

AMOL THALI

ADVOCATE & NOTARY

Office:

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Date: 2nd January 2025

Final Legal Scrutiny Report and Certificate of title in respect of Plot A admeasuring an area of 850 sq. meters of the Immovable property known as BAIMCHEM BATTA or BORICHEM BATTA or BAINCHEM BATTA situated in the village Marra, bearing survey no 35/5-A of Village Marra, Taluka Bardez, State of Goa, belonging to M/S. RAJAS ESTATE DEVELOPERS, a Partnership Firm and MR. ABHISHEK SINGHAL.

a)Description of the property under scrutiny:

Description of the Property:-

All that immovable Plot 'A' admeasuring an area of **850** sq. meters comprised of the Northern part or portion of the original immovable property known as "BAIMCHEM BATTA or BORICHEM BATTA situated in the village Marra, bearing survey no 35/5-A of Village Marra, Taluka Bardez, within the limits of the Village Panchayat of Marra, Bardez Taluka , sub district of Bardez, District of North Goa , State of Goa, Plot A, neither described in the Land Registration Office nor enrolled in the Land Revenue Office and is bounded as follows:



East: By the property surveyed under survey no 35/5 and 35/6 in the name of Luciana Q De Sa

West: By the footpath and survey no. 36/8

North: By the property surveyed under survey no 35/4 in the name of Monica Noronha

South: By the sub-divided plot B of the same whole property surveyed under survey no 35/5

b) Documents examined/scrutinized/referred to:

- 1) Deed of Sale dated 5-12-2023 between Mrs. Josephine Herculan Soares alias Josephina Herculan Soares alias Josephine Fernandes, Mr Rudolph Fernandes, Mr. Valerious Freddie Soares alias Valeriano Freddie Soares, Mrs. Maria Claret Soares, Mrs. Clover Jane Soares and M/S. RAJAS ESTATE DEVELOPERS, MR. ABHISHEK SINGHAL registered in the Office of the Sub Registrar of Bardez under No. BRZ-1-550-2024 on 1-2-2024.
- 2) Nil Encumbrance Certificate bearing No. NEC/9/2024/3250.
- 3) Form I and XIV dated 9-11-2023 of the property bearing survey no 35/5-A of Marra Village
- 4) Zoning Information dated 3-11-2023 issued by the Office of the Senior Town Planner of the property bearing survey no 35/5-A of Marra Village
- 5) Form I and XIV dated 19-9-2013 of the property bearing survey no 35/5 of Marra Village
- 6) Inventory Proceedings no 272/2004/B in the Court of the Civil Judge Senior Division at Mapusa, Goa



- 7) Index of Lands in Form III of the property bearing survey no 35/5 of Marra Village
- 8) Death certificate dated 1-3-2017 of Smt. Helen Maria Patrick Soares
- 9) Death Certificate 21-11-2011 of Mr Rufus Anthony Soares
- 10) Public Notice dated 29-11-2023 in the daily "O Herald".

c)Tracing of the Title:

- Upon the perusal of the above listed Xerox copies of the documents, it is seen that there is an immovable property known as "BAIMCHEM BATTA or BORICHEM BATTA or BAINCHEM BATTA" wherein presently exists ruins of an old residential house situated in the village Marra within limits of Village Panchyat of Marra, Bardez Taluka, situated in the village Marra, bearing survey no 35/5 of Village Marra, Taluka Bardez, within the limits of the Village Panchayat of Marra, Bardez Taluka , sub district of Bardez, District of North Goa , State of Goa., neither described in the Land Registration Office nor enrolled in the Land Revenue Office; hereinafter referred to as the *said property*.

-The said property was originally surveyed under Survey No. 35/5 of Marra Village, Bardez Taluka and the same was admeasuring 1900 sq. metres.

- The said property was originally belonging to Late Damasceno Antonio Soares alias Antonio Filipe Damaciano Soares or Anthony Soares or Philip Soares, who was married to Mrs. Mary Anthony Soares or Mary Soares.



- The said property is not described in the Land Registration Office and not registered for the purpose of Matriz Certificate. However, in the Index of land, the name of Mrs. Mary Soares appears in the occupant's column. Index of lands were prepared in Goa somewhere in the year 1970s and hence, there is presumption regarding the correctness of the said entry as laid down under Land Revenue Code.

- The above said owners Late Damasceno Antonio Soares alias Antonio Filipe Damaciano Soares or Anthony Soares or Philip Soares AND Mrs. Mary Anthony Soares or Mary Soares, both expired on 2-5-1943 and 15-3-1986, respectively.

- Upon the death of the said owners, Inventory Proceedings bearing No. 272/2004/C were initiated in the Court of the Civil Judge Senior Division of Bardez at Mapusa, which proceedings were concluded by final Order dated 12-11-2009.

- From the copy of the inventory proceedings, it is seen that the said deceased Damasceno Antonio Soares and Mary Anthony Soares, having been married under the regime of general communion of assets, expired intestate, without leaving any Will or any other disposition of their last wish, leaving behind their two children as their only and universal heirs and successors to their estate as under:

(i) *Mr. Francisco Patricio Soares alias Patrick Soares*, who was married to *Mrs. Helen M. Soares alias Helena Maria Soares alias Helena Marca Soares alias Helena Marca Rodrigues*.



The said Mr. Francisco Patricio Soares passed away on 2-2-1984, without leaving any Will or any other disposition of his last wish, and left behind the said Smt. Helen M. Soares as his widow and half sharer and his three children, as his only and universal heirs :

(a) Mr. Rufus Anthony Soares alias Anthony Rufus Soares married to Mrs. Clover Jane Soares .

(b) Mr. Valerious Freddie Soares alias Valeriano Freddie Soares alias Valerious Freddie Soares married to Mrs. Maria Claret Soares,

(c) Mrs. Josephine Herculan Soares alias Josephina Herculan Soares alias Josephine Fernandes.

(ii) Mr. Salusino Anthony Soares alias Saluzinho Anthony Soares or Saluzinho Soares, married to Mrs Clara Soares alias Clara Salusino Soares, both the said Mr. Salusino Soares and his wife Clara Soares expired on 4-5-2000 and 1-11-1992 respectively without leaving any Will or any other disposition of their last wish, leaving behind the following three children as the only and universal heirs:

a) Mr. Neville John Soares married to Mrs. Doris Soares,

b) Mrs Lydia Susan Fernandes married to Mr. Steven Pascoal Fernades,

c) Mr. Cedric Xavier Soares (bachelor)



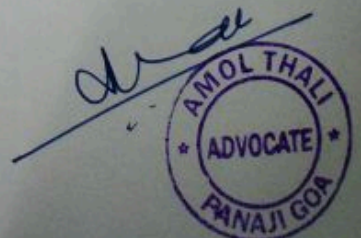
-In the said inventory proceedings, the said property surveyed under No. 35/5 of Village Marra, was listed at Item No. 1 in the list of assets filed before the Court on 24-6-2009.

- It is also seen that in the said Inventory Proceedings, an application for re-description of assets was filed in order to re-describe the assets drawn in the said proceedings on 24-6-2009. As per the mutual settlement among all the interested parties, it was agreed to divide the said property into two parts and accordingly, the said property admeasuring **1900 sq. mts.** was divided into two plots, **Plot A and Plot B** having an area of **850 sq. mts.** each. And an area of **200 sq. metres** was reserved for road widening.

-Subsequently, an application dated 16-9-2009 for allotment of assets under Article 1414 of Portuguese Code was filed in the said Inventory Proceedings. And per the said Mutual settlement, the Plot A admeasuring 850 sq. mts. was allotted jointly to widow Mrs. Helen Maria Soares , her share being 1/4th AND Mr. Rufus Anthony Soares, Mr. Valerious Freddie Soares, and Mrs. Josephine Herculan Soares, share of each being 1/12th each.

-By Final Order dated 12-11-2009, the chart of allotment/partition prepared during the proceedings were confirmed and made absolute and consequently, the shares stood allotted to all the interested parties mentioned above.

-It is also seen that in the said inventory proceedings, there is a sketch plan of the property bearing Survey No. 35/5 of Marra Village, for the purpose of clarity and proper identification, showing the division, by metes and bounds, wherein the property admeasuring **1900 sq. mts.**



has been divided as **Plot A** admeasuring **850** sq. mts., **Plot B** admeasuring **850 sq.mts.** and an area of **200 sq. mts.** was reserved for widening of road.

-Pursuant to the conclusion of the said inventory proceedings, mutation was carried out and the names of the abovementioned *Mrs. Helen Maria Soares* , *Mr. Rufus Anthony Soares*, *Mr. Valerious Freddie Soares*, and *Mrs. Josephine Herculan Soares*, are seen appearing in the occupants column of Form I and XIV dated 19-9-2013 of the property surveyed under no 35/5 of Marra Village.

-From the Death certificate dated 1-3-2017, it is seen that Helen Maria Patrick Soares expired on 12-2-2017 in Mumbai (Maharashtra)

-From the Death certificate dated 21-11-2011, it is seen that Mr. Rufus Anthony Soares expired on 14-11-2011 in USA.

-Form I and XIV dated 9-11-2023 of the property bearing survey no 35/5-A of Marra Village indicates that the portion admeasuring 850 sq. metres was allotted an independent survey no. as per Order No ISLR/PART/BAR/MRA/470/22/1297 dated 2-6-2023. In the said Form I and XIV, the names of Josephine Hercula, her husband Rudolph Fernandes, Valerious Freddie Soares, his wife Maria Claret Soares and Smt. Clover Jane Soares (widow of Mr. Rufus Anthony Soares) are seen appearing in the Occupants column.



- Zoning Information dated 3-11-2023 issued by the Office of the Senior Town Planner of the property bearing survey no 35/5-A of Marra Village shows that the said property falls in Settlement Zone having (VP-1) status with permissible FAR-80.

-As a precautionary measure, Public Notice was published in the daily "O Heradlo" dated 29-11-2023, requiring public to submit their say/valid objections, if any, for purchase of the above said property. However, till date no objections of whatsoever nature have been received by the undersigned objecting for purchase of the said property.

-By Deed of Sale dated 5-12-2023, duly registered in the Office of the Sub Registrar of Bardez under No. BRZ-1-550-2024 on 1-2-2024, the said Mrs. Josephine Herculan Soares alias Josephina Herculan Soares alias Josephine Fernandes, Mr Rudolph Fernandes, Mr. Valerious Freddie Soares alias Valeriano Freddie Soares, Mrs. Maria Claret Soares and Mrs. Clover Jane Soares sold the said Plot A admeasuring an area of 850 sq. metres of the said property known as BAIMCHEM BATTA or BORICHEM BATTA or BAINCHEM BATTA situated in the village Marra, bearing survey no 35/5-A of Village Marra, Taluka Bardez to M/S. RAJAS ESTATE DEVELOPERS, a Partnership Firm and MR. ABHISHEK SINGHAL.

- In terms of the said Deed of Sale dated 5-12-2023, the said M/s. Rajas Estate Developers and Mr. Abhishek Singhal are the lawful owners in possession of the said Plot A admeasuring 850 sq. mts.

- Nil Encumbrance Certificate bearing No. NEC/9/2024/3250 shows that the said Plot A is free from encumbrances/charges.



f) Final Certificate:

I certify that M/S. RAJAS ESTATE DEVELOPERS, a Partnership Firm and MR. ABHISHEK SINGHAL are the lawful owners in possession of Plot A admeasuring an area of 850 sq. metres of the said property known as BAIMCHEM BATTA or BORICHEM BATTA or BAINCHEM BATTA situated in the village Marra, bearing survey no 35/5-A of Village Marra, Taluka Bardez, State of Goa and its title to the said Plot is is *clean, clear and marketable*.

I further certify that there is clear flow in the chain of title from the original owners to the present owners of the property.

This legal opinion has been given without any interest, direct or indirect, after verifying all the copies of the documents discussed above.

THIS REPORT IS ISSUED AT THE REQUEST OF RAJAS ESTATE DEVELOPERS

Place: Panaji-Goa

Date: 2-1-2025


(Adv. AMOL THALI)

