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January 23, 2025

LEGAL REPORT

This title report is made at the request of my client **M/S. ADWALPALKAR CONSTRUCTIONS**

Description of Documents Scrutinized

1. **Form I & XIV of Survey no.40/1 and 40/2 of village Taleigao, Goa.**
2. **Agreement dated 10/03/1990, executed before the Notary public Mr. Gajanan Dhumatkar, Alto Betim, Goa, registered under No.440/1990 dated 10/03/1990.**
3. **Survey Plan of the Property surveyed under Survey no.40/1 and 40/2 of village Taleigao, Goa.**
4. **Special Civil suit No.51/2003/A, in the court of Civil Judge Senior Division at Panaji, Goa..**
5. **Judgment and Decree dated 20/01/2004.**
6. **Deed of Sale dated 22/04/2004, registered in the office of the Sub Registrar of Ilhas, under registration No.11118, at pages 54 to 78, of Book No.I, Vol. No.1309, dated 28/04/2004**
7. **Deed of Sale dated 24/08/2011, registered in the office of the Sub Registrar of Ilhas, in Book-1, Document Registration No.PJN-BK1-02345, CD NO.PNJD10, dated 25/08/2011..**
8. **Judgment dated 22/09/2011**
9. **Conversion Sanad dated 26/10/2015 under No.RB/CNV/TIS/AC-I/14/2011 issued by the Dy. Collector of North Goa District.**
10. **Deed of Reconstitution of Partnership dated 27/08/2011**



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11. Deed of Sale dated 06/10/2022, registered under No. PNJ-1-556-2023 dated 09/3/2023

DESCRIPTION OF PROPERTY

All that property Known As “CHILEM TOLLOI” and “SIANE TOLBAI” Bearing Survey No.40/1 and 40/2 Of Taleigao Within The Limits Of Taleigao Panchayat Of Tiswadi Taluka Of North Goa District In State Of Goa Admeasuring together 5050.00 Square Meters Neither Found Registered In The Land Registration Office Of IlhasNor Enrolled In The Land Revenue Office But On The Whole Bearing Old Cadastral Survey No.374.

TRACING OF TITLE:

Devolution of ownership in the matter of N M BHASHYAM

Said property along with other properties originally belonged to Olinda Cunha, widow of late Pedro Antonio Jose E da Cunha who expired on 23/05/1979 leaving behind Mr.Ubaldo FranciscoCaetano da Cunha as her only universal heir.

Mr.Ubaldo Francisco Caetano da Cunha married Mrs. AgnesMenezes da Cunha under the regime of communion of assets as applicable in the State of Goa.

Vide Agreement date 10/03/1990, executed before the Notary public Mr.GajananDhumatkar, Alto Betim, Goa, registered under No.440/1990 dated 10/03/1990, Mr.Ubaldo Francisco Caetano da Cunha and his wife Mrs. Agnes Menezes da Cunha agreed to sell



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said property along with other properties, to M/s. Kavita Housing Division represented by its proprietor Mr. N. M. Bhashyam. Mr. Ubaldio Francisco Caetano da Cunha and his wife Mrs. Agnes Menezes da Cunha, executed a General Power of Attorney in favour of Mr. N. M. Bhashyam, executed before the Notary Public Mr. Gajanan Dhumatkar, Alto Betim, Goa, registered under No. 442/1990 dated 10/03/1990, delegating all powers to develop, sell and receive costs and thereby handed over possession of said properties to Mr. N.M. Bhashyam.

However Mr. Ubaldio Francisco Caetano da Cunha and his wife Mrs. Agnes Menezes da Cunha expired issueless 07/1 1/1993 04/01/1997 on and respectively during the subsistence of the Agreement of Sale dated 10/3/1990 leaving unknown legal heirs and therefore the power of Attorney executed delegating all powers to Mr. N. M. Bhashyam became null and void and therefore Mr. N. M. Bhashyam could not proceed with the development work in the said property along with other properties.

Mr. N. M. Bhashyam filed a suit for specific performance of the Agreement dated 10/03/1990 in the court of Civil Judge Senior Division at Panaji, Goa bearing Civil Suit No.5 1/2003/A.

The Civil Judge Senior Division passed Judgment and Decree dated 20/01/2004 in favour of Mr. N. M. Bhashyam and appointed a court Commissioner on behalf of unknown legal heirs of deceased Mr. Ubaldio Francisco Caetano da Cunha and his wife Mrs. Agnes Menezes da Cunha, to execute the Deed of Sale in respect of the said property along with other properties in



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favour of Mr. N. M. Bhashyam and further ordered the Revenue Authority to carry out Mutation entries in favour of Mr. N. M. Bhashyam in respect of the said property along with other properties.

Deed of Sale dated 22/04/2004, registered in the office of the Sub Registrar of Ilhasander registration No.1118, at pages 54 to 78, of Book No 1, Vol, No.1309, dated 28/4/2004 was accordingly executed by the Commissioner appointed by the court, in respect of the said property along with other properties, in favour of Mr. N. M. Bhashyam, the proprietor of M/s Kavita Housing Division.

Vide Deed of Sale dated 24/08/2011, registered in the office of the Sub Registrar of Ilhas, in Book-1, Document Registration No. PNJ-BK 1-02345 CD NO. PNJD10, dated 25/8/2011, said Shri. N. M Bhashyamalong with his wife Smt. Lathika Bhashyam sold said property along with other properties to Ms. Adwalpalkar Constructions represented by its partner Shri Mahesh Adwalpalkar.

Vide Judgment dated 22/09/2011 passed by the Court of the Deputy Collector & SDO, Panaji Goa in TNC /DYCL /APPL /17 /2010 erroneous entry of one Mr. Upendra Gauns was ordered to be deleted.

M/s. Adwalpalkar Constructions, has carried out mutation and the name figures in the Occupant's column of Form 1 and XIV pertaining to survey no.40/2 of Taleigao Village against the mutation entry no. 25743 admeasuring area of 4162 Sq. Mts.



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M/s. Adwalpalkar Constructions have obtained Conversion Sanad dated 26/10/2015 under No. RB/CNV/TIS/AC-I/14/2011 issued by the Dy. Collector of North Goa District for use of land admeasuring 3633 Sq. Mts. surveyed under survey No. 40/2(P) for residential purpose.

The Firm earlier named M/S Modest Builders, since 01/04/2008 has been changed to M/S Adwalpalkar Constructions vide Deed of Partnership dated 01/04/2008, executed before Notary, U. R. Timble, Panaji-Goa, The said Deed of Partnership dated 01/04/2008 was reconstituted again vide **Deed of Reconstitution of Partnership dated 27/08/2011** after the demise of the partner Shri .Ramakant S. Adwalpalkar.

Further Vide Deed of Sale dated 24/08/2011, registered in the office of the Sub Registrar of Ilhas, under registration no. PNJ-1-556-2023, Book -1 Document dated 09/03/2023 said Shri. N. M Bhashyam along with his wife Smt. Lathika Bhashyam sold property admeasuring 500 Sq mts . out of the said property to Ms. Adwalpalkar Constructions represented by its partner Shri Maresh Adwalpalkar.

Based upon the documents produced and the searches conducted I opine that M/s. Adwalpalkar Constructions has a clear and marketable title to the "SAID PROPERTY".



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Conclusion

On the scrutiny of the title documents provided, it is verified that the M/s. Adwalpalkar Constructions has a clear and marketable title to the property bearing survey no.40/1 and 40/2 of village Taleigao, Tiswadi, Goa. together admeasuring 5050.00 Sq. mts.

OPINION:

On the basis of documents produced for my perusal, I give my opinion as under:

About ownership/Title of property

1. Upon verification of all the documents produced before me it appears that the **M/S. ADWALPALKAR CONSTRUCTIONS** have clear and marketable title to all that property known as "Known As "CHILEM TOLLOI" Bearing Survey No.40/1 and 40/2 Of Taleigao Within The Limits Of Taleigao Panchayat Of Tiswadi Taluka Of North Goa District In State Of Goa Admeasuring together 5050.00 Square Meters.


Adv. Suraj S.P. Shitole