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TITLE SEARCH REPORT

FOR

**M/S SILVA REAL ESTATES
AND DEVELOPERS PRIVATE LTD.
MARSHALL RESIDENCY, BETALBATIM,
SALCETE, GOA.**

DRAFTED BY:

**Adv. KAPIL KALIDAS VERNEKAR & ASSOCIATES
ADVOCATES & ATTORNEYS (BGL, LL.M.)**

GOA OFFICE:

Office No. 33,
3rd Floor Midas Touch Building,
Opp. Margao Sessions Court,
Margao, Goa.

Name of the Company:

**M/S. SILVA REAL ESTATES
AND DEVELOPERS PRIVATE
LTD.**

MUMBAI ADDRESS:

W-IV, 4th floor,
Jeevan Jyoth Apts.,
18/20, Cawasji Patel Street,
Fort, Mumbai. 400 001.

ADVOCATE
Kapil K. Vernekar
BGL, LL.M.
Off. No. 33, 3rd Floor, Midas Touch Bldg.,
Opp. Margao Sessions Court,
MARGAO - GOA 400 001

Dated: 15-11-2021.



To
M/S. SILVA REAL ESTATES,
AND DEVELOPERS PRIVATE LTD.
Marshall Residency, Betalbatim,
Salcete, Goa.

Dear Sir,

REFERENCE: Legal Opinion in respect of the all that landed property known as AFORAMENTO DE CASAS COM SEU PATEO E QUINTAL admeasuring an area of 1100 sq. mts., described in the Land registration Office of Salcete, under No. 37596 at pages 8 reverse Book No. 97, New series and enrolled in the Revenue Office under No. 1320 and with Survey No. 230/7 and the Second Property known as CHAO MURDI, admeasuring an area of 975.00 Sq. Mts. not described in the Land Registration Office of Salcete but enrolled in the Revenue Office under No. 911 and with Survey No. 230/6 and both the said Properties are situated at Dramapur village and Panchayat of Dramapur, Taluka and Sub-District of Salcete, District of South Goa, State of Goa.

PRESENT OWNERS OF THE FIRST and SECOND PROPERTY:-

M/S. NAIK TWISTERS, a Partnership Firm duly registered under the provisions of the Indian Partnership Act; consisting of its Partners 1. MR. SUDIN BHAGWANT NAIK, 2. MR. SUHAS UPENDRA NAIK 3. MR. NITISH UPENDRA NAIK and 4. MR. SHIRISH KESHAV NAIK.

PRESENT BORROWER/PURCHASER OF THE FIRST and SECOND PROPERTY:-

M/S. SILVA REAL ESTATES AND DEVELOPERS PRIVATE LTD.,
a Company Incorporated under the Indian Companies Act of 1956
Represented by its Authorized Director MR. OSWIN ONFREE DA SILVA.

SCHEDULE "A"
(DESCRIPTION OF THE FIRST PROPERTY)

ALL THAT landed property known as AFORAMENTO DE CASAS COM SEU PATEO E QUINTAL admeasuring an area of 1100 Sq. Mts., situated at Dramapur village and Panchayat of Dramapur, District of Goa and Sub District of Salcete, state of Goa; described in the Land registration Office of Salcete, under No. 37596 at pages 8 reverse Book No. 97, New series and enrolled in the Revenue Office under No. 1320 and with Survey No. 230/7 and bounded as per registration and the said property is bounded as follows:-

On the East : by Public road & property partly bearing Survey No. 246/18 & 246/19;
On the West : by Aforamento of Luis Manuel Furtado and partly by property bearing Survey No. 230/5 & 230/6;

- On the North : by property of Jose Santana poiciano do Carmo Furtado and road of Comunidade property bearing Survey No. 230/6;
 On the South : by Aforamento of Bernardo Xavier Furtado property bearing Survey No. 230/10.

SCHEDULE "B"

(DESCRIPTION OF THE SECOND PROPERTY)

ALL THAT landed property known as CHAO-MURDI, admeasuring an area of 975.00 Sq. Mts., wherein there exists an Old House in Ruin bearing Village Panchayat H No. 78 (Assessed For Tax Purpose) at Dramapur, village and Panchayat of Dramapur, District of Goa and Sub district and Taluka of Salcete, state of Goa; not described in the Land Registration Office of Salcete but enrolled in the Revenue Office under No. 911 and with Survey No. 230/6 and bounded as under:-

- On the East : by Public road and Libania Rodrigues property bearing Survey No. 230/7;
 On the West : by the said Libania Rodrigues property bearing Survey No. 230/5;
 On the North : by Public road property partly bearing Survey No. 230/10, 230/11 & 230/13;
 On the South : by the said Libania Rodrigues property bearing Survey No. 230/5.

TRACING OF TITLE AND OBSERVATION ON DOCUMENTS PRODUCED, SCRUTINIZED AND EXAMINED:

I HAVE CAREFULLY PERUSED THE FOLLOWING DOCUMENTS:-

All Photocopies:-

1. Photocopy of the Land Description Certificate bearing No. 37596 at folio 34v of Book B No. 97 of new series along with Inscription of transmission No. 46551 at folio 140v. of book G No. 54 issued by the Office of the Civil Registrar cum Sub Registrar and Notary Ex-Officio, Salcete Margao-Goa.
2. Photocopy of the Will in translated version Dated 09-12-1971 duly executed by the testatrix before the Office of the Notary ex-officio of the Judicial Division of Salcete recorded at Folios 32v to 33 of Deed of Wills book No. 69 on 08-08-2019.
3. Photocopy of the Deed of Partnership Dated: 19-04-1978.
4. Photocopy of the Deed of Sale Dated 18-11-1981 duly executed and registered before the Sub-Registrar of Salcete at Margao under Reg. No. 224 at pages 258 to 264 of Book No. I in Volume No. 263 on 19-02-1983.



5. Photocopy of the Deed of Partnership Dated: 01-04-1982.
6. Photocopy of the House tax receipt No. 4 and 5 Dated: 30-03-1983 issued by the Village Panchayat of Dramapur-Sirlim, Salcete Goa.
7. Photocopy of the Construction Licence No. 11/81-82/105 Dated 29-10-1989 issued by the Village Panchayat of Dramapur-Sirlim, Salcete Goa.
8. Photocopy of the Deed of Partnership Dated: 29-01-1991.
9. Photocopy of the Deed of Partnership Dated: 22-12-1992.
10. Photocopy of the Survey Plan No. 230/6 and 230/7 issued by the Directorate of Settlement and Land Records, Office of Inspector of Survey, Margao-Goa.
11. Photocopy of the Land Zonning Certificate Dated: 10-09-2019 vide Ref. No. TPM/Zon-Ing/Drama/19/5478 issued by the Town and Country Planning Department, Margao-Goa.
12. Photocopy of the Deed of Declaration Dated: 08-0-2019 duly registered in the Office of the Sub-Registrar of Salcete at Margao under Reg. No. MGO-4-20-2019 of Book 4 Document on 22-10-2019.
13. Photocopy of the Form No. I and XIV for Survey No. 230/6 of Village Dramapur, Salcete Goa Dated: 13-09-2019.
14. Photocopy of the Form No. I and XIV for Survey No. 230/7 of Village Dramapur, Salcete Goa Dated: 13-09-2019.
15. Photocopy of the application for issue of Matriz Certificate Dated: 13-09-2019 issued by the Office of the Mamlatdar of Salcete at Margao-Goa vide Ref. No. MAM/SAL/Matriz/1320/2019/3371.
16. Photocopy of the Public Notice Dated: 28-09-2019.
17. Photocopy of the Deed of Sale Dated: 29-10-2019 duly registered in the Office of the Sub Registrar of Salcete at Margao under Registration No. MGO-1-3226-2019 of Book No. I Document on 08-11-2019.
18. Latest Nil Encumbrance Certificate.

2. ON RELAYING UPON INFORMATION GIVEN ARE AS TRUE I OBSERVED THAT:-

1. **AND WHEREAS** the said FIRST PROPERTY described in Schedule "A" hereinabove was originally owned, possessed and belonged to Smt. Libania Rodrigues e Furtado widow of the Second marriage of Late Mr. Jose Santana Ponciano do carmo Furtado who purchased the same in public auction and as such the said First property stands inscribed in the name of Mrs. Libania Rodrigues e Furtado under Inscription No. 46551 at Folio 140v of Book G-54 with reference to its description in the Land Registration Office of Salcete under No. 37596 as enlisted at Serial No. (1) above



2. And thereafter the said SECOND PROPERTY described in Schedule "B" hereinabove was originally owned, possessed and belonged to Mr. Jose Santana Ponciano do carmo Furtado and upon his death one half came to belong to his widow the said Smt. Libania Rodrigues e Furtado as its moiety sharer under the Regime of communion of assets and the other half was inherited/ devolved upon their children namely Miss. Elvira Re-bertina Ezequiel Furtado and Miss. Maria Joanita Serena Furtado e Fernandes as the only successors to the said Mr. Jose Santana Ponciano do carmo Furtado.

3. And thereafter the said Miss. Elvira Rebertina Ezequiel Furtado and Miss. Maria Joanita Serena Furtado e Fernandes also acquired the share and title rights in respect of the said FIRST PROPERTY by virtue of the bequest made to them by their mother the said Smt. Libania Rodrigues e Furtado by virtue of WILL Dated 09-12-1971 duly executed by the testatrix before the Office of the Notary ex-officio of the Judicial Division of Salcete duly drawn on 09-12-1971 recorded at Folios 32 v to 33 of Deed of WILLS book No. 69 as enlisted at Serial No. (2) above and thus the said Miss. Elvira Rebertina Ezequiel Furtado and Miss. Maria Joanita Serena Furtado e Fernandes became the absolute Title Owners in possession of the said FIRST & SECOND PROPERTIES described in Schedule A & B hereinabove.

4. And thereafter the said above Owners jointly sold/conveyed the SAID PROPERTIES unto and in favour of M/S. NAIK TWISTERS, a partnership firm duly registered under the provisions of the Indian Partnership Act consisting of its Partners namely 1. Mr. Sudin Bhagwant Naik, 2. Mr. Suhas Upendra Naik, 3. Mr. Nitish Upendra Naik and 4. Mr. Shirish Keshav Naik by virtue of the Deed of Sale Dated 18-11-1981 duly executed and registered before the Sub-Registrar of Salcete at Margao under Reg. No. 224 at pages 258 to 264 of Book No. I in Volume No. 263 on 19-02-1983 as enlisted at Serial No. (4) above who thereby became the absolute Owners in possession of the SAID PROPERTIES to the complete ouster of the previous Owners.

5. And thereafter the partnership firm was originally constituted in the year 19-04-1978 and the same was reconstituted on various occasions as per the necessities on 01-04-1982, 21-09-1991 and thereafter on 22-12-1992 as enlisted at Serial Nos. (3, 5, 8 and 9) above and the partners mentioned hereinabove are the partners of the said firm M/S. NAIK TWISTERS.

6. And thereafter there exist an old dilapidated House in total ruins with a damaged roof upon the said SECOND PROPERTY and which stands assessed for House Tax purpose under H. No. 78 in the records of Village Panchayat of Dramapur - Sirlim and which house was granted N.O.C for water supply connection by the Office of the Village Panchayat of Dramapur - Sirlim Dated 18-11-1982 vide Ref. No. VPDS/PWD/IX/82-83/112.

7. There also exists a Compound wall constructed all around the SAID PROPERTIES by the said M/S. NAIK TWISTERS in pursuance to the Construction Licence Dated 29-10-1989 vide Construction Licence No. 11/81-82/105 as enlisted at Serial No. (7) above.
8. And the SAID PROPERTIES are as per the demarcation existing on the survey plans thus there is no necessity to obtain the N.O.C under Section 49(6) of the Act from the Town and Country Planning Department for sale of the Said Subject Properties.
9. And in the course of my search it is discovered that the said PRINCIPAL DEED stands duly registered with the office of the Sub-Registrar of Salcete at Margao under Registration No. 224, at Pages. 258 to 264, of Book No. I in Volume No. 263, dated: 19-02-1983 and somewhere in the month of April 2012, the said PRINCIPAL DEED was lost/Misplaced while in the possession of the Partner of the DECLARANT and in the PRINCIPAL DEED the area of the Said Plots is also not mentioned by inadvertence as also the Matriz enrollment Number of One of the Plots bearing Survey No. 230/7 which is 1320 is omitted and the concerned records with the Taluka Revenue office are destroyed and thus not available and the same fact is affirmed by the letter issued by Taluka Revenue office of Salcete at Margao vide Letter Dated: 13-09-2019, bearing Ref No. MAM/SAL/MATRIZ/1320/2019/3371 vide
10. And in the view of the above the said declarants who are the Owners and the Purchasers in the PRINCIPAL DEED therefore declare that due to non availability of the previous owners executed the Deed of Declaration to declare and Affirm the above facts as Deed of Declaration Dated: 08-10-2019 duly registered in the Office of the Sub-Registrar of Salcete at Margao under Reg. No. MGO-4-20-2019 of Book 4 Document on 22-10-2019 as enlisted at Serial No. (12) above.
11. And thereafter M/S. **SILVA REAL ESTATES AND DEVELOPERS PRIVATE LTD.**, a Company Incorporated under the Indian Companies Act of 1956, represented by its Authorized Director Mr. Oswin Onfree Da Silva absolutely purchased the SAID PROPERTIES along with said Structure of the House standing thereon from the said M/S. NAIK TWISTERS by virtue of the Deed of Sale Dated: 29-10-2019 duly registered in the Office of the Sub Registrar of Salcete at Margao under Registration No. MGO-1-3226-2019 of Book No. I Document on 08-11-2019 as enlisted at Serial No. (17) above.
12. It may be noted that documents enlisted at Serial Nos. (13) and (14) above which is the Form No. I & XIV Dated: 13-09-2019 for Survey Nos. 230/6 and 230/7, bearing Mutation No. 802 of Village Dramapur, Salcete Goa that the said M/S. NAIK TWISTERS have carried out the mutation in respect of the SAID PROPERTIES in its name and whereas M/S. **SILVA REAL ESTATES AND DEVELOPERS PRIVATE LTD.**, the said company is required to effect Mutation in the survey records in their name.



13. The title history of last 30 years from this date shows the chain of above transactions. The links in the chain of title have been properly established and fortified. All the transactions have been duly verified and scrutinized from the relevant Records of the Registrar of documents from the Margao City Survey, Margao Planning and Development Authority and Village Panchayat of Dramapur – Sirlim.

3. CONCLUSION:-

From the scrutiny of the documents enlisted hereinabove in the list of documents, and search of relevant records, I have found and contended that the title of the applicant and the rights of the vendor, in respect of the property described in the Schedule 'A' and 'B' above and the Said Plots, as also the construction of the said Building upon the said plots described in Schedule-A and B, is in accordance with the Plans and terms and conditions approved and contemplated by the S.G.P.D.A. and the Town and Country Planning Department and therefore the Developer, is having a clean, clear valid and readily marketable title and the owners can and are entitled for selling/disposing/alienating the Said Plots described in Schedule 'A' and 'B' along with the proportionate share in the land to any prospective Purchaser/s and the owners/developers have an absolute and every right to transfer and dispose off the said property along with the Said Plots to whomsoever.

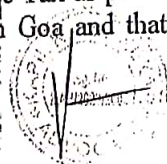
The Present Purchaser/Borrower M/S. SILVA REAL ESTATES AND DEVELOPERS PRIVATE LTD., can create a valid subsisting Equitable Mortgage in favour of any Financial Institution /Bank by depositing the Following Original Documents and Compliance.

1. Original Deed of Declaration Dated: 08-10-2019 duly registered in the Office of the Sub-Registrar of Salcete at Margao under Reg. No. MGO-4-20-2019 of Book 4 Document on 22-10-2019.
2. Original Deed of Sale Dated: 29-10-2019 duly registered in the Office of the Sub Registrar of Salcete at Margao under Registration No. MGO-1-3226-2019 of Book No. I Document on 08-11-2019.
3. Latest Nil Encumbrance Certificate.

4. FINAL CERTIFICATE :

As per my observations :

- a) There are no claims of minors or any other person/persons, institutions, firms or companies in respect of the said Plot;
- b) There are no liabilities created by any person or persons on the said plot of whatsoever kind or nature.
- c) Assessment of Land Revenue Tax as per the present Land Revenue Code in force is not yet finalized in Goa and that it will take its own time for completion.



d) Provisions of Urban Land Ceiling Act are not applicable in Goa and the ownership of the said plot by the Owners in accordance with the provisions of the Land Reforms Act.

e) There are no prior mortgages, charges, claims, encumbrances, and liens of whatsoever nature in respect of the said Plot.

f) There is no Act nor any law in force in the State of Goa which prohibits creation of a charge in form of mortgage in respect of the nature and kind of the said plot or otherwise, situated in the State of Goa.

FURTHER CERTIFY THAT:

i) I certify that I have taken the necessary searches of the registration before the Sub-Registrar of Salcete, Survey Office of Salcete, Village Panchayat of Dramapur, South Goa Planning and Development Authority and South Goa Town and Country Planning Department in respect of the Said Plots under description in Schedule-A and B above.

ii) I am satisfied and confirm hereby that the above said Plot is perfectly heritable and transferable and the transferors/owners/developers/vendors have every right to transfer the same. All the necessary parties have been joined in the documents perused by me and the same stand duly executed and validly registered before the appropriate authorities as envisaged by the law in force pertaining to transfer of properties, registration and stamp duties have the desired effect. Thereby the facts and event material to the title have been subjectively and satisfactorily proved, and can be kept as security by way of equitable Mortgage and the documents of Title referred hereinabove are perfect and conclusive proof of evidence of Title and if Said Equitable Mortgage is created in the manner required in Law it would satisfy the requirement of creation of Equitable Mortgage in favour of **M/S. SILVA REAL ESTATES AND DEVELOPERS PRIVATE LTD.**

iii) From the detailed study of all the title documents placed before me, I certify and endorse that the owners/developers have got a clean, clear, valid and perfectly marketable title to the said plot along with the said Plot and therefore the present applicants have derived a valid clear marketable and unencumbered Title to the Said Plot as stated hereinabove.

I HAVE CONDUCTED THE SEARCH OF THE CONCERNED REGISTRATION BEFORE THE RESPECTIVE AUTHORITIES IN RESPECT OF THE SAID PLOTS AND ISSUED THE PRESENT TITLE REPORT AT THE REQUEST OF M/S. SILVA REAL ESTATES AND DEVELOPERS PRIVATE LTD.

The File and papers forwarded by you to me are returned herewith, kindly acknowledge the receipt thereof.

Place: Margao, Goa.

Date : 15-11-2021

ADVOCATE
Kapil K. Vernekar
BGL, LL.M.
Off. No. 3, 3rd Floor, Midas Touch Bldg
Opp. Margao Sessions Court
MARGAO, GOA

Kapil K. Vernekar
(ADVOCATE)