



KABIR BUGDE

LLM
ADVOCATE

Off: 106/1, Mainath Bhatti, Arpora, Bardez, Goa.

Mob: +91 7020279158

Email:kabirbugde@gmail.com



To
SUN ESTSTES DEVELOPER LLP
Having registered office at H. No. 1767
Next to Hilton Goa Resort, Saipem
Candolim -Bardez –Goa.

I have perused the photocopies of the following documents:

- a) Survey Records Form I & XIV bearing Survey No.216/1 of Village Pilerne , Bardez Goa.
- b) Description Certificate (bearing No. 17552 at folio 150 of Book B-46 (New).
- c) Inscription Certificate (bearing No. 11510 at folio 77 of Book G-21).
- d) Deed of sale dated 17/10/1936.
- e) Inventory Proceedings bearing 81/1994 initiated before the Court of the Civil Judge Senior Division at Mapusa-Goa.

- f) Order dated 02 /12 /19 9 6 passed in the Inventory Proceedings bearing No .81/ 1994 by the Court of the Civil Judge Senior Division at Mapusa-Goa.
- g) Deed of Sale dated 23/ 05/ 2005, registered before Sub Registrar of Bardez, Mapusa- Goa under Registration No. 2465 at pages 149 to 177 of Book No. I, Volume No. 1313 dated 16/06/2005.
- h) Deed of Sale dated 03 / 01 / 2023, registered before Sub Registrar of Bardez, Mapusa— Goa under Registration No. BRZ -1- 26-2023 dated 03/ 01/ 2023.
- i) Agreement dated 03/ 01/ 2023, registered before Sub Registrar of Bardez, Mapusa- Goa under Registration No. BRZ -1 -29 -2023 dated 03/ 01/23.
- j) Agreement for Joint Venture Development dated 12/06/2023 between SUNFLOWER TRADEMART PRIVATE LIMITED and SUN ESTATES DEVELOPER LLP executed before the office of Sub registrar Mapusa, Bardez Goa.

- k) SANAD issued by the department of Additional collector II district North Goa bearing no. RB/CNV/TIS/133/2009/242016 dated 12/07/2010.
- l) SANAD issued by the department of Additional collector II district North Goa bearing no. 4/363/CNV/AC-III/2022 dated 13/04/22
- m) Technical clearance issued by the office of the Senior Town Planner Bardez Goa Bearing no. TPB/7114/PIL/TCP-2022/582 dated 03.02.2022.
- n) Zoning Information dated 12/11/2021
- o) Survey Plan.

DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

ALL THAT Property known as “**COUBATTA**” or “**CULLACHEM BATTA**”, situated at Village Pilerne, within the limits of Village Panchayat of Pilerne. Taluka and Registration Sub District of Bardez, District North Goa in the State of Goa surveyed under survey 216/1,

admeasuring approximately 24,775 sq. mtrs. ,the property is described in the Land Registration office of Ilhas under No. 17552 at folio 150 of Book B -46 (New) and found enrolled in the Taluka Revenue Office under No .2034, better identified in the plan annexed as Annexure I, in red boundary line and bounded as under:

EAST: By property bearing survey No .212 belonging to the Comunidade of Pilerne.

WEST: By road

NORTH: Partly by drain and partly by the Property bearing survey No. 212 belonging to the Comunidade of Pilerne.

SOUTH: By property bearing survey No. 217/1 of the village of Pilerne.

The property shall here in after referred to as **THE LARGER PROPERTY.**

SCHEDULE-II

ALL THAT distinct portion of the Land of the property bearing survey No. 216 / 1 forming part and parcel of the LARGER PROPERTY described in SCHEDULE I, admeasuring 9987 sq. mtrs, of village Pilerne and is bounded as under:

NORTH By drain and road.

SOUTH: By Sy No. 217 /1 .

EAST: By remaining part of the same property bearing Sy No . 216 /1 .

WEST: By road.

The said property shall hereinafter referred to as the SAID PROPERTY.

SCHEDULE-III“A”

(Plot No. 8)

ALL THAT distinct portion of the land of the property bearing survey No . 216 /1 forming part and parcel of the PROPERTY described in SCHEDULE II, admeasuring 420.00 sq.mtrs . and is bounded as under :

NORTH : By Plot No.7 of the property bearing survey No . 216 / 1 of village Pilerne.

SOUTH :By Plot No.9 of the property bearing survey No.216 / 1 of village Pilerne.

EAST: By property bearing survey No. 216 /1 of village Pilerne.

WEST: By road.

SCHEDULE-III “B”

(Plot No. 9)

ALL THAT distinct portion of the land of the property bearing survey No.216 /1 forming part and parcel of the PROPERTY described in SCHEDULE II, admeasuring 428.00 sq. mtrs. and is bounded as under:

NORTH :By Plot No. 8 of the property bearing survey No. 216 / 1 of village Pilerne .

SOUTH : By Road .

EAST: By property bearing survey No. 216 / 1 of village Pilerne.

WEST: By road .

TRACING OF PARTIES TITLE:

1. The LARGER PROPERTY known as “COUBATTA” or “CULLACHEM BATTA” is describe under No.17552 at folio 150 of Book B- 46 (New) and inscribed on 11th March 1938, the LARGER PROPERTY was inscribed under No .11510 at folio 77 of Book G -21 in favour of Eugenio de Souza . The said Inscription Certificate reveals that the said LARGER PROPERTY was purchased by the said Eugenio de Souza from Felicio Victor Pinho and his wife , Isabela Pinho vide Deed of Sale dated 17/ 10/ 1936.

2. Inventory Proceedings bearing No. 81 /1994 initiated before the Court of the Civil Judge Senior Division at Mapusa- Goa reveals as under:

(A) That the said Eugenio De Souza, expired on 22 /11 /1946 and his wife, Ritinha Joaquina Francisca Viegas e Souza, expired on 15/12 /1993 leaving behind the following legal heirs:

- Francisco Xavier Maria Olimpia de Souza married to Silas de Souza alias Sheila D'Souza.
- Antonia Carmina Adriana D 'Souza married to Francis Xavier Victor D'souza .
- Libia Maria D 'Souza (unmarried)
- Sr. Janet D 'Souza alias Olga D 'Souza (unmarried)

(B) That the said Francisco Xavier Maria Olimpia de Souza passed away on 13 / 10 / 1973 leaving behind his Widow and moiety holder, the said Silas de Souza alias Sheila D 'Souza and only son, Mr. Eugene Joseph Andrew Avelino D 'Souza alias Eugene D 'Souza as his sole and universal legal heirs.

3. Upon the death of the said Eugenio De Souza and his wife, Ritinha Joaquina Francisca Viegas e Souza and Francisco Xavier Maria Olimpia de Souza, Inventory Proceedings bearing No. 81 / 1994 were initiated before the Court of the Civil Judge Senior Division at Mapusa- Goa by the said Silas de Souza alias Sheila D 'Souza and the LARGER PROPERTY was listed at item No . 3 in the list of assets.

4. Vide order dated 02 /12 /1996 passed in the Inventory Proceedings bearing No. 81 / 1994 by the Court of the Civil Judge Senior Division at Mapusa- G o a, the chart of allotment dated 24 / 11 / 19 9 4 was confirmed wherein the LARGER PROPERTY was allotted in favour of the said Silas de Souza alias Sheila D 'Souza, Antonia Carmina Adriana D 'Souza married to Francis Xavier Victor D 'Souza, Libia Maria D 'Souza and Sr. Janet D 'Souza alias Olga D 'Souza.

5. Vide Deed of Sale dated 23/05/2005, registered before Sub Registrar of Bardez, Mapusa- Goa under Registration No. 2465 at pages 149 to 177 of Book No . I, Volume N o . 13 dated 16 / 06 / 20 0 5, the said Mrs. Silas de Souza alias Sheila D'Souza along with her son, Mr. Eugene Joseph Andrew Avelino D 'Souza alias Eugene D 'Souza and his wife Mrs . Doris Anne D 'Souza; Mrs. Antonia Carmina Adriana D'Souza and her husband Mr. Francis Xavier Victor D 'Souza, Miss Libia Maria D 'Souza and Sr. Janet D 'Souza alias Olga D 'Souza sold the **LARGER PROPERTY** in favour of Mr. Jose Inacio Guido De Loyola Furtado.
6. Vide Deed of Sale dated 03 / 01 /2023, registered before Sub Registrar of Bardez, Mapusa- Goa under Registration No. BRZ- 1- 26 - 2023 dated 03/01/2023, the said Mr. Jose Inacio Guido De Loyola Furtado and his wife, and his wife , Mrs . Marta Cota E Loyola Furtado alias Marta De Loyola Furtado sold plot Admeasuring 9987 sq. mts. named as Plot "A" forming part of the **LARGER PROPERTY**, which plot is herein after referred to as the 'SAID PLOT' and more

particularly described in SCHEDULE-II herein above, in favour of **SUNFLOWER TRADEMART PRIVATE LIMITED.**

7. In the said Deed of Sale dated 03/ 01/ 2023, registered before Sub-Registrar of Bardez, Mapusa— Goa under Registration o. BRZ - 1 -2 6 - 2023 dated 03 / 01 /2023 it was agreed as under:

(A) That the said **SUNFLOWER TRADEMART PRIVATE LIMITED** purchased the SAID PLOT from the said Mr. Jose Inacio Guido De Loyola Furtado and his wife, and his wife , Mrs. Marta Cota E Loyola Furtado alias Marta De Loyola Furtado for a consideration of Rs.6,55,00,000/-out of which the said **SUNFLOWER TRADEMART PRIVATE LIMITED** paid to the said Mr. Jose Inacio Guido De Loyola Furtado and his wife , and his wife, Mrs . Marta Cota E Loyola Furtado alias Mart a De Loyola Furtado a sum of Rs. 2,40,00,000/- and retained the balance consideration of a sum of Rs . 4,15,00,000/-, out of which as a part of package deal for sale of the SAID PLOT the said

SUNFLOWER TRADEMART PRIVATE LIMITED

agreed to allot to the ownership of the said Mr. Jose Inacio Guido De Loyola Furtado and his wife, Mrs. Marta Cota E Loyola Furtado alias Mart a De Loyola Furtado, two subdivided plots within the SAID PLOT namely Plot Nos . 8 and 9 in the proposed sub - division of the SAID PLOT which has been provisionally approved by the Town and Country Planning Department by issuance of provisional NOC dated 03/02/2022 bearing Ref. No.TPB/7114/PIL /TCP-2022/582, and in terms of the said provisional approvals, the said Plot No. 8 and 9 are better described in Schedule III hereinabove which shall be conveyed by the said **SUNFLOWER TRADEMART PRIVATE LIMITED** to the said Mr. Jose Inacio Guido De Loyola Furtado and his wife, and his wife, Mrs . Marta Cota E Loyola Furtado alias Marta De Loyola Furtado for a consideration of Rs.75,00,000/-for each plot, there by making it a sum of Rs. 1,50,00,000/-.

(B) That on the said plot Nos. 8 and 9, the said **SUNFLOWER TRADEMART PRIVATE LIMITED** shall construct two independent villas covering a built up area of 255 sq.mtrs each, for a total consideration of Rs. 2,65,00,000/- irrespective of any escalation in the cost of construction which may occur during the course of construction of the villas as per the specifications and details more particularly set out in The Agreement dated 03/01/2023, registered before Sub Registrar of Bardez, Mapusa-Goa under Registration No. BRZ - 1 - 29 -20 2 3 dated 0 3/ 0 1 / 2 0 2 3 for sale the said Plots No. 8 and 9 cum Agreement for Construction of 2 Villas on the said plots.

12. In view of above, the said **SUNFLOWER TRADEMART PRIVATE LIMITED** became absolute owner in possession of the SAID PLOT admeasuring 9987 sq.mts forming part of the **LARGER PROPERTY**.

13. In light of above , considering the fact that the Inscription Description Certificates, Deed of Sale dated 17/10/1936, order dated 02/12/1996 passed in the Inventory Proceedings bearing No. 81/1994 by the Court of the Civil Judge Senior Division at Mapusa-Goa, Deed of Sale dated 23/05/2005, Deed of Sale dated 03/01/2023 and Agreement dated 03/01/2023 and survey records in respect of the SAID PLOT have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owner, I am of the opinion that **SUNFLOWER TRADEMART PRIVATE LIMITED** has clear and marketable title in respect of the SAID PLOT admeasuring 9987 sq. mts. forming part of the LARGER PROPERTY SUBJECT to the following :

- i. RIGHTS of the said Mr. Jose Inacio Guido De Loyola Furtado and his wife , and his wife, Mrs. Marta Cota E Loyola Furtado alias Mart a De Loyola Furtado in respect of the said Plot s No . 8 and 9 and Construction of 2 Villa s on the said plots received vide Agreement dated 03/01/

2023, registered before Sub Registrar of Bardez, Mapusa-Goa under Registration No. BRZ-1-29-2023 dated 03/01/2023.

- ii. AND the Said **SUNFLOWER TRADEMART PRIVATE LIMITED** has entered into **AGREEMENT FOR JOINT VENTURE DEVELOPMENT** dated 12/06/2023 with **SUN ESTATES DEVELOPERS LLP**, for the development of the concerned property executed before the office of Sub Registrar Mapusa Bardez Goa.
- iii. AND WHEREAS the **SUN ESTATES DEVELOPER LLP**, as per the **AGREEMENT FOR JOINT VENTURE DEVELOPMENT** dated 12/06/2023 has agreed to develop the said property into 16 independent villa's and as a consideration towards the said proposed development, **THE SUNFLOWER TRADEMART PRIVATE LIMITED** has allotted proposed 9 independent villas to be constructed / developed on the said plot admeasuring 9987 sq.mtr. to **SUN ESTATES DEVELOPER LLP**.

iv. And in pursuance of the said **AGREEMENT FOR JOINT VENTURE DEVELOPMENT** dated 12/06/2023 POSSESSION of the SAID PLOT admeasuring 9987 sq. mts is handed over to the **SUN ESTATES DEVELOPER LLP** for Construction and development of the 16 nos villa' and to sell and receive consideration of the Proposed 9 nos of Villa's i.e Villa no. 2, Villa no. 5, Villa no. 6, Villa no. 7, Villa no. 10, Villa no. 14, Villa no. 15, Villa no. 16 and Villa no. 17 allotted to the **SUN ESTATES DEVELOPER LLP** as the consideration for the Development of the said SAID PLOT ADMEASURING 9987 SQ. MTS.

In addition to above, I have to make the following observations:

1. No tenants/ Mundkars are reflected in the survey records of the SAID PLOT.
2. The Urban Ceiling Act is not applicable to the State of Goa.

14. In light of the above, documents produced for scrutiny of the Title of **SUN ESTATES DEVELOPER LLP**, I am of the opinion that has **SUN ESTATES DEVELOPER LLP MARKETABLE** title in respect of the PROPOSED 9 nos of Villa's i.e Villa no. 2, Villa no. 5, Villa no. 6, Villa no. 7, Villa no. 10, Villa no. 14, Villa no. 15, Villa no. 16 and Villa no. 17 allotted to the **SUN ESTATES DEVELOPER LLP** in the said SAID PLOT admeasuring 9987 sq. mts. owned by **SUNFLOWER TRAD EMART PRIVATE LIMITED.**



Place : Arpora

Date: 1st July 2023

(Adv. Kabir Bugde)