

04.12.2022

LEGAL OPINION

This opinion has been sought for by Mrs. Kavitha Paramananda Mariadassou , daughter of Paul Radjanedassou, No.100, Candappa Mudaliar Street, Pondicherry - 605 001, regarding the title in respect of the schedule mentioned property.

II. The following documents have been placed before me for perusal:-

1. Photocopy of the final Decree in I.A. No.1588/1974 in O.S.no.225/1973 between Antoineette Cincint, wife of T.S.Vincent Jegaraj and H.A.J. Savarinathan, son of A.J. Savarinathan and 5 others on the file of the Additional Sub Judge at Pondicherry on 21.11.1975 (D1);
2. Photocopy of the delivery order in Execution petition No.71/1976 dated 09.07.1976 on the file of the Additional Sub Judge at Pondicherry between Antoineette Cincint, wife of T.S.Vincent Jegaraj and H.A.J. Savarinathan, son of A.J. Savarinathan and 5 others (D2);
3. Photocopy of the Release deed dated 27.05.1977 and registered as document No.688/1977 of Book-1 in the District Registrar's office, Pondicherry by Mrs.Elizabeth Selvanayagui Victor @ Sundira Victor, wife of T.S.Vincent Jegaraj in favour of (1) Mr.Paul Rajanedassou Mariadassou, (2) Mr.Antoine Hyacinthe Vallaba Mariadassou and (3) Mr. Antoine Joseph Djegaya Mariadassou all sons of late Joseph Xavier Mangala Mariadassou (D3);

- ✓ 4. Photocopy of the Will dated 16.09.2011 and registered as document No.323/2011 of Book-3 in the District Registrar's office, Pondicherry by Mr.Paul Rajanedassou, son of late Mangala Mariadassou (D4);
- ✓ 5. Photocopy of the common certificate of inheritance dated 13.08.1999 issued by the Local Court of Munich of deceased Mr. Antoine Joseph Djegaya Mariadassou (D5);
- ✓ 6. Photocopy of the certificate of inheritance dated 27.06.2009 issued by the Local Court (Amtsgericht) Mulheim of deceased Mr.Antoine Hyacinthe Vallaba Mariadassou (D6);
- ✓ 7. Death certificate of Amala Mangala Mariadassou (D7);
- ✓ 8. Death certificate of Mr.Paul Rajanedassou, son of late Mangala Mariadassou (D8);
- ✓ 9. Photocopy of the Power of Attorney dated 25.10.2016 and executed at Germany and authenticated by the Assistant Consular Officer, Consulate General of India, Germany, as No.2645/2016, dated 15.11.2016 and authenticated before the District Registrar in No283/2016 by (1) Mrs.Silvia Maria Mariadassou Nee Pokorny, (2) Mrs.Sarika Chantal Mariadassou and Ms.Vasanta Nadine Mariadassou in favour of Mr. Paramananda Mariadassou Rozario (D9);
- ✓ 10. Photocopy of the Power of Attorney dated 25.10.2016 and executed at Germany and authenticated by the Assistant Consular Officer, Consulate General of India, Germany, Ref No.MUN/CON/1183/16 and authenticated before the District Registrar in No.284/2016 by (1) Mrs.Elfriede Irmagard Hedwig Mariadassou, (2) Mr.Rajesh Christian

Mariadassou in favour of Mr. Paramananda Mariadassou Rozario (D10);

- ✓ 11. Photocopy of the Power of Attorney dated 12.01.2016 and registered as Document No.77/2016 of Book-4, in the Registrar's Office, Pondicherry by Mrs.Bernadette Tilaka Benjamin, in favour of Mr. Paramananda Mariadassou Rozario (D11);
- ✓ 12. Photocopy of the Power of Attorney 12.08.2021, Apostilled on 20.10.2021, duly authenticated by the office of the District Registrar, Puducherry in Sl. No. 353 dated 21.12.2021 by Mr.Frederick Rajiv Xavier in favour of Mr. Paramananda Mariadassou Rozario (D12);
- ✓ 13. Photocopy of the Power of Attorney 21.10.2021, Apostilled on 26.10.2021, duly authenticated by the office of the District Registrar, Puducherry in Sl. No. 352 dated 21.12.2021 by Chris Sanjiv Xavier in favour of Mr. Paramananda Mariadassou Rozario(D13);
- ✓ 14. Photocopy of the Memorandum of the Agreement dated 02.05.2022 and registered as document No.12361/2022 of Book-1 in the District Registrars office, Puducherry between Mrs.Elfriede Irmagard Hedwig Mariadassou and eight others and Mr. Vinoth Kanna, son of Mr. V. Vidjea Nehru for development of the schedule mentioned property (D14);
- ✓ 15. Photocopy of Encumbrance certificate No.8662/2019 issued for the period from 01.01.1969 to 07.10.2019 and No.10684/2022 issued for the period from 01.01.1992 to 21.11.2022 by the District Registrar Office Puducherry (D15);

16. Photocopy of the settlement extract in respect of Patta No.2507, of Pondicherry Revenue Villages stands registered in the name of Mr.Paul Rajanedassou and 3 others (D16).

III. I Have gone through the above documents carefully: -

- (1) D1 and D2 are respectively the final decree and delivery order in O.S.no.225/1973 in which the schedule mentioned property was allocated to (1) Amala Mangala Mariadassou, (2) Paul Rajanedassou, (3) Elizebeth Victor, (4) A.V.Mariadassou and (5) J. Mariadassou. It is seen from the death certificate at D7 that the afore said Amala Mangala Mariadassou @ Amalourepavamarie Mangaladassou died intestate on 29.8.1985, leaving Paul Rajanedassou, Elizebeth Victor, A.V.Mariadassou and J. Mariadassou to inherit her share in the schedule mentioned property.
- (2) It is seen from the release deed at D3 that Mrs.Elizabeth Selvanayagui Victor @ Sundira Victor, wife of T.S.Vincent Jegaraj relinquished all her 1/4 right, share and interest in the schedule mentioned property in favour of (1) Mr.Paul Rajanedassou Mariadassou, (2) Mr.Antoine Hyacinthe Vallaba Mariadassou and (3) Mr. Antoine Joseph Djegaya Mariadassou.
- (3) By the Will at D4 the said Mr.Paul Rajanedassou, son of late Mangala Mariadassou bequeathed his share in the schedule mentioned property in favor of his daughters, namely, Marie Josephine Kavitha, and Bernadette Tilaka Benjamin his grand sons, namely Frederick Rajiv and Chris Sanjiv and it is seen from the death certificate at D8 that the said Paul Rajanedassou died on 23.12.2015;

- (4) D5 in the common certificate of inheritance issued by the Local Court of Munich of deceased Mr. Antoine Joseph Djegaya Mariadassou who died on 27.02.1999 leaving behind Mrs.Silvia Maria Mariadassou, Ms.Vasanta Nadine Mariadassou and Mrs.Sarika Chantal Mariadassou, to inherit his 1/3rd share and interest in the schedule mentioned property.
- (5) D6 is the certificate of inheritance issued by the Local Court (Amtsgericht) Mulheim of deceased Mr.Antoine Hyacinthe Vallaba Mariadassou, who died on 27.06.2009 leaving behind Mrs.Elfriede Irmagard Hedwig Mariadassou and Mr.Rajesh Christian Mariadassou, to inherit his 1/3rd share and interest in the schedule mentioned property.
- (6) D9 to D13 are the powers of attorneys by 1. Mrs. Bernadette Tilaka Benjamin 2. Mr. Frederick Rajiv 3. Mr. Chris Sanjivgrand, 4.Mrs. Silvia Maria Mariadassou, 5. Ms.Vasanta Nadine Mariadassou, 6. Mrs.Sarika Chantal Mariadassou, 6. Mrs.Elfriede Irmagard Hedwig Mariadassou, and 8. Mr.Rajesh Christian Mariadassou in favour of Mr. Paramananda Mariadassou Rozario, to deal with and dispose of the schedule mentioned property.
- (7) D14 is a Memorandum of Agreement between Mrs.Elfriede Irmagard Hedwig Mariadassou and eight others and Mr. Vinoth Kanna, son of Mr. V. Vidjea Nehru for development of the schedule mentioned property into flats and apportion them between in the ratio 50:50.
- (8) It is seen from the settlement extract at D16 that the schedule mentioned property having an extent of 8 Ares and 19 Centiares situate Ward-'D', Block No.6, T.S.No.206, R.S.No.239 Pt., Patta

No.2507, of Pondicherry Revenue Village at stands registered in the name of Mr.Paul Rajanedassou and 3 others.

- (9) The encumbrance certificate at D15 series show no encumbrance except the Memorandum of Agreement entered between the parties for development of the schedule mentioned property.

III. I am of the opinion that: -

- (a) The 1/3rd of the share of late Paul Rajanedassou in the schedule mentioned property been inherited by the following, namely:-

1. Mrs. Marie Josephine Kavitha,
2. Mrs. Bernadette Tilaka Benjamin
3. Mr. Frederick Rajiv
4. Mr. Chris Sanjivgrand

- (b) The 1/3rd of the share late Antoine Joseph Djegaya Mariadassou in the schedule mentioned property been inherited by the following, namely:-

1. Mrs.Silvia Maria Mariadassou,
2. Ms.Vasanta Nadine Mariadassou
3. Mrs.Sarika Chantal Mariadassou

- (c) The 1/3rd of the share late Antoine Hyacinthe Vallaba Mariadassou in the schedule mentioned property been inherited by the following, namely: -

1. Mrs.Elfriede Irmagard Hedwig Mariadassou
2. Mr.Rajesh Christian Mariadassou.

IV. I am therefore of the opinion that the above said 1. Mrs. Marie Josephine Kavitha, 2. Mrs. Bernadette Tilaka Benjamin 3. Mr. Frederick Rajiv 4. Mr. Chris Sanjivgrand, 5.Mrs. Silvia Maria Mariadassou, 6. Ms.Vasanta Nadine Mariadassou, 7. Mrs.Sarika Chantal Mariadassou, 8. Mrs.Elfriede Irmagard Hedwig

Mariadassou, and 9. Mr.Rajesh Christian Mariadassou can convey valid and marketable title over the schedule mentioned property and the schedule mentioned property is free from encumbrance as on 21.11.2022.

SCHEDULE OF PROPERTY

In the Registration District of Pondicherry, in the Registration Sub-District of Pondicherry, in Pondicherry Municipal limits, in Village No.40, **Pondicherry Revenue Village, in Candappa Mudaliar Street, the house bearing Door No.72 (Old), 100 (New),** situated **North** of the said street, **South** of the property of Appavou, **East** of the portion allocated to Antoinette Vincent, and **West** of Bharathi Street, measuring East to West on the southern side 28.3 meters and on the northern side 27.5 meters and South to North on the eastern side 29.4 meters and on the western side 28.5 meters, comprised in **Ward-'D', Block No.6, T.S.No.206, R.S.No.239 Pt., Patta No.2507,** having an extent of **819 sq. mts.**

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Digitally signed by S. Sivakumar
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(S. SIVAKUMAR)
ADVOCATE

To.
Mrs. Kavitha Paramananda Mariadassou,
D/o. Paul Radjanedassou,
No.100, Candappa Mudaliar Street,
Pondicherry – 605 001.