Mr. D. S. Petkar (Notary)
Mr. Nilesh B. Naik
Mrs. Ana Clara Ejipsy e Remedios
Mr. Kevin J. Braganza
Miss Theola T. Dias
Miss Benifer Braganza

Anthony P. Braganza
Advocate & Associates

Office :
Communidade Building, Near Church,
Mapusa, Bardez - Goa.
Phone : 2252760 / 2250294

12/04/2019.

TITLE REPORT

At the instance of Mr. Jose Antonio Vivek Pinto Rosario, Director of Pinto Rosario Holdings Pvt. Ltd., I proceed to scrutinize the documents placed in my hands, for my scrutiny and opinion in respect of the property surveyed under no.13/16 of Village Verla Survey Records, which is within the limits of village panchayat of Verla-Canca, Sub District of Bardez Taluka, District of North Goa, State of Goa and admeasuring 3,450 sq. mts.,shall herein be referred to as **"THE SAID PROPERTY"** and the same is currently Owned by Walter D'Souza, son of Archibaldo John Joseph Martin D'Souza

SCHEDULE - I

All that immovable property known as **"Muddy",** situated at Village Verla, which is within the limits of village panchayat of Verla-Canca, Sub District of Bardez Taluka, District of North Goa, State of Goa and is surveyed under no. 13/16 of village Verla Survey Records and totally admeasuring 3,450 sq.mts. The said property

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is described in the Land Registration office of Bardez under no. 11607 of Book B-30 (New), and not enrolled in the Taluka Revenue Office. **"THE SAID PROPERTY"** is bounded as under:

North: by survey no. 15/19;

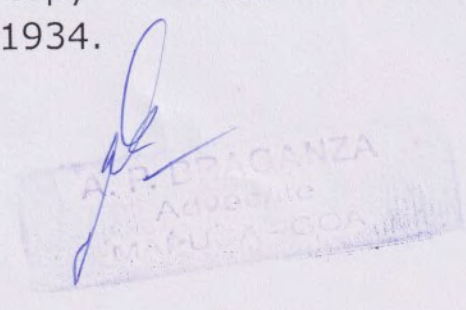
South: by survey no. 13/12 & 14/3;

East: by survey no. 14/4;

West: by survey no. 13/12 & 13/15;

DOCUMENTS INSPECTED & SCRUTINIZED WITH RESPECT TO SCHEDULE – I PROPERTY

1) Extract of the Description Certificate of property described under no. 11607 of Book B – 30 (New).
2) Certified translated copy of the inscription certificate bearing Nos. 7549 Book G - 11.
3) Extract of Deed of Sale dated 4th March, 1909 of Book No.107, page 63 in the Notary of Judicial Division Caridade Frias.
4) Certified translated copy of mortgage inscription bearing No. 6940 of Book C-18.
5) Certified translated copy of Deed of Discharge and Release dated 23/11/1934.



6) Certified translated copy of Deed of Mortgage dated 25/01/1916 executed before Notary Caridade Frias.

7) Certified translated copy of mortgage inscription bearing No. 6951 of Book C-18.

8) Certified translated copy of mortgage inscription bearing No. 6962 of Book C-18.

9) Certified translated copy of mortgage inscription bearing No. 6974 of Book C-18.

10) Certified translated copy of Inscription bearing no. 10362 of Book F-12.

11) Certified translated copy of mortgage inscription bearing No. 7565 of Book C-19.

12) Certified translated copy of mortgage inscription bearing No. 7698 of Book C-19.

13) Letter from Francisco Vitorino Do Rosario e Souza 8th November 1943

14) Form III with respect to the said property.

15) Manual Form I & XIV with respect to **"THE SAID PROPERTY"**

16) Certified copy of the Inventory Proceedings, bearing Inventory File No. 178/2018/C

17) Computerised Form I & XIV with respect to **"THE SAID PROPERTY"**

18) Survey plan

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19) Copy of the technical clearance order bearing Ref. No. TPB/3251/VERLA/TCP-19/1466 dated 28/02/2019.

20) Copy of the construction license bearing no. VPVC/CONST.LIC.NO 41/2018-19/1998.

21) Conversion sanad issued by the Additional Collector – III, North Goa District.

BRIEF FACTS OF THE CASE

"THE SAID PROPERTY" is described in the Land Registration Office of Bardez under no. 11607 of Book B-30(New). The extract of the description certificate bearing No.11607 is illegible, however I have personally visited the Archives and perused Book B – 30, description certificate No.11607 at Pages 107 V and can assert that description no.11607 corresponds to **"THE SAID PROPERTY"** as the boundaries mentioned therein corresponds to the boundaries physically existing at site. The boundaries mentioned in the description certificate are as follows:

East: By field of Xavier Lobo;

West: By hill;

North: By paddy of Communidade of Verla;

South: By property belonging to Januario Lobo.

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"THE SAID PROPERTY" described under No 11607 of Book B-30 (New) Bardez along with many other properties was originally owned and inscribed in favour of Antonio Joao Mascarenhas, under inscription No 7549 of Book G-11 as the same was purchased by him from Miguel Jose Fernandes and his wife Maria Clotildes Pinto by virtue of Deed of Sale dated 26/12/1904.

By virtue of Deed of Sale dated 4th March, 1909 of Book No.107, at page 63 in the Notary of Judicial Division, Caridade Frias, the said Antonio Joao Mascarenhas along with his wife sold **"THE SAID PROPERTY"** described under No 11607 along with many other properties to Martina Aleixinha Arcangela Pinto, at that time who was a spinster. The said Martina Aleixinha Arcangela Pinto there after married Walter Joao Manuel Da Conceicao De Souza.

In the marginal notes with respect to the description no. 11607 of Book B-30 (New)

The mortgage inscription bearing no. 6940 of Book C-18 wherein "THE SAID PROPERTY" was mortgaged to and inscribed in favour of Amaro Anastasio Victor D'Souza. By Deed of Discharge and Release dated 23/11/1934 drawn at folio 54 onwards of Book 108, the permanent mortgage inscription no. 6940 was cancelled.

The mortgage inscription bearing no. 6951 of Book C-18 reveals that there was a provisional inscription in favour of Minguel Joao Claro De Souza Proenca and mortgage

inscription bearing no. 6962 of Book C-18 reveals that there was a provisional inscription in favour of Francisco Vitorino Do Rosario e Souza. Both the inscriptions, bearing nos. 6951 & 6962, were made pursuant to a single Deed of Mortgage dated 25/01/1916. The Mortgage Inscription bearing no. 7565 of Book C-19 is a repetition of inscription no. 6951 of Book C-18 and mortgage inscription no. 7698 of Book C-19 is a repetition of mortgage inscription 6962 of Book C-18. Therefore it appears to be a clerical error on the part of registering Officer. By Declaration dated 8th November 1943, the said Francisco Vitorino Do Rosario e Souza declares that he has been paid his dues, however the mortgage Inscription in favour of Francisco Vitorino Do Rosario e Souza is not cancelled or a deed of Release is not executed.

The provisional mortgage inscription bearing no. 6974 in favour of Maria Clotildes Pinto is pursuant to a Deed dated 17/02/1914. Pursuant to the Mortgage inscription, the said Maria Clotildes Pinto filed for execution and consequently her name was inscribed under No 10362 of Book F12. Since the possession of the **"THE SAID PROPERTY"** had always been with the said Archibaldo John Joseph Martin D'Souza and his wife Maria Aida D'Souza, Archibaldo being son of late Walter Joao Manuel Da Conceicao De Souza and father of the current owner Walter Emmanuel Xavier D'Souza and has continued to be with the said Walter E X D'Souza till date without any obstruction and interference

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from any one whomsoever and also the records of right in for III and Form I&XIV reveals the name of Maria Aida D'Souza as occupant in possession of the said property. It can be inferred that there must have been a settlement with respect to the dues and a document for the same had either not been executed or the same is misplaced. Also the Survey Records in Form I&XIV don't reveal any encumbrances or other rights.

In view of the mortgage inscriptions in favour of Minguel Joao Claro De Souza Proenca and considering that, even if the said mortgagees may have not been settled, the right in **"THE SAID PROPERTY",** due to sufficient lapse of time, has been prescribed unto the owners through their predecessors and the execution of the said mortgagees are barred by limitation.

At the time of promulgation of survey records, the name of Maria Aida D'Souza was confirmed in the Form I & XIV with respect to **"THE SAID PROPERTY".**

Inventory Proceedings were initiated on the demise of Martina Aleixinha Arcangela Pinto and her husband Walter Joao Manuel Da Conceicao De Souza, in the Court of Civil Judge, Senior Division at Mapusa, being Inventory File NO. 178/2018/C and **"THE SAID PROPERTY"** was taken at

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Item no. 1. By Judgment & Order dated 27/07/2018, **"THE SAID PROPERTY"** taken at Item no. 1 was allotted to their grandson viz; Walter Emanuel Xavier De Souza married to Cecilia D'Souza.

Pursuant to the Inventory order of Allotment, the said Walter Emanuel Xavier De Souza got his name mutated in the survey records at Form I & XIV and has been in peaceful ownership and possession without any obstruction and interference from any one whomsoever.

The office of the Senior Town Planner Mapusa – Goa has issued technical clearance order bearing Ref. No. TPB/3251/VERLA/TCP-19/1466, DATED 28/02/2019 for the construction of a residential project, swimming pool and the compound wall.

Pursuant to the technical clearance order passed by the Senior Town Planner, the Village Panchayat of Verla – Canca has issued a construction license for the said residential project and the same bears License no. VPVC/CONST.LIC.NO.41/2018-19/1998, dated 25/03/2019.

The Additional Collector – III, North Goa at Mapusa after conducting due inquiry with the respective departments

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such as the Office of the Mamlatdar of Bardez at Mapusa, Forest Department and Town and Country Planning Department, was pleased to issue conversion sanad thereby converting the said property from agricultural to non-agricultural.

In view of the facts mentioned hereinabove, I certify that the title of MR. WALTER EMMANUEL XAVIER D'SOUZA and his wife, both having equal shares since governed by the Regime of Communion of Assets, with respect to "THE SAID PROPERTY", surveyed under no. 13/16 of Village Verla Survey Records, which is within the limits of village panchayat of Verla-Canca, Sub District of Bardez Taluka, District of North Goa, State of Goa and admeasuring 3,450 sq. mts. and the same along with the residential project approved therein are clear and marketable.

Mapusa

12 /04/2019.

A. P. BRAGANZA
Advocate

Shri. Anthony P. Braganza

Advocate