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ADVOCATE

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OPINION on TITLE

This opinion is given on the property namely second part of the plot "Marancho Sorvo" in the form of a rectangle, which is a part of the larger property by the same name described in the Land Registration Office of Bardez under No.37731 at pg.196 reverse of B 96 new and bearing Matriz No.902, the said plot along with the residential house bearing no. 11/128, is located at Khorlim, Mapusa, and is presently surveyed in the city survey of Mapusa under Chalta no.3 of P.T.Sheet no.116, admeasuring 809 square metres bounded as under:-

East: By road

West: By road

North: By the property bearing Chalta no.2 of P.T.Sheet no.116 of Mapusa

South: By road

The earliest document inspected is a sale deed dated 10/4/1969, duly executed and registered in the office of the Sub-Registrar of Bardez at Mapusa. By this it is seen that one Damodar Bhagwant Shet Divkar and his wife Narmadabhai sold the same, being the bare property or title (*propriedade nua*) to one Vithal GovindRao Divkar, alias Vithal G Diukar, and the usufruct (*usufruto*) of the same to his father Govindrao Divkar.

The law states that an usufructuary right (right to the use and enjoyment) is a right *in personam*, ie, a right only to the person named, and it is not a heritable right. Therefore on the subsequent death of said Govindrao, the title and possession of the said property was perfected in the said Vithal Divkar who already owned the title.



The entry in the survey records of rights in Form D for the city survey of Mapusa under Chalta no.3 of P.T.Sheet no.116 was thus in the name of said Vithal G Diukar

Subsequently by Deed of Sale dated 10th April 2008, duly executed and registered in the office of the Sub-Registrar of Bardez at Mapusa, the said Vithal Govindrao Divkar, and his wife Mrs. Urmila Vithal Divkar sold the said property to Mr. Shivraj Avadoot Porob and his wife Mrs. Sangeeta Shivraj Porob.

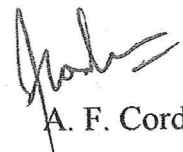
Following this their names stand recorded in survey records of rights in Form D and property card in the city survey of Mapusa under Chalta no.3 of P.T.Sheet no.116 by way of mutation. The survey records therefore stand unchallenged since 1972 (when survey operations started in Goa), that is more than 30 years, in fact close to 48 years.

The Sub-Registrar of Bardez at Mapusa has issued a certificate of Nil Encumbrance dated 074/08/2020 certifying that there are no encumbrances registered as against the said property.

The documents of description and inscription were not made available. However it is seen that the title and possession is seen to be continuous and uninterrupted manner from 1969 to the present date, and being over 51 years, the same can be taken as clear and undisputed.

On going through the above I am of the opinion that Mr. Shivraj Avadoot Porob and his wife Mrs. Sangeeta Shivraj Porob, together, have absolute, valid, clear and marketable title to the said property free from any registered encumbrances, charges and/or liens.

Mapusa, January 12, 2021


A. F. Cordeiro