

*Siddesh Malik*  
*Advocate*

Office At: H.No.43,  
Molcopona, Malkarnem,  
Quepem –Goa, 403 705

Date: 31-07-2024

## SEARCH REPORT AND CERTIFICATE OF TITLE

This Report and Certificate is issued at the request of Nanu Estates Private Limited, a private limited company having its Registered Office at Nanu House, Varde Valaulicar Road, Margao, Goa 403 601, in respect of lands under Survey Nos. 80/1-E, 80/1-F, 80/1-G and 80/1-H forming parts of the bigger land bearing Survey No.80/1 of village Siolim in Bardez Taluka and also in respect of the lands bearing Survey No. 80/16 and Survey No. 80/28 of the same village Siolim in Bardez Taluka.

**Re: Survey Nos.80/1-E, 80/1-F, 80/1-G, 80/1-H and Survey  
No. 80/16 all of village Siolim:**

**A. Name of the land:**

The larger property denominated “TARCHY BATTY” or “TARCHI BATTY”, locally known as “TARCHI BHAT” or “TARACHE BHAT”.

**B. Location:**

Village of Siolim, within the limits of Village Panchayat of Siolim, Taluka and Sub-District of Bardez, District of North Goa in the State of Goa.

**C. Land Registration Description No.**

The above mentioned larger property is described under Description No.669 of Book-B No. 2 of the new series of the Land Registration Office of Bardez Judicial Division.

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**D. Matriz No.**

Matriz No.740 of Siolim village in the Land Revenue Office of Bardez Taluka.

**E. Survey Number in the old Cadastral survey of village Siolim:**

This one-third part of the larger property is distinctly and separately surveyed under No.714 of the Portuguese Cadastral Survey of Siolim village in Bardez Taluka.

**F. Survey Number under the survey conducted of Siolim village under the Goa Land Revenue Code, 1968:**

This one-third part of the larger property is distinctly and separately surveyed under nos. 80/1 and 80/16 of village Siolim of Bardez Taluka and there are areas within the same which are separately surveyed under sub-divisions no.1-A, 1-C and 1-D of Survey No. 80/1. **However, the survey numbers concerned in this report bears new Survey Nos. 80/1-E, 80/1-F, 80/1-G and 80/1-H** (which are parts of the old Survey No. 80/1) and **80/16** all of village Siolim of Bardez Taluka.

**G. Area:**

The areas of the new Survey Nos. 80/1-E, 80/1-F, 80/1-G and 80/1-H of village Siolim of Bardez Taluka concerned in this report are respectively having an area of 2,984 square meters, 2,984 square meters, 2,984 square meters and 2,856 square meters.

Area of the land bearing Survey No. 80/16 of village Siolim is having an area of 2,200 square meters.

**H. Boundaries:**

Boundaries of the larger property of which the present land bearing old Survey Nos. 80/1 and 80/16 is one-third part thereof, is bounded as under:-



**AS PER LAND REGISTRATION RECORDS:**

|        |                                                                           |
|--------|---------------------------------------------------------------------------|
| East:  | By the coconut grove "Tarchy Batty" of the heirs of Pio Ilario Fernandes; |
| West:  | By the coconut grove "Tarchy Batty" of Pascoal Lourence Fernandes;        |
| North: | By coconut grove "Tarchy Batty" of Manuel Barros; and                     |
| South: | By the drain of monsoon waters.                                           |

**AS PER MATRIZ RECORDS:**

As per the letter of the Mamlatdar and Head of Revenue of Bardez Taluka, records of Matriz of Siolim village are mutilated and hence they are not available.

**AS PER OLD CADASTRAL SURVEY PLAN OF SIOLIM**

|        |                                                                                         |
|--------|-----------------------------------------------------------------------------------------|
| East:  | By Cadastral Survey Nos. 713, 702, 701, 695 and 694 of village Siolim of Bardez Taluka; |
| West:  | By Cadastral Survey No. 715 of village Siolim of Bardez Taluka;                         |
| North: | By Cadastral Survey Nos. 578 and 713 of village Siolim of Bardez Taluka; and            |
| South: | By the monsoon drain and Cadastral Survey No. 728 of village Siolim of Bardez Taluka.   |

**AS PER NEW SURVEY PLAN OF SIOLIM VILLAGE**  
**(As a whole of S. No. 80/1 and 80/16)**

|        |                                                                                    |
|--------|------------------------------------------------------------------------------------|
| East:  | By Survey No. 80/2, 80/11, 80/17, 80/18, 80/22 of village Siolim of Bardez Taluka; |
| West:  | By Survey No. 80/55, 80/28 of village Siolim of Bardez Taluka and monsoon drain;   |
| North: | By Survey No. 171/16, 171/48 and 80/11 of village Siolim of Bardez Taluka; and     |

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|        |                                                                           |
|--------|---------------------------------------------------------------------------|
| South: | By monsoon drain and Survey No. 80/27 of village Siolim of Bardez Taluka. |
|--------|---------------------------------------------------------------------------|

**BOUNDARIES OF THE LANDS UNDER SCRUTINY**  
(As per present Survey Plan)

**SURVEY No. 80/1-E**

|        |                                                                                      |
|--------|--------------------------------------------------------------------------------------|
| East:  | By land under Survey No. 80/2 of village Siolim of Bardez Tq;                        |
| West:  | By land under Survey No.80/55 of village Siolim of Bardez Tq;                        |
| North: | By lands under Survey Nos. 171/55 and 171/48 of village Siolim of Bardez Taluka; and |
| South: | By lands under Survey Nos. 80/1 and 80/1-F of village Siolim of Bardez Taluka.       |

**SURVEY No. 80/1-F**

|        |                                                                                            |
|--------|--------------------------------------------------------------------------------------------|
| East:  | By land under Survey No. 80/2 of village Siolim of Bardez Tq;                              |
| West:  | By lands under Survey Nos. 80/55 and 80/28 of village Siolim of Bardez Taluka;             |
| North: | By lands under Survey Nos. 80/1-E, 80/1 and 80/1-C of village Siolim of Bardez Taluka; and |
| South: | By land under Survey No.80/1-G of village Siolim.                                          |

**SURVEY No. 80/1-G**

|        |                                                                                      |
|--------|--------------------------------------------------------------------------------------|
| East:  | By lands under Survey Nos. 80/2 and 80/11 of village Siolim of Bardez Taluka;        |
| West:  | By land under Survey No. 80/28 of village Siolim of Bardez Taluka;                   |
| North: | By lands under Survey Nos. 80/1-F and 80/1-A of village Siolim of Bardez Taluka; and |

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|        |                                                                                          |
|--------|------------------------------------------------------------------------------------------|
| South: | By lands under Survey Nos. 80/1-A, 80/1-D and 80/1-H of village Siolim of Bardez Taluak. |
|--------|------------------------------------------------------------------------------------------|

**SURVEY No. 80/1-H**

|        |                                                                                      |
|--------|--------------------------------------------------------------------------------------|
| East:  | By lands under Survey Nos. 80/11 and 80/16 of village Siolim of Bardez Taluka;       |
| West:  | By land under Survey No. 80/28 of village Siolim of Bardez Taluka and water drain;   |
| North: | By lands under Survey Nos. 80/1-G and 80/1-D of village Siolim of Bardez Taluka; and |
| South: | By land under Survey No. 80/27 of village Siolim and water drain.                    |

**SURVEY No. 80/16**

|        |                                                                                       |
|--------|---------------------------------------------------------------------------------------|
| East:  | By lands under Survey Nos. 80/17, 80/18 and 80/22 of village Siolim of Bardez Taluka; |
| West:  | By lands under Survey Nos. 80/1-H and 80/27 of village Siolim of Bardez Taluka;       |
| North: | By land under Survey No. 80/11 of village Siolim of Bardez Taluka; and                |
| South: | By water drain.                                                                       |

**Re: Survey No. 80/28 of village Siolim:**

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**A. Name of the land:**

"TARACHE BHAT".

**B. Location:**

Village of Siolim, within the limits of Village Panchayat of Siolim, Taluka and Sub-District of Bardez, District of North Goa in the State of Goa.

**C. Land Registration Description No.**

Not found described in the Bardez Land Registration records.

**D. Matriz No.**

Not found enrolled for the purposes of Matriz (Land Revenue) records.

**E. Survey Number in the old Cadastral survey of village Siolim:**

Cadastral Survey No. 715 of the Portuguese Cadastral Survey of Siolim village in Bardez Taluka.

**F. Survey Number under the survey conducted of Siolim village under the Goa Land Revenue Code, 1968:**

Survey No. 80/28 of village Siolim of Bardez Taluka.

**G. Area:**

750 square meters.

**H. Boundaries:**

The land bearing Survey No. 80/28 is bounded as under:-

**AS PER OLD CADASTRAL SURVEY PLAN 715 OF SIOLIM**

Bounded from the corner – properties bearing Old Cadastral Survey Nos. 715 and 577.

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**AS PER NEW SURVEY PLAN OF SIOLIM VILLAGE**

|        |                                                                                          |
|--------|------------------------------------------------------------------------------------------|
| East:  | By lands under Survey Nos. 80/1-F, 80/1-G and 80/1-H of village Siolim of Bardez Taluka; |
| West:  | By water drain;                                                                          |
| North: | By land under Survey No. 171/55 of village Siolim of Bardez Taluka; and                  |
| South: | By water drain.                                                                          |

**I. Documents scrutinized:**

1. Certified photo copy dated 25.04.2019 and 30.04.2019 issued by the Archivist (Publication), Directorate of Archives & Archaeology, Government of Goa, in respect of the Land Registration **Description No. 669** along with the Inscription Nos. 310 and 311 of Book G. No. 1, No. 24132 of Book G. No. 30, No. 25398 and 25399 of Book G. No. 31 [along with its English translation].
2. Letter No.MAM/BAR/MAT-CERT/2020/3306 dated 28.07.2020 issued by the Mamlatdar and Head of Taluka Revenue Office of Bardez, in respect of **Matriz No. 740** of Siolim village.
3. Certified photo copy dated 07.08.2020 issued by the Archivist (Publication), Directorate of Archives & Archaeology, Government of Goa, in respect of the **Escritura de Compra e Vendaes** (Public Deed of Purchase and Sale) drawn on **18.01.1908** by the Tabeliao of the Judicial Division of Bardez, Mr. Joao Copertino da Caridade Frias, at pages 51 to 52 of his Notarial Deeds Book No. 98 [along with its English translation].

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4. Certified photo copy dated 04-08-2020 issued by the Archivist (Publication), Directorate of Archives & Archaeology, Government of Goa, in respect of the **Escritura de Partilha** (Public Deed of Partition) drawn on 14.08.1921 in Book No. 205 of the Notary of Bardez, Mr. Cardidade Fernandes read with **Deed of Rectification** drawn on 21.07.1926 at pages 88 (v) of Book No. 246 [along with its English translation].
5. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, of the portion of the **Plan of Old Cadastral Survey** of village Siolim of Bardez Taluka, showing Cadastral Survey Nos. 568, 575, 576, 577, 578, 694, 695, 701, 702, 711, 712, 713, 714, 715, 716, 717, 718, 728, 586 and 1117.
6. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 694** of Siolim village [along with its English translation].
7. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 695** of Siolim village [along with its English translation].
8. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 701** of Siolim village [along with its English translation].
9. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 702** of Siolim village [along with its English translation].



10. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 713** of Siolim village [along with its English translation].
11. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 714** of Siolim village [along with its English translation].
12. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 715** of Siolim village [along with its English translation].
13. Certified copy dated 17.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, Goa, showing records of **Old Cadastral Survey No. 728** of Siolim village [along with its English translation].
14. Certified copy dated 13.08.2020 issued by the Assistant Survey & Settlement Officer, Panaji, of the **Combined Survey Plan of Survey No. 80/1, 80/16 and 80 /28** of Siolim Village.
15. **Certificate** dated **27-02-2021** issued by Mr. Mohandas Kambli, Ex-Inspector of Surveys & Land Records, City Survey, Panji.
16. Certified copy dated 27.07.2020 issued by the Mamlatdar of Bardez of **Form No. I & XIV** of **Survey No. 80/1** of Siolim village, showing the names of Justiniano Beltaza D'Souza and Antonio D'Souza as 'Occupants' thereof.
17. Certified copy of **Form No. I & XIV** of **Survey No. 80/16** of Siolim village computer generated on 06-07-2024, showing the name of one Ana Luiza Fernandes as 'Occupant' thereof.



18. Certified copy of **Form No. I & XIV** of **Survey No. 80/28** of Siolim village, computer generated on 03-05-2024, showing the name of one Belcher Fernandes as 'Occupant' thereof.
19. Certified copy dated 07-09-2020 issued by the Superintendent of the Court of Civil Judge, Senior Division, at Mapusa, Goa, of the records of the **Inventory Proceedings No. 70/2001/C** read with certified copy dated 03-05-2019 issued by the Superintendent of the Court of Civil Judge, Senior Division, at Mapusa, Goa, in respect of **Additional Statement on Oath dated 12-11-2010** of Cabeça de Casal, in Inventory Proceedings No. 70/2001/C of the Court of Civil Judge, Senior Division 'C' Court, Mapusa, Goa.
20. Certified copy dated 19.04.2018 issued by the Superintendent of the Court of Civil Judge, Senior Division, at Mapusa, Goa, in respect of the **plans of sub-division** of various survey numbers including sub-division of Survey No. 80/1, 80/16 and 80/28 all of Siolim village in **Inventory Proceedings No. 70/2001/C**.
21. Certified copy dated 14-09-2020 issued by the Mamlatdar of Bardez of **Form No. I & XIV** of **Survey No. 80/1** of Siolim village, showing in its 'Occupant' column the names of all the allottees of the plots made in the said survey holding pursuant to the Orders passed in the Inventory Proceedings No. 70/2001/C.
22. Photo copy of the **Order** dated **16.12.2020** passed by the Deputy Collector & Sub-Divisional Officer of Bardez at Mapusa, Goa, in **Partition Case No. 15/176/2020/PART/LAND**, along with **Area Adjustment Statement** dated 30.11.2020 prepared by the Inspector of Survey & Land Records, Mapusa, Goa. (*in respect of Plot-G bearing new Survey No. 80/1-E*).

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23. Photo copy of the **Order** dated **16.12.2020** passed by the Deputy Collector & Sub-Divisional Officer of Bardez at Mapusa, Goa, in **Partition Case No. 15/177/2020/PART/LAND**, along with **Area Adjustment Statement** dated 30.11.2020 prepared by the Inspector of Survey & Land Records, Mapusa, Goa (*in respect of Plot-H bearing new Survey No. 80/1-F*).
24. Photo copy of the **Order** dated **16.12.2020** passed by the Deputy Collector & Sub-Divisional Officer of Bardez at Mapusa, Goa, in **Partition Case No. 15/179/2020/part/land**, along with **Area-Adjustment Statement** dated 30.11.2020 prepared by the Inspector of Survey & Land Records, Mapusa, Goa. (*in respect of Plot-I bearing new Survey No. 80/1-G*).
25. Photo copy of the **Order** dated **16.12.2020** passed by the Deputy Collector & Sub-Divisional Officer of Bardez at Mapusa, Goa, in **Partition Case No. 15/178/2020/PART/LAND**, along with **Area Adjustment Statement** dated 31.11.2020 prepared by the Inspector of Survey & Land Records, Mapusa, Goa. (*in respect of Plot-J bearing new Survey No. 80/1-H*).
26. Certified copy dated 23-02-2022 issued by the Inspector of Survey & Land Records, Mapusa, Goa, of the Combined **Survey Plan** of **Survey No. 80/1, 80/1-A, 80/1-C, 80/1-D, 80/1-E, 80/1-F, 80/1-G, 80/1-H, 80/16 and 80/28** of Siolim Village.
27. Certified copy dated 11.01.2021 issued by the Citizen Service Centre, Mapusa, Goa, of **Form No. I & XIV** of **Survey No. 80/1-E** of Siolim village (*in respect of Plot-G*), showing the name of Mr. Adeodata D Souza alias Justiniano Baltazar Adeodato de Conceicao Souza in the 'Occupant' column thereof.

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28. Certified copy dated 11.01.2021 issued by the Citizen Service Centre, Mapusa, Goa, of **Form No. I & XIV of Survey No. 80/1-F** of Siolim village (*in respect of Plot-H*), showing the name of Mr. Justiniano Baltazar Oliver Olavo de Souza in the 'Occupant' column thereof.
29. Certified copy dated 11.01.2021 issued by the Citizen Service Centre, Mapusa, Goa, of **Form No. I & XIV of Survey No. 80/1-G** of Siolim village (*in respect of Plot-I*), showing the names of Mrs. Aida de Souza, Mr. Alex D Souza and Mrs. Maria Anna D Souza in the 'Occupant' column thereof.
30. Certified copy dated 11.01.2021 issued by the Citizen Service Centre, Mapusa, Goa, of **Form No. I & XIV of Survey No. 80/1-H** of Siolim village (*in respect of Plot-J*), showing the name of Mr. Justiniano Baltazar Oliver Olavo de Souza in the 'Occupant' column thereof.
31. **Deed of Sale** dated **27.01.2021** duly registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, on 02.02.2021 under No. BRZ-1-446-2021, in respect of **Plot No. G** now bearing new **Survey No. 80/1-E** of village Siolim of Bardez Taluka;
32. **Deed of Sale** dated **04.03.2021** duly registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, on 12.03.2021 under No. BRZ-1-1096-2021, in respect of **Plot No. H** now bearing new **Survey No. 80/1-F** of village Siolim of Bardez Taluka;
33. **Deed of Sale** dated **17.12.2018** duly registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, under No. BRZ-BK1-00058-2019, CD No. BRZD807 dated 09.01.2019, in respect of **Plot No. I** forming part of old **Survey No. 80/1** of village Siolim of Bardez Taluka;



34. **Deed of Sale** dated **17.08.2022** duly registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, on 22-08-2022 under No. BRZ-1-3639-2022, in respect of **Plot No. I** now bearing new **Survey No. 80/1-G** of village Siolim of Bardez Taluka;
35. **Deed of Sale** dated **04.03.2021** duly registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, on 12.03.2021 under No. BRZ-1-1095-2021, in respect of **Plot No. J** now bearing new **Survey No. 80/1-H** of village Siolim of Bardez Taluka;
36. Certified copy of the **Form No. I & XIV** of **Survey No. 80/1-E** of Siolim village, computer generated on 29-07-2021 and issued by the Citizen Service Centre, Mapusa, Goa, showing the name of Nanu Estates Private Limited, as occupier thereof (*in respect of Plot-G*).
37. Certified copy of the **Form No. I & XIV** of **Survey No. 80/1-F** of Siolim village, computer generated on 29-07-2021 and issued by the Citizen Service Centre, Mapusa, Goa, showing the name of Nanu Estates Private Limited, as occupier thereof (*in respect of Plot-H*).
38. Certified copy of the **Form No. I & XIV** of **Survey No. 80/1-G** of Siolim village, computer generated on 16-02-2023, showing the name of Nanu Estates Private Limited, as occupier thereof (*in respect of Plot-I*).
39. Certified copy of the **Form No. I & XIV** of **Survey No. 80/1-H** of Siolim village, computer generated on 29-07-2021 and issued by the Citizen Service Centre, Mapusa, Goa, showing the name of Nanu Estates Private Limited, as occupier thereof (*in respect of Plot-J*).
40. Record of **Form No. I & XIV** of **Survey No. 80/1-A** of Siolim village, computer generated on 11-07-2024.



41. Record of **Form No. I & XIV** of **Survey No. 80/1-C** of Siolim village, computer generated on 11-07-2024.
42. Record of **Form No. I & XIV** of **Survey No. 80/1-D** of Siolim village, computer generated on 11-07-2024.
43. Certified copy of the survey records in **Form No. I & XIV** of **Survey No. 80/1** of Siolim village (after separating all the parts from the entire property computer generated on 06-12-2022.
44. **Nil Certificate of Encumbrances** No. NEC/9/2024/2057 dated 25-07-2024 for the period from **12-07-1994 to 12-07-2024** issued by the Sub-Registrar of Bardez at Mapusa, Goa, in respect of the land under **Survey No. 80/1-E** of village Siolim of Bardez Taluka.
45. **Nil Certificate of Encumbrances** No. NEC/9/2024/2058 dated 25-07-2024 for the period from **12-07-1994 to 12-07-2024** issued by the Sub-Registrar of Bardez at Mapusa, Goa, in respect of the land under **Survey No. 80/1-F** of village Siolim of Bardez Taluka.
46. **Nil Certificate of Encumbrances** No. NEC/9/2024/2059 dated 25-07-2024 for the period from **12-07-1994 to 12-07-2024** issued by the Sub-Registrar of Bardez at Mapusa, Goa, in respect of the land under **Survey No. 80/1-G** of village Siolim of Bardez Taluka.
47. **Nil Certificate of Encumbrances** No. NEC/9/2024/2060 dated 25-07-2024 for the period from **12-07-1994 to 12-07-2024** issued by the Sub-Registrar of Bardez at Mapusa, Goa, in respect of the land under **Survey No. 80/1-H** of village Siolim of Bardez Taluka.
48. **Nil Certificate of Encumbrances** No. NEC/9/2024/2061 dated 25-07-2024 for the period from **12-07-1994 to 12-07-2024** issued by the Sub-



Registrar of Bardez at Mapusa, Goa, in respect of the land under **Survey No. 80/16** of village Siolim of Bardez Taluka.

49. **Deed of Sale** dated **31-05-2022** duly registered in the Office of the Sub-Registrar of Bardez at Mapusa, Goa, on 02-06-2022 under No. BRZ-1-2525-2022, in respect of land under **Survey No. 80/28** of village Siolim of Bardez Taluka.
50. Certified copy dated 30-03-2024 issued by the Superintendent of the Court of Civil Judge, Senior Division, Mapusa, Goa, in respect of the **Order dated 16-03-2024** passed on Application dated 01-11-2023 of the Plaintiff filed under Order XII Rule 6 of Code of Civil Procedure (Exhibit D-9) and the **Decree dated 16-03-2024**, all in **Regular Civil Suit No. 34/2023/E** of the Court of the Civil Judge, Junior Division, Mapusa, Goa.
51. **Nil Certificate of Encumbrances** No. NEC/9/2024/2062 dated 25-07-2024 for the period from **12-07-1994 up to 12-07-2024** issued by the Sub-Registrar of Bardez at Mapusa, Goa, in respect of the land under **Survey No. 80/28** of village Siolim of Bardez Taluka.

## **J. Scrutiny of documents:**

1. The description of the entire property given in the document at **Para I (1)** shows that the entire property is bounded as follows:-
- East: By the coconut grove "Tarchy Batty" of the heirs of Pio Ilario Fernandes;
- West: By the coconut grove "Tarchy Batty" of Pascoal Lourence Fernandes;

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North: By coconut grove "Tarchy Batty" of Manuel Barros; and

South: By the drain of monsoon waters.

2. The **Inscription No. 310** of Book-G No. 1 dated 25.04.1884 contained in the document at **Para I (1)** above shows that two-third shares of the same land are inscribed in the name of Mr. Pascoal Fernandes, who purchased the same from Socratis Hipolito Meficas and his wife, Amelia Carmelina De Sousa Meficas vide the Public Deed dated 15.03.1884 recorded at pages 10(v) of Book No. 92 of the Tabeliao of Bardez, Mr. Gustavo.
3. The **Inscription No. 311** of the same Book-G No. 1 dated 25.04.1884 contained in the document at **Para I (1)** above states that one-third shares of the same land is inscribed in the name of Mr. Vicente Fernandes and the two-third shares of the same land are inscribed in the name of Pascoal Fernandes, in view of purchase made by them from the said Socratis Hipolito Meficas and his wife, Amelia Carmelina De Sousa Meficas, vide the same Public Deed recorded at page 10(v) of Book No. 92 of the Tabeliao of Bardez, Mr. Gustao.
4. Therefore, it can be seen that as on 25.04.1884, two-third shares of the larger property belonged to Mr. Pascoal Fernandes and remaining one-third shares thereof belonged to Mr. Vicente Fernandes.
5. The document of **Escritura de Compra e Vendas** (Public Deed of Purchase and Sale) dated **18.01.1908** mentioned at **Para I (3)** above, reveals that the said Vicente Fernandes was married to Luzia Jeberina Fernanes and upon death of said Vicente Fernandes, the said Luzia Jeberina Fernanes and her children namely, Andre Joaqina Fernandes (un-married) and Mrs. Maria Caetana Fernandes along with her husband,



Mathias Crescencio De Sousa sold the said  $1/3^{\text{rd}}$  share in the larger property to Maria Piedade Pereira.

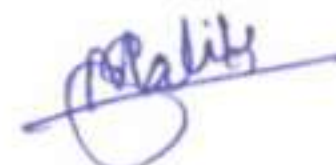
6. From the document of **Escritura de Partilha** (Public Deed of Partition) dated **14.08.1921** mentioned at **Para I (4)** shows that assets of late Joao Pedro da Sousa who was the deceased husband of said Maria Piedade Pereira were partitioned between Maria Piedade Pereira and heirs of her deceased husband, namely, Justiniano Baltazar Lorneceo Batista de Sousa alias Justiniano Baltazar de Sousa along with his wife, Lucilia Francisca Floriana de Conceicao e Sousa, Mrs. D. Rubertina Rosinha de Sousa alias Rubertina Rosa de Sousa Freitas along with her husband, Celso Reginaldo Freitas and Mrs. D. Pacificacao Magdalena Amelia de Sousa Menezes alias Pacificacao Magdalena De Sousa de Menezes along with her husband, Antonio Caetano Patricinio de Menezes, in which the  $1/3^{\text{rd}}$  share of the larger property was allotted to the heir, Justiniano Baltazar Lorneceo Batista de Sousa alias Justiniano Baltazar de Sousa along with his wife, Lucilia Francisca Floriana de Conceicao e Sousa.
7. Such position is further confirmed in the **Inscription No. 24132** of Book-G. No. 30 dated 22.02.1932 contained in the document at **Para I (1)** above, which shows that the one-third share of the larger property is inscribed in the name of Justiniano Baltazar Lorneceo Batista de Sousa along with his wife, Lucilia Francisca Floriana de Conceicao e Sousa, on account of allotment made in his favour in the partition of assets left behind by the mother of said Justiniano, by name Maria Piedade Pereira, who was the widow of late Joao Pedro Pereira, vide Deed of Partition drawn on 14.08.1921 in Book No. 205 of the Notary of Bardez, Mr. Cardidade Fernandes read with Deed of Rectification drawn on 21.07.1926 at pages 88 (v) of Book No. 246 of the same Notary and read with the Orphanological Inventory Proceedings instituted upon death of



late Joao Pedro Sousa in the 2<sup>nd</sup> Office of Judicial Division of Bardez on 11.11.1898.

8. However, there are no documents to find out whether those shares of the same larger property were undivided and ideal shares or they were separated by metes and bounds.
9. Therefore, attempt was made to obtain the record of **Matriz No. 704** of Siolim village to check whether there are any endorsements regarding partition of the entire property into metes and bounds so as to separate those parts. But, such attempt did not succeed because records of Matriz of Siolim village are reported to have been mutilated as seen in the letter mentioned at **Para I (2)** above.
10. Then, attempts are made to check Cadastral Survey records of Siolim village in Bardez Taluka, which were prepared by the Department of Land Survey of the Portuguese Government in Goa.
11. Document mentioned at **Para I (5)** is the certified copy of the relevant parts of the **Cadastral Survey Plan** of Siolim village.
12. The document at **Para I (14)** above is the certified copy of the new **Survey Plan** of **Survey Nos. 80/1, 80/16 and 80/28** of village Siolim. Comparing the said Cadastral Survey Plan with the new Survey Plan of Survey Nos. 80/1 and 80/16 of village Siolim, it is found that the **Cadastral Survey No. 714** coincides with the new Survey Plan of Survey Nos. 80/1 and 80/16 of village Siolim. This aspect is also certified by Mr. Mohandas Kambli, Ex-Inspector of Survey & Land Records, City Survey, Panaji, vide his Certificate dated 27-07-2021 referred in **Para I (15)** above.
13. As we have seen from the Land Registration Description records mentioned at **Para I (1)** above that the larger property is denominated

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'Tarchy Batty' and the southern boundary of the entire property is the monsoon water drain. The survey plan of Cadastral Survey No. 714 shows that it is bounded on the south by the monsoon drain which is the southern boundary of the larger property described under Description No. 669 of Book-B. No. 2 as well as of the new Survey Nos. 80/1 and 80/16 of village Siolim.

14. The only difference in the Cadastral Plan and the new Survey Plan vis-a-vis the southern boundary of the larger property described under No. 669 is that, a part of the southern boundary shown in those plans, is another small land which is bearing Cadastral Survey No. 728 and new Survey No. 80/27 and both those records show that the same belongs to the family of Naik.
15. Hence it is to be concluded that while separating the one-third share of the larger property of Justiniano Baltazar de Sousa, the said land under Cadastral Survey No. 728 and new Survey No. 80/27, was excluded from the said one-third separated part of the larger property.
16. The cadastral records of lands on the eastern side and on the south-western side of the **Cadastral Survey No. 714** i.e. of the **Cadastral Survey Nos. 694, 695, 701, 702, 713 and 728**, which are listed in **Para I (6) to Para I (10) and Para I (13)** above, show that those lands lying on the eastern side and the one lying on the south-western side (i.e. Cadastral Survey No. 728), are also named as 'Tarchy Batty', which facts establish that the larger property 'Tarchy Batty' as described under Description No. 669 of Book-B. No. 2 of the new series is physically partitioned and therefore, the Cadastral Survey No. 714 standing in the name of Justiniano Baltazar de Sousa, is the same as the land under new Survey Nos. 80/1 and 80/16 taken together and standing in the name of



Justiniano Baltazar de Sousa, is the distinct and separated one-third part of the larger property.

17. The Cadastral records of **Cadastral Survey No. 714** mentioned at **Para I (11)** above clearly shows that the same land is recorded as owned by Justiniano Baltazar de Sousa, son of Joao Pedro de Sousa and Maria Piedade Pereira.
18. As can be seen from the above mentioned **Cadastral Plan of Survey No. 714** mentioned at **Para I (5)** if compared with the **Survey Plan** of Survey No. 80/1 and 80/16 mentioned at **Para I (14)** above, it can be seen that the land under Survey No. 80/16 is assigned to south-eastern part of the Cadastral Survey No. 714 and the remaining part of the said Cadastral Survey No. 714 is separately surveyed under Survey No. 80/1.
19. **Form No. I & XIV** of new **Survey No. 80/1** which is mentioned at **Para I (16)** above shows that same is recorded in favour of the said Justiniano Baltazar D'Souza and one of his heirs by name Antonio D'Souza, which names can be ascertained from the records of Inventory Proceedings No. 70/2001/C which is mentioned in **Para I (19)** above.
20. However, **Form No. I & XIV** of the part of this land surveyed under new **Survey No. 80/16**, which is referred in **Para I (17)** above, is found recorded in the name of Ana Luisa Fernandes. The heirs of late Justiniano Baltazar de Sousa claim that the same is a wrong entry in the occupant column and I am told that that they have already initiated necessary proceedings before the Law Court in Mapusa of Bardez Taluka of the North Goa District, to delete that name and record the names of the heirs of late Justiniano Baltazar de Sousa in that place.
21. In the **Inventory Proceedings No. 70/2001/C** before the Civil Judge, Senior Division at Mapusa, Goa, mentioned at **Para I (19)** above, which

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was initiated for partition of the assets left behind by the said Justiniano Baltazar de Sousa and his wife Mrs. Lucilia Francisca Florina da Conceicao de souse alias Lucilia de Sousa, the following statements are found to have been made on oath by the Cabeça-da-Casal:-

(a) That the said Mr. Justiniano Baltazar Lourenco Batista de Souza alias Justiniano Baltazar de Souza expired on 04.12.1949, leaving behind him his widow and moiety sharer by name Mrs. Lucilia Francisca Florina de Conceicao e Souza alias Lucilia de Souza and seven (07) children, who are (1) Mrs. Olga de Conceicao de Souza Barreto alias Olga Avelar Barreto married to Mr. Francisco Fortunato Avelar Barreto; (2) Mrs. Hilda Roza de Conceicao de Souza alias Hilda de Souza, married to Mr. Jose Rosario Damaceno de Souza; (3) Mr. Benjamin Rudolfo Celestino da Conceicao e Souza alias Ben de Souza, married to Mrs. Justiniana das Dores Obtulia Viegas de Souza; (4) Mr. Antonio Jose Salvador da Conceicao e Souza alias Jose de Souza married to Maria Lina Conceicao de Azavedo Souza; (5) Mrs. Maria Antonetta Piedade Conceicao e Souza Machado, married to Mr. Guilherme Perpetuo Hamilton de Souza Machado; (6) Mr. Justiniao Baltaza Adiodato de Conceicao Souza alias Adiodato de Souza married to Mrs. Zelma Anita Patricia de Souza, and (7) Mr. Antonio Joao Pedro de Conceicao e Souza alias Anthony D'Souza married to Mrs. Aida Lucilia Francisco de Souza, as his exclusive heirs;

(b) That the said Mrs. Lucilia Francisca Florina de Conceicao e Souza alias Lucilia de Souza, being the widow of the said late Mr. Justiniano Baltazar de Souza, subsequently expired on 17.11.1966, leaving behind her, as her exclusive heirs, the said (1) Mrs. Olga de Conceicao de Souza Barreto alias Olga Avelar Barreto married to Mr. Francisco Fortunato Avelar Barreto; (2) Mrs. Hilda Rosa de Conceicao de Souza

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alias Hilda de Souza, married to Mr. Jose Rosario Damaceno de Souza; (3) Mr. Benjamin Rudolfo Celestino da Conceicao e Souza alias Ben de Souza, married to Mrs. Justiniana das Dores Obtulia Viegas de Souza; (4) Mr. Antonio Jose Salvador da Conceicao e Souza alias Jose de Souza married to Mrs. Maria Lina Conceicao de Azavedo Souza; (5) Mrs. Maria Antonetta Piedade Conceicao e Souza Machado, married to Mr. Guilherme Perpetuo Hamilton de Souza Machado; (6) Mr. Justininao Baltaza Adeodato de Conceicao Souza alias Adeodato de Souza married to Mrs. Zelma Anita Patricia de Souza, and (7) Mr. Antonio Joao Pedro de Conceicao e Souza alias Anthony D'Souza, married to Mrs. Aida Lucilia Francisco de Souza;

(c) That the above said husband of Mrs. Olga de Conceicao de Souza Barreto viz., Mr. Francisco Fortunato Avelar Barreto, expired on 21.08.1959, leaving behind him, as his widower and moiety sharer, the said Mrs. Olga de Conceicao de Souza Barreto, and, as his exclusive heirs, he left behind his children (1) Mrs. Ema Filomena Avelar Barreto de Souza Proenca alias Ema Proenca married to Mr. Jose Aleixo de Souza Proenca; (2) Mrs. Maria Irene Avelar Barreto Menezes alias Maria Irene Menezes married to Mr. Luis Antonio Domingos Precioso Sebastiano de Menezes; and (3) Mr. Antonio Francisco Avelar Barreto married to Mrs. Maria Ivette Barreto;

(d) That, vide the "Deed of Release" drawn on 01.05.1975 by the Civil Registrar-cum-Sub-Registrar and Notary Ex-Officio of Ilhas at Panaji, Goa, at pages 77 onwards of his Book No. 606, the said Mrs. Olga de Conceicao de Souza Barreto, along with the said Mrs. Maria Irene Avelar Barreto Menezes alias Maria Irene Menezes together with her husband, Mr. Luis Antonio Domingos Precioso Sebastiano de Menezes; and Mr. Antonio Francisco Avelar Barreto, relinquished and renounced all their rights in the inheritance of the said late Mr. Office At: H.No.43, Molcopona, Malkarnem, Quepem -Goa 403705



Justiniano Baltazar Lourenco Batista de Souza alias Justiniano Baltazar de Souza and his deceased wife, Mrs. Lucilia Francisco Florina de Conceicao e Souza alias Lucilia de Souza, in favour of other co-heirs under the specific provision of Article 2029 of the Portuguese Civil Code then in force in the State of Goa;

(e) That, vide the "Deed of Release" drawn on 13.06.1975 by the Notary Ex-Officio of Salcete at Margao, Goa, at pages 9(v) to 5 of his Deeds Book No. 1272, the said Mrs. Ema Filomena Avelar Barreto de Souza Proenca alias Ema Proenca together with her husband, Mr. Jose Aleixo de Souza Proenca, relinquished and renounced all their rights in the inheritance of the said late Mr. Justiniano Baltazar Lourenco Batista de Souza alias Justiniano Baltazar de Souza and his deceased wife, Mrs. Lucilia Francisco Florina de Conceicao e Souza alias Lucilia de Souza, in favour of other co-heirs under the specific provision of Article 2029 of the Portuguese Civil Code then in force in the State of Goa;

(f) That, vide the same "Deed of Release" drawn on 01.05.1975 by the Civil Registrar-cum-Sub-Registrar and Notary Ex-Officio of Ilhas at Panaji, Goa, at pages 77 onwards of his Book No. 606, the said Mrs. Hilda Rosa de Conceicao de Souza alias Hilda de Souza together with her husband, Mr. Jose Rosario Damaceno de Souza and the said Mrs. Maria Antonetta Piedade Conceicao e Souza Machado together with her husband, Mr. Guilherme Perpetuo Hamilton de Souza Machado, also relinquished and renounced all their rights in the inheritance of the said late Mr. Justiniano Baltazar Lourenco Batista de Souza alias Justiniano Baltazar de Souza and his deceased wife, Mrs. Lucilia Francisco Florina de Conceicao e Souza alias Lucilia de Souza, in

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favour of other co-heirs under the specific provision of Article 2029 of the Portuguese Civil Code then in force in the State of Goa;

- (g) That the said Mr. Benjamin Rudolfo Celestino da Conceicao e Souza alias Ben de Souza and his wife, Mrs. Justiniana das Dores Obdulia Viegas de Souza expired respectively on 09.04.2007 and 30.09.2017, leaving behind them, as their exclusive heirs, their children by names Mr. Justiniano Baltazar Oliver Olavao de Souza married to Mrs. Meena Otilia De Souza, Mrs. Maria Ingrid Sarojini De Souza married to Mr. Elgar Estevao De Sa, Mrs. Maria Soraya Nalini de Souza married to Mr. Lionel Moraes; and Mrs. Brenda Lucilia de Souza married to Mr. Henry Rege Gabriel Almeida;
- (h) That, Mrs. Maria Soraya Nalini de Souza and her husband, Mr. Lionel Moraes are married under Ante Nuptial Contract of Separation of Assets; and got divorced under the Decree of Divorce dated 03.03.2003 of the IIIrd Addl. Civil Judge, Senior Division, at Margao, Goa, in Special Civil Suit No. 109/1998/III;
- (i) That the said Mr. Antonio Jose Salvador da Conceicao e Souza alias Jose de Souza and his wife, Maria Lina Conceicao de Azavedo Souza expired respectively on 31.08.2004 and 31.07.1990 leaving behind them, as their exclusive heirs, their children being Mrs. Marlene Virginia Filomena de Conceicao de Souza Walker married to Mr. Martin Walker, Mrs. Dalila Maria Lucilia de Souza, married to Mr. Michael Hehir, Mrs. Sonia Maria Alzira D'Souza Hughes married to Mr. Robert George Henry Hughes, Mrs. Maria Jose Lina de Souza Costa Ferreira married to Mr. Eduardo Augusto Schulza da Souza Costa Pereira, Miss Maria Mirindi Perpetua de Souza, Mrs. Tulia Maria de Souza Dias married to Mr. Oscar Proenca Dias, Mr. Jose

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Jesus de Azavedo Souza married to Wannaporn Rienjang de Azavedo de Souza;

- (j) That the above named Mrs. Dalila Maria Lucilia de Souza and her husband Mr. Michael Hehir, were married under the Regime of Separation of Assets;
- (k) That, Mr. Jose Jesus de Azavedo Souza and his wife, Wannaporn Rienjang de Azavedo de Souza alias Wannaporn Rienjang de Azavedo Souza, were married under the Regime of Separation of Assets; and got divorced under the Decree of Divorce dated 19.01.2006 which has become final on 03.02.2006 of the First Court of Tribunal of Family and Minors of the Judicial Division of Cascais at Portugal;
- (l) That, Mrs. Maria Jose Lina de Souza Costa Ferreira and her husband, Mr. Eduardo Augusto Schulza da Souza Costa Pereira, were married under the Regime of Separation of Assets; and got divorced under the Decree of Divorce dated 13.12.2004 which has become final on 28.01.2005 of the First Court of Tribunal of Family and Minors of the Judicial Division of Cascais at Portugal;
- (m) That the said Mr. Antonio Joao Pedro de Conceicao e Souza alias Anthony D'Souza expired on 15.01.1995, leaving behind him his widow and moiety sharer, namely, Mrs. Aida Lucilia Francisco de Souza and, as his sole and universal heir, he left behind him his only son by name Mr. Alex D'Souza married to Mrs. Maria Anna de Souza;
- (n) That, Mrs. Sonia Maria Alzira D'Souza Hughes married to Mr. Robert George Henry Hughes alias Henry Hughes, were married under the Regime of Separation of Assets; and, subsequently the said Sonia Maria Alzira D'Souza Hughes expired on 09-09-2005 without leaving

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any descendants, and, as such, her share in the inheritance is devolved unto her collaterals.

22. In view of the devolution of rights mentioned above, the properties came to be exclusively owned and possessed by the below named heirs and successors of late Justiniano Baltazar Lourenco Batista de Souza alias Justiniano Baltazar de Souza and his wife Mrs. Lucilia Francisca Florina de Conceicao e Souza alias Lucilia de Souza:-

- (a) Mr. Justiniano Baltazar Oliver Olavao de Souza married to Mrs. Meena Otilia De Souza;
- (b) Mrs. Maria Ingrid Sarojini De Souza married to Mr. Elgar Estevao De Sa;
- (c) Ms. Maria Soraya Nalini de Souza;
- (d) Mrs. Brenda Lucilia de Souza married to Mr. Henry Rege Gabriel Almeida;
- (e) Mrs. Marlene Virginia Filomena de Conceicao de Souza Walker married to Mr. Martin Walker;
- (f) Ms. Dalila Maria Lucilia de Souza;
- (g) Ms. Maria Jose Lina de Souza Costa Ferreira;
- (h) Ms. Maria Mirindi Perpetua de Souza;
- (i) Mrs. Tulia Maria de Souza Dias married to Mr. Oscar Proenca Dias;
- (j) Mr. Jose Jesus de Azavedo Souza;
- (k) Mr. Justiniao Baltazar Adeodato de Conceicao Souza alias Adeodato de Souza married to Mrs. Zelma Anita Patricia de Souza;
- (l) Mrs. Aida Lucilia Francisco de Souza;
- (m) Mr. Alex D'Souza married to Mrs. Maria Anna de Souza;

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23. In the said Inventory Proceedings the case was decided by Consent Decree dated 23-02-2018 consequent upon the Consent Terms dated 05.02.2018 filed by all the Interested Parties.

24. In the said Consent Terms, under **Item No. 30** of the Description of assets, the bigger property bearing **Survey No. 80/1** has been partitioned as per the Plan annexed to such Consent Terms [see document at **Serial No. I (20)** above] and identified as Sub-Divisions, A, B, C, D, E, F, G, H, I, J and they have been allotted as under:-

| Plot | Area (m2) | Allotment                                                                                                                                                                                                                                                                                            |
|------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A    | 100       | To the mundkar having a residential house in the said survey holding;                                                                                                                                                                                                                                |
| B    | 200       | To the mundkar having a residential house in the said survey holding;                                                                                                                                                                                                                                |
| C    | 300       | To the mundkar having a residential house in the said survey holding;                                                                                                                                                                                                                                |
| D    | 300       | To the mundkar having a residential house in the said survey holding;                                                                                                                                                                                                                                |
| E    | 434       | To the mundkar having a residential house in the said survey holding;                                                                                                                                                                                                                                |
| F    | 200       | To the mundkar having a residential house in the said survey holding;                                                                                                                                                                                                                                |
| G    | 2984      | Mr. Adeodato D'Souza                                                                                                                                                                                                                                                                                 |
| H    | 2984      | Mr. Justiniano Baltazar Oliver Olavo de Sousa                                                                                                                                                                                                                                                        |
| I    | 2984      | Mrs. Aida De Sousa and her son, Mr. Alex De Sousa along with his wife, Mrs. Maria Anna D'Souza                                                                                                                                                                                                       |
| J    | 2984      | Mr. Justiniano Baltazar Oliver Olavo de Sousa, with a condition that he shall sell the same to a prospective buyer giving best price and sale proceeds thereof shall be paid by him to the heirs of late Jose D'Souza, namely, Mrs. Marlene Verginia Filomena F. De Concessao D'Souza Walker married |

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|  |        |                                                                                                                                                                                                                                                                                                                                                                          |
|--|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |        | to Mr. Martin Walkar; Mrs. Dalila Maria Lucilia De Souza; Mrs. Maria Jose Lina De Souza Costa Pereira, Mrs. Maria Mirandy Perpetua D'Souza; Mrs. Tulia Maria D'Souza married to Mr. Oscar Proenca Dias; and Mr. Jose Jesus de Azavedo D'Souza, after deducting from such price all taxes and fees, which may be levied on Mr. Justiniano Baltazar Oliver Olavo de Sousa. |
|  | 13,470 | Total Area                                                                                                                                                                                                                                                                                                                                                               |

25. In the said Consent Terms at **Item No. 36** is described the other property bearing **Survey No. 80/16** and the same has been sub-divided into four parts as per the plan annexed to the Consent Terms (see document at **Serial No. I (20)** above) and identified as Plot-A, Plot-B, Plot-C and Plot-D and the same has been allotted as under:-

| Plot | Area (m2) | Allotment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A    | 600       | Mr. Adeodato D'Souza with a condition that he should sell it to Ana Luisa Fernandes, whose name is figuring in occupant column of Form No. I & XIV of Survey No. 80/16, at a concessional rate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| B    | 200       | Mr. Justiniano Baltazar Oliver Olavo de Sousa, with a condition that he shall sell the same to a prospective buyer giving best price and sale proceeds thereof shall be paid by him to the heirs of late Jose D'Souza, namely, Mrs. Marlene Verginia Filomena F. De Concassao D'Souza Walker married to Mr. Martin Walkar; Mrs. Dalila Maria Lucilia De Souza; Mrs. Maria Jose Lina De Souza Costa Pereira, Mrs. Maria Mirandy Perpetua D'Souza; Mrs. Tulia Maria D'Souza married to Mr. Oscar Proenca Dis; and Mr. Jose Jesus de Azavedo D'Souza, after deducting form such price all taxes and fees, which may be levied on Mr. Justiniano Baltazar Oliver Olavo de Sousa. |
| C    | 600       | Mrs. Aida De Sousa and her son, Mr. Alex De Sousa along with his wife, Mrs. Maria Anna D'Souza                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| D    | 800       | Mr. Justiniano Baltazar Oliver Olavo de Sousa, with a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|  |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |       | condition that he shall sell the same to a prospective buyer giving best price and sale proceeds thereof shall be paid by him to the heirs of late Jose D'Souza, namely, Mrs. Marrlene Verginia Filomena F. De Concassao D'Souza Walker married to Mr. Martin Walkar; Mrs. Dalila Maria Lucilia De Souza; Mrs. Maria Jose Lina De Souza Costa Pereira, Mrs. Maria Mirandy Perpetua D'Souza; Mrs. Tulia Maria D'Souza married to Mr. Oscar Proenca Dis; and Mr. Jose Jesus de Azavedo D'Souza, after deducting from such price all taxes and fees, which may be levied on Mr. Justiniano Baltazar Oliver Olavo de Souza. |
|  | 2,200 | Total Area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

26. In the said Consent Terms at **Item No. 33** is described the other property bearing **Survey No. 80/28** and the same has been sub-divided into two parts as per the plan (**Sketch-5**) annexed to the Consent Terms (see document at **Serial No. I (20)** above) and identified as Plot-E and Plot-F and the same has been allotted as under:-

| Plot | Area (m <sup>2</sup> ) | Allotment                                      |
|------|------------------------|------------------------------------------------|
| E    | 375                    | Mr. Justiniano Baltazar Oliver Olavo de Sousa; |
| F    | 375                    | Mr. Adeodato D'Souza;                          |
|      | 750                    | Total Area                                     |

27. It is necessary to clarify with regard to the area of **Survey No. 80/1** of village Siolim, since the area of said survey holding is recorded as **13,470 square meters** as mentioned in the above said Inventory Proceedings but the area thereof as per old survey records [see the document of **Form No. I & XIV** mentioned at **Para I (16)** above] is **12,870 square meters** :

- (a) Out of the Plots made in Survey No. 80/1 of village Siolim as stated hereinabove, the Plot-C (300 square meters), Plot-D (300 square meters) are having independent survey numbers as Survey No. 80/1-

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C having an area of 300 square meters, Survey No. 80/1-D having an area of 300 square meters, respectively [see the document of **Form I & XIV** mentioned at **Para I (41) and Para I (42)** above], area whereof is included in the total area of Survey No. 80/1;

(b) Therefore, the total area of 600 square meters of these two plots are to be reduced from the total area of 13,470 square meters as mentioned in the Consent Terms filed in the above said Inventory Proceedings, thus reducing the area of **Survey No. 80/1** of village Siolim to **12,870 square meters**, being the area as recorded in the survey records in Form No. I & XIV of village Siolim of Bardez Tq.

28. Consequent to the allotments made in the Inventory Proceedings, as stated hereinabove, the respective allottees have got their names recorded in the survey records in Form No. I & XIV, which can be seen from the survey records in **Form No. I & XIV** of **Survey No. 80/1** of village Siolim, mentioned in **Para I (21)** herein above.

29. From the documents of **Partition Orders** mentioned in **Para I (22), Para I (23), Para I (24) and Para I (25)** herein above read with documents of **Form I & XIV** mentioned in **Para I (27), Para I (28), Para I (29) and Para I (30)**, it is seen that the allottees of the Plot-G, Plot-H, Plot-I and Plot-J above named have also got their respective plots partitioned and separated from the original survey holding pursuant to the order passed by the Deputy Collector & Sub-Divisional Officer of Bardez Taluka, in the partition cases as details hereunder:-

| Plot No. | Plot Area (m2) | Partition Case No.         | Final Order Date | New Survey No. | Area (m2)    | Name of the Occupier                                                        |
|----------|----------------|----------------------------|------------------|----------------|--------------|-----------------------------------------------------------------------------|
| <b>G</b> | 2,984          | 15//176/2020/<br>PART/LAND | 16-12-2020       | <b>80/1-E</b>  | <b>2,984</b> | Mr. Adeodata D Souza alias Justiniano Baltazar Adeodato de Conceicao Souza. |
| <b>H</b> | 2,984          | 15//177/2020/              | 16-12-2020       | <b>80/1-F</b>  | <b>2,984</b> | Mr. Justiniano Baltazar Oliver Olavo de Souza.                              |

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|   |       | PART/LAND                  |            |        |       |                                                                    |
|---|-------|----------------------------|------------|--------|-------|--------------------------------------------------------------------|
| I | 2,984 | 15//179/2020/<br>PART/LAND | 16-12-2020 | 80/1-G | 2,984 | Mr. Aida de Souza, Mr.<br>Alex D Souza, Ms. Maria<br>Anna D Souza. |
| J | 2,984 | 15//178/2020<br>PART/LAND  | 16-12-2020 | 80/1-H | 2,856 | Mr. Justiniano Baltazar<br>Oliver Olavo de Souza.                  |

30. After partitioning and separating the areas of the Plots-G, H, I and J and after all the plots from the original survey holding, the area of the original survey holding bearing No. 80/1 should have an area of **500 square meters** only. However, the survey records of said **Survey No. 80/1** shows the area of **1,062 square meters** as mentioned in the document of **Form No. I & XIV** mentioned at **Para I (43)** above. Therefore, there is an error in the calculation in area thereof. In this regard, it is necessary to clarify as under:-

- Plot-J which was having an area of 2,984 square meters, has been allotted new Survey No. 80/1-H for an area of 2,856 square meters, thus there is a difference of 128 square meters which got included in old Survey No. 80/1;
- The Plot-E which was having an area of 434 square meters (as per the plan of Inventory), was already having a separate Survey No. 80/1-A [see document of **Form No. I & XIV** mentioned at **Para I (40)** above], which area was also included in old Survey No. 80/1;
- Therefore, the total area of 562 square meters (128 + 434) came to be included in old Survey No. 80/1, which otherwise should have been only 500 square meters, being the area of Plot-A, Plot-B and Plot-F, as stated hereinabove.

31. From the document of combined new Survey Plan mentioned at **Para I (26)** above, total extent and boundaries of the earlier entire property bearing old Survey No. 80/1, 80/1-A, 80/1-C, 80/1-D and of the newly

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created holdings bearing Survey Nos. 80/1-E, 80/1-F, 80/1-G and 80/1-H as well as the balance portion of old Survey No. 80/1 can be seen.

**Transfer of Rights in favour of**  
**Nanu Estates Private Limited**

**Re: Survey Nos. 80/1-E, 80/1-F, 80/1-G & 80/1-H**

32. From the document of **Deed of Sale** dated 27-01-2021 mentioned in **Para I (31)** above read with document of **Form No. I & XIV** mentioned in **Para I (36)** above, it is seen that the allottees/owners of the above said **Plot No. G** have sold the said plot now bearing new **Survey No. 80/1-E** in favour of a private limited company, **Nanu Estates Private Limited**, which company has got its name recorded in 'occupier' column of survey records in Form No. I & XIV.
33. From the document of **Deed of Sale** dated 04-03-2021 mentioned in **Para I (32)** above read with document of **Form No. I & XIV** mentioned in **Para I (37)** above, it is seen that the allottees/owners of the above said **Plot No. H** have sold the said plot now bearing new **Survey No. 80/1-F** in favour of a private limited company, **Nanu Estates Private Limited**, which company has got its name recorded in 'occupier' column of survey records in Form No. I & XIV.
34. From the document of **Deed of Sale** dated **17-12-2018** mentioned in **Para I (33)** above, it is seen that the allottees of the **Plot-I**, have sold their said plot in favour of a Partnership Firm under the name and style **M/s. Vitara**, duly registered with the Registrar of Firms at Mapusa, Goa, under No. 11/2004 dated 27-02-2004 and having its Registered Office at Vitara Niwas, Dangui Colony, Mapusa, Bardez, Goa. This **Plot No. I** is now bears new **Survey No. 80/1-G** of village Siolim.

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35. From the document of **Deed of Sale** dated **17-08-2022** mentioned in **Para I (34)** above read with document of **Form No. I & XIV** mentioned in **Para I (38)** above, it is seen that the said Partnership Firm of M/s. Vitara has sold the said **Plot No. I** now bearing new **Survey No. 80/1-G** in favour of a private limited company, **Nanu Estates Private Limited**, which company has got its name recorded in 'occupier' column of survey records in Form No. I & XIV.
36. From the document of **Deed of Sale** dated **04-03-2021** mentioned in **Para I (35)** above read with document of **Form No. I & XIV** mentioned in **Para I (39)** above, it is seen that the allottees/owners of the above said **Plot No. J** have sold the said plot now bearing new **Survey No. 80/1-H** in favour of a private limited company, **Nanu Estates Private Limited**, which company has got its name recorded in 'occupier' column of survey records in Form No. I & XIV.
37. The **Nil Certificate of Encumbrances** mentioned at **Para I (44)**, **Para I (45)**, **Para I (46)** and **Para I (47)** above shows that there are no encumbrances against the new **Survey Nos. 80/1-E, 80/1-F, 80/1-G and 80/1-H** all of village Siolim in Bardez Taluka, for the period from 12-07-1994 to 12-07-2024.
38. In view of the devolution of rights mentioned hereinabove, **Nanu Estates Private Limited** has become the owner in possession of the properties bearing **Survey No. 80/1-E** having an area of 2,984 square meters, **80/1-F** having an area of 2,984 square meters, **80/1-G** having an area of 2,984 square meters and **80/1-H** having an area of 2,856 square meters, of village Siolim of Bardez Taluka.

**Re: Survey No. 80/16**

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39. As stated above in **Para-25** of this scrutiny, the property bearing Survey No. 80/16 is sub-divided into four parts identified as Plot-A, Plot-B, Plot-C and Plot-D and the same has been allotted as under:-

| Plot | Area (m2) | Allotment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A    | 600       | Mr. Adeodato D'Souza with a condition that he should sell it to Ana Luisa Fernandes, whose name is figuring in occupant column of Form No. I & XIV of Survey No. 80/16, at a concessional rate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| B    | 200       | Mr. Justiniano Baltazar Oliver Olavo de Sousa, with a condition that he shall sell the same to a prospective buyer giving best price and sale proceeds thereof shall be paid by him to the heirs of late Jose D'Souza, namely, Mrs. Marlene Verginia Filomena F. De Concassao D'Souza Walker married to Mr. Martin Walkar; Mrs. Dalila Maria Lucilia De Souza; Mrs. Maria Jose Lina De Souza Costa Pereira, Mrs. Maria Mirandy Perpetua D'Souza; Mrs. Tulia Maria D'Souza married to Mr. Oscar Proenca Dis; and Mr. Jose Jesus de Azavedo D'Souza, after deducting from such price all taxes and fees, which may be levied on Mr. Justiniano Baltazar Oliver Olavo de Sousa. |
| C    | 600       | Mrs. Aida De Sousa and her son, Mr. Alex De Sousa along with his wife, Mrs. Maria Anna D'Souza                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| D    | 800       | Mr. Justiniano Baltazar Oliver Olavo de Sousa, with a condition that he shall sell the same to a prospective buyer giving best price and sale proceeds thereof shall be paid by him to the heirs of late Jose D'Souza, namely, Mrs. Marlene Verginia Filomena F. De Concassao D'Souza Walker married to Mr. Martin Walkar; Mrs. Dalila Maria Lucilia De Souza; Mrs. Maria Jose Lina De Souza Costa Pereira, Mrs. Maria Mirandy Perpetua D'Souza; Mrs. Tulia Maria D'Souza married to Mr. Oscar Proenca Dis; and Mr. Jose Jesus de Azavedo D'Souza, after deducting from such price all taxes and fees, which may be levied on Mr. Justiniano Baltazar Oliver Olavo de Souza. |
|      | 2,200     | Total Area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

40. As stated in **para-20** hereinabove, in the survey records in Form No. I & XIV of this land bearing **Survey No. 80/16**, which is referred in **Para I**

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(17) above, name of Ana Luisa Fernandes is recorded in 'Occupier' column thereof. The heirs of late Justiniano Baltazar de Sousa claim that the same is a wrong entry in the occupant column and I am told that that they have already initiated necessary proceedings before the Law Court in Mapusa of Bardez Taluka of the North Goa District, to delete that name and record the names of the heirs of late Justiniano Baltazar de Sousa in that place.

41. The **Nil Certificate of Encumbrances** mentioned at **Para I (48)** above shows that there are no encumbrances against the **Survey No. 80/16** of village Siolim in Bardez Taluka, for the period from 12-07-1994 to 12-07-2024.
42. In view of the devolution of rights mentioned hereinabove and subject to the outcome of proceeding initiated in the law court as informed, the above named allottees as mentioned in Para-39 herein above have become owners in possession of the said land under Survey No. 80/16 of village Siolim of Bardez Taluka having an area of 2,200 square meters, subject to the conditions mentioned in Para-39 hereinabove.

### **Re: Survey No. 80/28**

43. The document at **Para I (14)** above is the certified copy of the combined **Survey Plan** of Survey Nos. 80/1, 80/16 and 80/28 of village Siolim. Comparing the old **Cadastral Survey Plan No. 715** mentioned under document at **Para I (12)** above with the above said combined Survey Plan, it is found that the **Cadastral Survey No. 715** coincides with the Survey Plan of Survey No. 80/28 of village Siolim. This aspect is also certified by Mr. Mohandas Kambli, Ex-Inspector of Survey & Land Records, City Survey, Panaji, vide his Certificate dated 27-07-2021 referred in **Para I (15)** above.

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44. In the survey records in **Form No. I & XIV** of the land surveyed under new **Survey No. 80/28**, which is referred in **Para I (18)** above, name of Belcher Fernandes is recorded in the 'Occupant' column, which entry is claimed by the heirs of late Justiniano Baltazar de Sousa, as a wrong entry.

45. As stated above in **Para-26** of this scrutiny, the property bearing **Survey No. 80/28** is sub-divided into two parts identified as Plot-E and Plot-F and the same has been allotted as under:-

| Plot | Area (m2)  | Allotment                                      |
|------|------------|------------------------------------------------|
| E    | 375        | Mr. Justiniano Baltazar Oliver Olavo de Sousa; |
| F    | 375        | Mr. Adeodato D'Souza;                          |
|      | <b>750</b> | <b>Total Area</b>                              |

46. Vide the **Deed of Sale** dated **31-05-2022** mentioned in **Para I (49)** above, the company of Nanu Estates Private Limited has purchased the said land under Survey No. 80/28 from the above named allottees.

47. After such purchase, the said company of Nanu Estates Private Limited has filed **Regular Civil Suit No. 34/2023/E** in the Court of the Civil Judge, Junior Division, Mapusa, Goa, against the legal heir of late Belcher Fernandes and obtained **Decree on 16-03-2024**, wherein it is held that that the 'Defendant has no right, title and interest in the suit property', as can be seen in the document mentioned at **Para I (50)**.

48. I am told that the said company of Nanu Estates Private Limited has already filed application for Mutation before the competent authority for deletion of the name of Belcher Fernandes from the 'Occupant' column of survey records of Survey No. 80/28 of village Siolim and to record its name as sole occupier thereof and the same is in process.

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49. The **Nil Certificate of Encumbrances** mentioned at **Para I (51)** above shows that there are no encumbrances against the **Survey No. 80/28** of village Siolim in Bardez Taluka, for the period from 12-07-1994 to 12-07-2024.

50. In view of the devolution of rights mentioned hereinabove and subject to the order of Mutation, the company of Nanu Estates Private Limited has become owner in possession of the said land under Survey No. 80/28 of village Siolim of Bardez Taluka having an area of 750 square meters.

**K. CONCLUSION:**

In view of the documents perused hereinabove, I have to report and certify as under:-

- (a) that the company of Nanu Estates Private Limited is the owner in possession of the properties under scrutiny, which bears **Survey No. 80/1-E** having an area of 2,984 square meters, **Survey No. 80/1-F** having an area of 2,984 square meters, **Survey No. 80/1-G** having an area of 2,984 square meters and **Survey No. 80/1-H** having an area of 2,856 square meters, all of village Siolim of Bardez Taluka.
- (b) that the company of Nanu Estates Private Limited is also the owner in possession of the property under scrutiny, which bears **Survey No. 80/28** having an area of 750 square meters of village Siolim of Bardez Taluka.
- (c) I hereby certify that the title of Nanu Estates Private Limited to the properties bearing **Survey Nos. 80/1-E, 80/1-F, 80/1-G, 80/1-H and 80/28** all of village Siolim of Bardez Taluka, is free, clear and marketable.
- (d) That the allottees as named in Para-39 of this scrutiny are the owners in possession of the property bearing **Survey No. 80/16** having an area of

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2,200 square meters of village Siolim of Bardez Taluka, subject to the conditions mentioned in the same Para-39 hereinabove.



**Siddesh Malik**  
**Advocate**

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