



V. K. Harmalkar

ADVOCATE & NOTARY

E-101, First Floor, Saldanha Business Towers, At Court Circle, Altinho, Mapusa - Goa, 403 507.
Ph.: +91 832 2253528 | Cell : +91 9923484499
E-mail : advharmalkarassociates@gmail.com / vickyharmalkar@yahoo.com

Date:15/03/2022

TITLE VERIFICATION REPORT AND LEGAL OPINION

M/S. PATKAR DEVELOPERS, a proprietorship firm, registered under the Goa, Daman and Diu Shops and Establishment Rule 1975, having Registration No. S&E/MAP/II/Y2K/993, having its registered Office at 5/54/A3, Hill Crown Apts, Block G, Altinho, Mapusa, Bardez, Goa, 403507, represented by its Proprietor, MR. RAHUL SAINATH PATKAR, Son of Sainath Patkar, 35 years of age, married, business, Indian National, having Pan Card bearing No. [REDACTED], having Aadhaar Card bearing No. [REDACTED], Contact No.9850555353, resident of Flat No. G, Ground Floor, Hill Crown Apartments, Altinho, Mapusa, Bardez – Goa; have handed over to me the below listed documents and have requested me to give my legal opinion as regards the validity and marketability with respect to the following property.

...2/-

VIKESH K. HARMALKAR
NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

All that Immovable property known as "VOLOUNEACHO SHENO" also known as "VOLVONEM" or "VOLOUNEAEHO SHENO" or "VOLMACHO XENDO" or "XENDO", totally admeasuring 1,700 sq. mts., situated at Tivim, Bardez – Goa, along with a house therein, situated within the limits of Village Panchayat of Tivim, Taluka of Bardez, District of North Goa, State of Goa, which property is found to be described in the land registration office of Bardez under no. 14173 at folio 151 of Book B 36 (new), consisting of 2/8 parts of the property described under 14170 of the said book and enrolled in the Taluka Revenue office of Bardez under Matriz no. 1066 and 1068 of second division and presently surveyed under Survey no. 177 of Sub division No. 3 of Tivim Village and is bounded as under:

On the East: partly by property bearing survey no.177/15 and partly by survey no. 177/16.

On the West: by road.

On the North: by property bearing survey no.177/1.

On the South: by property bearing survey no.177/5.



VIKESH K. HARMALKAR
NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

...3/-

DOCUMENTS SCRUTINIZED

SR. NO.	NATURE OF DOCUMENTS
1.	Inscription certificate bearing No.8621 (along with English translation).
2.	Description Certificate bearing No.14173 (along with English translation).
3.	Deed of Succession and Gift dated 19/02/1949.(along with English translation).
4.	Manual Form I & XIV of property bearing Survey No.177 of Sub division No. 3 of Tivim Village.
5.	Computerized copy of Form I & XIV of property bearing Survey No.177 of Sub division No. 3 of Tivim Village.
6.	Survey Plan of property bearing Survey No.177 of Sub division No. 3 of Tivim Village.
7.	Records and proceeding of Inventory Proceedings bearing No.37/2018/B, filed before the court of Civil Judge Junior Division at Bicholim.
8.	Sanad bearing Ref No.4/94/CNV/AC-III/2020/1075, dated 24/11/2020, of the property bearing survey No.177/3 admeasuring 1500 Sqmtrs for the Purpose of Residential use with 80 F.A.R, from office of the Additional Collector -III, North Goa District, Mapusa – Goa along with Plan.

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VIKESH K. HARMALKAR
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STATE OF GOA - INDIA

9. Order from Office of the Senior Town Planner, Mapusa, Bardez - Goa, dated 17/2/2020, bearing Ref No.TPB/5942/TIVIM/TCP-20/799, for the construction of residential Building block "A", "B" & "C" and compound wall.
10. Construction License dated 22/12/2020 issued by Village Panchayat Tivim, Bardez-Goa.
11. Structural liability certificate, from Rajesh Mhambrey & Associates.
12. Certificate of Conformity with Regulations, from ASHWINIKUMAR PRABHU of STUDIO ARCHE'TYPE.
13. Technical Clearance order from Office of the Senior Town Planner, Mapusa, Bardez - Goa, dated 25/2/2020, bearing Ref No.TPB/5942/TIV/TCP-20/984, for the construction of residential Building block "A", "B" & "C" and compound wall.
14. NOC from Directorate of Health Service, Primary Health Centre, Colvale, Bardez - Goa, dated 05/05/2020, bearing no.PHC Colvale/NOC/2020-21/51.
15. Agreement for Development and Sale, dated 21st October 2019, executed before Notary Advocate V. K. Harmalkar, under Reg No.2826/2019,dated 21/10/2019.
16. Cancellation agreement of dated 2nd July 2021 executed before Notary Advocate V.-K. Harmalkar, under Reg No.2628/2021, dated 02/07/2021.

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VIKESH K. HARMALKAR
NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

17. Agreement for Development and Sale dated 2/07/2021, executed before Notary Advocate V. K. Harmalkar, under Reg No.2629/2021,dated 02/07/2021.
18. Cancellation Agreement, dated 28/02/2022, executed before Notary Advocate V. K. Harmalkar, Under Reg.No.1058/22, dated 28/02/2022
19. Agreement for Development & Sale, dated 28th February 2022, executed before Notary Advocate V. K. Harmalkar, under Reg No.1059/22, dated 28/02/2022.
20. NIL Encumbrance Certificate.

DESCRIPTION OF THE PROPERTY

All that Immovable property known as "VOLOUNEACHO SHENO" also known as "VOLVONEM" or "VOLOUNEAEHO SHENO" or "VOLMACHO XENDO" or "XENDO", totally admeasuring 1,700 sq. mts., situated at Tivim, Bardez – Goa, along with a house therein, situated within the limits of Village Panchayat of Tivim, Taluka of Bardez, District of North Goa, State of Goa, which property is found to be described in the land registration office of Bardez under no. 14173 at folio 151 of Book B 36 (new), consisting of 2/8 parts of the property described under 14170 of the said book and enrolled in the Taluka Revenue office of Bardez under Matriz no. 1066 and 1068 of second division and presently surveyed under Survey no. 177 of Sub division No. 3 of Tivim Village and is bounded as under:

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VIKESH K. HARMALKAR
NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

On the East: partly by property bearing survey no.177/15 and partly by survey no. 177/16.

On the West: by road.

On the North: by property bearing survey no.177/1.

On the South: by property bearing survey no.177/5.

TRACING OF TITLE:

I have verified the listed documents and have come to the following findings:

The said property is found Inscribed in the name of Liberata Ascencao Pereira under No.8621, drawn up partly at folio 33 of Book G-13 of the Land Registration Records of Bicholim and described Under No.14173 at Folio 151 of Book B 36 new of the Land Registration Office of Bicholim, having purchased the same from Jose Laurenco Justino de Mello and his wife Cacilda Fernandes e de Mello, who had inherited the same by way of will executed by his uncle and Aunt Jeronimo Caridade de Mello and Piedade Francisca de Souza, and same came to be

The said Liberata Ascencao Pereira was married to Mr. Francisco Mascarenhas alias Joao Xavier alias Fracisco alias Joao Xavier Mascarenhas.

...7/-

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STATE OF GOA - INDIA

The said Late Mr. Francisco Mascarenhas alias Joao Xavier alias Fracisco alias Joao Xavier Mascarenhas gifted in favour of his widow Smt. Liberata Ascencao Pereira, the said property vide deed dated 31/08/1935 drawn up by the Notary Public Silva Coelho of Bicholim at folio 55 of Book no.101.

The said Late Mr. Francisco Mascarenhas alias Joao Xavier alias Fracisco alias Joao Xavier Mascarenhas expired on 03/09/1935 at Tivim, without descendants nor ascendants, leaving behind as his widow and moiety holder Smt. Liberata Ascencao Pereira.

That being the moiety holder and the donee by virtue of the said deed dated 31/08/1935, the said Smt. Liberata Ascencao Pereira became lawful owner in possession of the said property.

The said Smt. Liberata Ascencao Pereira vide deed of Succession and Gift dated 19/02/1949, gifted the said property by reservation of the lifetime usufruct for herself, to her niece Miss. Luzia Ernestina de Souza alias Luiza Ernestina de Souza.

The said Smt. Liberata Ascencao Pereira expired at Tivim on 12/09/1951, and after her death Miss. Luzia Ernestina de Souza alias Luiza Ernestina de Souza, became the sole owner of the said property.

The said Miss. Luzia Ernestina de Souza alias Luiza Ernestina de Souza was married to Mr. Alfredo Luis Gonzaga Martiniano Souza.

...8/-



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NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

The said Mr. Alfredo Luis Gonzaga Martiniano Souza and Mrs. Luzia Ernestina de Souza alias Luiza Ernestina de Souza expired on 13/08/1990 and 29/05/2016 respectively.

The said Mr. Alfredo Luis Gonzaga Martiniano Souza and Mrs. Luzia Ernestina de Souza alias Luiza Ernestina de Souza expired leaving behind the following heirs:

1. Mrs. Bernadeta Maria Liberata De Souza married to Mr. Hillary D'Souza.
2. Mr. Antonio Jose Frncisco de Souza married to Mrs. Justina Angela de Souza.
3. Mr. Joseph Santan D'Souza married to Mrs. Alcina De Souza.
4. Mrs. Ethel Judith De Souza E Barreto married to Mr. Felizardo Joaquim Barreto.

That upon the death of Mrs. Lusia Ernestina De Souza @ Luisa Ernestina Souza @ Luiza Ernestina D'souza @ Luiza Ernestina De Souza and Mr. Alfredo Luis Gonzaga Martiniano Souza @ Alfred Luis Gonzaga Martinho D'souza @ Alfredo De Souza, MRS. BERNADETA MARIA LIBERATA DE SOUZA alias BERNADETTE DE SOUZA alias BERNADETTE M. DE SOUZA, initiated a Inventory Proceedings in the Court of Civil Judge Senior Division at Bicholim – Goa, under Inventory Proceedings No. 37/2018/B and the said property was listed at item no. 1 in the list of Assets in the said Inventory proceedings.

VIKESH K. HARMALKAR
NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

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That in terms of Final chart of allotment and order dated, 30th April 2018, passed in the Inventory Proceedings No. 37/2018/B. The said property came to be allotted to MRS. BERNADETA MARIA LIBERATA DE SOUZA alias BERNADETTE DE SOUZA alias BERNADETTE M. DE SOUZA).

That in view of above MRS. BERNADETA MARIA LIBERATA DE SOUZA alias BERNADETTE DE SOUZA alias BERNADETTE M. DE SOUZA married to MR. HILLARY D'SOUZA alias HILARIO ALEIXO VALENTINO DE SOUZA alias HILARY A. V. DE SOUZA alias HILARY ALEX VALENTINE DESOUZ became lawful owners in exclusive possession of the said property.

That the said MRS. BERNADETA MARIA LIBERATA DE SOUZA alias BERNADETTE DE SOUZA alias BERNADETTE M. DE SOUZA and her husband MR. HILLARY D'SOUZA alias HILARIO ALEIXO VALENTINO DE SOUZA alias HILARY A. V. DE SOUZA alias HILARY ALEX VALENTINE DESOUZ, entered into an Agreement for Development and sale, dated 21st October 2019, executed before Notary Advocate V. K. Harmalkar, under Reg No.2826/2019, dated 21/10/2019 with MR. KAVINASH KRISHNA HARMALKAR.

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NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

The said MR. KAVINASH KRISHNA HARMALKAR agreed to develop and sell the said property and in lieu of the same have agreed to pay the owners in kind, i.e. by way of constructing and allotting to the owners the premises found mentioned in the said agreement.

That upon entering into the Agreement for Development and sale dated 21st October 2019 the said MR. KAVINASH KRISHNA HARMALKAR has got necessary approvals/permissions mentioned herein below for construction of Project in the said Property from:

1. Structural liability certificate, from Rajesh Mhambrey & Associates.
2. Certificate of Conformity with Regulations, from ASHWINIKUMAR PRABHU of STUDIO ARCHE'TYPE.
3. Order from Office of the Senior Town Planner, Mapusa, Bardez – Goa, dated 17/2/2020, bearing Ref No.TPB/5942/TIVIM/TCP-20/799, for the construction of residential block "A", "B" & "C" and compound wall.
4. NOC from the Primary Health Centre, Colvale, Bardez - Goa, dated 05/05/2020, bearing no.PHC Colvale/NOC/2020-21/51.

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VIKESH K. HARMALKAR
 NOTARY AT MAPUSA BARDEZ GOA
 STATE OF GOA - INDIA

5. Sanad bearing Ref No.4/94/CNV/AC-III/2020/1075, dated 24/11/2020, from office of the Additional Collector –III, North Goa District, Mapusa – Goa.
6. Construction license bearing Ref No.VP/TIV/BAR/F.24/2020-21/2182, dated 22/12/2020 from Village Panchayat of Tivim, Bardez – Goa, for the construction of residential block “A”, “B” & “C” and compound wall.

That pending the said agreement M/S. R SQUARE approached MRS. BERNADETA MARIA LIBERATA DE SOUZA alias BERNADETTE DE SOUZA alias BERNADETTE M. DE SOUZA her husband MR. HILLARY D’SOUZA alias HILARIO ALEIXO VALENTINO DE SOUZA alias HILARY A. V. DE SOUZA alias HILARY ALEX VALENTINE DESOUZ and MR. KAVINASH KRISHNA HARMALKAR and proposed to develop the Said property.

That the proposal of M/S R SQUARE came to be accepted by both the parties above and accordingly the parties hereinabove entered into a cancellation agreement of dated 2nd July 2021 executed before Notary Advocate V. K. Harmalkar, under Reg No.2828/2021 and also a fresh agreement for development and sale dated 2nd July 2021, executed before Notary Advocate V. K. Harmalkar, under Reg No.2629/2021, dated 02/07/2021.

...12/-


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NOTARY AT MAPUSA BARDEZ GOA
STATE OF GOA - INDIA

That the said M/S. R SQUARE after entering into the Agreement for Development and Sale, dated 2/7/2021 could not go ahead with the development due to some unforeseen circumstances and accordingly parties agreed to cancelled the said agreement dated 2nd July 2021, registered before Notary Advocate V. K. Harmalkar, under Reg. No.2629/21 by entering into a Cancellation Agreement, dated 28/02/2022 duly executed before Notary Advocate V. K. Harmalkar, Under Reg.No.1058/22.

Thereafter M/S. PATKAR DEVELOPERS approached the MRS. BERNADETA MARIA LIBERATA DE SOUZA alias BERNADETTE DE SOUZA alias BERNADETTE M. DE SOUZA her husband MR. HILLARY D'SOUZA alias HILARIO ALEIXO VALENTINO DE SOUZA alias HILARY A. V. DE SOUZA alias HILARY ALEX VALENTINE DESOUZ and MR. KAVINASH KRISHNA HARMALKAR and showed his willingness to develop the SAID PROPERTY and accordingly entered into an Agreement for Development & Sale, dated 28th February 2022, executed before Notary Advocate V. K. Harmalkar, under Reg No.1059/22, dated 28/02/2022.



...13/-

VIKESH K. HARMALKAR
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That in view of the above Agreement for Development & Sale, dated 28th February 2022, M/S. PATKAR DEVELOPERS are entitled to develop the said property as per the terms and condition found mentioned in the said agreement.

I have also gone through the Nil Encumbrance certificate issued by Sub Registrar of Mapusa, and I found that the said property is unencumbered and upon making search as on today in the Sub Registrar of Bardez, I did not find any encumbrances over the said property registered in the said office and therefore the above property is free from all encumbrances and charges.

Accordingly, the link in chain of transactions for last over 30 years has been properly established till this date.

All the relevant documents of title which have been mentioned hereinabove in connection with the said property which are placed before me are originals and certified copies.

I have verified and tallied these documents from the records of the respective authorities and I am satisfied that the said property is transferable and the transferors have right to transfer the said property.

...14/-

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I hereby certify that all the documents which have been mentioned above and other relevant documents are duly stamped wherever the stamp duty is payable in the said documents and the same are in accordance with the Indian Stamp Act 1899 as amended up to date.

I have also verified that the said property is not attached by court of law as per the inspections carried out by me in the respective offices.

No tenancy laws and no minor's interest are involved in the said property which exclusively belongs to Mrs. Bernadeta Maria Liberata De Souza alias Bernadette De Souza alias Bernadette M. De Souza her husband Mr. Hillary D'souza alias Hilario Aleixo Valentino De Souza alias Hilary A. V. De Souza alias Hilary Alex Valentine Desouz and their title is clean, clear and marketable and view of the Agreement for Development & Sale, dated 28th February 2022, "M/S. PATKAR DEVELOPERS" have a right to develop the said property and sell the apartments/shops allotted to them in the said agreement in confirmation with the owners hereinabove.



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VIKESH K. HARMALKAR
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STATE OF GOA - INDIA

CERTIFICATE

I, therefore certify on the basis of the above documents that the title of 1) Mrs. Bernadeta Maria Liberata De Souza alias Bernadette De Souza alias Bernadette M. De Souza and 2) Mr. Hillary D'souza alias Hilario Aleixo Valentino De Souza alias Hilary A. V. De Souza alias Hilary Alex Valentine Desouza, is clean, clear and marketable over the said property described above and in view of the Agreement for Development and sale dated 28th February 2022, "M/S. PATKAR DEVELOPERS" have a right to develop the said property and sell the apartments/shops allotted to them in the said agreement in confirmation with the owners hereinabove.

This certificate is made in favour of M/S. PATKAR DEVELOPERS based on the documents placed and produced before me which are originals and the same are compared in Sub - Registrar and found the same are genuine.

(ADV. V. K. HARMALKAR)

ADVOCATE

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