

TITLE REPORT

To,
MR. UMESH PHADTE,
H. No. 228, Sada Niwas,
Near Mahalaxmi Temple,
Bandra, Ponda – Goa.

I. I have pursued the photocopies of the following documents:

- a) Survey Records Form I & XIV bearing Survey No. 307 Sub-Division No. 18-H of Village Siolim, Bardez – Goa.
- b) Registo de Agrimensor
- c) Auto de Demarcacao
- d) Correspondence Certificate dated 20/11/2019 issued by Bhaktaraj Z. Tari, Rtd. Head Surveyor of DSLR, Panaji – Goa

- e) Old Cadastral Survey Plan
- f) Manual Form I & XIV
- g) Form IX
- h) Form III
- i) Public Will dated 09/04/1934
- j) Deed of Succession dated 29/03/2006
- k) Deed of Sale dated 07/03/2014, registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-00905-2014, CD No. BRZD637 dated 07/03/2014
- l) Deed of Sale dated 09/05/2014, registered before Sub-Registrar of Bardez, Mapusa – Goa

under Registration No. BRZ-BK1-02051-2014,
CD No. BRZD671 dated 09/05/2014

m) Conversion Sanad dated 29/10/2021, bearing
No. 4/251/CNV/AC-III/2021/1442, issued by
the Additional Collector-III, North Goa, District,
Mapusa, Goa

n) Survey Plan

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE I

ALL THAT property known as “**WADI QUEREM**,
situated at Village **Siolim**, within the limits of Village
Panchayat of Siolim, Taluka and Registration Sub-
District Bardez, District North Goa in the State of Goa,
which property is not described in the Land Registration
Office of Bardez nor enrolled in the Taluka Revenue
Office of Bardez and is presently surveyed under Survey

No. **307/18** of the Village **Siolim**, admeasuring an area **44,500 sq. mts.** and the same is bounded as under :-

North :- By the public road;

South :- By the boundary of Village Assagao;

East :- By the property surveyed under Survey No. 323/1 of Village Siolim and boundary of Village Assagao;

West :- By the property surveyed under Survey No. 309/3 & Survey No. 307/17 of Village Siolim;

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

SCHEDULE II

ALL THAT Plot "A" admeasuring an area **1905 sq. mts.** bearing Survey No. 307/18-H of Village Siolim, Bardez - Goa forming part of the property more particularly described in SCHEDULE I hereinabove and the same is bounded as under :-

North :- By the P.W.D. road;

South :- By the remaining property surveyed under
Survey No. 307/18 of Village Siolim;

East :- By 8 mts. wide internal road & remaining
property surveyed under Survey No. 307/18
of Village Siolim;

West :- By the remaining property surveyed under
Survey No. 307/18 of Village Siolim;

This property shall hereinafter referred to as the
SAID PROPERTY.

III. TRACING OF PARTIES TITLE:

1. Registo Do Agrimensor and Auto de Demarcacao reveals that part of the **SAID BIGGER PROPERTY** bearing old Cadastral Survey No. **89** originally belonged to Maria Angelica Ubaldina Desamira Pinto Correia e Sa, Caetano Jose Estolano de Sa, Ana Tsaura Escolastica de Sa, Maria Estera Micael de

Sa, Domingos Joao Jose de Sa, Jose Francisco Caraciola de Sa and Maria Adeliza Ilidia de Sa.

2. Correspondence Certificate dated 20/11/2019 issued by Bhaktaraj Z. Tari, Rtd. Head Surveyor of DSLR, Panaji – Goa is furnished to establish that the **SAID BIGGER PROPERTY** bearing old Cadastral Survey No. 89 corresponds to Survey No. 307/18 of Village Siolim, Bardez – Goa. ***The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the correlation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.***

3. ***Registo Do Agrimensor*** and Cadastral Survey Records are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said

Registo Do Agrimensor and Cadastral Survey Records were prepared on the basis of Ownership of the property and not just on the basis of possession. Although the said Registo is not a document of title, the same is indicative of the ownership status at the time of the survey and in the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.

4. Registo Do Agrimensor reveals that the **SAID BIGGER PROPERTY** is described under No. 311 at folio 568 of Book B-2 (Old) and inscribed on **5th February 1935** under No. 27263 of Book G-32 at folio 178v in favour of Antonio Jose Domingos Gregorio de Sa alias Antonio Jose Domingos de Sa and his wife, Maria Angelica Dejamira Humbertina Correia e Sa. Inscription Certificate reveals that the **SAID BIGGER PROPERTY** was acquired by the said Antonio Jose Domingos Gregorio de Sa alias Antonio

Jose Domingos de Sa and his wife, Maria Angelica Dejamira Humbertina Correia e Sa in Partition proceedings which took place between them and Marcelina Mafalda Panteliona Modesttia Lobo, widow of Jose Francisco Caraciolo Aleixo Domingos de Sa, Joana Carlota Esmeria de Sa Pinto do Rosario and her husband, Jose Antonio Caetano Francisco Pinto do Rosario alias Jose Antonio Pinto do Rosario and Luis Jose Santana de Sa vide Deed of Partition dated 18/06/1924.

5. Public Will dated 09/04/1934 reveals that the said Antonio Jose Domingos de Sa alias Antonio Jose Domingos Gregorio Sa was married to Dona Maria Angelica Dejamira Humbertina Correia and had following children:

(a) Caetano Jose Estolano de Sa

(b) Maria Leocadia Carmina de Sa married to Bento Manuel Marinomio Flores

(c) Ana Isaura Escolatica de Sa

- (d) Ana Maria Luiza de Sa married to Vianacio
Jeronimo Ernesto Domingos Jose de Lima
- (e) Maria Jacinta Micaela Ester de Sa
- (f) Domingoa Joao Jose de Sa
- (g) Pedro Paulo de Sa
- (h) Jose Francisco Caraciolo de Sa
- (i) Maria Hilda Adelisa de Sa

6. Vide Public Will dated 09/04/1934, the said Antonio Jose Domingos de Sa alias Antonio Jose Domingos Gregorio Sa bequeathed THE SAID PROPERTY in favour of his son, Caetano Jose Estolano de Sa alias Estalin Desa alias Estolano Desa.

7. Deed of Succession dated 29/03/2006 reveals that the said Caetano Jose Estolano de Sa alias Estalin Desa alias Estolano Desa passed away on 27/07/1972 and his wife, Mrs. Ida Emilia Conceicao Coelho e Sa alias Ida Emilia Conceicao Coelho De Sa alias Idinha Emilia Conceicao Coelho alias Ida

Ermilia da Conceicao Coelho e Sa passed away on 20/02/1984 leaving behind their following sole and universal legal heirs :

(a) Ms. Aurea Maria Do Ceu Sa

(b) Mrs. Telma Mergelina De Sa

(c) Mrs. Maria Carmen Filomena de Sa

8. Deed of Sale dated 07/03/2014, registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-00905-2014, CD No. BRZD637 dated 07/03/2014 reveals that the said Ms. Aurea Maria Do Ceu Sa passed away in the status of spinster.

9. Vide Deed of Sale dated 07/03/2014, registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-00905-2014, CD No. BRZD637 dated 07/03/2014, the said Mrs. Telma De Sa Pinto alias Telma Mergelnia De Sa along with her husband, Mr. Jose Cristovam Pinto alias Jose

Pinto; Mrs. Carmen De Sa Carvalho alias Carmen De Sa alias Maria Carmen Filomena De Sa Carvalho along with her husband, Mr. Francisco Carvalho sold **PLOT 'A'** admeasuring **1905 sq. mts** forming part of the **SAID BIGGER PROPERTY** in favour of Mr. Jacob Caitano Pereira alias Jacob C. Pereira.

10. Vide Deed of Sale dated 09/05/2014, registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-02051-2014, CD No. BRZD671 dated 09/05/2014, the said Mr. Jacob Caitano Pereira alias Jacob C. Pereira along with his wife, Mrs. Piedade Pereira alias Peggy Ruzarth Pereira sold the said **PLOT 'A'** admeasuring **1905 sq. mts** forming part of the **SAID BIGGER PROPERTY** in favour of Shri. Umesh Jagannath Phadte.

11. The said Shri. Umesh Jagannath Phadte initiated Partition Proceedings under the provisions of Land

Revenue Code to partition the **SAID PLOT 'A'** admeasuring **1905 sq. mts** forming part of the **SAID BIGGER PROPERTY** and **PLOT 'A'** admeasuring **1905 sq. mts** was partitioned and a separate Survey No. 307/18-H of Village Siolim, Bardez – Goa was obtained which **PLOT 'A'** admeasuring **1905 sq. mts** is hereinafter referred to as the **SAID PROPERTY**.

12. Conversion Sanad dated 29/10/2021, bearing No. 4/251/CNV/AC-III/2021/1442, issued by the Additional Collector-III, North Goa, District, Mapusa, Goa, whereby the nature of the **SAID PROPERTY** admeasuring **1905 sq. mts** bearing Survey No. 307/18-H of Village Siolim, Bardez – Goa was converted for the purpose of residential with 60 F.A.R.

13. In view of above, the said Shri. Umesh Jagannath Phadte along with his wife, Mrs. became

owners in possession of the **SAID PROPERTY** admeasuring **1905 sq. mts** bearing Survey No. 307/18-H of Village Siolim, Bardez – Goa

14. **Manual Form I & XIV, Form IX AND Form III** are Revenue Records prepared under the applicable Goa Land Revenue Code

Manual Form I & XIV, Form IX and Form III :

in respect of the **SAID PROPERTY** bearing Survey No. **307/18** of Village **Siolim**, Bardez – Goa clearly shows the name of Estalina Desa, Cyril Colaco and Milagrina Lourdina Carvalho as Occupants in Occupants Column. The said Manual Form I & XIV is consistent with the devolution of ownership.

15. In light of above, considering the fact that the Inscription and Description records, Registo Do Agrimensor, Auto De Demarcacao, Form III, Form IX, Manual Form I & XIV, Public Will dated

09/04/1934, Deed of Succession dated 29/03/2006, Deed of Sale dated 07/03/2014 and Deed of Sale dated 09/05/2014 and the Survey Records in respect of the **SAID PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owners, I am of the opinion that **SHRI. UMESH JAGANNATH PHADTE** and his wife, **MRS.** have clear and marketable title in respect of the **SAID PROPERTY** admeasuring **1905 sq. mts** bearing Survey No. 307/18-H of Village Siolim, Bardez – Goa subject to the following :

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Inspection of Originals of the following documents:

(a) Deed of Sale dated 07/03/2014,
registered before Sub-Registrar of

Bardez, Mapusa – Goa under
Registration No. BRZ-BK1-00905-
2014, CD No. BRZD637 dated
07/03/2014

(b) Deed of Sale dated 09/05/2014,
registered before Sub-Registrar of
Bardez, Mapusa – Goa under
Registration No. BRZ-BK1-02051-
2014, CD No. BRZD671 dated
09/05/2014

iii. Production of the Nil Encumbrance
Certificate.

**IV. In addition to above, I have to make the
following observations:**

1. No tenants/Mundkars are reflected in the survey
records of the said property.
2. The Urban Ceiling Act is not applicable to the
State of Goa.

3. Conversion Sanad dated 29/10/2021, bearing No. 4/251/CNV/AC-III/2021/1442, issued by the Additional Collector-III, North Goa, District, Mapusa, Goa is furnished to establish that the nature of the **SAID PROPERTY** admeasuring **1905 sq. mts** bearing Survey No. 307/18-H of Village Siolim, Bardez – Goa was converted for the purpose of residential with 60 F.A.R.
4. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** is not identified as a Forest Land

V. EVIDENCE OF POSSESSION:-

The **SAID PROPERTY** bearing Survey No. 307/18-H of Village Siolim, Bardez – Goa reflects the name of Shri. Umesh Jagannath Phadte in Form I & XIV issued by the Department of Survey, Government of

Goa which establishes the ownership of the present owner.

VI. ENCUMBRANCE ON PROPERTY:-

I have taken search in the Office of the Sub-Registrar of Mapusa, Bardez - Goa and have not found any registered mortgages in respect of the said property. No Nil Encumbrance Certificate in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance. **However updated Nil Encumbrance Certificate needs to be furnished in respect of the SAID PROPERTY.**

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **SHRI. UMESH JAGANNATH PHADTE** and his wife, **MRS.** have clear and marketable title in respect of the **SAID PROPERTY** admeasuring **1905 sq. mts**

bearing Survey No. 307/18-H of Village Siolim,
Bardez – Goa subject to the following :

- i. Publication of Public Notice inviting objections from the general public, if any
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Bardez, Mapusa – Goa under
Registration No. BRZ-BK1-02051-
2014, CD No. BRZD671 dated
09/05/2014

iii. Production of the Nil Encumbrance Certificate.

➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'I' above.
- For the purpose of issuing this report on title:
 - (a) I have not carried out a negative search in respect of litigations (i) in relation to the said property and/or (ii) against the larger property;
 - (b) I have not inspected the originals of the title documents produced for scrutiny referred to above; and
 - (c) I have taken the title documents under which Antonio Jose Domingos Gregorio de Sa alias Antonio Jose Domingos de Sa and his wife, Maria Angelica Dejamira Humbertina Correia e Sa acquired the Land as the root of title.
- For the purpose of issuing this report on title, I

have assumed:

- (a) the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, asset out at 'I' above, as photocopies or scanned copies and the authenticity of the originals of such documents;
- (b) that the documents of title set out in the report above have not been modified in any manner and are valid, subsisting and remain in force;
- (c) that all the documents relating to the said property and furnished to me have been validly executed and delivered by the parties to them;
- (d) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (e) that there are no pending litigations in respect of the said property; and

(f) that names of persons spelt differently in different documents in respect of the said property are the same person;

- The accuracy of this report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.
- This report on title is confined to the said property only.
- The search conducted at the Office of the Sub-Registrar of Mapusa, Bardez - Goa is subject to non-availability of certain records and certain land

registration records being torn at the concerned Sub-Registrar's Office.

- The availability/existence of the access to the **SAID PROPERTY** is not within the scope of this report
- A certificate determination, notification, opinion or the like will not be binding on an Indian court or any arbitrator or judicial or regulatory body which would have to be independently satisfied despite any provision in the title documents to the contrary. The report on title has been prepared in accordance with and is subject the laws of India.

Place:- Panaji-Goa.

Date:- 17/01/2022

(**Adv. Shivan S. Desai**)

