

Tejaswini Kole Naik

Advocate

TITLE REPORT

I. I have perused the photocopies of the following documents:

- a) NIL Encumbrance Certificate dated 26/02/2019 under Certificate no. 303/2019 issued by the office of Office of Civil Registrar cum sub-Registrar of Tiswadi, Goa;
- b) NIL Encumbrance Certificate dated 26/02/2019 under Certificate no. 303/2019 issued by the office of Office of Civil Registrar cum sub-Registrar of Tiswadi, Goa;
- c) Agreement for Joint Venture Development dated 15th June 2018;
- d) Deed of sale dated 12/3/2018 pertaining to the purchase of the property bearing survey no. 248/2-A of village Neura-O-Grande ;
- e) Deed of sale dated 12/3/2018 pertaining to the purchase of the property bearing survey no. 249/2 of village Neura-O-Grande ;
- f) Power of Attorney's (5 in nos);
- g) Latest Form I and XIV of the properties bearing Survey no. 248/2-A of Village Neura-O-Grande dated 2/4/2018;
- h) Latest Form I and XIV of the properties bearing Survey no. 249/2 of Village Neura-O-Grande dated 2/4/2018;
- i) **Form I and XIV** of the property bearing survey no. 248/2-A of Neura-O-Grande along with the **Partition order** dated 20/2/2018;
- j) **Form I and XIV** of the property bearing survey no. 249/2 of Neura-O-Grande;
- k) **Form I and XIV (talathi) of properties bearing survey nos. 248/2-A and 249/2 of Village Neura-O-Grande;**
- l) **Survey Plan-**
 - i. Joint plan – showing all 3 properties (248/2, 248/2 and 250/1 of village Neura-O-Grande;
 - ii. Survey plan of the property bearing survey no. 248/2-A;
 - iii. Survey plan of the property bearing survey no. 249/2.

- m) Order of Civil Court dated 16/12/2017, (**passed in the Portuguese Civil Misc. Application No. 340/2017/A**) to disposes minor's share in the said property through her lawful Guardian Mr. Rajesh Verekar;
- n) Opinion dated 25/07/2017 of Adv. A.D.Bhobe pertaining to the sale of minor's share;
- o) **Deed of Sale** dated 15/12/2006, Registered under no. 3346, in Book No. I, Volume no. 1731, dated 21/12/2006, at pages 31 to 58, before the office of Sub - Registrar of Bardez - Goa;
- p) **Settlement Agreement** dated 5/9/2015, made with Pramila Naik and Others;
- q) **Deed of Sale** dated 7/10/1979, Registered under no. 49, at pages 393 to 398, in Book No. I, Volume no. 143, on 22/02/1980, before the office of Sub - Registrar of Bardez - Goa;
- r) **Inscription and Description** of the said properties;
- s) Inventory Proceedings -Judgment passed dated 23/11/2005, on the final chat of allotment in Inv. Proc. No. 47/1991/A;
- t) Miscellaneous Documents-
 - i. Reconstitution Deed of Partnership (M/s. Global Realtors) dated 12/3/2015;
 - ii. Extract from the Book of Registrar of Firms (from the Register no. 28/2007, Vol. No. XXI.
 - iii. Deed of Partnership (reconstitution) dated 16/4/2015;
 - iv. Deed of Partnership dated 15/12/2006.

II. DESCRIPTION OF THE PROPERTY:-

PROPERTY DESCRIPTION-

All that landed property known as "FORNA BAHT" situated at Neura O Grande Village, within the limits of Village Panchayat of Neura O Grande, Taluka and Sub-District of Tiswadi, District of North Goa, State Goa and are divided by road/s it is surveyed in the recent survey under three survey numbers namely;

- a) Survey no. 248/2 of village of Neura O Grande, admeasuring an area of 7850 sq. mtrs. and is bonded as follows;
 - North:** By Road;
 - South:** By property of Ana Severina Souza bearing Survey no. 248/7, property of Comunidade of Neura-O-Grande and of Andre Afonso under survey no. 248/8;
 - East:** By property of Iria Lobo e Noronha under survey no. 248/3 and by property of Shiva Putu Naik bearing Survey no. 248/6 and

West: By property of Antonio Rui Noronha Ferreira under Survey no. 248/1 and which portion consist of fruit bearing trees and teak wood trees and a mundkarial house.
It lies in the settlement zone.

- b) Survey no. 249/2 of village of Neura O Grande, admeasuring an area of 6900 sq. mtrs. and is bonded as follows;

North: By Road;

South: by Road;

East: By property of Iria Lobo Noronha under survey no. 249/3 and

West: By property of Antonio Rui Noronha Ferreira under Survey no. 249/1 and which portion consist of fruit bearing trees and teak wood trees.

It lies in the settlement zone.

- c) Survey no. 250/1 of village of Neura O Grande, admeasuring an area of 7125 sq. mtrs. and is bonded as follows;

North: By property of Jacinto Luizito Gonzago Noronhas bearing survey no. 251/1;

South: By Road and partly by survey no. 250/5;

East: By the property of Iria Lobo bearing survey no. 250/2 and

West: By Village boundary of Neura O- Pequeno and partly by survey no. 250/5

It lies in Orchard and hilly property.

Tracing the title of the said properties bearing Survey no. 248/2-A and Survey no. 249/2 of Village Neura O Grande, Tiswadi - Goa

Title flow in detail-

1. There exist a property known as "FORNA BHAT" situated in the village Neura 'O' Grande, within the Village Panchayat of Neura 'O' Grande of Tiswadi Taluka which is divided into 3 separate parcels of land by roads passing through the said property which plots are surveyed in the recent surveys under Nos. 248/2, 249/2 and 250/1 of Neura O Grande village, which properties are more particularly described under the description of properties mentioned herein above (hereinafter be referred to as the **SAID ENTIRE PROPERTY**).
2. **SAID ENTIRE PROPERTY** originally belonged to Mr. Laximan Vishnum Shet Karmalkar and his wife Mrs. Gopikabai Laximan Shet Karmalkar.

3. By Deed of Sale dated 7/10/1979, which was presented under serial no. 664/79 and registered under No.49 at pages 393 – 398 of Book no. I, Volume No.143 dated 22.02.1980, in the office of Sub-Registrar of Tiswadi, Panaji, the said Mr. Laximan Vishnum Shet Karmalkar and Mrs. Gopikabai Laximan Shet Karmalkar sold the **SAID ENTIRE PROPERTY** to Mrs. Maria Joaquina Mendes (w/o. Manuel Antonio Francisco Mendes).
4. In the Inventory Proceedings (Inventory Proceedings No. 47/91/A) initiated on the death of said Manuel Antonio Francisco Mendes, for short, Manuel Mendes and his wife Maria Joaquina Mendes, the **SAID ENTIRE PROPERTY** was allotted to their son/ daughter in law, Mr. Vincent Mendes alias Joseph Vincent Mendes and his wife Mrs. Diana D' Costa Mendes (vide Judgement and Decree dated 23/11/2005 passed by Civil Judge, Senior Division at Panaji, in the said Inventory Proceedings No. 47/91/A).
5. As the absolute and exclusive owner in possession of the **SAID ENTIRE PROPERTY**, said Mr. Vincent Mendes alias Joseph Vincent Mendes and his wife Mrs. Diana D' Costa Mendes, sold the **SAID ENTIRE PROPERTY**, to the M/s. Global Realtors, a partnership firm (vide Deed of Sale dated 15/12/2006, of Book 1 document, bearing registration no. 3346, under Volume no. 1731, at pages 31 to 58 dated 21/12/2006, before the Sub-Registrar of Ilhas, Tiswadi- Goa) excluding a portion thereof admeasuring 1052 sq. meters from the portion of the said property surveyed under No.248/2 which portion has already been sold along with the house situated therein by the said Mr. Vincent Mendes alias Joseph Vincent Mendes and his wife Mrs. Diana D' Costa Mendes to Mr. Pramod Prakash Naik and Mr. Digambar Prakash Naik, both residents of Neura O Grande, Tiswadi Taluka, whose father late Prakash Guno Naik was occupying the house situated in the said plot of land as mundkars thereof (vide Deed of Sale dated 9.10.2006), which is hereinafter referred to as the "Disannexed portion" [which disannexed portion after partition bears a survey no. 248/2 and the remaining portion admeasuring an area of 6798 sq. mtrs. which was sold to M/s. Global Realtors bears a new survey no. 248/2-A].
6. Thus the said M/s. Global Realtors, became the absolute owners in exclusive, lawful, peaceful and physical possession of the **"SAID ENTIRE PROPERTY"** comprising of 3 distinct survey numbers (i.e. Survey no. 248/2-A (after partition), Survey no. 249/2 and 250/1 of Village Neura O Grande, Tiswadi – Goa) and the name of the said M/s. Global Realtors is

duly entered in the column of occupant in Land Records/ Form I & XIV pertaining to the **SAID ENTIRE PROPERTY**.

7. Further, the said M/s. Global Realtors had agreed to provide a common access from the property bearing Survey no. 248/2-A (new survey no. after partition), having a uniform width of 2.50 meters alongside the Eastern boundary of the said property, to the heirs of late Prakash Guno Naik who are occupants of the said dis-annexed portion of land (admeasuring an area of 1052 sq. mtrs.) from the property bearing Survey no. 248/2-A, as mutually agreed by and between the said M/s. Global Realtors and the said heirs of late Prakash Guno Naik, vide Agreement dated 05/09/2015, registered under no. 290/2015 executed before Mr. Babuso Sawant, Advocate and Notary Public, at Panjim - Goa.
8. The said M/s. Global Realtors, is a Partnership firm registered under the Indian Partnership Act, 1932 which partnership firm was constituted pursuant to the Deed of Partnership dated 15/12/2006 which originally comprised of 4 partners namely;
 - a) Mr. Arun Sadashiv Tirodkar,
 - b) Mr. Rajiv Kamleshwar Shirodkar
 - c) Mr. Purushottam Verekar and
 - d) Yugendra Gurunath Shirodkar
9. On 29/01/2007, vide Deed of Reconstitution of Partnership, one Mr. Milind Kamleshwar Shirodkar was inducted as the fifth partner in the said Partnership Firm.
10. Further, on 21/02/2015, one of the original partners, Mr. Arun Sadashiv Tirodkar expired living behind his minor daughter **MISS NIDHI ALIAS ADITI ARUN TIRODKAR** and his wife (out of his second marriage) **MRS. RAJLAXMI ARUN TIRODKAR**.
11. Upon his death in terms of stipulation contained in the original Deed of Partnership, his daughter **MISS NIDHI ALIAS ADITI ARUN TIRODKAR** came to be admitted as partner by the Deed of Reconstitution dated 12/3/2015.
12. The said **MISS NIDHI ALIAS ADITI ARUN TIRODKAR** being a minor was stated in the original Deed of Partnership dated 15/12/2006 to be represented by **MR. RAJESH S. VERENKAR** and in pursuance of the stipulation contained in the said deed and in compliance with the wish of

the said deceased partner, **MISS NIDHI ALIAS ADITI ARUN TIRODKAR** who was inducted as a partner by the Deed of Reconstitution, by virtue of her minority is unable to alienate her proprietary rights without the intervention of the Civil Court; the Court has accorded/ granted its permission in accordance with the law thereby authorizing her lawful guardian, **MR. RAJESH S. VERENKAR** to sell the said minor's share in the SAID ENTIRE PROPERTY to the prospective purchaser, by virtue of Court Order dated 16/12/2017, passed in Portuguese Civil Misc. Application No. 340/2017/A by the Court of Civil Judge Senior Division, Margao-Goa.

13. The said deceased partner late Shri. Arun Sadashiv Tirodkar married at second nuptials with **MRS. RAJLAXMI ARUN TIRODKAR**, in Goa under the regime of community of assets and, therefore, being the legal heir of the said deceased partner late Shri. Arun Sadashiv Tirodkar, along with **MISS NIDHI ALIAS ADITI ARUN TIRODKAR**, also have share over the share of the deceased partner (Mr. Arun Sadashiv Tirodkar) in the SAID ENTIRE PROPERTY along with the other 4 Partners of M/s. Global Realtors.
14. The said M/s. Global Realtors (represented by all their 4 partners along with their spouses ;the minor represented by her lawful guardian and the said Mrs. Rajlaxmi Arun Tirodkar sold the properties bearing survey nos. 248/2-A and 249/2 of Village Neura-O-Grande (hereinafter be referred to as the SAID PROPERTIES) to **M/S. SAMATMA ESTATES PVT. LTD.** vide Deed of sale dated 12/03/2018 registered in Book -1 Document under No. PNJ-BK-1-00666-2018, on CD Number PNJD63 and Deed of Sale dated 12/03/2018 registered in Book-I Document under No. PNJ-BK-1-00667-2018, on CD Number PNJD63 on 12/03/2018.
15. That the said **M/S. SAMATMA ESTATES PVT. LTD.** entered into an Agreement for Joint Venture Development dated 15th June 2018 with MAMAS DEVELOPERS, a proprietorship concern having its registered office at Plot no. 22/B, GF1, Happy Home Housing Society, La Campala, Miramar, Panjim - Goa, to jointly develop the property bearing survey no. 249/2 of Village Neura-O-Grande, admeasuring an area of 6900 sq. mtrs. on the terms and conditions more specifically mentioned under the said Agreement.

III. EVIDENCE OF POSSESSION:-

The present Form I and XIV clearly shows the name of said **M/S. SAMATMA ESTATES PVT. LTD** in the occupant's column pertaining to the SAID PROPERTIES.

The Said Properties are free from encumbrances as evident from the NIL Encumbrance certificates dated 26/02/2019 under certificate nos. 303 and 304 issued by the Office of Civil Registrar cum sub-Registrar of Tiswadi, Goa.

IV. CERTIFICATE

From the documents produced/ furnished for my scrutiny, one can say/ certify that that M/S. SAMATMA ESTATES PVT. LTD, have clear and marketable title in respect of the SAID PROPERTIES. Further with respect to the property bearing survey no. 249/2 of Village Neura-O-Grande, admeasuring an area of 6900 sq. mtrs, the said M/S. SAMATMA ESTATES PVT. LTD. has entered into an Agreement for Joint Venture Development dated 15th June 2018, with MANAS DEVELOPERS to develop the said property which needs to be taken into considered.

Place:- Panaji-Goa.

Date:- 06/05/2019



ADVOCATE