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Advocate

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8th September 2015

REPORT

I have been requested by Mrs. Mary Jo Monica Olinda de Mello, Director of M/s MICON ESTATES PVT. LTD., a Company incorporated under the Indian Companies Act, having its registered Office at Fatorda, Salcete, Goa, to give my opinion as to the title in respect of the following:

- (a) Plot designated as "F" admeasuring 3541.852 sq.mts. of the property bearing Survey No. 136/3 of Nuvem Village which is presently surveyed under No.136/3-B of Nuvem Village;
- (b) Plot designated as "G" admeasuring 3815.684 sq.mts. of the property bearing Survey No. 136/3 of Nuvem Village, which is presently surveyed under No.136/3-D of Nuvem Village;
- (c) Plot designated as "H" admeasuring 1695.62 sq.mts. of the property bearing Survey No. 136/3 of Nuvem

...2/-

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Village which is presently surveyed under No.136/3-
C of Nuvem Village;

- I) For the said purpose the following documents were handed over to me:
 - a) Survey Plan of Survey No. 136/3 of Nuvem Village, as a whole,
 - b) Survey Plans of Survey Nos.136/3-B, 136/3-C and 136/3-D of Nuvem Village,
 - c) Form I and XIV of Survey No.136/3 of Nuvem Village,
 - d) Form I and XIV of Survey Nos.136/3-B, 136/3-C and 136/3-D, all of Nuvem Village;
 - e) Land Registration Certificate bearing No.16593 of Book B No.42 New Series, along with relevant inscription,

...3/-

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- f) Letter dated 14/2/2014, issued by the Office of the Mamlatdar of Salcete, Margao,
- g) Public Deed of Usurious Loan, with Mortgage, Purchase, Sale and Acquittance dated 30/5/1901,
- h) Public Deed of Division of Metes and Bounds, Release of Compromise, Acceptance, dated 3/3/1902,
- i) Records of Inventory Proceedings bearing No.19/2014/E, instituted on the death of Andre Avelino Gomes and Purificacao Fernandes;
- j) Deed of Sale dated 4/6/2014, duly registered before the Office of the Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02656-2014, CD No. MGOD77, Book-1 Document, dated 4/6/2014,
- k) Deed of Sale dated 4/6/2014, duly registered before the Office of the Sub-Registrar of Salcete, at
...4/-

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Margao, under Registration No.MGO-BK1-02658-2014, CD No. MGOD77, Book-1 Document, dated 4/6/2014,

l) Deed of Sale dated 4/6/2014, duly registered before the Office of the Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02655-2014, CD No. MGOD77, Book-1 Document, dated 4/6/2014,

m) Records of Case No.LRC/PART/Nuvem/191/14/3,

n) Records of Case No.LRC/PART/Nuvem/192/14/3,

o) Records of Case No.LRC/PART/Nuvem/193/14/3,

II) Perusal of the documents:-

(1) The Documents at Serial Nos.(a) to (d), (m) to (o)- the Survey Plan and the Form I and XIV establish that the property surveyed under Survey

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No.136/3 of Nuvem Village is recorded under the name of "MURDE GRANDE" and is a garden land admeasuring 20,000 sq.mts.;

The Form I and XIV dated 5/3/2014 shows that the said property figured in the name of Andre Avelino Gomes and Government of Goa;

The documents at Serial Nos.(b), (d) read with the documents at Serial Nos.(m), (n) and (o) show that the name of M/s Micon Estates Pvt. Ltd., has been mutated in the Survey Records of Survey No.136/3 of Nuvem Village and that subsequently separate Survey Holdings bearing Nos.136/3-B, 136/3-C and 136/3-D of Nuvem Village have been obtained;

- (2) The Document at Serial No.(e)- Land Registration Certificate bearing No.16593 of Book B No.42 New Series establishes that in the Ward of Murda O Grande, which was at the time in the Parish of Margao, there exists a property known as

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"MURDA O GRANDE " of the plantation of trees, which is bounded on the East by the properties of Joaquim Berrier Pinto, of Andre Avelino Gomes and drain, on the West by a drain of monsoon waters and paddy field of Comunidade of Village Calata, on the North by a drain, and on the South by the property of Coffe of our Lady of Conceicao, Andre Avelino Gomes, drain, heirs of Damiao Gomes, heirs of Salvador de Silva and Pondori Vassudeva Egdo.

The said document further establishes that three-fourth parts of the said entire property came to be inscribed under No. 8372 of Book G No.1 in favour of Andre Avelino Gomes and one-fourth parts of the said entire property came to be inscribed in favour of Constancio Fernandes, by virtue purchase made by the said Andre Avelino Gomes and Constancio Fernandes by way of Public Deed of Usurious Loan, with Mortgage, Purchase, Sale and Acquittance dated 30/5/1901.

...7/-

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- (3) The Document at Serial No.(f)- Letter dated 14/2/2014, issued by the Office of the Mamlatdar of Salcete, Margao, states that Matriz bearing No. 249 of Margao is not available in the Office of the Mamlatdar of Salcete, at Margao.
- (4) The Document at Serial No.(g) - Public Deed of Usurious Loan, with Mortgage, Purchase, Sale and Acquittance dated 30/5/1901, establishes that Pondorinata Vassudeva Egoddo and his wife, Golbico Egodina and Nermada Egodina sold to Andre Avelino Gomes and his wife, Purificacao Fernandes, two-third parts of the property bearing Land Registration No.16593 and to Constancio Fernandes and his wife, Ana Florinda Cardozo, one-fourth part of the said property bearing Land Registration No.16593;
- (5) The Document at Serial No.(h) - Public Deed of Division of Metes and Bounds, Release of Compromise, Acceptance, dated 3/3/1902,
...8/-

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establishes that Andre Avelino Gomes and his wife, Purificacao Fernandes, and Constancio Fernandes and his wife, Ana Florinda Cardozo, divided the property bearing Land Registration No.16593 by metes and bounds, and that a distinct and separate three-fourths part of the entire property, was exclusively allotted to Andre Avelino Gomes and his wife, Purificacao Fernandes;

(6) The document at Serial No. (i)- Records of Inventory Proceedings bearing No.19/2014/E establishes the following:

(i) That the said Andre Avelino Gomes and Purificacao Fernandes have both expired leaving Joao Francisco Tertuliano Gomes, married to Maria Filomena Jasmina do Rosario Vales Pereira e Gomes, as their only heir;

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(ii) That the said Joao Francisco Tertuliano Gomes, and his wife, Maria Filomena Jasmina do Rosario Vales Pereira e Gomes, have both expired leaving the following as their only heirs, namely, (a) Maria Felicula Gomes Coutinho, married to Jesus Luis Salazar Eulogio Filomeno Coutinho, (b) Maria Jesuina Sabas Leocadia do Rosario Gomes alias Maria Sabas Gomes, married to Blasio Antonio Samiro Sequeira, and (c) Filomeno Lourenco Andre Francisco Nazariano do Rosario Gomes Pereira alias Filomeno Rosario Gomes Pereira alias Filomeno Lourenco Andre Francisco Nazariano Gomes, married to Fatima Flora Fermina Fortes;

(iii) That the said Maria Felicula Gomes Coutinho and her husband Jesus Luis Salazar Eulogio Filomeno Coutinho, have both expired leaving (a) Franklyn Raymond

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Yulbryn Augusto Coutinho, married to Sharon Coutinho, (b) Fitzgerald Ernesto Coutinho, married to Marisol Coutinho and (c) Farita Ernestina Candida Coutinho, married to Alex Caithan Dias, as their only heirs;

(iv) That the said Blasio Antonio Samiro Sequeira expired leaving the said Maria Jesuina Sabas Leocadia do Rosario Gomes alias Maria Sales Gomes, as his widow and moiety holder and his three sons, as his only heirs, namely, (a) Ricky Oswald Sequeira, (b) Francisquinha Celso Sequeira, married to Jennifer Rodrigues, and (c) Alipio Miguel Sequeira;

(v) That the said Filomeno Lourenco Andre Francisco Nazariano do Rosario Gomes Pereira, has expired leaving Fatima Flora Fermina Fortes alias Fatima Flora Fortes

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alias Fatima Flora Fermina Gomes, as his widow and moiety holder and (a) Tertuliano Darryl Gomes, and (b) Donavia Laxmi Presentacao Gomes, as his only heirs;

- (vi) That in the said Inventory Proceedings bearing No.19/2014/E instituted on the death of Andre Avelino Gomes and Purificacao Fernandes, a Plot of the specific 3/4th part of the property bearing Land Registration No.16593, designated as "Plot X", admeasuring 11825.75 sq.mts., which is more clearly shown on the Plan attached to the Description of Assets, was enlisted in the said Inventory Proceedings as Item No.4 and was vide Final Chart of Partition dated 30/4/2014, confirmed by Order dated 30/4/2014, allotted in the share of half to Mrs. Fatima Flora Fermina Fortes, one-fourth to Mr. Tertulian Darryl Gomes, and
- ...12/-

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one-fourth to Mrs. Donavia Laxmi Presentacao Gomes and her husband Neil Audie Martin D'Cruz;

7. The Document at Serial No.(j) - Deed of Sale dated 4/6/2014, duly registered before the Office of the Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02656-2014, CD No. MGOD77, Book-1 Document, dated 4/6/2014, establishes that the Fatima Flora Fermina Fortes, Tertuliano Darryl Gomes, Donavia Laxmi Presentacao Gomes and her husband, Neil Audie Martin D'Cruz have further divided the Plot X allotted to them in the Inventory Proceedings bearing No.19/2014/E into Plots and that by the said Deed of Sale have sold the Plot designated as "F", admeasuring 3541.852 sq.mts. as shown in the Plan annexed to the said Deed to M/s Micon Estates Pvt. Ltd, a company incorporated under the Indian Companies Act 2013, with Office at Fatorda, Goa;

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8. The Document at Serial No.(k) - Deed of Sale dated 4/6/2014, duly registered before the Office of the Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02658-2014, CD No. MGOD77, Book-1 Document, dated 4/6/2014, establishes that the Fatima Flora Fermina Fortes, Tertuliano Darryl Gomes, Donavia Laxmi Presentacao Gomes and her husband, Neil Audie Martin D'Cruz have further divided the Plot X allotted to them in the Inventory Proceedings bearing No.19/2014/E into Plots and that by the said Deed of Sale have sold the Plot designated as "G", admeasuring 3815.684 sq.mts. as shown in the Plan annexed to the said Deed to M/s Micon Estates Pvt. Ltd, a company incorporated under the Indian Companies Act 2013, with Office at Fatorda, Goa;

9. The Document at Serial No.(l) - Deed of Sale dated 4/6/2014, duly registered before the Office of the Sub-Registrar of Salcete, at Margao, under

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Registration No.MGO-BK1-02655-2014, CD No. MGOD77, Book-1 Document, dated 4/6/2014, establishes that the Fatima Flora Fermina Fortes, Tertuliano Darryl Gomes, Donavia Laxmi Presentacao Gomes and her husband, Neil Audie Martin D'Cruz have further divided the Plot X allotted to them in the Inventory Proceedings bearing No.19/2014/E into Plots and that by the said Deed of Sale have sold the Plot designated as "H", admeasuring 1695.62 sq.mts. as shown in the Plan annexed to the said Deed to M/s Micon Estates Pvt. Ltd, a company incorporated under the Indian Companies Act 2013, with Office at Fatorda, Goa;

III) Conclusion:

From the above documents, the following can be seen:-

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- (a) That the Plot X admeasuring 11825.75 sq.mts., bearing Survey No.136/3 (part) of Nuvem Village constitutes a part of the distinct and separate 3/4th part of the property bearing Land Registration No.16593 which by virtue of Public Deed of Usurious Loan, with Mortgage, Purchase, Sale and Acquittance dated 30/5/1901 and Public Deed of Division of Metes and Bounds, Release of Compromise, Acceptance, dated 3/3/1902, was originally owned by Andre Avelino Gomes and his wife, Purificacao Fernandes;
- (b) That Inventory Proceedings were instituted on the death of the said Andre Avelino Gomes and his wife Purificacao Fernandes and the said Plot X admeasuring 11825.76 sq.mts. was allotted in the share of half to Mrs. Fatima Flora Fermina Fortes, one-fourth to Mr. Tertuliano Darryl Gomes, and one-fourth to Mrs. Donavia Laxmi Presentacao Gomes and her husband Neil Audie Martin D'Cruz.

...16/-

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- (c) That the said Mrs. Fatima Flora Fermina Fortes, Mr. Tertuliano Darryl Gomes, Mrs. Donavia Laxmi Presentacao Gomes and her husband Neil Audie Martin D'Cruz have by virtue of three separate Deeds of Sale sold Plots of the said Plot X, namely, Plot F, Plot G and Plot H admeasuring 3541.852, 3815.684 and 1695.62 square metres respectively to M/s Micon Estates Pvt. Ltd.
- (d) That M/s Micon Estates Pvt. Ltd. has obtained separate Survey Nos.136/3-B, 136/3-C, and 136/3-D of Nuvem Village, for the properties/plots purchased by them.

Thus in my opinion M/s Micon Estates Pvt. Ltd. is the exclusive and absolute owner of the following:

- (a) Plot designated as "F" admeasuring 3541.852 sq.mts. of the property bearing Survey No. 136/3 of Nuvem Village, more clearly shown on the Plan annexed to the Deed of Sale dated 4/6/2014,
- ...17/-

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which is registered in the Office of Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02656-2014, which is presently surveyed under No.136/3-B of Nuvem Village.

(b) Plot designated as "G" admeasuring 3815.684 sq.mts. of the property bearing Survey No. 136/3 of Nuvem Village, more clearly shown on the Plan annexed to the Deed of Sale dated 4/6/2014, which is registered in the Office of Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02658-2014, which is presently surveyed under No.136/3-D of Nuvem Village.

(c) Plot designated as "H" admeasuring 1695.62 sq.mts. of the property bearing Survey No. 136/3 of Nuvem Village, more clearly shown on the Plan annexed to the Deed of Sale dated 4/6/2014, which is registered in the Office of Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-02655-2014, which is presently surveyed under No.136/3-C of Nuvem Village.

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(Adv. C. Vas)