

**MR. UDAY N. GAONKAR**  
**(B.Com, L.L.B.)**

**ADVOCATE**

Off :  
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**DOCUMENT SCRUTINY REPORT**

This Report is given at the request of M/s K K INFRA PROJECT, office at Navi Mumbai upon scrutiny of documents that have been placed before me.

**1. THE PROPERTIES:**

I) All the immovable "AFROMENTO" or "CONDICHEM GALLUM" or "KEREM" situated at ward Querem, Tivim, which is within the limits of Village Panchayat of Tivim, Sub - District of Bardez, District of North Goa, State of Goa, and is presently surveyed under **survey no. 280 sub-division no. 2**, totally **admeasures 3700 sq. mts.**, and is presently bounded as under:

On the North: by property under survey no. 280/2-A

On the South: by property under survey no. 280/1 & 280/7

On the East: by property under survey no. 280/1

On the West: by property under survey no. 280/6

II) All the immovable "AFROMENTO" or "CONDICHEM GALLUM" or "KEREM" situated at ward Querem, Tivim, which is within the limits of Village Panchayat of Tivim, Sub - District of Bardez, District of North Goa, State of Goa, and is presently surveyed under survey no. 280 sub-division no. 2-A, totally admeasures 3900 sq. mts., and is presently bounded as under:

On the North: by property under survey no. 280/1

On the South: by property under survey no. 280/2

On the East: by property under survey no. 280/1

On the West: by property under survey no. 280/6

These both properties shall hereinafter referred to as said properties.

## 2. DOCUMENTS SCRUTINIZED:

- (A) Survey records(old) of the property bearing survey No. 280/2 of Village Tivim of Bardez.
- (B) Survey records(old) of the property bearing survey No. 280/4 of Village Tivim of Bardez.
- (C) Survey records(old) of the property bearing survey No. 280/5 of Village Tivim of Bardez.
- (D) Survey Plan of the said properties(old).
- (E) Deed of Partition dated 09/11/1977 duly executed before the Sub Registrar at Bicholim, bearing Register No. 344/77 of Book No.1 Vol No. 48, at pages 174 to 181 dated 26/11/1977.
- (F) Deed of Ratification dated 14/05/1981, executed before the Sub Registrar at Bicholim, bearing Registration No. 253 of Book No.1 Vol No. 67, at pages 213 to 214 dated 28/07/1981.

- (G) Inventory Proceedings bearing No. 89/93/A finalized by the Civil Judge Senior Division at Mapusa by virtue of order dated 19/11/1993.
- (H) Inventory Proceedings bearing No. 70/2003/A finalized by the Civil Judge Senior Division at Bicholim by virtue of order dated 11/10/2004.
- (I) Inventory Proceedings bearing No. 17/1994/A finalized by the Civil Judge Senior Division at Mapusa by virtue of order dated 16/09/1994.
- (J) Deed of Conveyance dated 19/11/2015, registered under No. BRZ-BK1-09181-2015 Book-1 Document CD Number BRZD775 on 11/12/2015, in the office of Sub-Registrar Bardez at Mapusa.
- (K) Deed of Sale dated 25/01/2021, registered under No. BRZ-1-434-2021 on 01/02/2021, in the office of Sub-Registrar Bardez at Mapusa.
- (L) Deed of Sale dated 25/01/2021, registered under No. BRZ-1-426-2021 on 01/02/2021, in the office of Sub-Registrar Bardez at Mapusa.
- (M) Deed of Sale dated 25/01/2021, registered under No. BRZ-1-425-2021 on 01/02/2021, in the office of Sub-Registrar Bardez at Mapusa.
- (N) Amalgamation in terms of the order dated 06/07/2021 order of Inspector of Survey & Land Records, City Survey at Mapusa in case no. 9/ISLR/MAP/AMAL/04/2021
- (O) Judgment, order and decree dated 06/07/2022 passed in civil suit for partition bearing Special Civil Suit No. 68/2021/B/C.
- (P) Survey records upon partition of the property bearing survey No. 280/2 and 280/2-A of Village Tivim of Bardez(present day records).
- (Q) Deed of Sale dated 07/11/2022, registered under No. BRZ-1-4950-2022 on 09/11/2022, in the office of Sub-Registrar Bardez at Mapusa.

### 3. FLOW OF TITLE:

(i) It has been represented that originally the said properties were three separately surveyed properties which were surveyed as follows:

(a) All that immovable property known as "AFROMENTO" or "CONDICHEM GALLUM" or "KEREM" situated at ward Querem, which is within the limits of Village Panchayat of Tivim, Sub - District of Bardez, District of North Goa, State of Goa, and is presently surveyed under survey no. 280 sub-division no. 2, totally admeasures 3800 sq. mts. and presently bounded as under:

On the North: by road and property under survey no. 280/1.

On the South: by property under survey no. 280/1 & 280/7.

On the East: by property under survey no. 280/1

On the West: by property under survey no. 280/6 & 280/4.

(b) All that immovable property known as "AFROMENTO" or "CONDICHEM GALLUM" or "KEREM" situated at ward Querem, which is within the limits of Village Panchayat of Tivim, Sub - District of Bardez, District of North Goa, State of Goa, and is presently surveyed under survey no. 280 sub-division no. 4, totally admeasures 1000 sq. mts. and is presently bounded as under:

On the North: by property under survey no. 280/2.

On the South: by property under survey no. 280/2.

On the East: by property under survey no. 280/2.

On the West: by property under survey no. 280/6.

(c) All that immovable property known as property known as "AFROMENTO" or "CONDICHEM GALLUM" or "KEREM" situated at ward Querem, which is within the limits of Village Panchayat of Tivim, Sub - District of Bardez, District of North Goa, State of Goa, and is presently surveyed under survey no. 280 sub-division no. 5, totally admeasures 2800 sq. mts. and is presently bounded as under:

On the North: by property under survey no. 280/2.

On the South: by property under survey no. 280/2.

On the East: by property under survey no. 280/1.

On the West: by property under survey no. 280/2.

All the above properties collectively referred to as original said properties.

(ii) It has been represented that originally the original said properties belonged to late Lucas Antonio Estrocio and his wife Cassiana Estrocio who expired leaving behind their two sons namely Edmundo Jose Lourenco Xavier Estrocio and Olimpio Jose Micael Edward Extrocio.

(iii) It has been represented that in terms of above referred Deed of Partition dated 09/11/1977 duly executed before the Sub Registrar at Bicholim, bearing Register No. 344/77 of Book No.1 Vol No. 48, at pages 174 to 181 dated 26/11/1977 and a Deed of Ratification dated 14/05/1981, executed before the Sub Registrar at Bicholim, bearing Registration No. 253 of Book No.1 Vol No. 67, at pages 213 to 214 dated 28/07/1981, the original SAID PROPERTIES collectively were described under Item No. 4 in the list of Assets and were allotted jointly to the said Edmundo Jose Louenco Xavier Estrocio and Olimpio Jose Micael Edward Extrocio. However though it is stated that said late

Lucas Antonio Estrocio and his wife Cassiana Estrocio has left behind two sons namely Edmundo Jose Lourenco Xavier Estrocio and Olimpio Jose Micael Edward Extrocio but there is no deed of succession or Heirship certificate been produced. However since there has been no claim made by any other person/persons till this day, it can be presumed that said Lucas Antonio Estrocio and his wife Cassiana Estrocio has left two sons and no other heirs.

- (iv) The that upon the death of the parents of the said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Laucas Extross namely the said Olimpio Jose Micael Edward Extrocio and Irene Extross, the said half undivided right to the original SAID PROPERTIES, was jointly allotted to the Jose Lucas Zito Estricio Alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Laucas Extross and his wife Phila Crecy Celine Estross alias Phila Celine Crecy Estrocio alias Phila Celine Crecy Extross, vide order passed by the Hon'ble Civil Judge Senior Division of Bardez at Mapusa, in afore referred said Inventory Proceedings bearing No. 89/93/A in terms of order dated 19/11/1993.
- (v) That the wife of the said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Laucas Extross, namely the said Phila Crecy Celine Estross alias Phila Celine Crecy Estrocio alias Phila Celine Crecy Extross expired and upon her death an inventory proceeding was initiated in the Court of the Civil Judge Senior Division at Bicholim, bearing Inventory Proceeding No. 70/2003/A, wherein the said half undivided right to the original SAID PROPERTIES, was described in the said inventory proceeding under item no. 6, 7 and 8 respectively in the list of assets

and was allotted to the said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Loucas Extross, vide order dated 11/10/2004 passed by the Hon'ble Civil Judge Senior Division at Bicholim.

- (vi) It has been represented that the other half undivided right to the original SAID PROPERTIES of the said Edmundo Jose Lourenco Xavier Estrocio and his wife Phillipine Estros alias Phillipine Extross on their demise the one Mr. Ratti Joseph Extross being the son of the said Edmundo Jose Lourenco Xavier Estrocio alias Edmund Jose Extross and Phillipine Estros alias Phillipine Extross, initiated inventory proceedings no. 17/94/A and that in the said inventory proceedings the said other half undivided right to the original SAID PROPERTIES were enlisted as item no. 3, 4 & 5 respectively and accordingly the said other half undivided right to the original SAID PROPERTIES were taken in auction vide minutes of auction dated 08/08/1994 by the said Mr. Ratti Joseph Extross which was finalized in terms of order dated 16/09/1994.
- (vii) In terms of the afore referred said inventory proceedings no. 89/93/A and consequential another inventory proceedings no. 70/2003/A the said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Loucas Extross had acquired right to one half undivided right to the original SAID PROPERTIES and the other half undivided right to the original SAID PROPERTIES in accordance to the allotment in above inventory proceedings no. 17/94/A was acquired by the said Mr. Ratti Joseph Extross.
- (viii) It has been represented that one Mrs. Olivia Natalia Extross alias Olive Extross has executed a deed of sale with said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias

and was allotted to the said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Laucas Extross, vide order dated 11/10/2004 passed by the Hon'ble Civil Judge Senior Division at Bicholim.

- (vi) It has been represented that the other half undivided right to the original SAID PROPERTIES of the said Edmundo Jose Lourenco Xavier Estrocio and his wife Philipine Estros alias Phillipine Extross on their demise the one Mr. Ratti Joseph Extross being the son of the said Edmundo Jose Lourenco Xavier Estrocio alias Edmund Jose Extross and Philipine Estros alias Phillipine Extross, initiated inventory proceedings no. 17/94/A and that in the said inventory proceedings the said other half undivided right to the original SAID PROPERTIES were enlisted as item no. 3, 4 & 5 respectively and accordingly the said other half undivided right to the original SAID PROPERTIES were taken in auction vide minutes of auction dated 08/08/1994 by the said Mr. Ratti Joseph Extross which was finalized in terms of order dated 16/09/1994.
- (vii) In terms of the afore referred said inventory proceedings no. 89/93/A and consequential another inventory proceedings no. 70/2003/A the said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias Zitto Loucas Extross alias Zitto Lucas Extoss alias Zitto Laucas Extross had acquired right to one half undivided right to the original SAID PROPERTIES and the other half undivided right to the original SAID PROPERTIES in accordance to the allotment in above inventory proceedings no. 17/94/A was acquired by the said Mr. Ratti Joseph Extross.
- (viii) It has been represented that one Mrs. Olivia Natalia Extross alias Olive Extross has executed a deed of sale with said Jose Lucas Zito Estricio alias Zitto Lucas Estross alias



Zitto Loucas Extross alias Zitto Lucas Extross alias Zitto Laucas Extross thereby acquiring the half undivided right to the original SAID PROPERTIES in terms of the above referred Deed of Conveyance dated 19/11/2015, registered under No. BRZ-BK1-09181-2015 Book-1 Document CD Number BRZD775 on 11/12/2015, in the office of Sub-Registrar Bardez at Mapusa vis-à-vis the half undivided right to the original SAID PROPERTIES.

- (ix) That consequent to the said Deed dated 19/11/2015 and the said Mr. Ratti Joseph Extross is married to said Mrs. Olivia Natalia Extross alias Olive Extross under the regime of the Communion of Assets and therefore they became the joint and exclusive owners of the original SAID PROPERTIES.
- (x) It has been represented that the Form I and XIV dated 02/04/2018 issued by the Mamlatdar of Bardez at Mapusa pertaining to the said properties does not disclose any adverse entry against the possession and enjoyment by said Mr. Ratti Joseph Extross and Mrs. Olivia Natalia Extross alias Olive Extross and said forms discloses the said Mr. Ratti Joseph Extross and Mrs. Olivia Natalia Extross alias Olive Extross as occupants thereof.
- (xi) It has been represented that by three different deeds viz. (1) Deed of Sale dated 25/01/2021, registered under No. BRZ-1-434-2021 on 01/02/2021, in the office of Sub-Registrar Bardez at Mapusa, (2) Deed of Sale dated 25/01/2021, registered under No. BRZ-1-426-2021 on 01/02/2021, in the office of Sub-Registrar Bardez at Mapusa, and (3) Deed of Sale dated 25/01/2021, registered under No. BRZ-1-425-2021 on 01/02/2021, in the office of Sub-Registrar Bardez at Mapusa, the original SAID PROPERTIES was purchased from said Mr. Ratti Joseph Extross and Mrs. Olivia

Natalia Extross alias Olive Extross jointly by the M/s K K INFRA PROJECT, a duly registered Partnership Firm, holder of PAN Card No. AAQFK5944H, having its registered office at Office No. 1106 and 1107, Mahavir Icon, Plot No. 89 & 90, Sector 15, CBD Belapur, Navi Mumbai, 400614 and one MRS. MANDA RAMESH DEOLEKAR. Upon acquisition of all the ownership right to the original SAID PROPERTIES and the said M/s K K INFRA PROJECT and MRS. MANDA RAMESH DEOLEKAR got the survey records mutated in their name and subsequently had got the original SAID PROPERTIES amalgamated in terms of the order dated 06/07/2021 order of Inspector of Survey & Land Records, City Survey at Mapusa in case no. 9/ISLR/MAP/AMAL/04/2021, was allotted separate survey no. 280/2 which totally admeasures 7600 sq. mts.(hereinafter referred to as SAID WHOLE PROPERTY)

(xii) It has been represented that subsequent to afore referred amalgamation of the original SAID PROPERTIES and allotment of single separate survey number as survey no. 280/2 of village Tivim, the said M/s K K INFRA PROJECT with an intention to partition the SAID WHOLE PROPERTY filed a civil suit for partition bearing Special Civil Suit No. 68/2021/B/C and the said suit came to be decreed vide judgment, order and decree dated 06/07/2022 passed by Civil Judge Senior Division at Mapusa, wherein the plan and area adjustment statement prepared by the office of Inspector of Survey and Land Records, City Survey, Mapusa was accepted. That in terms of the said area adjustment statement prepared the SAID WHOLE PROPERTY was divided into two portion/plots of an area of 3900 sq. mts. and 3700 sq. mts. and after partition of larger portion/plot was allotted with survey no. 280/2-A which admeasures area of 3900 sq. mts. in the said civil suit and hence the remainder area of 3700 sq. mts. remained to be

surveyed under survey no. 280/2 which belonged to the said MRS. MANDA RAMESH DEOLEKAR.

(xiii) It has been represented that pursuant to the afore referred partition order the said MRS. MANDA RAMESH DEOLEKAR and M/s K K INFRA PROJECT got the survey records mutated in their respective name and as such the said MRS. MANDA RAMESH DEOLEKAR name found recorded in the Form I & XIV for the property bearing survey no. 280/2 upon partition in terms of the said decree in the said civil suit admeasures an area of 3700 sq. mts. and name of M/s K K INFRA PROJECT found recorded in the Form I & XIV for the property bearing survey no. 280/2-A admeasures an area of 3900 sq. mts. herein THE PROPERTIES which are subject matter of the present.

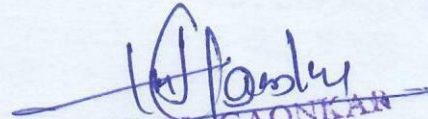
(xiv) It has been represented that in pursuant to the afore referred partition, the partnership firm M/s K K INFRA PROJECT by a Deed of Sale dated 07/11/2022, purchased property bearing survey no. 280/2 which admeasures an area of 3700 sq. mts. from said MRS. MANDA RAMESH DEOLEKAR and also followed with mutating its name on form I and XIV of the property and since then is lawful owner in possession of the property presently surveyed under survey no. 280/2 and 280/2-A without any interference or whatsoever nature from anyone.

4. **LEGAL OPINION:** I have scrutinized the documents listed herein above and find the same to be a correct representation of the flow of title from the erstwhile owners to M/s K K INFRA PROJECT, a duly registered Partnership Firm, holder of PAN Card No.

AAQFK5944H, having its registered office at Office No. 1106 and 1107, Mahavir Icon, Plot No. 89 & 90, Sector 15, CBD Belapur, Navi Mumbai, 400614. I am therefore of the opinion that the said partnership firm M/s K K INFRA PROJECT has a marketable title to the said property presently under survey no. 280/2 and 280/2-A of village Tivim, Bardez - Goa.

Mapusa

22/02/2023

  
U. N. GAONKAR  
ADVOCATE  
Mapusa - Goa  
(Adv. Uday Gaonkar)