declared the said entry in the other rights column of Form I & XIV of record of rights of said Survey Nos. 88/3 of Village Bicholim is erroneous/wrong entry and in consequence for deletion of said erroneous entry and the application dated 24.05.2018 shows that said M/s. Salkar Constructions in view of said Deed of Sale dated 11<sup>th</sup> day of October, 2016, Deed of Addendum & Rectification dated 20<sup>th</sup> day of Sepember, 2017, the Deed of Rectification dated 14<sup>th</sup> day of December, 2017 and Judgement, Order & Decree dated 30<sup>th</sup> October, 2017, has taken a step to get its name entered in the occupant column of Form I & XIV of survey No. 88/3 of Village Bicholim by deleting the name of Shripad Vaikunth Naik appearing in the occupant column and deleting the said erroneous entry appearing in the other right column of survey records of said survey No. 88/3 of Village Bicholim.

That from the perusal of above mentioned documents, it is evident that said M/s. Salkar Constructions is the absolute and exclusive owner of the properties bearing Survey Nos. 88/1-I, 88/3, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim.



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That said M/s. Salkar Constructions to develop the said properties owned by him for commercial cum residential purposes obtained the conversion Sanad bearing No. RB/CNV/BICH/AC-II/07/2017 dated 04.05.2017 issued by the Addl. Collector-II of North Goa at Panaji in respect of Survey No. 88/1-I of Village Bicholim and Conversion Sanad bearing No. RB/CNV/BICH/AC-II/02/2017 dated 07.11.2017 issued by the Addl. Collector-II of North Goa at Panaji in respect of Survey No. 92/13 of Village Bicholim.

That said M/s. Salkar Constructions in order to take up the construction of the commercial cum residential building project in the property bearing Survey No. 88/1-I, 88/3 & 88/4 of Village Bicholim, Taluka Bicholim, got drawn plans for the construction of commercial cum residential building and the said construction plan is approved by all the concerned authority and upon approval of construction plan, the Department of Electricity, Bicholim issued NOC bearing No. AE/V-I(U)/TECH-33/2017-18/69 dated 11.04.2017, the Department of P.W.D., Bicholim issued NOC bearing No. PWD/D.XXIV/SDII/ F.180/19/17-18 dated 07.04.2017, the Primary Health Centre, Bicholim issued NOC bearing No. PHCM/HS/NOC/2017-18/06 dated 05.04.2017 and the Town & Country Planning Department, Bicholim issued Technical Clearance Order bearing No. DC/6855/ BICH/TCP-17/258 dated 29.03.2017 and upon the approval of the construction plan of proposed building and on obtaining NOC's from all the concerned authorities, the Bicholim Municipal Council has issued the Construction Licence bearing No. 09/2017-2018 dated 27.04.2017 and subsequently, the construction plan is revised and the Town & Country Planning Department, Bicholim issued Technical Clearance Order bearing No. DC/6855/ BICH/TCP-17/458 dated 05.07.2017 and the Bicholim Municipal Council has issued Revised Construction Licence bearing No. 45/2017-2018 dated 26.08.2017 and the said building project is named as '**BRAMANAND APARTMENTS**'.



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That said M/s. Salkar Constructions in order to take up the construction of the commercial cum residential building project in the property bearing Survey No. 92/13 of Village Bicholim, Taluka Bicholim, got drawn plans for the construction of commercial cum residential building and the said construction plan is approved by all the concerned authority and upon approval of construction plan, the Department of Electricity, Bicholim issued NOC bearing No. AE/V-I(U)/TECH-33/2017-18/68 dated 11.04.2017, the Department of P.W.D., Bicholim issued NOC bearing No. PWD/D.XXIV/SDII/F.180/20/17-18 dated 07.04.2017, the Primary Health Centre, Bicholim issued NOC bearing No. PHCM/HS/NOC/2017-18/05 dated 05.04.2017 and the Town & Country Planning Department, Bicholim issued Technical Clearance Order bearing No. DC/7047/BICH/TCP-17/266 dated 03.04.2017 and upon the approval of the construction plan of proposed building and on obtaining NOC's from all the concerned authorities, the Bicholim Municipal Council has issued the Construction Licence bearing No. 10/2017-2018 dated 27.04.2017 and the said building project is named as **'VAIBHAV RESIDENCY'**.

That from the perusal of above mentioned documents, it is evident that said M/s. Salkar Constructions the proprietary concern of Shri Vallabh Shivram Salkar with his wife are the absolute and exclusive owners of the property known as **"GORBATULEM BANDODKAROR GORBATULEM"** commonly known as **"GAONKARWADA"** bearing Survey No. 88/1-I with houses bearing survey nos. 88/3 & 88/4 of Village Bicholim, Taluka Bicholim existing therein and the property **"PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL"**, commonly known as **"ANTIL PETH"** bearing Survey No. 92/13 of Village Bicholim, Taluka Bicholim along with the said multistoried building project known as **'BRAMANAND APARTMENTS'** & **'VAIBHAV RESIDENCY'** respectively taken up in the said properties.



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## **5. EVIDENCE OF POSSESSION:**

That from the perusal of the Form I & XIV of record of rights in respect of said survey nos. 88/1-I, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim, it is seen that the name of said M/s. Salkar Constructions is figuring in the occupants column of Forms I & XIV of said survey nos. 88/1-I, 88/4 & 92/13 of Village Bicholim and as far as Survey No. 88/3 of Village Bicholim is concerned, in the Form I & XIV of said survey No. 88/3 of Village Bicholim, the name of Shripad Vaikunth Naik is appearing in the occupant's column and in the other rights column there is an entry as 'House owned by Camic Augusta Fernandes' and from the Deed of Sale dated 11<sup>th</sup> day of October, 2016, Deed of Addendum & Rectification dated 20<sup>th</sup> day of Sepember, 2017, the Deed of Rectification dated 14<sup>th</sup> day of December, 2017 and Judgement, Order & Decree dated 30<sup>th</sup> October, 2017, it is evident that said M/s. Salkar Constructions entitled to get entered its name by deleting the name of Shripad Vaikunth Naik appearing in the occupant's column and the erroneous entry as 'House owned by Camic Augusta Fernandes' appearing in the other rights column of said survey record and from the application dated 24.05.2018 it is evident that said M/s. Salkar Constructions has taken a step to get its name entered in the occupant column of Form I & XIV of survey No. 88/3 of Village Bicholim by deleting the name of Shripad Vaikunth Naik appearing in the occupant column and deleting the said erroneous entry appearing in the other right column of survey records of said survey No. 88/3 of Village Bicholim. From the said survey records pertaining to the said survey nos. 88/1-I, 88/3, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim and the above said documents, and the construction license/permissions of proposed building projects, it is evident that said M/s. Salkar Constructions is in exclusive possession of the property known as **"GORBATULEM BANDODKAROR GORBATULEM"** commonly known as **"GAONKARWADA"** bearing Survey No. 88/1-I with houses bearing survey nos. 88/3 & 88/4 of Village Bicholim, Taluka Bicholim existing therein and the property **"PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL"**, commonly known as **"ANTIL PETH"** bearing Survey No. 92/13 of Village Bicholim, Taluka Bicholim along with the said multistoried building

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project known as '**BRAMANAND APARTMENTS**' & '**VAIBHAV RESIDENCY**' respectively taken up in the said properties.

## **6. ENCUMBRANCES ON PROPERTY AND PREMISES:**

That the Nil Certificate of Encumbrance on Property pertaining to the said properties and the building/premises taken up therein is not obtained and therefore until the submission of Nil Certificate of Encumbrance it will be not fit and proper to say that there is no encumbrances on the said properties bearing survey nos. 88/1-I, 88/3, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim.

## **CERTIFICATE**

I have scrutinised the documents made mentioned at Serial No. 1 above, relating to the property known as "**GORBATULEM BANDODKAROR GORBATULEM**" commonly known as "**GAONKARWADA**" bearing Survey No. 88/1-I of Village Bicholim admeasuring an area of 1049.00 sq. mtrs. with houses bearing survey nos. 88/3 occupying area of 75.00 sq. mtrs. & 88/4 occupying area of 425 sq. mtrs. of Village Bicholim, Taluka Bicholim existing therein and the property "**PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL**", commonly known as "**ANTIL PETH**" bearing Survey No. 92/13 of Village Bicholim, Taluka Bicholim, admeasuring an area of 700 sq. mtrs, and the proposed building projects named as '**BRAMANAND APARTMENTS**' & '**VAIBHAV RESIDENCY**' respectively under construction therein and the said documents of title referred herein above are the perfect evidence of title in favour of said M/s. Salkar Constructions in respect of said properties bearing survey nos. 88/1-I, 88/3, 88/4 & 92/13 of Village Bicholim, Taluka Bicholim and the construction of proposed building therein, subject to the production of Nil Certificate



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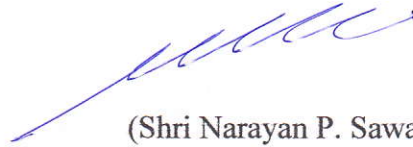
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of Encumbrance on Property and completion of mutation/correction process of survey record of Survey No. 88/3 of Village Bicholim,

I, certify that subject to production of Nil Certificate of Encumbrance and mutation/correction in survey record of Survey No. 88/3 of Village Bicholim, said M/s. Salkar Constructions is having valid, clear and marketable title to the said property known as "**GORBATULEM BANDODKAROR GORBATULEM**" commonly known as "**GAONKARWADA**" bearing Survey No. 88/1-I with houses bearing survey nos. 88/3 & 88/4 of Village Bicholim, Taluka Bicholim existing therein and the property "**PREDIO CASAS DE MORADO COM SEO PATIO E QUINTAL**", commonly known as "**ANTIL PETH**" bearing Survey No. 92/13 of Village Bicholim, Taluka Bicholim and the proposed multistoried building projects known as '**BRAMANAND APARTMENTS**' & '**VAIBHAV RESIDENCY**' respectively taken up therein and the said documents of title referred herein above are the perfect evidence of title in favour of said M/s. Salkar Constructions and the proposed building projects under construction therein.

Bicholim.

Date: 19.06.2018.



(Shri Narayan P. Sawant)  
Advocate.

Adv. NARAYAN P. SAWANT  
F-5, VASUDEV ARCADE  
BICHOLIM-GOA  
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