

Adv. GAUTAMI PHADTE
L.L.B. (Hons)
ADVOCATE



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Tiswadi, Goa, 403006
Cont: 7447799861

Email: riabandar@gmail.com

Ref. No.

Date:

LEGAL TITLE SEARCH REPORT

1	Name of the person seeking opinion please give reference if any	MRS. FABIOLA GRACE MENDES E RODRIGUES, age 41 years, daughter of Mr. Jose Mendes and wife of Mr. Lincoln Bennet Rodrigues, married, business, Indian National, Director, Bennet and Bernard Custom Homes Pvt. Ltd.
2	Name of the Owners of the Property	1. MR. SUDESH MORTU SHIRODKAR, s/o late Shri. Mortu Shirodkar, aged 59 years, Married, Business, Indian National, and his wife 2. MRS. SHAMAL SUDESH SHIRODKAR, d/o Mr. Raghuvir

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		Haldankar and wife of Mr. Sudesh Mortu Shirodkar , aged 54 years, Married, Housewife, Indian National, and both resident of House No. 756, Sataporio, Moira, Bardez, Goa, 403507.
3	Full and detailed description of the property including the following details a. Survey No./ Khata No. etc. b. Door/ House No. in case of buildings, c. Area. d. Location details like Village, Taluka, District, City, Registration, Sub District, State etc. e. Boundaries.	<p style="text-align: center;"><u>(PROPERTY A)</u></p> ALL THAT landed Property known as "SATAPURIO" spelled as "SATAPORIO" also known as "MATARICHEM BATTA" alias "GORBATTA", surveyed under Survey No. 147, sub division No. 4 located in Village Moira, within the jurisdiction of Village Panchayat of Moira, Taluka and Sub District of Bardez, District of North Goa, State of Goa, having an old house on it in dilapidated,

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		<p>which property is described in the office of Land Registration Office under No. 11520 at Folio No. 64 of Book B 30 New and totally admeasuring 1700 square Meters and bounded as under;</p> <p>On the East:- By the Pathway On the West:- By the Public Road; On the South:- By property bearing Survey No. 147/6 and 147/8 and On the North:- By property bearing Survey No. 147/2 and 147/3.</p> <p style="text-align: center;"><u>(PROPERTY B)</u></p> <p>ALL THAT landed Property known as "SATAPURIO" spelled as "SATAPORIO" also known as</p>
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	<p>"MATARICHEM BATTA" alias "GORBATTA", surveyed under Survey No. 147, sub division No. 5 located in Village Moira, within the jurisdiction of Village Panchayat of Moira, Taluka and Sub District of Bardez, District of North Goa, State of Goa, which property is described in the office of Land Registration Office under No. 11520 at Folio No. 64 of Book B 30 New and , totally admeasuring 375 square Meters and bounded as under;</p> <p>On the East:- By property bearing Survey No. 147/4 On the West:- By the Public Road; On the South:- By property bearing Survey No. 147/6 and On the North:- By property bearing Survey No. 147/4.</p>
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4	Sr. No	Date	Description of Document	Original/Photo Copy of the Original/ Notarised copy/ Sub Registrar Certified Copy etc.
	1	22/11/1952	Land Inscription and Description: in Portuguese issued by The Deputy Acting as Conservator	Photocopy
	2	22/11/1952	Deed of Habilitations, Sale, adjustment of Sale and Discharge: Registered before Camilo Manual Antonio Henrique do Rozario e Souza, Asst. Notary of the Division of Bardez in Portuguese Language along	Photocopy

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			with its English Translation	
3	25/11/1952	REGISTRY OF TRANSMISSION	along with its translation	Photocopy
4	25/02/2021	Inventory Proceeding:	filed before Court of Civil Judge Junior Division at Mapusa	Photocopy
5	18/01/2022	FORM I & XIV of S. No.	147/4 and 5	Original
6		Manuel form 1 and XIV		Photocopy
7		Form III		photocopy
8		Form IX		Photocopy
9	20/10/2021	Survey Plan of S. Nos 147/4	and 5;- Issued by Directorate of Settlement of Land	Original
10	20/10/2021	Nil Encumbrance	Certificate: issued by the office of Sub Registrar of Mapusa at Bardez-Goa	Photocopy
11	13/10/2021	Land Zoning Certificate:		Photocopy

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			issued by Office of the Senior Town Planner, Mapusa, Bardez, Goa	
12	27/01/2022		Technical Clearance Order: Issued by the office of senior Town Planner North Mapusa Bardez, Goa. Bearing No. TPB/7280/MOI/TCP-2022/437.	Original
13	16/02/2022		Health NOC: issued Primary Health Centre, Aldona, Goa	Original
14	01/11/2021		Conversion Sand:- bearing no. No 4/272/CNV/AC-III/2021/1458 issued by the office of the Additional Collector III, North	Photocopy
15	17/02/2021		Memorandum of Understanding: executed	photocopy

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			and Registered before Advocate and Notary V. K. Harmalkar	
16	09/02/2022		Agreement for Development cum Sale: Registered before Civil cum Sub Registrar, Bardez	Original
6	<p>Tracing title of the Property: it is expected that the title deed is traced for a period up to 30 years.</p> <p>I HEREBY CERTIFY THAT THIS REPORT IS PURELY BASED ON THE DOCUMENTS MADE AVAILABLE TO ME AND THEREFORE FROM THE DOCUMENTS EXAMINED IT TRANSPIRES AS UNDER:-</p> <p><u>REGARDING THE PROPERTY: DERIVATION/ FLOW OF TITLE:-</u></p> <p>REGARDING ALL THAT landed Property known as "SATAPURIO" spelled as "SATAPORIO" also known as "MATARICHEM BATT" alias "GORBATT", surveyed under Survey No. 147, sub division No. 4</p>			

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located in Village Moira, within the jurisdiction of Village Panchayat of Moira, Taluka and Sub District of Bardez, District of North Goa, State of Goa, having an old house on it in dilapidated, which property is described in the office of Land Registration Office under No. 11520 at Folio No. 64 of Book B 30 New and totally admeasuring 1700 square Meters and bounded as under;

On the East:- By the Pathway

On the West:- By the Public Road;

On the South:- By property bearing Survey No. 147/6 and 147/8 and

On the North:- By property bearing Survey No. 147/2 and 147/3.

AND ALL THAT landed Property known as "SATAPURIO" spelled as "SATAPORIO" also known as "MATARICHEM BATT" alias "GORBATT", surveyed under Survey No. 147, sub division No. 5 located in Village Moira, within the jurisdiction of Village Panchayat of Moira, Taluka and Sub District of Bardez,

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District of North Goa, State of Goa, which property is described in the office of Land Registration Office under No. 11520 at Folio No. 64 of Book B 30 New and , totally admeasuring 375 square Meters and bounded as under;

On the East:- By property bearing Survey No. 147/4

On the West:- By the Public Road;

On the South:- By property bearing Survey No. 147/6 and

On the North:- By property bearing Survey No. 147/4.

hereunder written and hereinafter referred to both properties jointly referred to as the "SAID PROPERTIES";

1. From the documents produced, it is duly noted that the said property originally belonged to one Mrs. Maria Francisca Lobo, widow of Maximiano Francisco Lopes Lobo and her daughter Maria Augusta Lobo also known as Sister Maria Gerarda.

2. From documents Produced, it is duly noted that the SAID PROPERTIES stands inscribed in favor of Said

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Mrs. Maria Francisca Lobo, widow of Maximiano Francisco Lopes Lobo and her daughter Maria Augusta Lobo also known as Sister Maria Gerarda in the office of the Land Registration (Conservatoria do Registro Predial) of the Judicial Division of Bardez under Inscription No. 36215 at Page 13 of G-40.

3. From documents Produced, it is duly noted that said Mrs. Maria Francisca Lobo, widow of Maximiano Francisco Lopes Lobo and her daughter Maria Augusta Lobo also known as Sister Maria Gerarda sold the Said property to Mr. Xembu Dacu Sirodcar and his wife Mrs. Pushphalata Xembu Sirodcar vide Deed of Habilitation, Sale, adjustment of Sale and Discharge wherein right reserved for brothers of Mr. Xembu Sirodcar namely Mr. Loximona Sirodcar and Mortu Sirodcar for each of them to buy 1/3rd of the said Property subject to terms and conditions appearing therein subject to some conditions stated therein. It is further noted

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that said right to purchase extinct after 15 years for non-exercise of the right.

Mr. Xembu Dacu Sirodcar and his wife Mrs. Pushphalata Xembu Sirodcar expired on 14/06/2011 and 13/10/1994 respectively without any will or gift or any other testamentary disposition of their wish and both died issueless and Mr. Mortu Shirodkar and his wife Yashodha Shirodkar expired on 18/05/2009 and 03/08/2006 respectively.

4. From documents Produced, it is duly noted that Inventory Proceeding initiated upon death of Late Mr. Xembu Dacu Sirodcar, his wife Mrs. Pushphalata Xembu Sirodcar, Mr. Mortu Shirodkar and his wife Yashodha Shirodkar, in the Court of Civil Judge Senior Division, at Mapusa Goa registered under No. 253/2020 wherein it was revealed that Late Mr. Xembu Dacu Sirodcar, his wife Mrs. Pushphalata Xembu Sirodcar, expired leaving behind by following legal heirs and successors;

A. Mr. Laxman Dhaku Shirodkar alias Loximona Dacu

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Sirodkar married to Mrs. Shobha Laxman Shirodkar and B. Mr. Mortu Shirodkar and his wife Yashodha Shirodkar expired on 18/05/2009 and 03/08/2006 respectively leaving behind following children;

a) Mr. Shekhar Mortu Shirodkar and his wife Mrs. Snehal Shekhar Shirodkar

b) Mrs. Indira Govind Sangodkar and her husband Mr. Govind Bhikaji Sangodkar and said Mrs. Indira Govind Sangodkar expired on 14/10/2020 leaving behind her husband as her half sharer and her only son

i. Mr. Rigvid Govind Sangodkar,

c) Mr. Sunil Mortu Shirodkar and his wife Mrs. Kavita Sunil Shirodkar

d) Mr. Sudesh Mortu Shoridkar and his wife Shamal Sudesh Shirokar

e) Mrs. Arti Datta Nagvenkar and her husband Mr. Datta Nagvenkar

5. From documents Produced, it is duly noted that in the

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said Inventory Proceeding registered under No. 253/2020 SAID PROPERTIES that is Survey No. 147/4 and Survey No. 147/5 as item No. 1 and 2 respectively in the Final List of Assets.

4. From documents Produced, it is seen that one of the heirs namely Mr. Sudesh Mortu Shirodkar in the Auction conducted in the said Inventory proceeding on 27th January 2021 took in auction Said PROPERTIES listed at item No. I and II in the Said Inventory Proceeding.

5. From documents Produced, it is duly noted that the final Chart of Allotment was drawn on 18th February 2021 whereby the SAID PROPERTIES came to allotted to Said Mr. Sudesh Mortu Shirodkar in terms with the Auction dated 27/01/2021 and the proceeds of the auction came to be allotted amongst all the legal heirs in accordance with the Scheme of Partition dated 18/02/2021.

1. From documents Produced, it is duly noted that the

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Hon'ble Civil Judge Senior Division , "A" Court at Mapusa Goa, vide its Judgment dated 25th February 2021 and Decree dated 25th February 2021 passed in Invenotry Proceeding No. 523/2020 confirmed the Final Chart of Allotment dated 18/02/2021 and made it absolute for all purpose. Thus, the said Mr. Sudesh Mortu Shirodkar became the exclusive and absolute legitimate owner in title and in exclusively possession of the **SAID PROPERTIES**.

2. From documents produced, it is duly noted that the Survey Record of Rights came to be duly mutated in favor of said Mr. Sudesh Mortu Shirodkar with the inclusion of his name in the Occupants Column of the Form I & XIV as occupants thereof with respect to the **SAID PROPERTY**.

3. From documents produced, it is duly noted that said Mr. Sudesh Mortu Shirodkar had entered into an

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Memorandum of Understanding dated 17/02/2021 with one Mr. Sagar Naik with in respect to development of SAID PROPERTIES which Memorandum was executed and Registered before Advocate and Notary V. K. Harmalkar registered under Registration No. 800/21 dated 17/02/2021 at Mapusa- Goa. That due to personal exigencies said Mr. Sagar Naik could not proceed with the development of the SAID PROPERTIES.

4. From documents produced, it is duly noted that said Mr. Sudesh Mortu Shirodkar along with his wife Mrs. Shamal Sudesh Shirodkar entered in to an Agreement for Development cum Sale dated 09/02/2022 with M/s Bennet and Bernard Custom Homes Pvt. Ltd. which Agreement was confirmed said Sagar Naik along with his wife Mrs. Ketaki Devendra Chodankar alias Ketaki Sagar Naik by signing as a Confirming Party.

5. From documents produced, it is duly noted that vide the said Agreement for Development cum Sale dated 09/02/2022 registered in the Office of Civil Registrar -cum- Sub Registrar, Bardez under Reg. No.

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BRZ-1-965-2022 said Mr. Sudesh Mortu Shirodkar and his wife gave exclusive developmental, market and sell rights with respect to the SAID PROPERTIES to M/s Bennet and Bernard Custom Homes Pvt. Ltd.

A. REGARDING SURVEY PLAN, NIL ENCUMBRANCE CERTIFICATE

SANAD AND OTHER APPROVALS:

From the documents it is duly noted that the Vendors has applied and obtained/in-possession of the required permission and license etc. from the competent authorities as detailed below:

- 1. SURVEY PLAN:** for the property Bearing Survey No. 147/4 and 147/5 issued by Directorate of Settlement of Land Records office of Panjim-Goa dated 13/01/2021
- 2. NIL ENCUMBRANCE CERTIFICATE:** dated 22/10/2021 issued by the office of Sub Registrar of Bardez at Mapusa Goa.

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3. TECHNICAL CLEARANCE ORDER:- Issued by the office of senior Town Planner North Mapusa Bardez, Goa. bearing Nos. TPB/7280/MOI/TCP-2022/437, dated 27/01/2022.

4. SANAD: Issued by the Office of the Additional Collector III at Mapusa North Goa., bearing No. 4/272/CNV/AC-III/2021/1458 dated 01/11/2021.

5. Health N.O.C.: Issued by the Department of Health bearing No. DHS/2022/DHS0901/00053/207 dated 16/02/2022.

B. FORM III, FORM IX, Form X FORM I AND XIV,

1. Form I & XIV: for property bearing survey No. 147/4 and 147/5 both dated 18/01/2022. (Computerised Copy).

2. Manual Form III: Issued by the Talathi of Moira.

3. Manual Form I and XIV: Issued by the Talathi of Moira bearing survey No. 147/4 and 147/5 both dated

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	11/02/1980.
	4. <u>Manual Form IX:</u> Issued by the Talathi of Moira.
	C. <u>OFFICES SEARCHED:</u> I have given searches in the Office of the Registrar/Sub Registrar Bardez at Mapusa-Goa and in the Civil Judge Senior Division at Mapusa-Goa.
	D. <u>LEGAL FINDINGS :</u> It is seen from the documents produced that: a) M/s. Bennet and Bernard Custom Homes Private Limited has entered into Agreement for Development cum Sale dated 09/02/2022 by virtue of which they have taken over the property for the purpose of constructing Residential Villas in the SAID PROPERTIES. b) Fresh Nil Encumbrance Certificate has to be applied from office of the Sub-Registrar of Bardez-Goa.

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CERTIFICATE

I, Certify on the basis of the documents furnished (Photocopy/Original) to me that **M/S. BENNET AND BERNARD CUSTOM HOMES PVT. LTD.**, represented through its Director Mrs. Fabiola Grace Mendes E Rodrigues has clear marketable title to the said property base on the Agreement for Development cum Sale dated 09/02/2022, subject to M/S Bennet and Bernard Custom Homes Pvt. Ltd., execute/enter into a final Deed of sale/Conveyance for the said properties with the vendors.

Date: 28/04/2022

Place: Panaji-Goa




ADV. GAUTAMI PHADTE