

RAJKUMAR N. NAIK

B. Com. LL.B.

ADVOCATE & NOTARY

Office Address: 2nd Floor,
Shop no. 54, Apna Bazar Bldg,
Next to Vasco Civil Court,
Vasco da Gama, Goa.

email : rajkumarnaik085@gmail.com

PIN : 403 802

☎ : 9890547717 ☎ : 9637766337 ☎ : 9423819813

Ref No.

Date : 14-07-2018

To
The Area Manager,
GIC Housing Finance Limited,
C-115, Osia Commercial Arcade,
Margao, Goa.

Sub : Legal Opinion in respect of Flat Identified under Flat No. UG-6, situated on the Ground Floor, admeasuring an area of about 64.56 (Sixty Four Point Fifty Six) Square meters alongwith one parking on Ground Floor in the building known as "VARADHRAJ GREENS".

Mortgagor : Mr. David Kandre.

Borrower : Mr. David Kandre.

SCHEDULE I**DESCRIPTION OF THE SAID LARGER PROPERTY**

All that larger property known as "ZONTAULEM" or ZONTAVLEM situated at Village Dabolim, within the limits of Village Panchayat Chicalim, Taluka and Sub-District of Mormugao, District of South Goa, Goa described in the Land Registration Office of Salcete under No.1216 of Book B No. 4 of New series and enrolled under Matriz No.38 surveyed under No.42 Sub-Division 7B of Dabolim Village.

SCHEDULE-II**DESCRIPTION OF THE SAID PROPERTY**

All that distinct, independent Property/Plot 'C' admeasuring an area of 2665.00 sq. mtrs. and surveyed under Survey No. 42 of Sub-Division No. 7-B-4 of Dabolim Village of the said larger property which is more particularly described in SCHEDULE-I hereinabove and the said property and bounded as follows:

On the North: Plot sold to Shricant Dhargalkar, part Survey No.42/7-B

On the South: Plot sold to Raimond Godinho and other part Survey No.
42/7B

On the East: proposed 6.00 mtrs. wide road

On the West: proposed 10.00 mtrs. wide road under Survey No. 42/7.

SCHEDULE-III

ALL THAT Flat Identified under Flat No. UG-6, situated on the Ground Floor, admeasuring an area of about 64.56 (Sixty Four Point Fifty Six) Square meters alongwith one parking on Ground Floor in the building known as "VARADHRAJ GREENS" constructed in the property more described in schedule II above.

1) I have carefully perused the following documents

Sl. No.	Date	Name/Nature of the Documents	Original/Certified copy/certified extract/photocopy etc.
1.	26/12/1986	Deed Of Gift with Acceptance dated 26/12/1986 registered in the office of the Sub Registrar of Mormugao registered under No.2 at pages 17 to 36, Book I, Volume 4, dated 05/06/1987	Original Verified
2.	11/03/1991	Deed of Partition, Family Settlement cum Rectification dated 11/03/1991 registered in the Office of the Sub Registrar of Mormugao registered under no. 109 at pages 505 to 522 of Book I Volume 52 dated 18/03/1991	Original Verified
3.	16-11-2000	Deed Sale dated 16-11-2000 registered in the Office of the Sub Registrar of Mormugao registered under No. 814 at pages 81 to 94 of Book I , Volume 304, dated 05-12-2000	Original Verified
4.	23-02-2007	Deed Sale dated 23-02-2007 registered in the Office of the Sub Registrar of Mormugao registered under No. 300 at pages 1 to 29 of Book I , Volume 658, dated 26-02-2007	Original Verified
5.	14-12-2009	Deed of Sale dated 14-12-2009, registered before the Sub-Registrar of Mormugao under Registration no. 1687 at pages 71 to 90 Book No. I , Volume no. 1033, date 23-12-2009	Original Verified
6.	15-08-2016	Memorandum of Understanding dated 15-08-2016	Original Verified
7.	01-12-2015	Mormugao Planning and Development Authority at Vasco da Gama issued Development Permission Ref no. MPDA/9-S-170/2015-16/1305 date 01-12-2015	Original Verified
8.	01-10-2015	Sanad vide ref no. AC-	Original Verified

		II/SG/CONV/34/2012/9827 dated 01-10-2015	
9.	23-02-2016	Office of the Village Panchayat of Chicalim vide Ref no. VP/CHI/11/2015-16/32/3728 dated 23-02-2016 issued Construction Licence	Original Verified
10.	25-06-2018	Offer Letter dated 25-06-2018	Original Verified
11.	08-08-2011	Partition Order dated 08-08-2011	Original Verified
12.	08-03-2010	Nil Encumbrance Certificate no. 179 of 2010 dated 08-03-2010	Original Verified
13.	03-03-2016	Nil Encumbrance Certificate no. 255 of 2016 dated 03-03-2016	Original Verified
14.	24-05-2016	Nil Encumbrance Certificate no. 532 of 2016 dated 24-05-2016	Original Verified
15.	19-10-2016	Nil Encumbrance Certificate no. 983 of 2016 dated 19-10-2016	Original Verified
16.	19-06-2017	Nil Encumbrance Certificate no. 598 of 2017 dated 19-06-2017	Original Verified
17.	29-09-2017	Nil Encumbrance Certificate no. 965 of 2017 dated 29-09-2017	Original Verified

2) On replying upon information given are as true, I observed that :

From the documents produced for verification it reveals that there exists an distinct, independent property and/or Plot "C" admeasuring an area of 2,665.00 sq. mtrs. and independently surveyed under Survey No. 42 of Sub-Division No. 7-B-4 of Dabolim Village. (hereinafter referred to as "SAID PROPERTY") which by itself was earlier part and parcel of the larger property known as "ZONTAULEM" situated at Village Dabolim, within the limits of Village Panchayat Chicalim, Taluka and Sub-District of Mormugao, District of South Goa, Goa described in the Land Registration Office of Salcete under No.1216 of Book B No. 4 of New series and enrolled under Matriz No.38 surveyed under No.42 Sub-Division 7B of Dabolim Village which is more particular described in the SCHEDULE-I hereunder written (hereinafter referred to as the "SAID LARGER PROPERTY").

The property including the said larger property earlier belonged to Shri Sadanand Pundolika Naique alias Sadanand Pundalik which was allotted to him by the Order of Inventory Proceedings conducted on the death of his mother Smt. Gopicabai Naique.

The aforesaid Shri Sadanand Pundalik Naik alongwith his wife Smt. Cashi alias Manoramabai Sadanand Naique.

The aforesaid Shri Sadanand Pundalik Naik alongwith his wife Smt. Cashi alias Manoramabai Sadanand Naik gifted the larger property vide Deed Of Gift with Acceptance dated 26/12/1986 registered in the office of the Sub Registrar of Mormugao registered under No.2 at pages 17 to 36, Book I, Volume 4, dated 05/06/1987 unto their two son namely Shri Chandrakant

Kumar Naik

Sadanand Naik being the entire eastern half and entire western half of the property respectively.

Vide 11/03/1991 Deed of Partition, Family Settlement cum Rectification dated 11/03/1991 registered in the Office of the Sub Registrar of Mormugao registered under no. 109 at pages 505 to 522 of Book I Volume 52 dated 18/03/1991 the aforesaid Donees Shri Nagesh Sadanand Naik and Shri Chandrakant Sadanand Naik rectified the aforesaid Deed of Gift with Acceptance and partitioned the aforesaid property among the aforesaid two sons inter alia the SAID LARGER PROPERTY was allotted unto Shri. Nagesh Sadanand Naik.

The said Shri Nagesh Sadanand Naik alias Nagesh Sadanand Naik alongwith his wife Smt. Nandini Nagesh Naik sold the said property vide Deed Sale dated 16-11-2000 registered in the Office of the Sub Registrar of Mormugao registered under No. 814 at pages 81 to 94 of Book I , Volume 304, dated 05-12-2000 being part and parcel of the said larger property to Mr. Raimundo Godinho.

Vide Deed Sale dated 23-02-2007 registered in the Office of the Sub Registrar of Mormugao registered under No. 300 at pages 1 to 29 of Book I , Volume 658, dated 26-02-2007 Mr. Raimundo Godinho along with his wife Smt. Filu Maria Godinho, son Mr. Canuto Godinho, Mrs. Maria F. Godinho sold the Plot no. C admeasuring 2665.00 square meters in the Survey no. 42 of Sub-Division No. 7-B-4 of Dabolim Village to Mr. Ravindra Nangia.

Mr. Ravindra Nangia sub-divided the said property into plots duly approved by the Mormugao Planning and Development Authority at Vasco da Gama and sold Plot bearing no. B admeasuring 1,021.68 square meters and plot bearing no. E admeasuring 145.38 square meters to Smt. Siddhi S. Shirodkar vide Deed of Sale dated 14-12-2009, registered before the Sub-Registrar of Mormugao under Registration no. 1687 at pages 71 to 90 Book No. I , Volume no. 1033, date 23-12-2009.

Smt. Siddhi S. Shirodkar partitioned the said plot and the Office of the Dy. Collector allotted a separate Survey no. 42/7-B-4.

Vide Memorandum of Understanding dated 15-08-2016 Smt. Siddhi S. Shirodkar handed over the said plot to Shri Sandeep K. Shirodkar for Development and Sale.



Mormugao Planning and Development Authority at Vasco da Gama issued Development Permission Ref no. MPDA/9-S-170/2015-16/1305 date 01-12-2015 for construction of Multi family Dwelling to Mrs. Siddhi S. Shirodkar. Office of the Collector & District Magistrate, South Goa issued Sanad vide ref no. AC-II/SG/CONV/34/2012/9827 dated 01-10-2015 to Mrs. Siddhi S. Shirodkar.

Office of the Village Panchayat of Chicalim vide Ref no. VP/CHI/11/2015-16/32/3728 dated 23-02-2016 issued Construction Licence to Mrs. Siddhi S. Shirodkar for construction of Multi family Dwelling.

Vide Offer Letter dated 25-06-2018 Mr. Sandeep Krishna Shirodkar as Proprietor of Diwan Construction offered the Flat No. UG-6, situated on the Ground Floor, admeasuring an area of about 64.56 (Sixty Four Point Fifty Six) Square meters alongwith one parking on Ground Floor in the building known as "VARADHRAJ GREENS" constructed in the property more described in schedule II above to Mr. David Kandre.

3) Conclusion:

After careful consideration of the documents and as observation mentioned hereinabove I am of the opinion that the present borrower Mr. David Kandre can derive substantive right in respect of Flat No. UG-6, situated on the Ground Floor, admeasuring an area of about 64.56 (Sixty Four Point Fifty Six) Square meters alongwith one parking on Ground Floor in the building known as "VARADHRAJ GREENS" along with proportionate undivided share in the SAID PLOT described in SCHEDULE-I hereinabove on execution of the Deed of Sale.

The present Borrower Mr. David Kandre can create a valid subsisting equitable mortgage in favour of GIC Housing Finance Ltd by depositing the following Deeds, documents and compliance;

- a) Original Offer Letter dated 25-06-2018.
- b) Proposed Deed of Sale as and when executed between Venture Building Dreams Proprietorship concern of Mr. Sandeep Krishna Shirodkar as Proprietor of Diwan Construction, Mrs. Siddhi S. Shirodkar and Mr. David Kandre as and when executed and registered before the Sub-registrar.
- c) Xerox Deed Of Gift with Acceptance dated 26/12/1986 registered in the office of the Sub Registrar of Mormugao registered under No.2 at pages 17 to 36, Book I, Volume 4, dated 05/06/1987.
- d) Xerox Deed of Partition, Family Settlement cum Rectification dated 11/03/1991 registered in the Office of the Sub Registrar of Mormugao registered under no. 109 at pages 505 to 522 of Book I Volume 52 dated 18/03/1991.
- e) Xerox Deed Sale dated 16-11-2000 registered in the Office of the Sub Registrar of Mormugao registered under No. 814 at pages 81 to 94 of Book I, Volume 304, dated 05-12-2000.
- f) Xerox Deed Sale dated 23-11-2000 registered in the Office of the Sub Registrar of Mormugao registered under No. 300 at pages 1 to 29 of Book I, Volume 658, dated 26-02-2007.
- g) Xerox Deed of Sale dated 14-12-2009, registered before the Sub-Registrar of Mormugao under Registration no. 1687 at pages 71 to 90 Book No. I, Volume no. 1033, date 23-12-2009.
- h) Xerox Memorandum of Understanding dated 15-08-2016.

- i) Xerox Mormugao Planning and Development Authority at Vasco da Gama issued Development Permission Ref no. MPDA/9-S-170/2015-16/1305 date 01-12-2015.
- j) Xerox Office of the Collector & District Magistrate, South Goa issued Sanad vide ref no. AC-II/SG/CONV/34/2012/9827 dated 01-10-2015.
- k) Xerox Office of the Village Panchayat of Chicalim vide Ref no. VP/CHI/11/2015-16/32/3728 dated 23-02-2016.
- l) Xerox Offer Letter dated 25-06-2018.
- m) Xerox Nil Encumbrance Certificate no. 179 of 2010 dated 08-03-2010.
- n) Xerox Nil Encumbrance Certificate no. 255 of 2016 dated 03-03-2016.
- o) Xerox Nil Encumbrance Certificate no. 532 of 2016 dated 24-05-2016.
- p) Xerox Nil Encumbrance Certificate no. 983 of 2016 dated 19-10-2016.
- q) Xerox Nil Encumbrance Certificate no. 598 of 2017 dated 19-06-2017.
- r) Xerox Nil Encumbrance Certificate no. 965 of 2017 dated 29-09-2017

Final certificate:

As per observation and conclusion stated above I certify that the documents intended to be deposited relating to Flat No. UG-6, situated on the Ground Floor, admeasuring an area of about 64.56 (Sixty Four Point Fifty Six) Square meters alongwith one parking on Ground Floor in the building known as "VARADHRAJ GREENS" along with proportionate undivided share in the SAID PLOT can afford as security by way of equitable mortgage and the documents in title and if said equitable mortgage is created in the manner required by law. It would satisfy the requirement of creation in the equitable mortgage on favour of M/s GIC Housing Finance Limited for liability of intending borrowers said Mr. David Kandre.

I further certify that the said Mr. David Kandre would derive a valid, clear, marketable, unencumbered title in the subject flat as stated hereinabove on execution of Deed of Sale or by transfer of Society share certificate in case society is registered.

The file and papers forwarded by you are returned herewith.
Kindly acknowledge the receipt.

Yours Faithfully,

(Rajkumar N. Naik)
Advocate

