

NANDAN KAMAT HELEKAR
L.L.M

ADVOCATE

523, Gera Grand, EDC Complex,
Patto- Panaji Goa

Mobile: - 8888831925

CERTIFICATE OF TITLE

I DESCRIPTION OF THE SAID PLOT:-

All that independent and distinct Plot admeasuring an area of about **793** sq.mts surveyed under Chalta No. 13-A of P.T Sheet No.109 of City Survey of Mapusa which was earlier a part of the larger property known as "VULGO MODO", situated at Gausavado in the City of Mapusa, in the Taluka and Sub-District Registration of Bardez, in the District of North Goa, in the State of Goa which is neither described in the Land Registration Office of Bardez nor enrolled for Matriz in the Taluka Revenue Office of Bardez. The SAID PLOT is bounded as under:

On the East : By a public road;

On the West :By remaining part of the same property;

On the North: By properties bearing Chalta nos.14 and 15 of P.

T.Sheet No.109 of the City Survey of Mapusa; and

On the South: By properties bearing Chalta Nos. 13/126 and 17 of P.

T. Sheet No.109 of the City Survey of Mapusa.

II DESCRIPTION OF DOCUMENTS SCRUTINIZED

I have examined the following documents which are valid as per the prevailing laws.

1. Old Cadastral Plan, New Survey Plan and Corresponding Certificate



2. Deed of Partition dated 24.05.2015
3. Inventory Proceedings No. 278/2016/C
4. Agreement for Development and Sale, dated 17.02.2022
5. Agreement for Development and Sale, dated 9.8.2024
6. Conversion Sanad obtained vide No 4/213/ CNV/ACIII/2023/ CAD3BAR05-23-296 dated 27.07.2023 issued by the Additional Collector III North Goa at Mapusa
7. Development Permission issued by the Member Secretary North Goa Planning and Development Authority, Panaji - Goa under No. NGPDA/M/2023/3782/2024 dated 21.03.2024.
8. Construction licence issued by Mapusa Municipal Council, under No. CONSTLIC/ MAPUSA/2024-2025/11, dated 01.07.2024.
9. Form D and Partition Order dated 22nd August 2022

III OFFICE SEARCHES:-

I have given required searches in the office of the Sub- Registrar of Mapusa and Land Survey Office.

IV FLOW OF TITLE

All that independent and distinct Plot admeasuring an area of about **793** sq.mts surveyed under Chalta No. 13-A of P.T Sheet No.109 of City Survey of Mapusa which was earlier a part of the larger property known as "VULGO MODO", situated at Gausavado in the City of Mapusa, in the Taluka and Sub-District Registration of Bardez, in the District of North Goa, in the State of Goa. The larger Property admeasured 1165.00 sq.mts and was surveyed under Chalta no.13 of P. T. Sheet No.109 of the City of Survey of Mapusa. and the same is neither described in the Land Registration Office of Bardez, nor enrolled for Matriz in the Taluka Revenue Office of Bardez.

I have gone through the documents of the subject property. The documents reveal that the Larger Property originally belonged to Mr. Caitano Salvador De Braganza and his wife Mrs. Candida Braganza. The numerical index of the erstwhile village of Mapusa shows Mrs. Candida Braganza as the occupant of the larger property as per old cadastral Survey No.2316 (part). The corresponding certificate issued by the Directorate of Settlement & Land Records, Panaji dated 30.09.2020 shows that old cadastral Plan No.2316 (part of erstwhile Mapusa village correspond to the new Survey No. bearing Chalta No.13 part of P T Sheet No.109).

Subsequently the said Mr. Caitano Salvador De Braganza and his wife Mrs. Candida Braganza died on 08.02.1921 and 23.07.1963 respectively intestate leaving behind them the following heirs:

- i. Sebastiao Rosario Braganza alias Bruno Braganza married to Louisa Lioba Braganza;
- ii. Aloysius David Xavier Braganza married to Ruth Petornil Braganza; and
- iii. Jovita Teofile Braganza married to Bridget Marie Braganza.

The said Sebastiao Rosario Braganza alias Bruno Braganza and his wife Louisa Lioba Braganza died on 05.07.1983 and 30.08.2008 respectively intestate leaving behind them the following heirs:

- i. Mr. Theodore Anthony Braganza married to Mrs. Judith Philomena Braganza; and
- ii. Mr. Melville Gerald Anthony Braganza married to Mrs.Yvonne Rose Andrea Braganza.

The said Aloysius David Xavier Braganza and his wife Ruth Petornil Braganza died on 10.01.1990 and 26.04.2005 respectively intestate leaving behind them the following heirs:

- i. Mr. Americo Stanislaus Braganza married to Mrs. Mary Clarina Braganza;
- ii. Mr. Lauro Alwyn Brganza married to Mrs. Arlene Sandra Braganza;
- iii. Mr. Edwin Felix Braganza married to Mrs. Pearl Maria Braganza; and
- iv. Mr Rupert Bosco Braganza married to Mrs. Rorine Luiza Braganza.

The said Jovita Teofile Braganza and his wife Bridget Marie Braganza died on 10.01.2011 and 11.03.2002 respectively intestate leaving behind them the following heirs:

- i. Mr. Elvis Francis Braganza married to Mrs. Jennifer Margaret Braganza;
- ii. Mr. Ashlyn Bosco Braganza married to Mrs. Premilla Ashlyn Braganza.

Vide Deed of Partition dated 24.05.2015 the Larger Property was divided into two plots namely Plot No. A admeasuring approximately 371.56 sq.mts and Plot No. B admeasuring approximately 793.44 sq.mts, which deed is registered before the Sub Registrar of Bardez at Mapusa under No.BRZ-BK1-04607-2015, CD No. BRZD762 on 24.02.2015.

By virtue of Deed of Partition dated 24.02.2015 the Plot No A admeasuring approximately 371.56 sq.mts came to be allotted to said Mr. Americo Stanislaus Braganza and his wife Mrs. Mary Clarina Braganza, Mr. Lauro Alwyn Brganza and his wife Mrs. Arlene Sandra Braganza, Mr. Edwin Felix Braganza and his wife Mrs. Pearl Maria Braganza, Mr Rupert Bosco Braganza and his wife Mrs. Rorine Luiza Braganza, and Plot No. B admeasuring approximately 793.44 sq.mts came to be allotted to Mr Elvis Francis Braganza and his wife Mrs Jennifer Margaret Braganza, Mr Ashlyn

Bosco Braganza and his wife Mrs Premilla Ashlyn Braganza, Mr Theodore Anthony Braganza and his wife Mrs Judith Philomena Braganza, Mr Melville Gerald Anthony Braganza and his wife Mrs Yvonne Rose Andrea Braganza thus becoming the absolute owners of Said Plot B. Prior to execution of the Deed of Partition there are no documents to establish the legal heirship of Mr. Caitano Salvador De Braganza and his wife Mrs. Candida Braganza.

Thereafter Inventory Proceedings No. 278/2016/C were instituted in the Court of Civil Judge Senior Division at Mapusa for partition and allotment of the estate left behind by the said Mr. Caitano Salvador De Braganza and his wife Mrs. Candida Braganza. Mr Elvis Francis Braganza and his wife Mrs Jennifer Margaret Braganza, Mr Ashlyn Bosco Braganza and his wife Mrs Premilla Ashlyn Braganza, Mr Theodore Anthony Braganza and his wife Mrs Judith Philomena Braganza, Mr Melville Gerald Anthony Braganza and his wife Mrs Yvonne Rose Andrea Braganza came to acquire the absolute rights, title, interest and possession to Said Plot B, admeasuring approximately 793.44 sq.mts in terms of the Order dated 11.07.2018 passed in the said Inventory proceedings whereby the Chart of Allotment/Partition was confirmed and made absolute.

Subsequently Mrs Jennifer Margaret Braganza expired on 6.9.2016 leaving behind her the following heirs:

- i) Her husband Mr Elvis Francis Braganza
- ii) Son Mr Carlyle Braganza married to Mrs Silni Sebastian alias Silni Braganza
- iii) Daughter Miss Careena Mariola Braganza

An affidavit cum Declaration of Heirship dated 27.8.2024 is executed by Mr Elvis Francis Braganza, Mr Carlyle Braganza, Mrs Silni Sebastian alias Silni Braganza and Miss Careena Mariola Braganza stating that they are the only heirs of late Mrs Jennifer Margaret Braganza, the said document is duly Notarized by Adv Sebastiana Fernandes under No 444/24 dated 27.8.2024. A deed of Succession however needs to be executed.

Subsequently Partition of the Said Plot B was sought before the Deputy Collector and Sub-Divisional Officer SDO Bardez Mapusa Goa and vide Order dated 22nd August 2022 independent Chalta No. 13-A of P.T Sheet No. 109 was allotted to the Said Plot B admeasuring 793 sq mtrs which is the SAID PLOT as stated aforesaid whose title verification is called for.

Vide Agreement for Development and Sale, dated 17.02.2022 registered under Serial No.3765/22 before the Notary Adv. N.C. Gaonkar at Mapusa, Bardez - Goa the aforesaid Owners permitted M/s Naifer Constructions to develop the SAID PLOT as per Consideration as stated in the Said Agreement. M/s Naifer Constructions however since the Agreement for Development and Sale, dated 17.02.2022 have not been able to undertake the construction work on account of the inordinate delay on account of obtaining Conversion Sanad and availing other permissions for the development of the Said Plot and also due to financial constraints.

Further vide Agreement for Development and Sale dated 9.8.2024, M/s Claramount Realty entered into an Agreement for Sale of the SAID PLOT admeasuring 793 sq mtrs with the aforesaid Owners with M/s Naifer Constructions being the Confirming Party which is duly registered before the Sub-Registrar of Bardez at Mapusa Goa.



V PROJECT CONSTRUCTION:

M/s Claramount Realty has floated a residential cum Commercial Project Known as **AVAYA** on the Said Plot surveyed under Chalta No. 13-A of P.T Sheet No. 109 of City Survey of Mapusa and for that purpose has relied on the requisite permissions obtained from the competent Authorities.

- i) Conversion Sanad for the Said Plot has been obtained which is issued by the Additional Collector III North Goa at Mapusa under No. 4/213/ CNV/ACIII/2023/CAD3BAR05-23-296 dated 27.07.2023.
- ii) Development Permission issued by the Member Secretary, North Goa Planning and Development Authority, Panaji - Goa under No. NGPDA/M/2023/3782/2024 dated 21.03.2024.
- iii) Construction licence issued by Mapusa Municipal Council, under No. CONSTLIC/ MAPUSA/2024-2025/11, dated 01.07.2024.

VI. OPINION:-

Based upon the documents produced and Scrutinized and the searches conducted, in my opinion Mr Elvis Francis Braganza, Mr Carlyle Braganza, Mrs Silni Sebastian alias Silni Braganza, Miss Careena Mariola Braganza, Mr Ashlyn Bosco Braganza, Mrs Premilla Ashlyn Braganza, Mr Theodare Anthony Braganza, Mrs Judith Philomena Braganza, Mr Melville Gerald Anthony Braganza and Mrs Yvonne Rose Andrea Braganza are the lawful absolute and exclusive owners of the SAID PLOT surveyed under Chalta No. 13-A of P.T Sheet No. 109 of City Survey of Mapusa admeasuring an area of 793 sq mtrs.



In terms of Agreement for Development and Sale dated 9.8.2024 registered before the Sub-Registrar of Bardez at Mapusa Goa, M/s Claramount Realty have all the rights to develop and sell the SAID PLOT surveyed under Chalta No. 13-A of P.T Sheet No. 109 of City Survey of Mapusa admeasuring an area of 793 sq mtrs.

The Prospective Purchasers in the Project AVAYA will be able to mortgage the tenements that may be allotted by depositing the executed Agreement for Sale between Prospective Purchaser and M/s Claramount Realty **with the Owners to be made as a Confirming Party being the land owners** with a NOC to mortgage to be obtained from M/s Claramount Realty and after the entire Project is complete and Occupancy Certificate is obtained the Sale Deed/ Conveyance Deed is to be executed with Individual Purchaser or in favour of Society that may be formed.



Nandan Kamat Helekar
Advocate
26.9.2024