

# A.K. Phadte

B.A. (Hon.) L.L.B.

Advocate High Court & Notary

Office : El Capitan Center, 1st Floor, Office No. 17, Near Civil Court, Mapusa - Goa (Ph : 2254621)  
Pin code No.: 403 507

Residence : "Leela Sadan" H. No. 96 - C/5, Alto Mapusa - Goa Ph : 22631 31

Ref. No.:

Date:

Date : 04/01/2021

## TITLE VERIFICATION, SEARCH REPORT & TITLE CLEARANCE CERTIFICATE

Having been engaged by Mr. Virendra B. Gaonkar, residing at Mapusa, Goa, for preparing the Title Verification, Search Report, legal opinion and the Title Clearance Certificate in respect of property known as AGOR, situated at Anjuna, bearing survey no. 520/3 of village Anjuna, admeasuring 325 sq.mts, I, Shri A. K. Phadte, Advocate, having office at El-Capitan Center, Office No. 17, 1<sup>st</sup> floor, near Civil Court, Mapusa, Bardez - Goa, do hereby submit my report as under :-

### 1. DESCRIPTION OF PROPERTY:-

All that property AGOR, situated at Anjuna within the limits of Village Panchayat of Anjuna-Caisua, Taluka and Sub-District of Bardez, District of North Goa, State of Goa, not described in the Land Registration office nor enrolled in Taluka Revenue office, bearing survey no. 520/3 of village Anjuna, admeasuring 325 sq.mts and bounded as under :-

East : by property bearing survey no. 521/4.

West : by property bearing survey no. 520/2.

North : by property bearing survey no. 521

South : by property bearing survey no.519/6.

### 2. That the owners of the property acquired title by virtue of the following documents :-

a) Deed of Sale dated 21/04/1994 of Natalina Joaquina D'souza.

b) Order dated 24/8/2018 in Inv.Proc.no. 188/2018/F filed on the death of Natalina Joaquina D'souza

c) Sanad dated 02/11/2020 issued by Dy.Collector, Mapusa



d) Construction License No. VP/ANJ-CAI/2020-2021/883 dated 21/7/2020 is issued by Village Panchayat of Anjuna-Caisua.

e) Deed of Sale dated 20/3/2019 of Shivshankar Anant Mayekar.

f) Agreement for Development dated 25/3/2019 by Mr. Rakesh Mathur, Mrs. Vimi Mathur and M/s. Ashray Real Estate Developers.

g) Form I & XIV of survey no. 520/3 of village Anjuna.

h) Deed of Sale dated 22/3/2019 of Mrs. Vimi Mathur and Mr. Rakesh Mathur.

i) Nil Encumbrance Certificate dated 26/11/2020 issued by Sub-Registrar of Bardez.

3. The Title History of the property for the last 30 years shows the following chain of transactions:-

The property originally belonged to Mr. John Santan D'souza, Maria Teresa Olinda Afonso, Maria Luiza Rosa de Conceicao Santiago e Souza, Jose Lourdes D'souza, Ida Celine Braganza e D'souza, Daniel F. D'souza and Joana D'souza. Being owners of the property described above and besides other properties they sold the property with others to Natalina Joaquina D'souza by Deed of Sale dated 21/04/1994 registered in office of Sub-Registrar of Bardez under no. 195, Book I, vol. 276 dated 10/2/1995.

On the death of Natalina Joaquina D'souza Inv.Proc.no. 188/2018/F was filed in Court of Civil Judge Jr.Division, Mapusa and by virtue of the inventory this property is allotted to Minguel Francis D'souza alias Minguel Francis de Souza, Prisca D'souza, Aplonario R. D'souza and Mrs. Helen D'souza as per court order dated 24/8/2018 and this property is described under item no.2 in the inventory.

Being owners Minguel Francis D'souza alias Minguel Francis de Souza, Prisca D'souza, Aplonario R. D'souza and Mrs. Helen D'souza sold this property to Shivshankar Anant Mayekar vide Deed of Sale dated 20/3/2019 registered in office of Sub-Registrar of Bardez under no. BRZ-I-793-2019, dated 20/3/2019, Book I.

Being owners Shivshankar Anant Mayekar and his wife Vanita S. Mayekar sold the property to Mr. Rakesh Mathur and Mrs. Vimi Mathur by Deed of Sale dated 22/3/2019 registered in office of Sub-Registrar of Bardez under no. BRZ-I-824-2019 dated 25/3/2019, Book I.



Accordingly, Mr. Rakesh Mathur and Mrs. Vimi Mathur become owners and acquire title over the said property and their title is clean, clear and marketable.

Mr. Rakesh Mathur and Mrs. Vimi Mathur obtained Sanad dated 02/11/2020 issued by Dy. Collector, Mapusa for residential use.

It is seen that Mr. Rakesh Mathur and Mrs. Vimi Mathur enter into agreement for development dated 25/3/2019 with M/s. Ashray Real Estate Developers registered before Notary under Sr.no.530/19 dated 25/3/2019 and M/s. Ashray Real Estate Developers gave the name of project as MAYBERRY VILLAS PHASE III.

I also peruse Nil Encumbrance Certificate dated 26/11/2020 issued by Sub-Registrar of Bardez for 2 years from 22/3/2019 to 25/11/2020 and the said property is free from encumbrances.

Accordingly, the link in chain of transactions of title over the property for the last over 30 years has been properly established till this date and there is no impediment of whatsoever nature over the said property which is as per the search made in office of Sub-Registrar of Bardez is clear and marketable.

4. The necessary party has been joined in the documents and the documents have desired effect. The facts and events material to title have been satisfactorily proved.

5. All the relevant documents of title which have been mentioned hereinabove in connection with the said property which is placed before me are copies which I have tallied with the originals.

6. I have verified and tallied these documents from the records of the respective authorities and I am satisfied that the said property is transferable and the transferors have right to transfer the same.

7. I have to certify that all the documents which have been mentioned above and other relevant documents are duly stamped wherever the stamp duty is payable in the said documents and the same are in accordance with the Indian Stamp Act 1899 as amended up-to-date.

8. I have also verified that the said property is not attached by any Court of Law as per the inspections carried out by me in the respective offices and searches made by me in the office of Sub-Registrar of Bardez.



### CERTIFICATE

I, certify that on the basis of all the documents produced before me including title deeds of the property produced before me, I am in opinion that the title of ownership has been properly established in the names of Mr. Rakesh Mathur and Mrs. Vimi Mathur and their title over the same is clear and marketable and are entitled to enter into agreement for development with M/s. Ashray Real Estate Developers for construction of residential villas to prospective purchasers.

This Title Certificate is prepared in favour of Mr. Virendra B. Gaonkar based on the copies of documents placed and produced before me and the same are compared in office of Sub-Registrar of Bardez and found the same are genuine to my satisfaction.

  
(A. K. PHADTE)  
Advocate 04/01/2021



# A.K. Phadte

B.A. (Hon.) L.L.B.

Advocate High Court & Notary

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## TITLE VERIFICATION, SEARCH REPORT & TITLE CLEARANCE CERTIFICATE

Having been engaged by Mr. Virendra B. Gaonkar, residing at Mapusa, Goa, for preparing the Title Verification, Search Report, legal opinion and the Title Clearance Certificate in respect of property known as VOLLOGUE or AGOR, situated at Anjuna, bearing old cadastral no. 6298 and new survey no. 520/4 of village Anjuna, totally admeasuring 2700 sq.mts, I, Shri A. K. Phadte, Advocate, having office at El-Capitan Center, Office No. 17, 1<sup>st</sup> floor, near Civil Court, Mapusa, Bardez - Goa, do hereby submit my report as under :-

### 1. DESCRIPTION OF PROPERTY:-

All that property VOLLOGUE or AGOR, situated at Anjuna within the limits of Village Panchayat of Anjuna-Caisua, Taluka and Sub-District of Bardez, District of North Goa, State of Goa, described in the records of the Comunidade under no. 4991 of Book Tombo Segunda B at fl. 156 to 1158 under Sr.no. 801, bearing old cadastral no. 6298 and new survey no. 520/4 of village Anjuna, totally admeasuring 2700 sq.mts and bounded as under :-

East : by property bearing survey nos. 519/2 and 519/3.

West : by property bearing survey nos. 520/3 and 521.

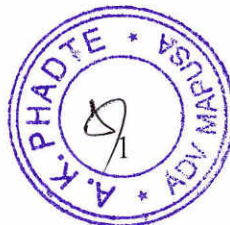
North : by property bearing survey nos. 524/34 and 519/2

South : by property bearing survey no.519/6.

### 2. That the owners of the property acquired title by virtue of the following documents : -

a) Deed of Sale & discharge of price dated 04/12/1952 of Madhu Sada Parsekar

b) Record of final possession dated 24/9/1952 of Duarte Francisco D'souza.



- c) Certificate dated 19/3/1934 from Comunidade of Anjuna.
- d) Order dated 28/2/2019 in Appeal no. DC/TNC/APL/VAR-I/9/2017.
- e) Deed of Succession was drawn on 08/2/2018 on the death of Madhu Sada Parsekar and his wife Madhumati M. Parsekar.
- f) Construction License No. VP/ANJ-CAI/2020-2021/883 dated 21/7/2020 is issued by Village Panchayat of Anjuna-Caisua.
- g) Sanad dated 20/7/2020 from Addl. Collector-III, Mapusa, Goa.
- h) Agreement of sale dated 21/8/2018.
- i) Memorandum of Understanding dated 23/7/2018
- j) Agreement for Development dated 25/3/2019 by Mr. Rakesh Mathur, Mrs. Vimi Mathur and M/s. Ashray Real Estate Developers.
- k) Form I & XIV of survey no. 520/4 of village Anjuna.
- l) Deed of Sale dated 22/3/2019 of Mrs. Vimi Mathur and Mr. Rakesh Mathur.
- m) Nil Encumbrance Certificate dated 26/11/2020 issued by Sub-Registrar of Bardez.
- n) Certificate issued by Supritendant of Survey & Land Records, Panaji comparing old Cadastral survey plan no. 6298 and new survey no. 520/4.
- o) Registo de Agrimesor issued by Asst. Survey & Settlement officer, Panaji.

3. The Title History of the property for the last 30 years shows the following chain of transactions:-

It is seen that the property originally belonged to the Comunidade of Anjuna which was granted on lease to Duarte Francisco D'souza as per records of Comunidade of Anjuna the final possession was granted to Duarte Francisco D'souza on 24/9/1952.

Duarte Francisco D'souza alias Duart Francisco Minguel Luis D'souza and his wife Natalina Faustina Maria e Rocha D'mello sold the same to Madhu Sada Parsekar by Deed of Sale dated 04/12/1952 registered in Notarial office of Bardez Division Guilherme D. Jose D'souza Does Lobo.



As per Certificate issued by Clerk of Comunidade of Anjuna Natalina Faustina Maria e Rocha D'Mello paid annuity rent to Comunidade of Anjuna under nos. 4991 and 5224 in the Book Tombo Segunda B. The said plot as per index issued by Registo de Agrimensor and cadastral survey plan no. 6298.

Madhu Sada Parsekar and his wife Madhumati M. Parsekar expired and Deed of Succession was drawn on 08/2/2018 registered in office of Civil Registrar cum Sub-Registrar of Bardez under Book no.859 dated 08/2/2018 recorded at fl. 67 to 68. Based on Deed of Succession the heirs of Madhu Sada Parsekar by name Rajesh M. Parsekar and his wife Rashmita Rajesh Parsekar, Sudesh M. Parsekar and his wife Supriya S. Parsekar, sold the property to Mrs. Vimi Mathur and Mr. Rakesh Mathur vide Deed of Sale dated 22/3/2019 registered in office of Sub-Registrar of Bardez under no. BRZ-I-823-2019, dated 22/3/2019, Book I and Shivshankar Anant Mayekar and his wife Vanita S. Mayekar join as confirming party.

Agreement of sale dated 21/8/2018 between Shivshankar Anant Mayekar since the original owners executed Memorandum of Understanding dated 23/7/2018 between Mahadev Tukaram Sangelkar and his wife Jaivanti M. Sangelkar.

It appears that Mahadev Tukaram Sangelkar who had wrongly obtained order from Mamlatdar of Bardez joined Comunidade of Anjuna as party and purchase certificate also obtained on 26/8/1994.

Shivshankar Anant Mayekar and his wife Vanita S. Mayekar signed Memorandum of Understanding dated 23/7/2018 and since there was Agreement of sale dated 21/8/2018 between Shivshankar Anant Mayekar and Vanita S. Mayekar with Mrs. Vimi Mathur and Mr. Rakesh Mathur and M/s. Ashray Real Estate Developers as partnership firm whose partners were Guirish Ragha and Ashwini Ragha who were purchasers.

As Mahadev Tukaram Sangelkar obtained purchase certificate u/s.18H of G.D.D Agricultural Tenancy Act, 1964, the same was challenged before Dy.Collector & SDO, Mapusa, under Appeal no. DC/TNC/APL/VAR-I/9/2017 filed by Rajesh M. Parsekar and his wife Rashmita Rajesh Parsekar, Sudesh M. Parsekar and his wife Supriya S. Parsekar against Mahadev Tukaram Sangelkar and his wife Jaivanti M. Sangelkar. The same order of purchase is set aside by Dy.Collector & SDO by order dated 28/2/2019. Therefore Mahadev Tukaram Sangelkar and his wife Jaivanti M. Sangelkar have no right to Memorandum of Understanding with Shivshankar Anant Mayekar and his wife Vanita S. Mayekar and Memorandum of Understanding become abinitio, void and not binding to heirs of Madhu Sada Parsekar.



Based on above documents I am in opinion that Mr. Rakesh Mathur and Mrs. Vimi Mathur acquire the title by Deed of Sale dated 22/3/2019 and being owners they are entitled to enter into agreement for development with M/s. Ashray Real Estate Developers and it is seen that Mr. Rakesh Mathur and Mrs. Vimi Mathur obtained Sanad dated 20/7/2020 from Addl. Collector-III, Mapusa for residential with 60 F.A.R.

It is seen that construction license no. VP/ANJ-CAI/2020-2021/883 dated 21/7/2020 is issued by Village Panchayat of Anjuna-Caisua for construction of residential villas Type A,B,C,D (9 nos.), swimming pool and compound wall in survey nos. 520/3 & 520/4.

I also peruse Nil Encumbrance Certificate dated 26/11/2020 issued by Sub-Registrar of Bardez for 2 years from 22/3/2019 to 25/11/2020 and the said property is free from encumbrances.

Accordingly, the link in chain of transactions of title over the property for the last over 30 years has been properly established till this date and there is no impediment of whatsoever nature over the said property which is as per the search made in office of Sub-Registrar of Bardez is clear and marketable.

4. The necessary party has been joined in the documents and the documents have desired effect. The facts and events material to title have been satisfactorily proved.

5. All the relevant documents of title which have been mentioned hereinabove in connection with the said property which is placed before me are copies which I have tallied with the originals.

6. I have verified and tallied these documents from the records of the respective authorities and I am satisfied that the said property is transferable and the transferors have right to transfer the same.

7. I have to certify that all the documents which have been mentioned above and other relevant documents are duly stamped wherever the stamp duty is payable in the said documents and the same are in accordance with the Indian Stamp Act 1899 as amended up-to-date.

8. I have also verified that the said property is not attached by any Court of Law as per the inspections carried out by me in the respective offices and searches made by me in the office of Sub-Registrar of Bardez.



## CERTIFICATE

I, certify that on the basis of all the documents produced before me including title deeds of the property produced before me, I am in opinion that the title of ownership has been properly established in the names of Mr. Rakesh Mathur and Mrs. Vimi Mathur and their title over the same is clear and marketable and are entitled to enter into agreement for development with M/s. Ashray Real Estate Developers for construction of residential villas to prospective purchasers.

This Title Certificate is prepared in favour of Mr. Virendra B. Gaonkar based on the copies of documents placed and produced before me and the same are compared in office of Sub-Registrar of Bardez and found the same are genuine to my satisfaction.

  
(A. K. PHADTE)  
Advocate 04/01/2021

