

Shivan S.Desai
ADVOCATE

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TITLE REPORT

To,
Vianaar Heritage Development Pvt. Ltd.
Having its Registered Office at 97-B,
GF Manak Shaw Road,
Anupam Garden, Sainik Farms,
New Delhi – 110068.

I. *I have perused the photocopies of the following documents:*

- a) Survey Records Form I & XIV bearing Survey No. 84/2 of Village Marna, Bardez - Goa.
- b) Survey Records Form I & XIV bearing Survey No. 84/3 of Village Marna, Bardez - Goa.
- c) Manual Form I & XIV in respect of Survey Nos. 84/2 and 84/3 of Village Marna, Bardez - Goa
- d) Form III
- e) Regist Do Agrimensor
- f) Inscription Description Certificate
- g) Inventory Proceedings bearing No. 299/2015/B filed before Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa along with Statement on Oath; List of Assets; Minutes of Auction; Provisional Chart of Allotment; Final Chart of Allotment

-:2:-

- h) Order dated 08/07/2016 passed in Inventory Proceedings bearing No. 299/2015/B by Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa
- i) Agreement dated 30/08/2018 between Mrs. Clara Fernandes AND Mr. Wilbur D'Souza
- j) Land Use Zoning Certificate dated 25/01/2019 bearing Ref. No. TPBZ/ZON/5468/MARNA/TCP-19/632 issued by Town and Country Planning Department, Mapusa – Goa
- k) Deed of Sale dated 29/03/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-1-921-2019 dated 02/04/2019
- l) Deed of Sale dated 29/03/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-1-922-2019 dated 02/04/2019
- m) Nil Encumbrance Certificate dated 26/04/2019 bearing No. 940/2019 in respect of property bearing Survey No. 84/2 of Village Marna, Bardez – Goa.

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-:3:-

- n) Nil Encumbrance Certificate dated 26/04/2019 bearing No. 941/2019 in respect of property bearing Survey No. 84/3 of Village Marna, Bardez – Goa.
- o) Cadastral Survey Plan
- p) Survey Plan

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE I

ALL THAT property known as “MADALYA WADYAWARIL BHAT” also known as “DACTEA BONDAVELEM”, situated in the Village **Marna**, within the limits of Village Panchayat of Siolim, Taluka and Sub-District of Bardez, District North Goa, State of Goa, which is a part of the property described in the Land Registration Office of the Judicial Division of Bardez under No. 1844 at folios 598v of Book 12 and presently surveyed under Survey No. **84/2** of Village Marna, admeasuring **2625 sq. mts.** and is bounded as under :-

Towards the North :- By the Public Road;

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-:4:-

Towards the South :- By the property bearing Survey
No. 86/1;

Towards the East :- By the property bearing Survey
No. 84/3;

Towards the West :- By the property bearing Survey
No. 84/1;

This property shall hereinafter referred to as the **SAID
PROPERTY No. 1**

SCHEDULE II

ALL THAT property known as “MADALYA
WADYAWARIL BHAT” also known as “DACTEA
BONDAVELEM”, situated in the Village **Marna**, within
the limits of Village Panchayat of Siolim, Taluka and
Sub-District of Bardez, District North Goa, State of Goa,
which part of the property described in the Land
Registration Office of the Judicial Division of Bardez
under No. 1844 at folios 598v of Book 12 and presently
surveyed under Survey No. **84/3** of Village Marna,
admeasuring **1150 sq. mts.** and is bounded as under :-

Towards the North :- By the Public Road;

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-:5:-

Towards the South :- By the property bearing Survey
No. 86/1;

Towards the East :- By the property bearing Survey
No. 84/4;

Towards the West :- By the property bearing Survey
No. 84/2;

This property shall hereinafter referred to as the **SAID
PROPERTY No. 2**

TRACING OF PARTIES TITLE:

1. In the year **1955**, the **said Property No. 1** and the **said Property No. 2** are described under No. 1844 and inscribed under No. 38344 in favour of Joao Victor Bonifacio Lobo (Widower); Emercia Lobo alias Maria Blandina Piedade Patrocinia Emercia Lobo and her husband, Aprigio Freitas alias Joao Aprigio Antero Felecissimo Santana Freitas. Inscription and Description Certificate reveals that the **said Property No. 1** and the **said Property No. 2** were allotted to the said Joao Victor Bonifacio Lobo

-:6:-

(Widower); Emercia Lobo alias Maria Blandina Piedade Patrocinia Emercia Lobo and her husband, Aprigio Freitas alias Joao Aprigio Antero Felecissimo Santana Freitas in lien of their share, in partition that took place between Mateus Placido Vitorino da Costa and his wife, Apolonia Clementina Angelica Fernandes alias Apolonia Clementina Fernandes e Costa; Epifania Filomena Isabel Fernandes; Antonio Xavier Fernandes alias Wenceslau Antonio Xavier Fernandes; Joao Fernandes alias Joao Francisco Fernandes or John Fernandes, vide Deed dated 31st January 1953.

2. In the year **1961**, the **said Property No. 1** and the **said Property No. 2** are inscribed under No. 40355 in favour of Pedro Antonio Fernandes. Inscription and Description Certificate reveals that the **said Property No. 1** and the **said Property No. 2** were purchased by the said Pedro Antonio Fernandes from Nicolau do Rosario Jesus Maria Carmona Lobo

-:7:-

e Freitas. Inscription and Description Certificate further reveals that the said Nicolau do Rosario Jesus Maria Carmona Lobo e Freitas acquired the **said Property No. 1** and the **said Property No. 2** as sole and universal legal heir of his father, Aprigio Freitas alias Joao Aprigio Antero Felecissimo Santana Freitas or Aprigio Antero Felecissimo Lobo e Freitas or even Aprigio Antero Felecissimo Joao Santana Freitas vide Deed of Succession dated 03/06/1961. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained.

3. Inventory Proceedings bearing No. 299/2015/B instituted before Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa reveals that the said Pedro Antonio Fernandes and Peter Antonio Fernandes are one and the same persons.

-:8:-

4. The said Pedro Antonio Fernandes alias Peter Antonio Fernandes was married to Clara Fernandes alias Clara Fernandez and the said Pedro Antonio Fernandes alias Peter Antonio Fernandes passed away on 14/04/2004 leaving behind his widow and moiety holder, the said Clara Fernandes alias Clara Fernandez and the following legal heirs:

- i. Mr. Melvin Fernandes (bachelor)
- ii. Araron Fernandes (bachelor)
- iii. Smt. Linda Elaine Fernandes (spinster)

5. Upon the death of the said Pedro Antonio Fernandes alias Peter Antonio Fernandes, Inventory Proceedings bearing No. 299/2015/B was instituted before Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa by the said Clara Fernandes alias Clara Fernandez and the **said Property No. 1** was listed at **Item No. 1** and the **said Property No. 2** as was listed at **Item No. 2** in the List of Assets.

-.:9:-

6. Vide Order dated 08/07/2016 passed in Inventory Proceedings bearing No. 299/2015/B by Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa, the **Item No. 1 i.e. the said Property No. 1** and **Item No. 2 i.e. the said Property No. 2** were allotted to the said Clara Fernandes alias Clara Fernandez.
7. Vide Agreement dated 30/08/2018, the said Clara Fernandes alias Clara Fernandez agreed to sell the **said Property No. 1** and the **said Property No. 2** in favour of Mr. Wilbur D'Souza
8. Vide Deed of Sale dated 29/03/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-1-921-2019 dated 02/04/2019, the said Clara Fernandes alias Clara Fernandez sold the **said Property No. 1** in favour of Vianaar Heritage Development Pvt. Ltd. and in pursuance to the said Agreement dated 30/08/2018, the said Mr. Wilbur D'Souza has confirmed the said Deed of Sale dated 29/03/2019.

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-:10:-

9. Vide Deed of Sale dated 29/03/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-1-922-2019 dated 02/04/2019, the said Clara Fernandes alias Clara Fernandez sold the **said Property No. 2** in favour of Vianaar Heritage Development Pvt. Ltd. and in pursuance to the said Agreement dated 30/08/2018, the said Mr. Wilbur D'Souza has confirmed the said Deed of Sale dated 29/03/2019.

10. In light of above, considering the fact that the Inscription and Description records, Order dated 08/07/2016 passed in Inventory Proceedings bearing No. 299/2015/B by Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa, Deed of Sale dated 29/03/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-1-921-2019 dated 02/04/2019 and Deed of Sale dated 29/03/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-1-922-2019

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-:11:-

dated 02/04/2019 and the Survey Records in respect of the **said Property No. 1** and the **said Property No. 2** have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owners, I am of the opinion that **VIANAAR HERITAGE DEVELOPMENT PVT. LTD.** has clear and marketable title in respect of the **said Property No. 1** and the **said Property No. 2**.

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 No. 1** and the **said Property No. 2**.
2. The Urban Ceiling Act is not applicable to the State of Goa.
3. No Conversion **Sanad** has been furnished to establish that the **said Property No. 1** and the **said Property No. 2** are converted from agricultural to non-agricultural purposes.

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-:12:-

4. Land Use Zoning Certificate dated 25/01/2019 bearing Ref. No. TPBZ/ZON/5468/MARNA/TCP-19/632 issued by Town and Country Planning Department, Mapusa – Goa has been furnished which reveals that the **said Property No. 1** and the **said Property No. 2** falls in “Settlement Zone” as per Regional Plan for Goa 2021.

V. **EVIDENCE OF POSSESSION:-**

The **said Property No. 1** bearing Survey No. 84/2 and the **said Property No. 2** bearing Survey No. 84/3 reflects the name of Clara Fernandes in Form I & XIV issued by the Department of Survey, Government of Goa. **However it is advisable that the name of the said Clara Fernandes needs to be deleted and the name of the present owner, Vianaar Heritage Development Pvt. Ltd. shall be mutated in respect of the said Property No. 1 and the said Property No. 2 in Form I & XIV.**

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-:13:-

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 No. 1** and the **said Property No. 2**. Nil Encumbrance Certificate dated 26/04/2019 bearing No. 940/2019 in respect of the **said Property No. 1** and Nil Encumbrance Certificate dated 26/04/2019 bearing No. 941/2019 in respect of the **said Property No. 2** are furnished to establish that there is no encumbrance.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **VIANAAR HERITAGE DEVELOPMENT PVT. LTD.** has a clear and marketable title in respect of the **said Property No. 1** and the **said Property No. 2** subject to Observation made at **para V** above.

-:14:-

➤ **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 No. 1** and the **said Property No. 2** and/or (ii) against the larger property;
 - (b) I have not issued a public notice in respect of the **said Property No. 1** and the **said Property No. 2**;
 - (c) I have not inspected the originals of the title documents produced for scrutiny referred to above; and
 - (d) I have taken the title documents under which Joao Victor Bonifacio Lobo (Widower); Emercia Lobo alias Maria Blandina Piedade Patrocinia Emercia Lobo and her husband, Aprigio Freitas

-:15:-

alias Joao Aprigio Antero Felecissimo Santana
Freitas acquired the Land as the 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 No. 1** and the **said Property No. 2** and furnished to me have been validly executed and delivered by the parties to them;

-:16:-

- (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 No. 1** and the **said Property No. 2**; and
- (f) that names of persons spelt differently in different documents in respect of the **said Property No. 1** and the **said Property No. 2** 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.

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-:17:-

- This report on title is confined to the **said Property No. 1** and the **said Property No. 2** 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.
- 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:- 09/05/2019

(Adv. Shivan S. Desai)