



Satish J. Rao

Advocate High Court

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Dated:- 26/03/2019

TO WHOMSOEVER IT MAY CONCERN

This Title Report is prepared at the request of Mr. Mario B. Fernandes, who has placed in my hands the desired documents and after careful study, scrutiny, perusal and apparent tenor of documents, my opinion is as follows:-

OPINION

1. DESCRIPTION OF THE PROPERTY:-

ALL THAT Property without any name situated at Cuchelim, Mapusa, Bardez, Goa, within the limits of Mapusa Municipal Council, Taluka and Sub-District of Bardez, District of North Goa, State of Goa, and is presently surveyed under survey No. 72 sub-division No. 20 of P.T. Sheet No. 9 of the city survey of Mapusa. This property admeasures 625 sq. mts. and there exists therein a house bearing Municipal House No. 140. This property is not registered in the Land Registration Office nor enrolled in the Taluka Revenue Office. This property is presently bounded as under:-

On the North :- By property under survey No. 72, sub-division No. 91-A.

On the South :- By the Public Road.

On the East :- By property under survey No. 72, sub-division No. 19.

On the West :- By the property under survey No. 72 sub-division No. 5.

2. DOCUMENTS RELIED:-

- (a) Deed of Partition dated 13/2/1970.
- (b) Records of Description and Inscription.
- (a) Inventory Proceedings No. 212/2008/F.
- (b) Regular Civil Suit No. 124/2010/A and Order passed therein.
- (c) Agreement of Sale dated 14/5/2008.
- (d) Agreement for Sale dated 16/6/2008.
- (e) Deed of Sale dated 25/11/2009.
- (f) Deed of Assignment dated 27/4/2018.
- (g) Deed of Partnership dated 14/11/2008.
- (h) Deed of Reconstitution dated 9/8/2017.
- (i) Survey Form D.
- (j) Survey Plan.
- (k) Survey Form B.
- (l) House Tax Receipt.
- (m) Deed of Sale dated 17/01/2019.

3. TRACING OF TITLE:-

(a) That the property is described in the Land Registration Office under No. 9541 at folio 54 reverse of the Book B new No. 25, not enrolled in the Taluka Revenue Office. Hence we have to go by records of survey maintained by Government of Goa.

(b) That the property originally belonged to Lourenco Sebastiao de Souza who later died without issue leaving behind his half sharer and universal heir his wife Luizinha Vas from Cunchelim.

(c) That Luizinha Vas got married second time to Francisco Manuel Fernandes and on the demise of both of them inheritance devolved on Carlos married to Boaventura and Pulcina married to Joao Santa Manuel (son and daughter).

(d) By Deed of Partition dated 13/2/1970 made between Carlos Baromeu Zacharias Fernandes and his wife Boaventura Fernandes as one part and Pulcina Clementina Fernandes and her husband Joao Santa Manuel as Second Part . The property in question "Vangorbatta" consisting of two parts, one with house and second a bear land and both parts allotted to Carlos Fernandes.

(b) It is seen from Survey Form B and Survey Form D, the property is shown in the name of Shri. Carlos B.Z. Fernandes and Smt. Boaventure Fernandes.

(c) That Smt. Boaventure Fernandes died in the year 2006 leaving behind her husband Carlos B.Z. Fernandes and only legal heir daughter Luizín Souto alias Luisinha Perpetua Fernandes married to Piedade Souto.

(d) Later on husband of Luizín Souto alias Luisinha Perpetua Fernandes i.e Piedade Souto died leaving behind his wife Luizín Souto alias Luisinha Perpetua Fernandes and legal heirs Miss. Angelina Veronica Souto and Mast. Lyndon Preston Souto.

(e) That Inventory Proceedings bearing No. 212/2008/F were initiated on the death of Boaventure Fernandes and Piedade Souto filed by Mrs. Luizín Souto alias Luisinha Perpetua Fernandes . In the said Inventory Proceedings the property was allotted to Mr. Carlos B.Z Fernandes 50%, Mrs. Luizín Souto alias Luisinha Perpetua Fernandes 25%, Miss. Angeline Veronica Souto 12.5% and Mast. Lyndon Preston Souto 12.5% . The said Inventory Proceedings concluded on 22/2/2010. As the children of Mrs. Luizín Souto alias Luisinha Perpetua Fernandes namely Miss Angelina Veronica Souto and

Mast Lyndon Preston Souto were minor, the court granted permission by Order dated 20/4/2009 in the same Inventory, to sell the property to the mother Luizina Souto alias Luisinha Perpetua Fernandes.

(f) There was a Suit filed by Rajendra Balkrishna Teli bearing No. 124/2010/A against Carlos B.Z. Fernandes , Mrs. Luizina Souto alias Luisinha Perpetua Fernandes, Mast Lyndon Preston Souto and Miss Angeline Veronica Souto and M/S Goveia Developers . The suit ended in Consent Terms filed on 16/7/2018 and the right and claim of Rajendra Balkrishna Teli was settled by paying an amount of Rs. 15 lakhs and that Rajendra Balkrishna Teli and his wife under Agreement of Sale dated 14/5/2008 signed with Carlos B.Z. Fernandes and Luizinha Perpetua Fernandes alias Luizina Souto assigned the rights in respect of the property in question to M/S Goveia Developers . This Agreement is Notarized.

(g) There is a Deed of Assignment dated 27/4/2018 between Rajendra Balkrishna Teli and his wife and M/S Goveia Developers in which Agreement dated 14/5/2008 signed by Carlos B.Z. Fernandes and Luizinha Perpetua Fernandes alias Luizina Souto in favour of Rajendra B. Teli was assigned to M/S Goveia Developers .

(h) By Deed of Sale dated 25/11/2009 Mr. Carlos B.Z. Fernandes alias Zacarias Fernandes, Mrs. Luizina Souto alias Luisinha Perpetua Fernandes , Mast Lyndon Preston Souto and Miss Angelina Veronica Souto sold and transferred the property together with the house described above to M/S Goveia Developers, a Partnership Firm.

The Sale Deed is signed by single partner. This is not accordance with law . Agreement, Sale or purchase made by Partnership Firm must be signed by all partners i.e Mr. Ludovico Sagrado Goveia, Mrs. Marilyn Agasta Sabrina Judith Soares e Fernandes Goveia and Mr. Francisco Hugo Anthony Goveia.

The said Sale Deed is duly registered in the Office of Sub-Registrar of Bardez undr No. 2658, Book No.I, Vol. No. 2916, dated 10/12 2009.

(i) Prior to above Sale Deed dated 25/11/2009, there is a Agreement for Sale dated 16/6/2008 between Mr. Carlos B.Z. Fernandes and Mrs. Luizina alias Luisinha Perpetua Fernandes signed with M/S Goveia Developers, the property was agreed to be sold for a price of Rs. 12 lakhs and advance of Rs. 2 lakhs and 6 lakhs was paid. The said Agreement is duly Notarized.

(j) I have seen Survey Form B and Survey Form D . The survey exercise began in 1970 and promulgated in 1975 . Since then name of Carlos Fernandes and his wife Boaventura Fernandes is there in Title Holder Column. However after Inventory Proceedings and Deed of Sale dated 25/11/2009 name of M/S Goveia Developers in Survey Form D.

(k) I have seen Deed of Reconstitution dated 9/8/2017 signed before Notary Public N. S. Shinde. By this document the partnership stands Reconstituted Mrs. Christina Joann D'Souza was included and property in question is allotted to second and third partner Mr. Francisco Hugo Anthony Goveia and Mrs. Marilyn Agasta Sabrina Judith Soares e Fernandes Goveia.

(l) There is a Mapusa Municipal Council House Receipt dated 11/8/2016 paid by M/S Goveia Developers pertaining to the House situated in the property .

(n) By Deed of Sale dated 17/01/2019 between Mrs. Marilyn Agasta Sabrina Judith Soares e Fernandes Goveia and her husband Mr. Francisco Hugo Anthony Goveia as Vendors, Mr. Maria Beraldo Fernandes as Purchaser and M/S Goveia Developers, a Partnership Firm, as Confirming Party, the property surveyed under No. 72 sub-division No.20 of P.T.Sheet No. 9 of City Survey Mapusa is sold to Mr. Mario Beraldo Fernandes.

The said Sale Deed is duly registered in the Office of Sub-Registrar of Bardez under Book-1, Registration No. BRZ-1-101-2019, dated 21/01/2019.

CERTIFICATE

(I) In the premises I certify title of Mr. Mario Beraldo Fernandes and his wife to the property surveyed under No. 72 sub-division No.20 of P.T.Sheet No. 9 of City Survey Mapusa described above is **CLEAN, CLEAR AND MARKETABLE.**

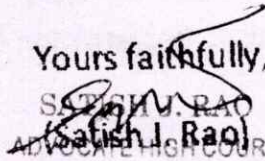
(II) Equitable Mortgage be created by Mr. Mario B. Fernandes and his wife, following documents must be taken in deposit :-

- (a) Agreement For Sale dated 14/5/2008 (Original).
- (b) Deed of Assignment dated 27/4/2018. (Original).
- (c) Certified copy of Consent Decree dated 16/7/2018.
- (d) Certified copy of Inventory Proceeding No. 212/2008/F and Order passed therein.
- (e) Agreement for Sale dated 16/6/2008 (Original)
- (f) Deed of Sale dated 25/11/2009 (Original).
- (g) Deed of Partnership dated 14/11/2008 (True copy).
- (h) Deed of Reconstitution dated 9/8/2017 (True copy).
- (i) Survey Form B of City Survey Mapusa (True copy)
- (j) Survey Form D (True copy).
- (k) Deed of Sale dated 17/01/2019 (Original).

(II) **This Opinion is subject to following:-**

- (a) Sanad/Conversion.
- (b) Upto date Nil Encumbrance Certificate from the Office of Sub-Registrar of Bardez.

Yours faithfully,


SATISH J. RAO
(Satish J. Rao)
ADVOCATE HIGH COURT
MAPUSA - GOA