

# ADV. SAICHANDRA TALAMRAJU

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**Date:- 05/09/2022**

## LEGAL OPINION ON TITLE

This Legal Opinion on Title is prepared in order to verify title of MRS. SUSHEELA AGARWAL, MR. NITIN KUMAR AGARWAL, and MR. NIKHIL KUMAR AGARWAL, all R/o Hyderabad, Telangana, in respect of property bearing Survey No. 49/5-A of Village Nagoa, Salcete, Goa, totally admeasuring 4725 sq.mts, which property is described in the Schedule-I written below and this Opinion is prepared strictly on the basis of the below mentioned documents produced before me for verification and information provided in respect to the Said Property described in Schedule-I written below and in the following manner;



SCHEDULE-I

DESCRIPTION OF THE PROPERTY

SCHEDULE OF PROPERTY

All that property admeasuring 4725 sqmt, bearing SURVEY NO. 49/5-A situated in the Village of **Nagoa, Salcete** by the name of "ANGODDE MAGNAXETTE", which property stands bounded by:

On the North: By the property Mr. Godwin Pereira (survey no.48/6) ;

On the East: By water passage, now by the portion of the property acquired by the Government;

On the West; By the property of Marrie Bernadette Fernandes (Survey no. 49/4);

On the South: By water passage;

This property described in Schedule-I above shall hereinafter be referred to as 'SAID PROPERTY'.



**LIST OF DOCUMENTS PERUSED:**

- 1) Document of Division and Application dt. 14/10/1971 registered in the office of the Sub Registrar of Salcete at Margao Goa.
- 2) Deed of Sale dated 24/1/1977 registered in the office of the Sub Registrar of Marmagao at Vasco da gama.
- 3) Deed of Sale dt. 27/11/2006 registered in the office of the Sub Registrar of Salcete at Margao Goa.
- 4) Deed of Sale dt. 27/11/2006 registered in the office of the Sub Registrar of Salcete at Margao Goa.
- 5) Copy of Public notice published on the Navhind Times dt. 30/09/2006.
- 6) Deed of Sale dt. 16/11/2007 registered in the office of the Sub Registrar of Salcete at Margao Goa.
- 7) Deed of Sale dt. 27/04/2007 registered in the office of the Sub Registrar of Salcete at Margao Goa.
- 8) Form I & XIV of the property bearing Survey No. 49/5-A of Village Nagoa.
- 9) Form I and XIV dt. 22/04/2013
- 10) Judgement dt. 10/11/2014 passed by the Dy. Collector & S.D.O – II, Margao, Goa
- 11) Technical Clearance order dt. 19/09/2016
- 12) SANAD dt. 08/02/2019
- 13) Construction License no.347/VP/NAG-SAL/2018-19/1592.



## OPINION ON TITLE:

1. That upon perusal of Document of Division and Application dt. 14/10/1971 registered in the office of the Sub Registrar of Salcete at Margao Goa it is seen that the Said Property was allotted to Mr. Francisco Xavier Felix de Maria Fernandes, a bachelor, of Verna, Salcete, Goa by vide. Document of Division and Application dt. 14/10/1971.
2. That upon perusal of the Deed of Sale dated 24/1/1977 registered in the office of the Sub Registrar of Marmagao at Vasco da Gama, under no. 42 at pages 346 to 352 of Book no.1 vol. no.3 dated 18/03/1977, it is seen that Mr. Francisco Xavier Felix de Maria Fernandes sold the Said Property to Mr. Rui Antonio Gabriel Barreto, resident of Cansaulim, Mormugao Taluka, Goa.
3. That upon perusal of Deed of Sale dt. 27/11/2006 registered in the office of the Sub Registrar of Salcete at Margao Goa, under no.5082 at pages 107 to 134 of Book No.1 vol. no.2226 dated 27/11/2006, said Mr. Rui Antonio Gabriel Barreto and his wife Mrs. Emilia Milburga Barreto, sold the Said Property jointly, to Smt. Geeta Rajesh Saravya and the confirming party to the deed of sale was Smt. Pradnya Satish Sawant.
4. That upon perusal of Deed of Sale dt. 27/11/2006 registered in the office of the Sub Registrar of Salcete at Margao Goa, said Mr. Rui Antonio Gabriel Barreto and his wife Mrs. Emilia Milburga Barreto, sold the Said Property jointly, to Smt. Pradnya Satish Sawant and the confirming party to the deed of sale was Smt. Geeta Rajesh Saravya.



5. That on inquiry with the client it was disclosed that an area of 1550 sq mts was acquired by the Government of Goa for widening of the road i.e. Verna bypass.

6. That on perusal of Copy of Public notice published on the Navhind Times dt. 30/09/2006, it is seen that the counsel had invited objections to the sale of the said property towards no objections nor any claim regarding the said property has been made by any other member of the public.

7. That on perusal of Deed of Sale dt. 27/04/2007 registered in the office of the Sub Registrar of Salcete at Margao Goa it is seen that Smt. Geeta Rajesh Saravya sold the said property to Mrs. Susheela Agarwal, Mr. Nitin Kumar Agarwal, And Mr. Nikhil Kumar Agarwal with Smt. Pradnya Satish Sawant as the confirming party to the Deed of Sale.

8. That on perusal of Deed of Sale dt. 16/11/2007 registered in the office of the Sub Registrar of Salcete at Margao Goa it is seen that Smt. Pradnya Satish Sawant sold the said property to Mrs. Susheela Agarwal, Mr. Nitin Kumar Agarwal, And Mr. Nikhil Kumar Agarwal with Smt. Geeta Rajesh Saravya as the confirming party to the Deed of Sale.

9. That after acquiring the area admeasuring 4725 sq mts. In survey no. 49/5, Mrs. Susheela Agarwal, Mr. Nitin Kumar Agarwal, And Mr. Nikhil Kumar Agarwal applied for obtained Partition of the property and surveyed under survey no. 49/5-A. The form I and XIV of the said survey no. 49/5-A reflects the



name of Mrs. Susheela Agarwal, Mr. Nitin Kumar Agarwal, And Mr. Nikhil Kumar Agarwal.

10. That upon perusal of the Form I and XIV dt. 22/04/2013 of survey no.49/5 admeasuring 6275 sq mts, it can be seen that the names of: 1) Government of India, 2) Rui Antonio Gabriel Barretto, 3) Susheela Agarwal, 4) Nitin Kumar Agarwal and 5) Nikhil Kumar Agarwal shows in the "Name of occupant" column.

11. That on perusal of Judgement dt. 10/11/2014 passed by the Dy. Collector & S.D.O – II, Margao, Goa, It is seen that survey no. 49/5 by effect of this order has been partitioned and into a new survey no.49/5-A admeasuring an area of 4725 sq mtr, and the names of Susheela Agarwal, Nitin Kumar Agarwal and Nikhil Kumar Agarwal have been added in the form I and XIV of survey no. 49/5-A and have deleted from the form I and XIV of survey no. 49/5.

12. That on perusal of the Technical Clearance order dt. 19/09/2016 it can be seen that the Said Property obtained technical clearance from the Town and Country planning department, South Goa for the proposed construction of a showroom.

13. That on perusal of the SANAD dt. 08/02/2019, it is seen that "The collector" has granted Conversion Sanad for change of use of land from Agricultural to Non-Agricultural with respect to the said property in favour of Susheela Agarwal, Nitin Kumar Agarwal and Nikhil Kumar Agarwal through their POA Mr. Yatin Ramesh Parekh.



14. That on perusal of Construction License no.347/VP/NAG-SAL/2018-19/1592 it is seen that the Village panchayat of Nagoa, Salcete granted the Construction license for the said property for the purpose of construction of a Showroom.

**General Qualifications and Assumptions:**

I). This opinion on title is prepared solely on the basis of documents furnished to me as more particularly listed above.

II). For the purpose of issuing this opinion on title: I have not carried out a negative search in respect of litigations (i) in relation to the said property; and I have taken the title documents under which ownership document produced as the root of title.

III). For the purpose of issuing this opinion on title, I have assumed: The legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, as relied above, as photocopies or scanned copies and the authenticity of the originals of such documents.

IV). That the documents of title mentioned in the report above have not been modified in any manner and are valid, subsisting and remain in force;

V). That all the documents relating to the said property and furnished to me have been validly executed and delivered by the parties to them;

VI). That all documents are within the capacity and powers of each party and have been validly authorized by each party;

VII). That names of persons spelt differently in different documents in respect of the SAID PROPERTY are the same person;



VIII). The accuracy of this 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 incorrect or incomplete information arising out of the documents, responses and other information furnished to me.

IX). This opinion on title is confined to the SAID PROPERTY only. The availability/existence of the access to the SAID PROPERTY is not within the scope of this report.

X). A certificate determination, notification, opinion or the like will not be binding on an Indian court or any arbitrator or judicial or regulatory body which would have to be independently satisfied despite any provision in the title documents to the contrary. The Opinion on title has been prepared in accordance with and is subject to the laws of India.

A handwritten signature in blue ink, consisting of a stylized, cursive script that is difficult to decipher. It appears to be a personal or professional signature.



**OPINION:**

I am therefore of the opinion that Mrs. Susheela Agarwal, Mr. Nitin Kumar Agarwal, And Mr. Nikhil Kumar Agarwal, have acquired ownership right over the Said Property and title over the Said Property, bearing Survey no. 49/5-A admeasuring 4725 sq.mts. of Village Nagoa, Salcete, Goa is absolutely clear and marketable subject to the above observation.



ADV. SAICHANDRA TALAMRAJU