

SHRI. SANDESH G. ARABEKAR
ADVOCATE

Off: 'Alfran Plaza', S-54,
Block B, 2nd Floor,
Near Don Bosco High School,
Panaji, Tiswadi-Goa.
Mob. No.9850458082
Mob. No.9850651403
sandeshanuj@yahoo.com

Sandesh

To,

Shree Sai Samarth Realty

a Proprietary concern represented

by Shri. Purushottam P. Chari

with office at St. Inez, Panaji,

Tiswadi-Goa.

This is to confirm that, at the request of Shri. Purushottam P. Chari who is proprietor of Shree Sai Samarth Realty, I have perused photocopies of below mentioned documents, listed at Serial No.II below, in order to furnish my Legal Opinion concerning property described at Serial No.I, which is a distinct and separate portion of land admeasuring 534 square metres surveyed under Survey No.26/1-F of Village Calapor along with residential building under construction thereon and accordingly I hereby furnish my Legal Opinion as under:

CERTIFICATE OF TITLE/LEGAL OPINION

Sandesh

Ref: File of Shree Sai Samarth Realty a Proprietary concern represented by its proprietor Shri. Purushottam P. Chari with office at St. Inez, Panaji, Tiswadi-Goa.



I.- DESCRIPTION OF THE PROPERTY.

All that distinct and separate plot of land admeasuring 534 square metres surveyed under Survey No.26/1-F of Village Calapor, along with residential building under construction thereon, forming disannexed part of the larger property known as "ST. AUGOSTINHO" or "PALMAR GRANDE", bearing Survey No. 26/1 of village Santa Cruz, situated within the limits and jurisdiction of Village Panchayat of Calapor, registration Sub-District of Ilhas, District of North Goa, State of Goa and is described in the Land Registration Office under No.7355 of Book B-19(new), situated at Calapor, Taluka Tiswadi, enrolled in the Taluka Revenue Office under Matriz No.75,80 and 81. The said Plot is bounded as under:-

On the East :- By Survey No.26/1;

On the West:- By Public Road Panaji-Agacaim;

On the North:- By Survey No.26/1 part; and

On the South:- By Survey No.26/1 part.

Said Plot admeasuring 534 square metres is bounded as under:

On the East :- By property under Survey No.26/1(Part);

On the West:- By property under Survey No.26/1(Part) and Panaji-Bambolim Road;

On the North:- By property under Survey No.26/1(Part); and

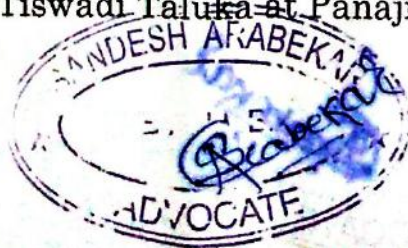


On the South:-

By property under Survey No.26/1(Part).

II.- DESCRIPTION OF THE DOCUMENTS SCRUTINIZED.

- 1.- Photocopy of English Translation of Portuguese Deed of Dissolution dated 06/05/1967 duly registered before the Notary Dr. Fernando Jorge Colaco in his Book No.590 at pages 77 reverse along with Photocopy of Certificate of Translation dated 24/01/2019 issued by Adv. J.J. Vivekananda Pinheiro of Margao-Goa.
- 2.- Photocopy of Deed of Assignment dated 08/06/1967 duly registered before the Sub-Registrar of Ilhas at Panaji under No.569 Book No.I at pages 132 to 165 of Volume 26.
- 3.- Photocopy of Deed of Indenture dated 22/03/1973 duly registered before the Sub-Registrar of Ilhas at Panaji under No.101 at pages 48 to 69, Book No.I volume 125.
- 4.- Photocopy of Order dated 19/10/2001 passed in Company Petition No.16-Z of 2001 by the Hon'ble High Court of Bombay at Panaji-Goa.
- 5.- Photocopy of Form I and XIV of property surveyed under Survey No. 26/1 of village Calapor, Tiswadi-Goa.
- 6.- Photocopy of Form I and XIV of property surveyed under Survey No. 26/1-F of village Calapor, Tiswadi-Goa.
- 7.- Photocopy of Judgment and Order dated 16/10/1989 passed in Case No.MND/JM-II/Calapor/Reg.4/87 in the Court of the Joint Mamlatdar of Tiswadi Taluka at Panaji-Goa.



- 8.- Photocopy of Purchase Sanad in Form VI dated 28/12/1998 under No.8/39/89-RB/Vol.IV/432 issued by the Collector of North Goa.
- 9.- Photocopy of Purchase payment Receipt dated 25/11/1998 under No.MUND/JM-II/PUR/58/93 issued by Joint Mamlatdar-II of Tiswadi Taluka, Panaji-Goa.
- 10.- Photocopy of Memorandum of Understanding dated 31/03/2016.
- 11.- Photocopy of Deed of Relinquishment dated 15/06/2016 duly drawn in the Book of Deeds bearing No.854 at pages 50v to 52 dated 15/06/2016 before the Office of the Notary Ex-Officio Bardez, Mapusa-Goa.
- 12.- Photocopy of Records and Proceedings of Inventory Proceedings No.74/2016/B initiated before the Court of Civil Judge Senior Division at Panaji.
- 13.- Photocopy of Final Order of Confirmation dated 06/05/2017 passed in the Inventory Proceeding No.74/2016/B by the Civil Judge Senior Division at Panaji-Goa.
- 14.- Photocopy of Amicable Scheme of Partition and Final Chart of Partition dated 05/05/2017 filed in the Inventory Proceeding No.74/2016/B by the Civil Judge Senior Division at Panaji-Goa.
- 15.- Photocopy of Notice/Intimation dated 06/07/2017 under Section 17(2) of The Goa Daman and Diu Mundkars (Protection from Eviction) Act, 1975 issued by Shri. Krishna Govind Nipanikar and Smt. Parvati Krishna Nipanikar to M/s Zuari Real Estate Pvt. Ltd.



:5:

- 16.- Photocopy of No Objection Certificate dated 19/07/2017 issued by Dempo Properties and Investments Pvt. Ltd., in favour of Shri. Krishna Govind Nipanikar.
- 17.- Photocopy of Deed of Sale dated 18/07/2017 duly executed and registered before the Sub-Registrar of Ilhas at Panaji, Tiswadi-Goa on 20/07/2017 under No. PNJ-BK1-01766-2017, CD Number PNJD58.
- 18.- Photocopy of Deed of Sale dated 24/08/2017 duly executed and registered before the Sub-Registrar of Ilhas at Panaji, Tiswadi-Goa on 04/09/2017 under No. PNJ-BK1-02128-2017, CD Number PNJD59.
- 19.- Photocopy of Partition Order dated 27/02/2018 in Case No.LND/PART/140/2017 passed by the Deputy Collector and SDO Panaji, Tiswadi-Goa., along with plan of partition.
- 20.- Photocopy of Conversion Sanad dated 05/07/2018 under No.RB/CNV/TIS/AC-I issued by Additional Collector-I North Goa District, Panaji-Goa.
- 21.- Photocopy of Technical Clearance Order dated 13/11/2018 under Ref. No.TIS/9116/CAL/TCP/18/1344 issued by Town and Country Planning Department, Tiswadi Taluka, Patto Panaji-Goa.
- 22.- Photocopy of NOC issued by Directorate of Health Services Primary Health Centre, Chimbél-Goa under No. PHC/Chimbél/NOC-Const/2018-19/1243 dated 23/11/2018.



23.- Photocopy of Construction License dated 30/11/2018 under No.VP/SC/12/2018-19/1614 issued by Office of the Village Panchayat Santa Cruz, Tiswadi-Goa.

24.- Photocopy of Nil Encumbrance Certificate dated 22/01/2019 under Certificate No.96/2019 for the period of 16 years commencing from 18/01/2003 to 21/01/2019 issued by the Sub-Registrar of Ilhas at Panaji-Goa.

25.- Photocopy of Approved Plans/Survey Plan.

III.- OFFICE SEARCHES.

I have given searches in the offices of Land Registrar/Sub-Registrar Tiswadi, Court of Civil Judge Panaji-Goa, Director of archives/Land Revenue office.

IV.- FLOW OF TITLE.

On perusal of the above listed documents and on giving searches in the relevant offices I confirm that said distinct and separate plot of land admeasuring 534 square metres is surveyed under Survey No.26/1-F of Village Calapor, along with residential building under construction thereon and is forming disannexed part of the larger property known as "ST. AUGOSTINHO" or "PALMAR GRANDE", bearing Survey No. 26/1 of village Santa Cruz, situated within the limits and jurisdiction of Village Panchayat of Calapor, registration Sub-District of Ilhas, District of North Goa, State of Goa and is described in the Land Registration Office under No.7355 of Book B-19(new), situated



at Calapor, Taluka Tiswadi, enrolled in the Taluka Revenue Office under Matriz No.75,80 and 81.

Said whole property originally belonged to the joint family or to Sociedade Fasmiliar do Dempo and is inscribed in favour of said joint family or Sociedade Fasmiliar do Dempo in the Land Registration office/conservatoria.

On 06/05/1967 said family or society was dissolved by a Deed of Dissolution dated 06/05/1967 registered before the Notary Dr. Fernando Jorge Colaco in his Book No.590 at pages 77 reverse and thereby the said property got vested in the family members comprising Sociedade Familiar do Dempo.

By virtue of Deed of Assignment dated 08/06/1967 duly registered before the Sub-Registrar of Ilhas at Panaji under No.569 Book No.I at pages 132 to 165 of Volume 26 said family members assigned their rights in the said property in favour of M/s. Dempo Properties and Investments Pvt. Ltd., a Company registered under the Companies Act 1956 who became exclusive owner in possession of said property.

By Deed of Indenture dated 22/03/1973 duly registered before the Sub-Registrar of Ilhas at Panaji under No.101 at pages 48 to 69, Book No.I volume 125 on 22/02/1978 said M/S Dempo properties and Investments Pvt. Ltd. sold said property to M/s. Zuari Real Estate Co. Pvt.Ltd.

On 19/10/2001, under the scheme of amalgamation sanctioned by the Order of the Hon'ble High Court of Bombay at Panaji dated 19/10/2001, two hundred percent subsidiary companies of M/s. Dempo



properties and investments Pvt. Ltd. namely M/s. Zuari Real Estate Co. Pvt. Ltd and M/s Siridao Estate Pvt.Ltd. have been amalgamated with M/s. Dempo Properties and Investments Pvt. Ltd, by virtue of Amalgamation all the assets and liabilities of the subsidiary companies stands transferred and vested with M/s. Dempo properties and Investments Pvt. Ltd., and as such by virtue of said Order of amalgamation the said property came into ownership and possession of M/s. Dempo Properties and Investments Pvt. Ltd.

By Deed of Sale dated 18/07/2017 duly executed and registered before the Sub-Registrar of Ilhas at Panaji, Tiswadi-Goa on 20/07/2017 under No. PNJ-BK1-01766-2017, CD Number PNJD58 said M/s. Dempo Properties and Investments Pvt. Ltd., sold all that piece and parcel of Plot carved out in the portion of said property admeasuring an area of 234 sq.mts. to Shree Sai Samarth Realty a Proprietary concern of Shri. Purushottam P. Chari.

Judgment and Order dated 16/10/1989 passed in Case No.MND/JM-II/Calapor/Reg.4/87 in the Court of the Joint Mamlatdar of Tiswadi Taluka at Panaji-Goa., confirms that Prakash Govind Nipaniker, Krishna Govind Nipaniker and Tulshi Govind Nipaniker are admitted as mundkars of dwelling house bearing house No.717 situated in the Said Property bearing Survey No.26/1 of Village Calapur.

The Purchase Sanad in Form VI dated 28/12/1998 under No.8/39/89-RB/Vol.IV/432 issued by the Collector of North Goa., in the names of Prakash Govind Nipaniker, Krishna Govind Nipaniker and Tulshi Govind Nipaniker together with Purchase payment Receipt dated 25/11/1998 under No.MUND/JM-II/PUR/58/93 issued by Joint Mamlatdar-II of Tiswadi Taluka, Panaji-Goa.,confirms that upon

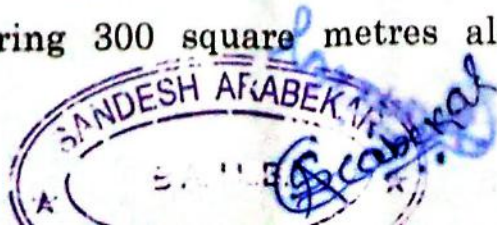


payment of purchase price of Rs.11,070/- said Prakash Govind Nipaniker, Krishna Govind Nipaniker and Tulshi Govind Nipaniker have been declared as purchasers of said dwelling house along with surrounding area admeasuring 300 square metres.

By Memorandum of Understanding dated 31/03/2016 Shri. Krishna Govind Nipanikar, Smt. Parvati Krishna Nipanikar and Smt. Sumitra Prakash Nipanikar wife of late Prakash Nipanikar agreed to said Plot admeasuring 300 square metres to Shri. Sai Samarth Realty for purpose of carrying out development and construction of residential building on the Said Plot.

By Deed of Relinquishment dated 15/06/2016 duly drawn in the Book of Deeds bearing No.854 at pages 50v to 52 dated 15/06/2016 before the Office of the Notary Ex-Officio Bardez, Mapusa-Goa, Smt. Premala Nipaniker alias Smt. Sarita Harish Kenaudekar and her husband Shri. Harish Vaikunth Kenaudekar relinquished and renounced all their rights, title and interest to the undivided inheritance of their parents/parents-in-law late Govind Nipanikar and late Tulsi Nipanikar.

As per Inventory Proceedings No.74/2016/B initiated before the Court of Civil Judge Senior Division at Panaji on death of Govind Nipanikar, Tulshi Nipanikar alias Tulsi Nipanikar, Prakash Govind Nipanikar alias Prakash Govind Nipanikar as per Final Order of Confirmation dated 06/05/2017 passed in the said Inventory Proceeding No.74/2016/B by the Civil Judge Senior Division at Panaji-Goa., and pursuant to Amicable Scheme of Partition and Final Chart of Partition dated 05/05/2017 filed in the said Inventory Proceeding No.74/2016/B by the Civil Judge Senior Division at Panaji-Goa., Said Mundkarial Plot admeasuring 300 square metres along with the mundkarial house



existing thereon is allotted to Shri. Krishna Govind Nipanikar and accordingly said Shri. Krishna Govind Nipanikar and his wife Smt. Parvati Krishna Nipanikar became absolute owners in possession of Said Plot admeasuring 300 square metres along with mundkarial house existing thereon.

That Notice/Intimation dated 06/07/2017 under Section 17(2) of The Goa Daman and Diu Mundkars (Protection from Eviction) Act, 1975 issued by Shri. Krishna Govind Nipanikar and Smt. Parvati Krishna Nipanikar to M/s Zuari Real Estate Pvt. Ltd., confirms that said Shri. Krishna Govind Nipanikar and Smt. Parvati Krishna Nipanikar had intention of selling Said Mundkarial Plot and the dwelling house existing thereon.

No Objection Certificate dated 19/07/2017 issued by Dempo Properties and Investments Pvt. Ltd., in favour of Shri. Krishna Govind Nipanikar, confirms that landlord of the Said Property M/s Dempo Properties and Investments Pvt. Ltd., are not willing to purchase Said Plot and the mundkarial house and accordingly said Shri. Krishna Govind Nipanikar and Smt. Parvati Krishna Nipanikar are free to sell Said Plot and the mundkarial house to the party of their choice as per the Mundkars Act.

By Deed of Sale dated 24/08/2017 duly executed and registered before the Sub-Registrar of Ilhas at Panaji, Tiswadi-Goa on 04/09/2017 under No. PNJ-BK1-02128-2017, CD Number PNJD59 said Shri. Krishna Govind Nipanikar and Smt. Parvati Krishna Nipanikar as Vendors along with said Smt. Sumitra Prakash Nipanikar wife of late Prakash Nipanikar as Confirming Party sold Said Plot admeasuring 300



square metres along with mundkarial house existing thereon to Shree Sai Samarth Realty.

That pursuant to aforesaid Deed of Sale dated 24/08/2017 and Deed of Sale dated 18/07/2017 said Shree Sai Samarth Realty a Proprietary concern of Shri. Purushottam P. Chari along with wife of Shri. Purushottam P. Chari became absolute owners in possession of Said Plot of land totally admeasuring 534 square metres of the Said Property surveyed under Survey No.26/1 of Village Calapor subject to payment of kind consideration in form of allotment of four residential flats on completion of project proposed to be constructed in the Said Plot to the Vendors and the Confirming Party as laid down in Deed of Sale dated 24/08/2017.

Partition Order dated 27/02/2018 in Case No.LND/PART/140/2017 passed by the Deputy Collector and SDO Panaji, Tiswadi-Goa., along with plan of partition confirms that Said Plot admeasuring 534 square metres has been allotted separate and distinct survey number namely Survey No.26/1-F and accordingly separate plan and separate Form I and XIV is issued.

The name of Shree Sai Samarth Realty appears in the occupant's column of Said Plot surveyed under Survey No.26/1-F, which is admeasuring 534 square metres.

Shree Sai Samarth Realty for the purpose of constructing residential building in the Said Plot obtained Conversion Sanad dated 05/07/2018 under No.RB/CNV/TIS/AC-I issued by Additional Collector-I North Goa District, Panaji-Goa., for conversion of Said Plot to non-agricultural use.



Technical Clearance Order dated 13/11/2018 under Ref. No.TIS/9116/CAL/TCP/18/1344 issued by Town and Country Planning Department, Tiswadi Taluka, Patto Panaji-Goa, for purpose of construction of residential building in the Said Plot.

NOC is issued by Directorate of Health Services Primary Health Centre, Chimbhel-Goa under No. PHC/Chimbhel/NOC-Const/2018-19/1243 dated 23/11/2018 for purpose of construction of residential building and their no objection from the sanitary point of view.

Construction License dated 30/11/2018 under No.VP/SC/12/2018-19/1614 is issued by Office of the Village Panchayat Santa Cruz, Tiswadi-Goa., for purpose of construction of residential building on Said Plot bearing Survey No.26/1-F of Village Calapor.

V.- ENCUMBRANCES:

Nil Encumbrance Certificate dated 22/01/2019 under Certificate No.96/2019 for the period of 16 years commencing from 18/01/2003 to 21/01/2019 issued by the Sub-Registrar of Ilhas at Panaji-Goa, is produced on srecord which confirms that there is no registered charge/encumbrance on the Said Plot for the aforesaid period.

VI.- OPINION

(a) Documents produced on record confirm that Shree Sai Samarth Realty a Proprietary concern of Shri. Purushottam P. Chari along with wife of Shri. Purushottam P. Chari have and holds absolute, valid, clean, clear and marketable title to Said Plot(As described above at Serial No.I) subject to payment of kind consideration in form of allotment of four



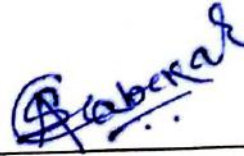
:13:

residential flats on completion of project proposed to be constructed in the Said Plot to the Vendors and the Confirming Party as laid down in Deed of Sale dated 24/08/2017.

- (b) There is no claim of any minor to the said Plot.
- (c) Urban Land Ceiling Act is not applicable to the said Plot.

Panaji-Goa.

03/05/2019



Sandesh G. Arabekar
ADVOCATE

Off.: S-54, Alfran Plaza, Block 'B', 2nd Floor,
Near Don Bosco High School, M.G. Road,
Panaji - 403 001, Tiswadi - Goa
Mob.: 9850458082
E-mail : sandeshanuj@yahoo.com