

Suvidha Parab alias Parab

BGL, LCB(Hons)

ADVOCATE

Res: Flat No. F-4, First Floor,
Mahalasa Building, Sukh-Shanti Garden
Co-Operative Housing Society,
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Off: S-2, Second Floor,
Gajanan Kerkar Commercial Complex,
Opp. Suzuki Access Showroom,
Borda, Margao, Salcete, Goa

24/8/2018

SCRUTINY REPORT

OF

1. DESCRIPTION OF THE PROPERTY:

1. Scrutiny Report in respect of the rustic Property known as "VISSOLBAGA" or "VISSOLBATA", segunda gleba (2nd part) of the cultivation of coconut trees and other trees and small house situated at Camorlim, within the jurisdiction of Village Panchayat of Camorlim, Raia, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, described in the Land Registration Office of Salcete under No. 38636, and represents half (1/2) of the property enrolled in the Taluka Revenue Office of Salcete under Matriz No. 142, **admeasuring an area of 1075 sq. mtrs. and surveyed under Survey No. 4/29 of Village Camorlim**, and bounded as under:

On the East : by the Public Road

On the West : by the property of the same name (3rd Part-Terceira Gleba) of Maria Conceicao Dias now Teodolinda Dias

On the North : by the property of Anacleto Carvalho now of Dulcina Dias

On the South : by the properties of the heirs of Sebastiao Filipe Fernandes now of Miguel Caetano Vaz

And presently bounded as per the survey records as under:

On the East : by the Public Road

On the West : by properties bearing Survey No. 4/28 and 4/24 of Village Camorlim

On the North : by properties bearing Survey No. 4/24, 4/26 and 4/27 of Village Camorlim

On the South : by property bearing Survey No. 4/1 of Village Camorlim, hereinafter referred to as **"the said Property"**.

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2. DOCUMENTS SCRUTINIZED

The following documents have been scrutinized for the purpose of this Report:

- (a) Photocopy of the Inscription and Description Certificate of the Property bearing Land Registration Office of Salcete under No. 38636, alongwith English translation.
- (b) Photocopy of the Will dated 22/1/1968 executed by Antonio Francisco Estanislau de B. Caetano Dias, alongwith English Translation
- (c) Photocopy of the Deed of Sale and Mortgage dated 16/8/1978 between Smt. Maria Eugenia Lavinia Das Mercedes Caldeirra and Mr. Xec Mahamod Yacub.
- (d) Photocopy of the Deed of Release dated 15/12/1979 between Smt. Maria Eugenia Lavinia Das Mercedes Caldeirra and Mr. Xec Mahamod Yacub.
- (e) Deed of Succession dated 30/8/2013 drawn upon the death of Mr. Xec Mahamod Yacub who was also known as Xec Mohamad Yacub alias Xec Mamod Iacub alias Xequê Mamod Iacub alias Shaik Mohamod Yacub alias Xec Mohamod Yacub alias Xec Mahamod Yacub
- (f) Deed of Succession dated 21/2/2016 drawn upon the death of Smt. Catun Bi.
- (g) Photocopy of the Survey Plan of Survey No. 4/29 of Village Camorlim.
- (h) Photocopy of the Form I & XIV of Survey No. 4/29 of Village Camorlim.
- (i) Photocopy of the Approval granted by the Dy. Town Planner, Town and Country Planning Department vide Letter No. TPM/28883/Camurim/4/29/17/1691 dated 27/4/17.
- (j) Photocopy of the No Objection Certificate No. PHCL/DHS/NOC/2017-18/213 dated 16/5/2017 issued by the Health Officer, Primary Health Centre, Loutulim.
- (k) Photocopy of the Construction Licence No. V.P/C/2018-2019/05 dated 14/6/2018 issued by the Village Panchayat of Camurim

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- (1) Photocopy of the Conversion Sanad No. COL/SG/CONV/65/2016/4511 dated 2/5/2017 issued by the Office of the Collector, South Goa, Margao approving the conversion of the said Property from agricultural to non-agricultural use;

3. TRACING OF TITLE

- (a) On perusal of the document at Serial No. 2(a) above, it is seen that the said Property known as "VISSOLBAGA" or "VISSOLBATA", situated at Camorlim described in the Land Registration Office of Salcete under No. 38636 and inscribed in the Taluka Revenue Office under Matriz No. 340142 previously belonged to Mr. Antonio Francisco Estanislau de Bras Caetano Dias and is accordingly inscribed in his favour.
- (b) On perusal of the Will dated 22/1/1968 drawn at page 64 onwards of Book of Wills No. 61, at Serial No. 2(b) above the said Mr. Antonio Francisco Estanislau de B. Caetano Dias, bequeathed all his share in the said Property togetherwith other properties to his wife, Mrs. Maria Eugenia Lavinia das Mercedes Caldeira on account of his disposable share.
- (c) On perusal of the Deed of Sale and Mortgage dated 16/8/1978 duly registered with the Office of the Sub-Registrar of Salcete, at Margao under No. 4060 at pages 180 to 184, Book No. I, Vol. 199, dated 17/11/1972, and the Deed of Release dated 15/12/1979 duly registered with the Office of the Sub-Registrar of Salcete at Margao under No. 325, at pages 57 to 60, Book No. I, Vol. No.226 dated 21/6/1980, at Serial No. 2(c) and 2(d) above it is seen that the said Smt. Maria Eugenia Lavinia Das Mercedes Caldeira in the status of a widow having acquired absolute right, title and interests to the said Property, known as "VISSOLBAGA" or "VISSOLBATA" situated at Camorlim, Salcete, Goa sold, transferred and conveyed the same to Mr. Xec Mahamod Yacub and his wife Apizambi.
- (d) Consequently by virtue of the documents at serial No. 2(c) and 2(d) the said Mr. Xec Mahamod Yacub togetherwith his wife became the absolute owner in possession of the said Property.
- (e) On perusal of the Deed of Succession drawn on 30/8/2013 recorded at Folio 77 to 78v of the Deed Book No. 1591 at 2(e), it is seen that the said Mr. Xec Mahamod Yacub expired leaving behind his wife the said Smt. Apizam Bi as his moiety sharer and his 6 children viz, (1) Mr. Xequé Issub married to Mrs. Raziya Bi Shaikh, (2) Mr. Xec Usman Sab married to Mrs. Mussarat Bi, (3) Smt. Catun Bi married to Mr. Badru Zameer Khan alias Badruzamir Can alias

Paul

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Badru Zamir Khan alias Zameer Khan (4) Mrs. Xerifam Bi married to Mr. Mulla Mohamad Hanif Muzawar, (5) Mrs. Coirun Nissa Bi married to Mr. Shaik Mohamed Bilal, (6) Mr. Shaik Ibrahim Sab married to Mrs. Faryana Shaikh as his sole and universal heirs.

(f) On perusal of the Deed of Succession drawn on 21/3/2016 recorded at Folio 16v to 17v of the Deed Book o. 1622 at Serial No. 2 (f), it is seen that subsequent to the death of the said Mr. Xec Mahamod Yacub his daughter Smt. Catun Bi also expired leaving behind her husband Mr. Badru Zameer Khan alias Badruzamir Can alias Badru Zamir Khan alias Zameer Khan as her moiety sharer and her two children viz., (1) Mrs. Rabiam Reshma Basri married to Mr. Mahamad Isac, and (2) Mr. Ismail Mahamad Khan married to Mrs. Fehmiya Ismail Khan, As her sole and universal heirs.

(g) As evident from the documents at Serial No. 2(e) and 2 (f) upon the death of the said Mr. Xec Mahamod Yacub and that of his daughter late Catun Bi, the said (1) Smt. Apizam Bi, (2) Mr. Xequé Issub (3) Mrs. Raziya Bi Shaikh, (4) Mr. Xec Usman Sab (5) Mrs. Mussarat Bi, (6) Mr. Badru Zameer Khan (7) Mrs. Rabiam Reshma Basri, (8) Mr. Mahamad Isac, (9) Mr. Ismail Mahamad Khan (10) Mrs. Fehmiya Ismail Khan, (11) Mrs. Xerifam Bi (12) Mr. Mulla Mohamad Hanif Muzawar, (13) Mrs. Coirun Nissa Bi (14) Mr. Shaik Mohamed Bilal, (15) Mr. Shaik Ibrahim Sab, (16) Mrs. Faryana Shaikh acquired absolute right, title and interests to the said Property.

(h) On perusal of the document at Serial No. 2(h) it is seen that the names of the heirs of late Xec Mahamod Yacub as mentined in para 3(e) hereinabove are found recorded in the Survey records pertaining to the said Property surveyed under Survey No. 4/29 of Vilage Camurlim.

(i) On perusal of the documents at Serial Nos. 2(i), 2(j) and 2(k), above it is seen that the said Mrs. Apizam bi and others have obtained requisite permissions/license from the concerned Authorities for constructing residential building and compound wall in the said Property.

(j) The construction has been duly authorized by the Town and Country planning Department vide its Letter No. TPM/28883/Camurlim/4/29/17/1691 dated 27/4/17, Health Officer, Primary Health Centre, Loutulim by No Objection Certificate No. PHCL/DHS/NOC/2017-18/213 and the Village Panchayat of Camorlim vide its Construction Licence No. V.P/C/2018-2019/05 dated 14/6/2018.



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(k) On perusal of the documents at Serial Nos. 2(n) above, it is seen that the Collector, South Goa, Margao by its Conversion Sanad No. COL/SG/CONV/65/2016/4511 dated 2/5/2017 has duly approved the conversion of the said Property for residential use.

4. CONCLUSION

On perusal of the documents referred above, I am of the opinion that (i) Mrs. Apizam alongwith her children/grand-children alongwith their respective spouses, namely (1) Mr. Xequ Issub (2) Mrs. Raziya Bi Shaikh, (3) Mr. Xec Usman Sab (4) Mrs. Mussarat Bi, (5) Mr. Badru Zameer Khan (6) Mrs. Rabiam Reshma Basri, (7) Mr. Mahamad Isac, (8) Mr. Ismail Mahamad Khan (9) Mrs. Fehmiya Ismail Khan, (10) Mrs. Xerifam Bi (11) Mr. Mulla Mohamad Hanif Muzawar, (12) Mrs. Coirun Nissa Bi (13) Mr. Shaik Mohamed Bilal, (14) Mr. Shaik Ibrahim Sab (15) Mrs. Faryana Shaikh have a clean, clear and marketable title to the said Property without any charge or encumbrance and valid and enforceable mortgage by way of deposit of title deed can be created against the security of the said Property. (ii) Mrs. Apizam Bi and others have obtained necessary Construction Licence and other requisite permissions from the competent authorities for the construction of the residential building in the said Property and therefore have full right and authority to develop the said Property. As such the Flats/premises to be constructed by Mrs. Apizam Bi and the others in the said Property shall have a good and marketable title and consequently upon the execution of the Final Deed of Sale between the prospective purchasers and the owners i.e. (1) Mrs. Apizam Bi, (2) Mr. Xequ Issub (3) Mrs. Raziya Bi Shaikh, (4) Mr. Xec Usman Sab (5) Mrs. Mussarat Bi, (6) Mr. Badru Zameer Khan (7) Mrs. Rabiam Reshma Basri, (8) Mr. Mahamad Isac, (9) Mr. Ismail Mahamad Khan (10) Mrs. Fehmiya Ismail Khan (11) Mrs. Xerifam Bi (12) Mr. Mulla Mohamad Hanif Muzawar, (13) Mrs. Coirun Nissa Bi (14) Mr. Shaik Mohamed Bilal, (15) Mr. Shaik Ibrahim Sab, (16) Mrs. Faryana Shaikh. The prospective purchasers who agree to purchase the premises to be constructed in the said Building shall have a good, marketable and clear title over the same, and as such it shall constitute a good security for the purposes of creating a mortgage on the premises so purchased to secure loan to be disbursed by the Bank to the Prospective Purchaser.

The Prospective Purchaser shall have to produce before the Bank the certified copies of the documents mentioned at Serial No. 2 hereinabove and the Original Agreement for Sale/Office Letter for Sale/Deed of Sale as the case may be in order to create the mortgage.

The above report is purely based in the documents and information made available to the undersigned.



Suvidha N. Parab
SGL, L.L.B.(Hons)
Advocate