

TITLE REPORT

To,

Date: 27/03/2025

1. Mr. Abhishek Arora,
resident of House No. B-5/30,
First Floor, Sec-4, Rohini,
Near Mother Divine School,
Raja Pur Kalan, Delhi - 110085

2. Mr. Gurpal Kalra,
resident of Balak Ram, 152,
2nd Floor, Engineers Enclave,
Pitampura, Saraswati Vihar,
Delhi - 110034.

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

a) Survey Records Form I & XIV bearing Survey No. 213/4
of Village Siolim, Bardez - Goa.

b) Manual Form I & XIV

c) Form III

d) Letter dated 27/09/2022 bearing No.
MAM/BAR/REP/2022 issued by the Office of the Talathi
of Siolim Saza, Bardez - Goa

e) Deed of Gift dated 03/10/1985 duly registered in the
Office of the Sub-Registrar of Bardez, Mapusa - Goa
under Registration No. 896 at pages 230 to 234 of Book
No. I Vol. No. 245 dated 21/09/1987



- f) Inventory Proceedings bearing No. 289/2022/E filed before the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez – Goa
- g) Judgment and Decree dated 05/09/2022 passed in the said Inventory Proceedings bearing No. 289/2022/E by the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez – Goa
- h) Judgment and Order dated 08/05/2024 passed in Inventory Proceeding bearing No. 817/2023/C by the Court of Civil Judge, Senior Division, 'C' Court at Mapusa – Goa
- i) Survey Plan
- j) Conversion Sanad bearing Ref. No. 4/20/CNV/AC-III/2023/700 dated 12/05/2023 issued by the Office of the Additional Collector- III, North Goa District, Mapusa, Goa
- k) Construction License bearing No. F.15/VPSS/2023-24/CompW/937 dated 13/10/2023 issued by Village Panchayat of Siolim-Sodiem, Bardez – Goa



l) Deed of Sale dated 10/06/2024 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-2757-2024 dated 10/06/2024

m) NIL Encumbrance Certificate dated 12/08/2024 bearing Certificate No. NEC/9/2024/2277 issued by Sub-Registrar of Bardez, Mapusa – Goa

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE – I

ALL THAT immovable property known as “RODRIGUES WADO” admeasuring 1675 sq.mts along with dilapidated residential house admeasuring 175 sq.mts., (Almost collapsed) existing thereon bearing V.P house No. 269/4, situated with limits of the Village Panchayat of Siolim, which larger property is not described in the Land Registration Office of Bardez and is not found enrolled in the Taluka Revenue Office, the said immovable property is presently surveyed under Survey No. 213/4 of Village Siolim, Taluka and Sub-District of Bardez, District of North Goa, State of Goa and presently bounded as per survey records as under:-

North :- By road,



South :- By property surveyed under Survey No. 213/11-A of
Village Siolim,
East :- By property surveyed under Survey No. 214/7 and
214/1 of Village Siolim
West :- By property surveyed under Survey No. 213/3-B of
Village Siolim.

This property shall hereinafter referred to as the **SAID PROPERTY**

TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** is neither described nor inscribed in
the Land Registration Records.
2. Manual Form I & XIV, Form III and Form IX are Revenue
Records prepared under the applicable Goa Land Revenue Code
Manual Form I & XIV and Form III:
in respect of the **SAID PROPERTY** bearing Survey No. 213/4
of Village Siolim, Bardez - Goa clearly shows the name of
Maria Coccao Fernandes as occupant in the Occupants column
and after deleting the said name, the name of Isabella Francisca
Barretto was added as occupant in the Occupants column.



3. Letter dated 27/09/2022 bearing No. MAM/BAR/REP/2022 issued by the Office of the Talathi of Siolim Saza, Bardez – Goa establishes that regarding Form No. IX of Mutation No. 3392, mutation register is missing.
4. Under Section 105 of the Goa Land Revenue Code, entry reflected in Form I & XIV is presumed to be true unless substituted by an appropriate proceeding in terms of law. In view of the same, there is presumption of possession in favour of a person reflected in Form I & XIV 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.
5. In the case of Diksha Holdings V/s Sita Rama Naik reported in 1998(2) GLT 444, the Hon'ble High Court of Bombay at Goa has held that *"upon promulgation of survey under the Goa Land Revenue Code, all the previous surveys ceased to exist and the presumption under Section 105 shall prevail"*.



6. In the case of Shri. Damodara Ranum Porobo Loundo versus Shri Bhaskar R. Jalmi and others, reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa has held as under:
- "In fact, Section 105 of the Land Revenue Code provides that an entry in the Record of Rights and a certified entry in the register of mutation shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefore. In other words, the presumption of correctness of the entries in the Record of Rights stands until duly rebutted or until the said entry is substituted by a fresh one."*
- "Therefore, affidavit evidence has got only prima facie value and does not constitute sufficient and conclusive proof to disprove and rebut a presumption that arises by law in respect of the entries made in the Record of Rights after due inquiry."*
7. The FIRST DOCUMENT furnished for Title Scrutiny in respect of the SAID PROPERTY is Deed of Gift dated 03/10/1985 duly registered in the Office of the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 896 at pages 230 to 234 of Book No. I Vol. No. 245 dated 21/09/1987 which reveals that the SAID PROPERTY originally belonged to Mrs. Maria Conceicao Fernandes, widow of Zeferino Fernandes.



8. Vide Deed of Gift dated 03/10/1985 duly registered in the Office of the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 896 at pages 230 to 234 of Book No. I Vol. No. 245 dated 21/09/1987, the said Mrs. Maria Conceicao Fernandes, widow of Zeferino Fernandes gifted the **SAID PROPERTY** in favour of her sister, Mrs. Isabel Francisca Barreto.
9. Inventory Proceedings bearing No. 289/2022/E filed before the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez - Goa reveals that the said Mrs. Isabel Francisca Barretto alias Isabel Francisca Barreto alias Isabella Francisca Barretto alias Irabel Francisca Barretto passed away on 12/04/1993 in the status of widow of Custodio Antonio Barretto alias Custodio Antonio Barreto alias Custodio Anthony Barreto who passed away on 01/11/1972 leaving behind their Sole and Universal legal heir, their only son, Mr. Simon Barretto married to Mrs. Dorothy Rodrigues alias Dorothy Barretto
10. Upon death of the said Mrs. Isabel Francisca Barretto alias Isabel Francisca Barreto alias Isabella Francisca Barreto alias Irabel Francisca Barretto and Custodio Antonio Barretto alias



Custodio Antonio Barreto alias Custodio Anthony Barreto, Inventory Proceedings bearing No. 289/2022/E was initiated before the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez - Goa by the said Mr. Simon Barretto wherein the **SAID PROPERTY** was listed at Item No. 1 as the sole property.

11. Vide Judgment and Decree dated 05/09/2022 passed in the said Inventory Proceedings bearing No. 289/2022/E by the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez - Goa, the said Mr. Simon Barretto married to Mrs. Dorothy Rodrigues alias Dorothy Barretto was declared as the sole and universal heir of the said Mrs. Isabel Francisca Barretto alias Isabel Francisca Barreto alias Isabella Francisca Barreto alias Irabel Francisca Barretto and Custodio Antonio Barretto alias Custodio Antonio Barreto alias Custodio Anthony Barreto and accordingly Final Chart of Allotment dated 05/09/2022 was confirmed and the **SAID PROPERTY** was allotted to the said Mr. Simon Barretto married to Mrs. Dorothy Rodrigues alias Dorothy Barretto.



12. At the time of gifting the **SAID PROPERTY** vide Deed of Gift dated 03/10/1985, the said Mrs. Maria Conceicao Fernandes was widow of Zeferino Fernandes and in view of the same, her legal heirs acquired rights to the **SAID PROPERTY**.
13. Judgment and Order dated 08/05/2024 passed in Inventory Proceeding bearing No. 817/2023/C by the Court of Civil Judge, Senior Division, 'C' Court at Mapusa - Goa reveals that on the demise of the said Zeferino F. Fernandes alias Zeferin Fernandes and his wife, Maria Ditosa Fernandes they left behind their sole and universal legal heirs, namely, (i) Mrs. Margaret Merlyn Ferrao, widow of Baptist Domnic Fernandes, (ii) Mr. Angelo Bernardo Jeferino Fernandes, bachelor, (iii) Mr. Jeffery Fernandes married to Mrs. Maria Cheryl Fernandes and (iv) Mr. Joel Joaquim Fernandes.
14. Vide Judgment and Order dated 08/05/2024 passed in Inventory Proceeding bearing No. 817/2023/C by the Court of Civil Judge, Senior Division, 'C' Court at Mapusa - Goa, application under Section 373(1)(b) of the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012 was granted and the said Mrs. Margaret Merlyn Ferrao, widow of



Baptist Domnic Fernandes, Mr. Angelo Bernardo Jeferino Fernandes, bachelor, Mr. Jeffery Fernandes married to Mrs. Maria Cheryl Fernandes and Mr. Joel Joaquim Fernandes were declared as the surviving heirs of the said late Zeferino F. Fernandes alias Zeferin Fernandes and late Maria Ditosa Fernandes.

15. Vide Conversion Sanad bearing Ref. No. 4/20/CNV/AC-III/2023/700 dated 12/05/2023 issued by the Office of the Additional Collector- III, North Goa District, Mapusa, Goa, the area admeasuring 1500 sq. mts. from the **SAID PROPERTY** bearing Survey No. 213/4, of Village Siolim, Bardez - Goa was converted for the purpose of Residential with 60 F.A.R.

16. Construction License bearing No. F.15/VPSS/2023-24/CompW/937 dated 13/10/2023 issued by Village Panchayat of Siolim-Sodiem, Bardez - Goa was obtained by the said Mr. Simon Barretto for carrying out construction of compound wall in the **SAID PROPERTY** bearing Survey No. 213/4 of Village Siolim, Bardez - Goa



17. Public notice was published in Gomantak (Marathi) and Navhind Times dated 03/11/2023 wherein objections within a period of 15 days from the date of publication were invited from the general public for sale of the SAID PROPERTY by the said Mr. Simon Custodio Barreto alias Simon Barretto and his wife, Mrs. Dorothy Simon Barretto as Owners and the said Mrs. Margaret Fernandes, Mr. Angelo Bernardo Jeferino Fernandes, Mr. Jeffery Fernandes and his wife, Mrs. Maria Cheryl Fernandes and Mr. Joel Joaquim Fernandes as Confirming Party and after elapse of 15 days no objection were received.

18. Vide Deed of Sale dated 10/06/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2757-2024 dated 10/06/2024, the said Mr. Simon Custodio Barreto alias Simon Barretto and his wife, Mrs. Dorothy Simon Barretto as Owners/Vendors and the said Mrs. Margaret Fernandes, Mr. Angelo Bernardo Jeferino Fernandes, Mr. Jeffery Fernandes and his wife, Mrs. Maria Cheryl Fernandes and Mr. Joel Joaquim Fernandes as Confirming Parties No. 1 sold the SAID PROPERTY bearing Survey No. 213/4, of Village Siolim, Bardez - Goa, admeasuring 1675



sq.mts. in favour of Mr. Abhishek Arora and Mr. Gurpal Kalra.

19. The said Deed of Sale dated 10/06/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2757-2024 dated 10/06/2024 was signed by Mr. Leao Florencio Dias and his wife, Mrs. Inez Doris Noronha e Dias alias Inez Doris Noronha as Confirming Parties No. 2 in pursuance to payment made to them by the Owners for getting licences/permissions from the government department.

20. In view of above, the said Mr. Abhishek Arora and Mr. Gurpal Kalra became absolute owners in possession of the **SAID PROPERTY** bearing Survey No. 213/4, of Village Siolim, Bardez - Goa, admeasuring 1675 sq.mts.

21. I have inspected following original deeds:

- a. Deed of Gift dated 03/10/1985 duly registered in the Office of the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 896 at pages 230 to 234 of Book No. I Vol. No. 245 dated 21/09/1987
- b. Deed of Sale dated 10/06/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under



Registration No. BRZ-1-2757-2024 dated
10/06/2024

22. 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 the said Mrs. Maria Conceicao Fernandes, widow of Zeferino Fernandes has been in peaceful possession of the said property since before 1985 and the subsequent Deed of Gift dated 03/10/1985 confirm the continuance possession of Mrs. Isabel Francisca Barreto and in pursuance to Judgment and Decree dated 05/09/2022 passed in the said Inventory Proceedings bearing No. 289/2022/E by the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez - Goa the possession of the said Mr. Simon Barretto married to Mrs. Dorothy Rodrigues alias Dorothy Barretto was established and finally in pursuance to Deed of Sale dated 10/06/2024 the



possession of the said property was confirmed in favour of Mr. Abhishek Arora and Mr. Gurpal Kalra.

23. In light of above, considering the fact that the Deed of Gift dated 03/10/1985, Judgment and Decree dated 05/09/2022 passed in the said Inventory Proceedings bearing No. 289/2022/E by the Court of the Civil Judge Junior Division E Court at Mapusa, Bardez - Goa, Judgment and Order dated 08/05/2024 passed in Inventory Proceeding bearing No. 817/2023/C by the Court of Civil Judge, Senior Division, 'C' Court at Mapusa - Goa and Deed of Sale dated 10/06/2024 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2757-2024 dated 10/06/2024 and survey records in respect of the **SAID PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners and considering the fact that No Objection has been received in pursuance to the public notice, I am of the opinion that **MR. ABHISHEK ARORA AND MR. GURPAL KALRA** have clear and marketable title in respect of the **SAID PROPERTY** bearing Survey No. 213/4, of Village Siolim, Bardez - Goa, admeasuring 1675 sq.mts.



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 bearing Ref. No. 4/20/CNV/AC-III/2023/700 dated 12/05/2023 issued by the Office of the Additional Collector- III, North Goa District, Mapusa, Goa has been furnished to establish that the area admeasuring 1500 sq. mts. from the **SAID PROPERTY** bearing Survey No. 213/4, of Village Siolim, Bardez - Goa was converted for the purpose of Residential with 60 F.A.R.

V. EVIDENCE OF POSSESSION:-

The **SAID PROPERTY** bearing Survey No. 213/4, of Village Siolim, Bardez - Goa, admeasuring 1675 sq.mts. reflect the names of Abhishek Arora and Gural Kalra in Form I & XIV



issued by the Department of Survey, Government of Goa
which establishes the possession of the present owners.

VI. ENCUMBRANCE ON PROPERTY:-

NIL Encumbrance Certificate dated 12/08/2024 bearing
Certificate No. NEC/9/2024/2277 issued by Sub-Registrar of
Bardez, Mapusa - Goa 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 **MR. ABHISHEK ARORA AND MR. GURPAL
KALRA** have clear and marketable title in respect of the **SAID
PROPERTY** bearing Survey No. 213/4, of Village Siolim, Bardez -
Goa, admeasuring 1675 sq.mts.

➤ 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 larger property; and

(a) I have taken the title documents under which Mrs. Maria Conceicao Fernandes, widow of Zeferino Fernandes 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;
- (a) 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;
- (b) that all the documents relating to the **SAID PROPERTY** and furnished to me have been validly executed and delivered by the parties to them;
- (c) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (d) that there are no pending litigations in respect of the **SAID PROPERTY**; and



SHIVAN DESAI

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(e) 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.
- This Title Report in respect of the **SAID PROPERTY** is only for the use of Addressee



SHIVAN DESAI

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- 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:- 27/03/2025



(Adv. Shivan S. Desai)