

# Ninad G. Kamat

## ADVOCATE

**Chamber :** 2nd Floor, Susheela Building, 'A' Wing, (Rear), 18th June Road, Panaji - Goa.

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### TITLE CERTIFICATE

OF

**Mr. SHAIKH KUTBODDIN**

**Sole Propreitor, of "Usman Enterprises", Panaji, Goa.**

This Title Certificate is drawn up at the request of Mr. Shaikh Kutboddin in respect of the 'subject property' as described herebelow, which in turn forms part of the 'larger property' known as "GAUNCHEM' BATA", situated at Morombi-O-Pequeno, and is based upon the documents provided by Mr. Shaikh Kutboddin, for scrutiny.

### DESCRIPTION OF THE LARGER PROPERTY :

**ALL THAT LARGER PROPERTY** known as "GAUNCHEM' BATA" situated at Morombi-O-Pequeno, within the limits of Mercés Village Panchayat, Taluka Tiswadi and registration, Sub-District of Ilhas, District of North Goa, State of Goa, admeasuring 49,174 square meters or thereabout, described in the Land Registration Office of Ilhas under no. 640 at pages 496 to 508 of Book B-8 (Old) and No. 16267 at pages 24 of Book B-43 (New), registered in the Land revenue records (Matriz) under Nos. 31, 32 and 34, bearing new Survey Nos. 3/1, 13/1, 13/3, 16/4, 16/7, 17/1, 17/4, 18,19,26, 27/9 of the village of Morambi-O-Pequeno and which said larger property is bounded as under :

East:- By properties surveyed under Nos. 22/3, 20/1,



20/4, 150/1, 150/2, 150/3, 1/1 and 2/1;.

West:- By properties surveyed under Nos. 27/10, 15/2,  
15/3, 15/4, 15/5, 15/6, 16/8, 14/1, 14/2, 14/3, 14/4,  
14/5, 14/6 by Panaji- Mercedes public road and by  
property surveyed under No. 4/1.

North :-By properties surveyed under Nos. 135,  
27/1, 25/3, 25/4, 25/5, 22/2, 22/4, 22/5, 22/3,  
16/1 and 16/2; and

South :- By properties surveyed under Nos 13/2, and  
3/2, and by public road.

**DESCRIPTION OF THE SUBJECT PROPERTY :**

ALL THAT SUBJECT PROPERTY identified as "Plot 'G'", admeasuring  
an area of 667 sq.mts., being part of the larger property as more particularly  
described hereinabove, presently surveyed under Sy. No. 17/4 of village  
Morombi-o-Pequeno.

The subject property is bounded as under :

North : by the public road;

South : partly by the PLOT 'F' of the larger property surveyed under Sy.  
No. 17/1 & partly by the PLOT 'H' surveyed under Sy. No. 17/3.

East : by the PLOT 'F' of the larger property, surveyed under No. 17/1.

West : by the PLOT 'H' of the larger property, surveyed under No. 17/3.

**DOCUMENTS SCRUTINISED:**



1. Inventory Proceedings bearing Inventario Orfanologico No. 61/1974 initiated in the Court of the Civil Judge Senior Division at Panaji and Final Order dated 10.03.1978 passed by the said Court of the Civil Judge Senior Division, Panaji in the said Inventario Orfanologico No. 61/1974
2. Deed of Partition dated 09.07.1981, duly registered in the Office of the Sub-Registrar of Ilhas, at Panaji under Registration No. 456 at pages 192 to 206 of Book I, Vol. 174 on 6.11.1982,
3. Deed of Partition of Inherited Properties dated 08.12.1998, registered in the Office of the Sub Registrar of Ilhas at Panaji, under No. 2215 at pages 529 to 571 of Book I, Vol. 733, dated 16.12.1998
4. Deed of Gift dated 16.02.1999, executed by said late Raiu Poi Vernencar in favour of his grandson, Shri Pankaj Pai registered with Sub-Registrar of Ilhas under no. 255 at pages 538 to 563 of Book I, Vol. 748, dt. 18/02/1999.
5. Inventory Proceedings bearing No. 16/2009 instituted in the Court of Civil Judge Senior Division at Panaji upon the death of late Raiu Poi Vernecar, including Judgment & Order dated 10.06.2014, the Final Chart of Allotment filed in the said Inventory Proceedings was confirmed by the Civil Judge Senior Division, Panaji,
6. Deed of Sale dt. 20.08.2015, registered with the Sub-Registrar of Ilhas, under Book 1, Document Registration No. PNJ-BK-1-02207-2015 CD No. PNJD43 on 21/08/2015.



7. Notice published in the daily "Navhind Times" on 13/12/2018, calling for objections / claims.
8. Certificate dt. 31/12/2018, stating that no claims or objections were received in response to notice published in daily "Navhind Times" on 13/12/2018
9. Deed of sale dt. 24/01/2019 duly registered with the Sub-Registrar of Ilhas under Document Registration Number : PNJ-1-152-2019, Book-1, dated : 30/01/2019
10. Survey Form I and XIV of Sy. No. 17/4 of village Morombi-O-Pequeno, Tiswadi, Goa, dt. 08/07/2019.
11. Survey Form I and XIV of Sy. No. 17/4 of village Morombi-O-Pequeno, Tiswadi, Goa, dt. 09/02/2018
12. Survey Plan dt. 19/09/2018 showing the subject property and adjoining survey holdings.
13. Receipt of paid Infra-Structure tax Rs. 1,79,232/- by e-challan Ref.No. 1127 dt. 15/12/15 to Government of Goa Director of Account in SBI Treasury Branch, Panaji-Goa, towards Survey no. 17/4 of Morambi-O-Pequeno in the account of Sr. Town Planner, paid by previous owner.
14. Approval Letter from Dy. Town Planner Town & Country Planning Department Govt. of Goa, Tiswadi, Panaji-Goa under reference no. Tis/8443/MOP/TCP/15/1579 dt. 18/12/2015 with plan.



15. Approval N.O.C. from Health Officer/Urban Health Centre, Panaji under Ref. Vide No. UHCP/DHS/NOC/15-16/2736 dt. 18/01/2016 to previous owner.
16. Construction Licence issued by Village Panchayat Mercês, Tiswadi-Goa, under Ref. No.09/2016-17 dt. 21/07/2016 to previous owner.
17. Sanad dt. 09/08/2019 bearing No. RB/CNV/TIS/AC-II/03/2019 issued by Addl. Collector-II, alongwith plan, pursuant to application made by previous owner.
18. Revised Technical Clearance Order from Dy. Town Planner Town & Country Planning Department Govt. of Goa, Tiswadi, Panaji-Goa under reference no. Tis/8443/MOP/TCP/2019/699 dt. 05/04/2019 with approved plan.
19. Revised N.O.C from Health Officer/Primary Health Centre, Chimbêl under Ref. No. PHC/CHIMBEL/NOC-Const/2018-19/99 dt. 22/04/2019 to Shaikh Kutboddin
20. Revised Construction Licence issued by Village Panchayat Mercês, Tiswadi-Goa, under Ref. No.04/VP/MER/219/2019-20 dt. 14/05/2019 to Shaikh Kutboddin.

**FLOW OF TITLE :**

A scrutiny of the above enlisted documents produced, reveals as follows :

There exists a larger property known as "GAUNCHEM BATA", situated at Morombi-O-Pequeno, within the limits of Mercês Village Panchayat, Taluka Tiswadi and Registration, Sub-District of Ilhas, State of Goa, as more particularly described hereinabove.



The said larger property, in entirety, was originally owned and possessed by late Sridora Poi Vernencar, landlord of Mercedes, Goa.

The said late Sridora Poi Vernencar had three sons, namely, Vishnum Poi Vernencar, Raiu Poi Vernencar and Raguvira Poi Vernencar.

Upon the death of said late Sridora Poi Vernencar, Inventory Proceedings bearing Inventario Orfanologico No. 61/1974, came to be initiated in the Court of the Civil Judge Senior Division at Panaji, for the partition of the assets left behind by the said late Sridora Poi Vernencar.

In the said Inventario Orfanologico No. 61/1974, the said larger property was enlisted as "Item No. 3".

By virtue of the Final Order dated 10.03.1978 passed by the Court of the Civil Judge Senior Division, Panaji in the said Inventario Orfanologico No. 61/1974, and in the partition effected thereupon, late Raiu Poi Vernencar (son of late Sridora Poi Vernencar) came to be allotted one-sixth undivided right and share in the said larger property, and the other sons of the said Raiu Poi Vernencar, namely, Prabhakar Raiu Poi Vernekar, Rajiv Raiu Poi Vernekar and Sanjiv Raiu Poi Vernekar, came to be allotted one-eighteenth undivided right and share each therein.

In the said partition by metes and bounds effected between all the successors of late Sridora Poi Vernencar, and to whom various shares in the said larger property came to be allotted vide Deed of Partition dated 09.07.1981, duly registered in the Office of the Sub-Registrar of Ilhas, at Panaji under Registration No. 456 at pages 192 to 206 of Book I, Vol. 174 on 6.11.1982, the said late Raiu Poi Vernencar and Prabhakar Raiu Poi Vernekar, Rajiv Raiu Poi Vernekar and Sanjiv Raiu Poi Vernekar were jointly allotted certain plots in the said larger property, including a plot identified as "Plot



G" (which consisted of an open plot along-with a house thereon) admeasuring 667 square meters, situated in the said larger property, now bearing independent Survey no. 17/4 of village Morombi-O-Pequeno, Tiswadi, Goa, more particularly described hereinabove, hereinafter referred to as the "SUBJECT PROPERTY".

The said late Raiu Poi Vernencar and the said Prabhakar Raiu Poi Vernekar with his wife, Prabhat Prabhakar Poi Vernekar, Rajiv Raiu Poi Vernekar with his wife, Radiya Rajiv Poi Vernekar and Sanjiv Raiu Poi Vernekar with his wife, Mangala Sanjiv Poi Vernekar, further executed a Deed of Partition of Inherited Properties dated 08.12.1998, presented for registration in the Office of the Sub Registrar of Ilhas at Panaji, under No. 2215 at pages 529 to 571 of Book I, Vol. 733, dated 16.12.1998, whereunder the subject property was exclusively allotted to late Raiu Poi Vernencar.

Vide a Deed of Gift dated 16.02.1999, on account of his natural love and affection, the said late Raiu Poi Vernencar gifted all his undivided right, title and interest in the subject property comprising his disposable quota, to his grandson, Shri Pankaj Pai Vernekar (then a minor and represented therein by his father and natural guardian, Shri Prabhakar Raiu Poi Vernencar), which Deed is duly registered with Sub-Registrar of Ilhas under no. 255 at pages 538 to 563 of Book I, Vol. 748, dt. 18/02/1999.

Upon the death of late Raiu Poi Vernencar, Inventory Proceedings bearing No. 16/2009 came to be instituted in the Court of Civil Judge Senior Division at Panaji by Shri Sanjiv Pai Vernekar, seeking partition of the estate left behind by said late Raiu Poi Vernencar.

By virtue of the Judgment & Order dated 10.06.2014, the Final Chart of Allotment filed in the said Inventory Proceedings was confirmed by the



Civil Judge Senior Division, Panaji, and the subject property came to be allotted to the following parties, in the indicated proportion :

- 1) Shri. Prabhakar Raiu Poi Vernekar with his wife, Smt. Prabhat Prabhakar Poi Vernekar, being Interested Parties Nos. (b) and (b1) - 1/8 th Share,
- 2) Shri. Rajiv Raiu Poi Vernekar with his wife, Smt. Radiya Rajiv Poi Vernekar, being Interested Parties Nos (c) and (c1) - 1/8 th Share,
- 3) Shri. Sanjiv Raiu Poi Vernekar with his wife, Smt. Mangala Sanjiv Poi Vernekar, being Interested Parties Nos (d) and (d1) - 1/8 th Share,
- 4) Mrs. Roshan Krishnanath Sinai Kunkolienkar, widow of late Krishnanath Sinai Kunkolienkar, and their children, Shri. Aashish Krishnanath Sinai Kunkolienkar and Smt. Rajee Krishnanath Sinai Kunkolienkar - 1/8 th Share, and,
- 5) Shri Pankaj Pai Vernekar - 1/2 th Share,

Thereafter, by virtue of a Deed of Sale dt. 20.08.2015, the said Shri. Prabhakar Raiu Poi Vernekar with his wife, Smt. Prabhat Prabhakar Poi Vernekar, Shri. Rajiv Raiu Poi Vernekar with his wife, Smt. Radiya Rajiv Poi Vernekar, Shri. Sanjiv Raiu Poi Vernekar with his wife, Smt. Mangala Sanjiv Poi Vernekar, Mrs. Roshan Krishnanath Sinai Kunkolienkar, Shri. Aashish Krishnanath Sinai Kunkolienkar, Smt. Rajee Krishnanath Sinai Kunkolienkar and said Shri. Pankaj Prabhakar Poi Vernekar and his wife, Smt. Sharva Pankaj Poi Vernekar, sold the subject property to Mrs. Saikshama Vikram Naique Panvelcar alias Saikshama Ajit Sinai Kossambe,





daughter of Ajit Sinai Kossambe, which deed is duly registered with the Sub-Registrar of Ilhas, under Book 1, Document Registration No.PNJ-BK-1-02207-2015 CD No. PNJD43 on 21/08/2015.

The said Mrs. Saikshama Vikram Naique Panvelcar alias Saikshama Ajit Sinai Kossambe being married to Mr. Vikram Narcinva Naique Panvelcar under Communion of assets, became the owners of the subject property.

The said Mrs. Saikshama Vikram Naique Panvelcar alias Saikshama Ajit Sinai Kossambe alongwith her husband, the said Mr. Vikram Narcinva Naique Panvelcar, as owners in possession, executed a Deed of Sale dt. 24/01/2019, duly registered with the Sub-Registrar of Ilhas, under Document Registration Number : PNJ-1-152-2019, Book-1, dated : 30/01/2019, and thereby sold, transferred and conveyed the subject property vide to Mr. Shaikh Kutboddin, son of late Shaikh Usman,, Indian National, residing at H.No. 937, Tonca, behind Raikar Nursing Home, Caranzalem-Panaji-Goa, Sole Propreitor, carrying on business under the name and style of "Usman Enterprises", a sole Proprietorship Firm, having his Office at FF-7, 1<sup>st</sup> Floor Velho Trade Centre, Opp. Municipal Market, Next to Goa Sahakar Bhandar, Panaji, Goa.

In view of the above flow of title, the said Mr. Shaikh Kutboddin has derived title to the subject property.

#### POSSESSION :

A perusal of Form I and XIV of Sy. No. 17/4 of Village Morombi-o-Pequeno, concerning the subject property reveals that the name of the said Shaikh Kutboddin is reflected in the occupant's column, with the survey



holding comprising an area of 667 sq. mts., thereby confirming mutation in the name of the said Shaikh Kutboddin.

On and from date of execution of the said Deed of Sale dated 24/01/2019 in his favour, and in view of mutation, it is evident that the said Mr. Shaikh Kutboddin has been put in exclusive physical and legal possession of the subject property admeasuring 667 sq.mts.

In view of his title and possession, the said Shaikh Kutboddin has been issued Technical Clearance Order from Town & Country Planning Department, as also NOC by the Primary Health Centre and Construction Licence by the concerned village Panchayat which further establish the exercise of his possessory rights.

#### OPINION :

Thus, after scrutiny of the above enlisted documents, and particularly by virtue of the said Deed of Sale dated 24/01/2019, duly registered with the Sub-Registrar of Ilhas, Panaji, Goa, I opine that **Mr. SHAIKH KUTBODDIN**, son of late Shaikh Usman, Indian National, residing at H.No. 937, Tonca, behind Raikar Nursing Home, Caranzalem-Panaji-Goa, Sole Propreitor, carrying on business under the name and style of "Usman Enterprises", a sole Proprietorship Firm, having his Office at FF-7, 1<sup>st</sup> Floor Velho Trade Centre, Opp. Municipal Market, Next to Goa Sahakar Bhandar, Panaji, Goa, is presently the owner in actual possession of the subject property admeasuring 667 square meters, and that his title is clear and marketable.

Panaji,

14<sup>th</sup> August 2019



**N. G. Kamat,**  
**Advocate**