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TITLE REPORT

To,
GALAXY MANAGEMENT SOLUTIONS PVT. LTD.,
Having office at 40/81, C R Park,
New Delhi 110019

- I. I have perused the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 40/8 of Village Paliem, Bardez - Goa.
 - b) Inscription Certificate (bearing No. 3162 at folio 130 of Book G-5)
 - c) Description Certificate (bearing No. 5415 at folio 14 of Book 14 of the New Series)
 - d) Manual Form I & XIV
 - e) Form III

- g) Deed of Gift dated 08/03/1978 , registered before Sub-Registrar of Bardez, - Goa under no. 309 of Book I Volume 120 at pages 288 to 291 dated 05/05/1978
- h) Deed of Rectification dated 11/04/1983 registered before Sub-Registrar of Bardez, - Goa under no. 223 of Book I Volume 181 at pages 384 to 387 dated 12/03/1984
- i) Deed of Succession dated 07/10/1992
- j) Agreement dated 24/08/2007 registered in the Office of the Sub-Registrar of Bardez at Mapusa
- k) Agreement For Sale dated 25/09/2007, registered before Sub-Registrar of Bardez, - Goa under registration No.2950, at pages 203 to 241 of Book I Volume 2627 dated 28/05/2008
- l) Deed of Sale dated 21/05/2008



- m) Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa
- n) Order dated 29/03/2008 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa
- o) Judgement dated 10/04/2008 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa
- p) Deed of Sale dated 29/05/2008, registered before Sub-Registrar of Bardez, - Goa under registration No.3054, at pages 280 to 298 of Book I Volume 2635 dated 05/06/2008
- q) Deed of Sale dated 27/06/2016, registered before Sub-Registrar of Bardez, - Goa



- r) Deed of Sale dated 13/10/2021, registered before Sub-Registrar of Bardez, - Goa under Registration No. BRZ-1-3644-2021, dated 13/10/2021
- s) Conversion Sanad dated 02/06/2008 bearing No. RB/CNV/BAR/274/2007 issued by the District Collector, North Goa District, Panaji - Goa
- t) Technical Clearance Order dated 12/11/2012 bearing Ref. No. TPBZ/681/PALIEM/3462 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa, Bardez - Goa
- u) Construction Licence bearing No. VP/UPP/Const.Lic.No. 01/2013-14/1262 dated 18/04/2013 issued by Village Panchayat of Ucassaim-Paliem-Punola, Bardez - Goa
- v) Nil Encumbrance Certificate dated 11/04/2023 bearing No. 1030/2023



The said property shall hereinafter referred to as the
SAID PROPERTY

TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** is described under No. 5415 at folio 315 of Book B-14 new and inscribed on **12th May 1893** under No. 3162 at folios 130 of Book G-5, in favour of Rosario Xavier de Nogueira. The said Inscription Certificate reveals that the **SAID PROPERTY** was purchased by the said Rosario Xavier de Nogueira for the consideration of Rupees four hundred and fifty from Carlota alias Maria Carlota de Mendonca, Maria Regina de Mendonca, Petornila de Mendonca, spinster and Aniceto Anselmo de Souza and his wife Rofina Euginia Bemyinda de Mendonca.

2. **Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was**

maintained. Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevailant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.



The said property shall hereinafter referred to as the
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TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** is described under No. 5415 at folio 315 of Book B-14 new and inscribed on **12th May 1893** under No. 3162 at folios 130 of Book G-5, in favour of Rosario Xavier de Nogueira. The said Inscription Certificate reveals that the **SAID PROPERTY** was purchased by the said Rosario Xavier de Nogueira for the consideration of Rupees four hundred and fifty from Carlota alias Maria Carlota de Mendonca, Maria Regina de Mendonca, Petornila de Mendonca, spinster and Aniceto Anselmo de Souza and his wife Rofina Euginia Bemyinda de Mendonca.
2. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was



3. The Hon'ble High Court of Bombay at Goa in the case of **Jossephine D'Costa V/s. Khushali Govind Naik Desai** and other reported at Manu/MH/1303/2004 has observed that "The Plaintiffs property has been inscribed in the names of Plaintiffs from 14th August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality the transfer of possession in favour of a person in whose favour such inscription has been done. In other words, by virtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of tittle and possession in respect of the property claimed by them against none proved by the Defendants,"

4. Vide Deed of Gift dated 08/03/1978, registered before Sub-Registrar of Bardez, - Goa under no. 309 of Book I Volume 120 at pages 288 to 291 dated 05/05/1978, read along with Deed of Rectification dated 11/04/1983 registered before Sub-Registrar of Bardez, - Goa under no. 223 of Book I Volume 181 at pages 384 to 387 dated 12/03/1984, Mr. Frank D. Paul gifted the SAID PROPERTY in favour of his only daughter Miss. Maria Lona Nogueira Paul.
5. Deed of Succession dated 07/10/1992 reveals that Marcelina Paul alias Lucia Marcelina Nogueira wife of Frank D. Paul alias Frank Paul passed away on 16/03/1977 and subsequently the said Frank Denise Paul alias Frank Paul passed away on 20/08/1989. Both died without any will or disposition of their last wish leaving behind them their sole and universal heir, their daughter Maria



Colaco alias Maria Noguera Paul alias Maria Lorna
William Colaco.

6. Vide Agreement dated 24/08/2007 the said Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco agreed to sell the SAID PROPERTY in favour of M/s Goodwill Infrastructure Developers Pvt. Ltd. Represented by its Director Mr. Yashpal Raikar.
7. Vide Agreement For Sale dated 25/09/2007, registered before Sub-Registrar of Bardez, - Goa under registration No.2950, at pages 203 to 241 of Book I Volume 2627 dated 28/05/2008, the said Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco agreed to sell the SAID PROPERTY in favour of the said M/s Goodwill Infrastructure Developers Pvt. Ltd. Represented by its Director Mr. Yashpal Raikar.



8. Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa reveals that Mr. William Francis Colaco passed away on 28/06/1998, leaving behind his widow the said Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco as his moiety holder and the following children as his sole and universal legal heirs:

- i. Mrs. Wilina W. Colaso married to Mr. Victor Mendes
- ii. Mrs. Crystal Lovina W Colaso married to Mr. Savio J. Dias
- iii. Mr. Lenin Max W. Colaco
- iv. Miss Wilma Valencia W. Colaco (minor)

9. Upon the death of the said William Francis Colaco Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa by the said Mrs. Maria Colaco alias Maria Noguera Paul alias Maria Lorna William



Colaco and the **SAID PROPERTY** was listed at **Item No. 1** in the LIST OF ASSETS.

10. Vide Judgement dated 10/04/2008 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa the **SAID PROPERTY** was allotted in the following manner:

- i. Half share of the SAID PROPERTY to Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco
- ii. One eighth share of the SAID PROPERTY to Mrs. Wilina W. Colaso married to Mr. Victor Mendes
- iii. One eighth share of the SAID PROPERTY to Mrs. Crystal Lovina W Colaso married to Mr. Savio J. Dias
- iv. One eighth share of the SAID PROPERTY to Mr. Lenin Max W. Colaco
- v. One eighth share of the SAID PROPERTY to Miss Wilma Valencia W. Colaco



11. By virtue of Order dated 29/03/200 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa and Judgement dated 10/04/2008 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa the said Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco, Mrs. Wilina W. Colaso married to Mr. Victor Mendes, Mrs. Crystal Lovina W Colaso married to Mr. Savio J. Dias, Mr. Lenin Max W. Colaco and Miss Wilma Valencia W. Colaco became joint owners of the SAID PROPERTY.
12. Vide Deed of Sale dated 21/05/2008 registered before Sub-Registrar of Bardez, - Goa, the said Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco, Mrs. Wilina W. Colaso, Mr. Victor Mendes, Mrs. Crystal Lovina W Colaso , Mr. Savio J. Dias, Mr. Lenin Max W. Colacô and Miss



Wilma Valencia W. Colaco sold the SAID PROPERTY
in favour of M/s Goodwill Infrastructure
Development Pvt. Ltd.

13. Vide Deed of Sale dated 29/05/2008, registered before Sub-Registrar of Bardez, - Goa under registration No. 3054, at pages 280 to 298 of Book I Volume 2635 dated 05/06/2008, the said M/s Goodwill Infrastructure Development Pvt. Ltd. Sold the SAID PROPERTY in favour of M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena.
14. Vide Conversion Sanad dated 02/06/2008 bearing No. RB/CNV/BAR/274/2007 issued by the District Collector, North Goa District, Panaji - Goa, the **SAID PROPERTY** bearing Survey **No. 40/8** of Village Paliem, Bardez - Goa, admeasuring **7550 sq. mts.** was converted for the purpose of Residential.



15. Technical Clearance Order dated 12/11/2012 bearing Ref. No. TPBZ/681/PALIEM/3462 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa, Bardez - Goa was obtained for proposed construction of Residential building block 1, 2 & 3 and Compound Wall in the SAID PROPERTY bearing Survey No. 40/8 of Village Paliem, Bardez - Goa by the said M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena
16. Construction Licence bearing No. VP/UPP/Const.Lic.No. 01/2013-14/1262 dated 18/04/2013 issued by Village Panchayat of Ucassaim-Paliem-Punola, Bardez - Goa was obtained for carrying out the construction of Residential building block 1, 2 & 3 and Compound Wall in the SAID PROPERTY bearing Survey No. 40/8 of Village Paliem, Bardez - Goa by the said M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena



17. Vide Deed of Sale dated 27/04/2016, registered before Sub-Registrar of Bardez, - Goa, the said M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena sold 1/3rd (one third) undivided portion of land out of the SAID PROPERTY admeasuring 2516 sq mts. in favour of Mr. Nitin Choudhry.
18. Vide Deed of Sale dated 13/10/2021, registered before Sub-Registrar of Bardez, - Goa under Registration No. BRZ-1-3644-2021, dated 13/10/2021, the said Mr. Nitin Choudhry along with his wife, Mrs. Asha Choudhry again sold their 1/3rd (one third) undivided portion of land out of the SAID PROPERTY admeasuring 2516 sq mts. in favour of M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena.
19. In view of above, the said M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena became absolute owners of THE SAID PROPERTY admeasuring 7550 sq mts.



20. Manual Form I & XIV, Form III and Form IX are Revenue Records prepared under the applicable Goa Land Revenue Code

Manual Form I & XIV, Form III and Form IX:

in respect of the **SAID PROPERTY** bearing Survey No. **40/8** of Village **Paliem**, Bardez - Goa clearly shows the name of Lucia Marcelina Nogueira as occupant in the Occupants column and after deleting the said name, the name of Maria Lorna William Colaco was added as occupant in the Occupants column.

21. Under Section 105 of the Goa Land Revenue Code, a person reflected in Form I & XIV is presumed to be in possession of the property unless rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.



22. Although no document has been furnished to establish the flow of title of the SAID PROPERTY from the said Rosario Xavier de Nogueira to Frank D. Paul, as per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted 30 years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a legal title document. Applying the same principle to the SAID PROPERTY, the records disclose that the said Mr. Frank D. Paul has been in peaceful possession of the said property since 1978 and the subsequent to Deed of Gift dated 08/03/1978 read with Deed of Rectification dated 11/04/1983, Deed of Succession dated 07/10/1992 and Order dated 29/03/2000 and Judgement dated 10/04/2008 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of



the Civil Judge Senior Division at Ponda - Goa confirm the continuance of the possession of the said Maria Colaco alias Maria Noguera Paul alias Maria Lorna William Colaco, Mrs. Wilina W. Colaso married to Mr. Victor Mendes, Mrs. Crystal Lovina W Colaso married to Mr. Savio J. Dias, Mr. Lenin Max W. Colaco and Miss Wilma Valencia W. Colaco and in pursuance to Deed of Sale dated 21/05/2008 and Deed of Sale dated 29/05/2008 and Deed of Sale dated 27/04/2016 finally confirm the possession of M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena and Mr. Nitin Choudhry.

23. In light of above, considering the fact that the Inscription Description Certificates, Deed of Gift dated 08/03/1978 read along with Deed of Rectification dated 11/04/1983, Deed of Succession dated 07/10/1992, Agreement dated 24/08/2007, Agreement For Sale dated 25/09/2007, Deed of Sale dated 21/05/2008, Order dated 29/03/2000 passed



in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa, Judgement dated 10/04/2008 passed in Inventory Proceedings bearing No. 04/2008 initiated before the Court of the Civil Judge Senior Division at Ponda - Goa, Deed of Sale dated 29/05/2008, Deed of Sale dated 27/06/2016 and Deed of Sale dated 13/10/2021 and survey records in respect of the **SAID PROPERTY** have remained unchallenged and the survey records correspond to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena** have clear and marketable title in respect of the **SAID PROPERTY** admeasuring 7550 sq mts., **SUBJECT** to the following :

- i. The Publication of Public Notice inviting objections from the general public, if any
- ii. Inspection of Originals of:



- a) Deed of Sale dated 21/05/2008 registered before Sub-Registrar of Bardez, - Goa
- b) Deed of Sale dated 29/05/2008, registered before Sub-Registrar of Bardez, - Goa under registration No.3054, at pages 280 to 298 of Book I Volume 2635 dated 05/06/2008
- c) Deed of Sale dated 27/04/2016, registered before Sub-Registrar of Bardez,
- d) Deed of Sale dated 13/10/2021, registered before Sub-Registrar of Bardez, - Goa under Registration No. BRZ-1-3644-2021, dated 13/10/2021

IV. In addition to above, I have to make the following observations:

1. No tenants/Mundkars are reflected in the survey records of the **SAID PROPERTY**
2. The Urban Ceiling Act is not applicable to the State of Goa.



3. Conversion Sanad dated 02/06/2008 bearing No. ~~RB/CNV/BAR/274/2007~~ issued by the District Collector, North Goa District, Panaji - Goa has been furnished to establish that the **SAID PROPERTY** bearing Survey No. 40/8 of Village Paliem, Bardez - Goa, admeasuring 7550 sq. mts. was converted for the purpose of Residential.

V. EVIDENCE OF POSSESSION:-

The **SAID PROPERTY** bearing Survey No. 40/8 of Village Paliem, Bardez - Goa reflects the names of M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena and Mr. Nitin Choudhry in Form I & XIV issued by the Department of Survey, Government of Goa. However it is advisable to carry out mutation proceedings to delete the name of Mr. Nitin Choudhry in respect of the **SAID PROPERTY**.



VI. **ENCUMBRANCE ON PROPERTY:-**

I have taken search in the Office of the Sub-Registrar of Mapusa, Bardez - Goa and have not found any registered mortgages in respect of the **SAID PROPERTY**. Nil Encumbrance Certificate dated 11/04/2023 bearing No. 1030/2023 in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **M/s Mayfair Resorts (India) Ltd and Mr. Amit Saxena** have clear and marketable title in respect of the **SAID PROPERTY** admeasuring 7550 sq mts., **SUBJECT** to the following :

- i. The Publication of Public Notice inviting objections from the general public, if any
- ii. Observation made at Para **V** above



iii. Inspection of Originals of:

- a) Deed of Sale dated 21/05/2008 registered before Sub-Registrar of Bardez, - Goa
- b) Deed of Sale dated 29/05/2008, registered before Sub-Registrar of Bardez, - Goa under registration No.3054, at pages 280 to 298 of Book I Volume 2635 dated 05/06/2008
- c) Deed of Sale dated 27/04/2016, registered before Sub-Registrar of Bardez,
- d) Deed of Sale dated 13/10/2021, registered before Sub-Registrar of Bardez, - Goa under Registration No. BRZ-1-3644-2021, dated 13/10/2021

➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'I' above.



- For the purpose of issuing this report on title:
 - (a) I have not carried out a negative search in respect of litigations (i) in relation to the **SAID PROPERTY** and/or (ii) against the **SAID PLOT**; and
 - (a) I have taken the title documents under which Rosario Xavier de Nogueira acquired the land as root of title.
- For the purpose of issuing this report on title, I have assumed:
 - (a) the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, asset out at 'I' above, as photocopies or scanned copies and the authenticity of the originals of such documents;
 - (b) that the documents of title set out in the report above have not been modified in any

manner and are valid, subsisting and remain
in force;

- (c) that all the documents relating to the **SAID PROPERTY** and furnished to me have been validly executed and delivered by the parties to them;
- (d) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (e) that there are no pending litigations in respect of the **SAID PROPERTY**; and
- (f) that names of persons spelt differently in different documents in respect of the **SAID PROPERTY** are the same person.

- The accuracy of this report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be

the case. I therefore disclaim any responsibility
for any misinformation or incorrect or
incomplete information arising out of the
documents, responses and other information
furnished to me.

- This report on title is confined to the **SAID PROPERTY** only.
- The search conducted at the Office of the Sub-Registrar of Mapusa, Bardez - Goa is subject to non-availability of certain records and certain land registration records being torn at the concerned Sub-Registrar's Office.
- The availability/existence of the access to the **SAID PROPERTY** is not within the scope of this report.



- A certificate determination, notification, opinion or the like will not be binding on an Indian court or any arbitrator or judicial or regulatory body which would have to be independently satisfied despite any provision in the title documents to the contrary. The report on title has been prepared in accordance with and is subject the laws of India.

Place:-Panaji-Goa.

Date:- 14/07/2023



(Adv. Shivan S. Desai)