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10th May 2023

REPORT

I have been requested by Shri. Santosh D. Kurtarkar, Partner of M/s SS KURTARKAR HOMES, a registered Partnership Firm, with registered Office at Kurtarkar Towers, Malbhat, Margao, Goa, to give my opinion as to the title in respect of the property presently bearing Survey No.98/3-A of Davorlim Village, admeasuring 3116 sq.mts.;

I) For the said purpose the following documents were handed over to me.

- a) Land Registration Certificate No.23091 of Book B-59 New Series, along with the relevant inscription and translation,
- b) Matriz Certificate bearing No.124, issued by the Taluka Revenue Office, Salcete, Margao, along with the translation,

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- c) Deed of Succession drawn on 13/4/2000, recorded by the Notary Public Ex-Officio of Salcete, at Margao, at pages 3 onwards in the Book of Deeds No.1414,
- d) Form I and XIV of Survey No.98/3 of Davorlim Village, dated 6/4/2010;
- e) Deed of Sale dated 15/6/2010, registered in the Office of the Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-03177-2010, CD No.MGOD19, Book-1 Document, dated 17/06/2010,
- f) Form I and XIV of Survey No.98/3-A of Davorlim Village, dated 13/7/2018;
- g) Survey Plan of Survey No.98/3-A of Davorlim Village, dated 18/9/2017,
- h) Sanad bearing No.COL/SG/CONV/112/2014/8544, dated 02/08/2017, issued by the Office of the Collector, South Goa District, Margao,

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- i) Deed of Sale dated 2/11/2017, registered in the Office of the Sub-Registrar of Salcete, at Margao, under Book-1 Document, Registration No.MGO-BK1-05088-2017, CD. No.MGOD117, dated 2/11/2017,
 - j) Form I and XIV of Survey No.98/3-A-1 of Davorlim Village dated 20/3/2023,
 - k) Form I and XIV of Survey No.98/3-A of Davorlim Village dated 21/6/2022,
 - l) Survey Plan of Survey No.98/3-A of Davorlim Village dated 14/6/2021,
 - m) Records of Regular Inventory Proceedings No. 56/2022/A on the death of Mrs. Priyaga Subhash Naik Gauneker and her husband, Mr. Subhash Trivikram Naik Gauneker,
 - n) Agreement to Sell and Development dated 23/1/2023, registered in the Office of the Sub-
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Registrar of Salcete, at Margao, under Book 1
Document, Registration No.MGO-1-358-2023,
dated 25-Jan-2023;

- o) Technical Clearance Order bearing Reference
No. TPM/27297/Conv/Davor/98/3A/2022
dated 6/4/2022 of the Town and Country
Planning Department,
- p) Construction Licence bearing Reference
No.VPDD/2022-23/CL-19/561 dated
17/6/2022, issued by the Office of the Village
Panchayat of Davorlim-Dicarpale.

II) Perusal of the documents:-

- (1) The Documents at Serial No (a)- The Land
Registration Certificate bearing No. 23091 of Book
B-59 New Series establishes that at Davorlim
Village there exists a property named "COTBANA
INDONA" of the growth of paddy and cultivation of

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trees, which is bounded on the East by the property of the heirs of Joao Borges, on the West by that Minguel Collaco, on the North by top of the hill and on the South by the property of the heirs of Rafael Matheus Rodrigues and Diogo Eusebio Rodrigues;

The document also establishes that the property is enrolled in the Land Revenue Records under Matriz No.124;

The document further establishes that the said entire property inscribed under No.13704 of Book G No.18 in favour of Hermano dos Remedios Rodrigues, as it was gifted to him by his parents, Remedios Antonio Rodrigues and his wife, Devina Providencia Azaredo;

- (2) The Document at Serial No. (b)- Matriz Certificate bearing No.124 issued by the Taluka Revenue Office of Salcete, Margao, describes the property

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known as "INDONA" stated to be bounded on the East by Indona of Francisco Borges, on the West by Indona of Minguel Collaco, on the North by Road, and on the South by Ponda Bandi of Marcelino Fildelis Ressureicao Rodrigues and which is enrolled in the name of Hermano dos Remedios Rodrigues;

- (3) The Document at Serial No. (c)- Deed of Succession drawn on 13/4/2000, recorded by the Notary Public Ex-Officio of Salcete, at Margao, at pages 3 onwards in the Book of Deeds No.1414, establishes that the said Dr. Hermano dos Remedios Rodrigues, has expired on 18th December 1988, leaving Martha Viegas, as his widow and moiety holder and his five children, as his only heirs, namely, Miss Milena Odelia Antoneta Dos Remedios Rodrigues, Miss Maria Do Ceu Helmana Dos Remedios Rodrigues, Mrs. Maria Josefa Divina Providencia dos Remedios

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Rodrigues, married to Bosco Pedro Jorge Rodrigues, Dr. Jesus Maria Jose Antonio Bosco Agnelo dos Remedios Rodrigues and Dr. Jose Domingos Savio dos Remedios Rodrigues, married to Dr. Maria Jose Wiseman Pinto;

- (4) The Documents at Serial Nos. (d) and (e)-Form I and XIV of Survey No.98/3 of Davorlim Village dated 6/4/2010 and Deed of Sale dated 15/6/2010, registered in the Office of the Sub-Registrar of Salcete, at Margao, under Registration No.MGO-BK1-03177-2010, CD No.MGOD19, Book-1 Document, dated 17/06/2010, establish that the property bearing Survey No.98/3 of Davorlim Village was named "COTTAUM" in the Survey Records and was surveyed in the sole name of Jesus Mario Jose Antonio Agnelo Bosco dos Remedios Rodrigues, one of the heirs of the said late Hermano dos Remedios Rodrigues;

The said document also establishes that the said Mrs. Martha Viegas, Miss Milena Odelia Antoneta

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dos Remedios Rodrigues, Miss Maria Do Ceu Helmana dos Remedios Rodrigues, Mrs. Maria Josefa Divina Providencia dos Remedios Rodrigues, and her husband, Mr. Bosco Pedro Jorge Rodrigues, Dr. Antonio dos Remedios Rodrigues alias Dr. Jesus Maria Jose Antonio Bosco Agnelo dos Remedios Rodrigues and his wife, Mrs. Arleine Rodrigues e D'Souza and Dr. Jose Domingos Savio dos Remedios Rodrigues, and his wife, Dr. Maria Jose Wiseman Pinto, have stated that they as the heirs of Dr. Hermano dos Remedios Rodrigues have come to be the owners of the property known as "CUTBONA INDONA" or "COTTAUM" bearing Land Registration No.23091 of Book B 59 New Series and enrolled under Matriz No.124 is surveyed under Survey No.98/3 of Davorlim Village; that they have sold an area admeasuring 2484 sq.mts to other Parties, remaining owners of balance area of 4391 sq.mts.;

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that by the said Deed they sold the balance area identified as Plot G having an area of 4391 sq.mts. to Mr. Subhash Trivikram Naik Gauneker;

- (5) The Documents at Serial Nos. (f), (g), (h), (i), (j), (k) and (l)- Form I and XIV of Survey No.98/3-A of Davorlim Village dated 13/7/2018, Survey Plan of Survey No.98/3-A of Davorlim Village, dated 18/9/2017, Sanad bearing No.COL/SG/CONV/112/2014/8544, dated 02/08/2017, issued by the Office of the Collector, South Goa District, Margao, Deed of Sale dated 2/11/2017, registered in the Office of the Sub-Registrar of Salcete, at Margao, under Book-1 Document, Registration No.MGO-BK1-05088-2017, CD. No.MGOD117, dated 2/11/2017, Form I and XIV of Survey No.98/3-A-1 of Davorlim Village dated 20/3/2023, Form I and XIV of Survey No.98/3-A of Davorlim Village dated ...10/-

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21/6/2022 and Survey Plan of Survey No.98/3-A of Davorlim Village dated 14/6/2021, establish as follows:

- (a) That Mr. Subhash Trivikram Naik Gauneker obtained separate Survey number bearing new Survey No.98/3-A of Davorlim Village, for the said Plot G admeasuring 4391 sq.mts. purchased by him vide Deed of Sale dated 15/6/2010,
- (b) That Mr. Subhash Trivikram Naik Gauneker converted a part of the said Plot G to residential use vide Sanad bearing No.COL/SG/CONV/112/2014/8544, dated 02/08/2017, issued by the Office of the Collector and District Magistrate, South Goa, District, Margao;
- (c) That vide Deed of Sale dated 2/11/2017, Mr. Subhash Trivikram Naik Gauneker and his wife, Mrs. Priyaga Subhash Naik Gauneker sold the northern most part of Plot G admeasuring 1275 sq.mts. to Borkars Developers Pvt. Ltd.,

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- (d) That the said Borkars Developers Pvt. Ltd mutated its name in the Occupants Column of Survey No.98/3-A of Davorlim Village pursuant to Mutation No.72472;
- (e) That the said Borkars Developers Pvt. Ltd obtained separate new Survey No.98/3-A-1 of Davorlim Village for the portion admeasuring 1275 sq.mts. purchased by them vide Deed of Sale dated 2/11/2017;
- (f) That Subhash Trivikram Naik Gaunekar continued to be the owner in possession of the balance area of Plot G admeasuring 3116 sq.mts. which remained surveyed under Survey No.98/3-A of Davorlim Village in the name of Subhash Trivikram Naik Gaunekar;
- (6) The document at Serial No.(m)- Records of Regular Inventory Proceedings No. 56/2022/A instituted on the death of Mrs. Priyaga Subhash

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Naik Gauneker and her husband, Mr. Subhash Trivikram Naik Gauneker, establish the following:

- (i) That Mrs. Priyaga Subhash Naik Gauneker expired on 22/2/2021 and Subhash Trivikram Naik Gauneker expired on 15/1/2022 leaving three daughters as their heirs and bequeathing their assets as per the last Public Wills dated 8/12/2020;
- (ii) That Plot admeasuring 3116 sq.mts. of Plot G which is surveyed under Survey No.98/3-A of Davorlim Village, was enlisted as Item No.I in the said Inventory Proceedings;
- (iii) That vide Chart of Partition/Allotment dated 19/05/2022, which was confirmed by Order and Decree dated 21/5/2022, the said Plot admeasuring 3116 sq.mts. surveyed under Survey No.98/3-A of Davorlim Village was

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allotted in the share of $\frac{1}{2}$ to Mrs. Harsha Subhash Nayak Gauneker also known as Rukmini Satyendra Bhobe and her husband, Mr. Satyendra Bhobe and $\frac{1}{2}$ to Mrs. Sweta Subhash Naik Gauneker alias Sweta Mayur Gaitonde and her husband, Mr. Mayur Anil Gaitonde;

- (7) The documents at Serial Nos.(n), (o) and (p)- Agreement to Sell and Development dated 23/1/2023, registered in the Office of the Sub-Registrar of Salcete, at Margao, under Book 1 Document, Registration No.MGO-1-358-2023, dated 25-Jan-2023, Technical Clearance Order bearing Reference No. TPM/27297/Conv/Davor/ 98/3A/2022 dated 6/4/2022 of the Town and Country Planning Department, Construction Licence bearing Reference No.VPDD/2022-23/CL-19/561 dated 17/6/2022, issued by the Office of the Village Panchayat of Davorlim-Dicarpale establish as follows:

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- (i) That the said Mrs. Harsha Subhash Nayak Gauneker also known as Rukmini Satyendra Bhobe and her husband, Mr. Satyendra Bhobe and Mrs. Sweta Subhash Naik Gauneker alias Sweta Mayur Gaitonde and her husband, Mr. Mayur Anil Gaitonde had agreed to sell 78.71% undivided share in the said Plot admeasuring 3116 sq.mts. surveyed under Survey No.98/3-A of Davorlim Village to M/s SS KURTARKAR HOMES, a Partnership Firm, duly registered under the Indian Partnership Act, 1932, with its registered Office at Kurtarkar Towers, Malbhat, Margao, Salcete, Goa, and pending the execution of the Agreement of Sale, with regard to the said undivided share, permitted M/s SS KURTARKAR HOMES to apply and obtain the necessary permissions necessary to construct the proposed project in the property;

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- (ii) That pending the execution of the Agreement, M/s SS KURTARKAR HOMES, had at its costs, obtained the necessary permissions for the construction of proposed Row Houses and Twin Villas in the said property bearing Survey No.98/3-A of Davorlim Village;
- (iii) That Agreement to Sell and Development dated 23/1/2023 was executed and registered, witnessing that Mrs. Harsha Subhash Nayak Gauneker also known as Rukmini Satyendra Bhobe and her husband, Mr. Satyendra Bhobe and Mrs. Sweta Subhash Naik Gauneker alias Sweta Mayur Gaitonde and her husband, Mr. Mayur Anil Gaitonde (referred as Owners) have agreed to sell 78.71% undivided share in the said Plot admeasuring 3116 sq.mts. surveyed under

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Survey No.98/3-A of Davorlim Village to M/s SS KURTARKAR HOMES, and permitting M/s SS KURTARKAR HOMES to construct the proposed project of Row Houses and Twin Villas as per the approved Plans with the agreement that three of the Row Houses, i.e. RH/3, RH/4 and RH/5 are to be constructed for the owners as per the terms of the said Agreement;

(III) Conclusion:

From the perusal of the above documents, it is seen that:

- (i) Mrs. Harsha Subhash Nayak Gauneker also known as Rukmini Satyendra Bhobe and her husband, Mr. Satyendra Bhobe and Mrs. Sweta Subhash Naik Gauneker alias Sweta Mayur Gaitonde and her husband,

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Mr. Mayur Anil Gaitonde (referred as said Owners) are the absolute and exclusive owners of the Plot admeasuring 3116 sq.mts. surveyed under Survey No.98/3-A of Davorlim Village.

- (ii) That the said Owners have vide registered Agreement to Sell and Development agreed to sell 78.71% undivided share in the said Plot to M/s SS KURTARKAR HOMES, thus retaining the balance share in the said property and have permitted/authorized M/s SS KURTARKAR HOMES to carry out development of construction of Row Houses and Villas in the same;
- (iii) That M/s SS KURTARKAR HOMES have, with the permissions of the said Owners, obtained the necessary permissions and licences from the statutory authorities to

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construct Row Houses and Twin Villas and compound wall in the said property;

- (iv) That as part consideration towards the purchase of the Plot, M/s SS KURTARKAR HOMES has agreed to construct Row House Nos. RH/3, RH/4 and RH/5 for the said Owners as mentioned in the Agreement.

I am therefore of the opinion that the Plot admeasuring 3116 sq.mts. surveyed under Survey No.98/3-A of Davorlim Village came to be exclusively owned and possessed by Mrs. Harsha Subhash Nayak Gauneker also known as Rukmini Satyendra Bhobe and her husband, Mr. Satyendra Bhobe and Mrs. Sweta Subhash Naik Gauneker alias Sweta Mayur Gaitonde and her husband, Mr. Mayur Anil Gaitonde, who have agreed to sell undivided right in the same to M/s SS KURTARKAR HOMES, with the right to carry out development by construction of Row Houses and Villas in the property.

W
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