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TITLE REPORT

To,
M/S EVERDREAM REALITY LLP,
having its registered office at 149/5,
Kilokri, Ring Road, New Delhi- 110014

I. **LIST OF DOCUMENTS**

I have perused the photocopies of the following documents:

- a) Form I & XIV of property bearing Survey No. 185 Sub-Division No. 4 of Village Anjuna, Bardez – Goa.
- b) Survey Plan of property bearing Survey No. 185 Sub-Division No. 4 of Village Anjuna, Bardez – Goa.
- c) Deed of Gift dated 18/09/1946
- d) Description Certificate bearing No. 206 of Book B-2 along with English Translation.
- e) English Translation of Inscription Certificate bearing No. 42421 of Book G-45
- f) English Translation of Inscription Certificates bearing No. 42460 of Book G-45
- g) English Translation of Inscription Certificates bearing No. 42461 of Book G-45



- h) Inscription Certificate bearing No. 42462 of Book G-45
along with English Translation.
- i) Auto de demarcacao along with English Translation
- j) Registo do Agrimensor along with English Translation
- k) Cadastral Plan of Survey No. 3667
- l) Public Will dated 15/01/1970
- m) Deed of Sale dated 15/01/1971, registered before Sub-
Registrar of Bardez, Mapusa - Goa under Registration
No. 4211 of Book No. I, Volume No. 47 at pages 217 to
229 on 01/03/1971
- n) Manual Form I & XIV
- o) Form III
- p) Complaint along and Consent Terms in Special Civil Suit No.
32/2006/B filed before the Civil Judge Senior Division
'B' Court at Mapusa.
- q) Compromise Decree dated 13/04/2006 passed in Special
Civil Suit No. 32/2006/B by Civil Judge Senior Division
'B' Court at Mapusa.

- r) Inventory Proceedings bearing No. 133/2013/A initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa and the Final Order dated 17/12/2015
- s) Deed of Succession dated 26/04/2017
- t) Judgment and Order dated 26/10/2020 passed in Case No. 15/49/2017/PART/LAND by the Dy. Collector & SDO, Mapusa - Goa

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

ALL THAT part and parcel of the property known as "GOTTONINCHEM BATTA" or "GOTNICHEM BATLEM" or "GOTTOMCHEMBATTA", admeasuring 8600 sq. mts. within the limits of Village Panchayat of Anjuna, Taluka and Registration Sub-District of Bardez, District North Goa, State of Goa, described in the Land Registration Office of Bardez under No. 206 of Book B-2/OC, surveyed in the Old Cadastral Survey under No. 3667 and presently surveyed in the records of rights under Survey No. 185/4 of Village Anjuna, in which there exists a residential



house bearing H. No. 877/1 registered in the Village Panchayat of Anjuna and bounded as under:-

- On the East : By the property bearing Survey No. 185/5 of Village Anjuna.
- On the West : By village road
- On the North : By main PWD Road.
- On the South : By the property bearing Survey No. 496 of Village Anjuna.

This property shall hereinafter be referred to as the SAID PROPERTY.

III. TRACING OF PARTIES TITLE:

1. The SAID PROPERTY is described under No. 206 of Book B-2/OC and inscribed on 30/10/1965 under:

- a. *Inscription No. 42421* at page 169v of Book G-45 in favour of Manuel Jose de Abreu and his wife Maria Berengaria Fernandes Abreu. The SAID PROPERTY was bequeathed to Manuel Jose de Abreu by his father Filipe Neri de Abreu vide Deed of Will dated 20/02/1874.

- b. *Inscription No. 42460* at page 186 of Book G-45 in favour of Zita Maria dos Anjos de Abreu and Ana Maria Rosa de Abreu to the extent of one fourth share each. The SAID PROPERTY was gifted to Zita Maria dos Anjos de Abreu and Ana Maria Rosa de Abreu by their sister Angela Mericia Especiosa Conceicao de Abreu vide Deed of Gift dated 18/09/1946.
- c. *Inscription No. 42461* at page 186 of Book G-45 in favour of Zita Maria dos Anjos de Abreu and Ana Maria Rosa de Abreu to the extent of one fourth share each. The SAID PROPERTY was gifted to Zita Maria dos Anjos de Abreu and Ana Maria Rosa de Abreu by their sister Maria Filomena Angelina de Abreu vide Deed of Gift dated 18/09/1946.
- d. *Inscription No. 42462* at page 187 of Book G-45 in favour of Ana Maria Rosa de Abreu. The SAID PROPERTY was bequeathed to Ana Maria Rosa de Abreu by her sister Zita

Maria dos Anjos de Abreu vide Deed of Will dated
18/09/1946.

2. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained. Portuguese Regime in Goa continued upto 1961 and post 1965, the Land Registration records are not updated. The said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevalent, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.



3. Registo Do Agrimensor reveals that the SAID PROPERTY bearing old Cadastral Survey No. 3667 originally belonged to Angela Mericia de Abreu, Zita dos Anjos de Abreu, Maria Filomena Azulina de Abreu and Ana Maria Rosa de Abreu, daughters of Manuel Jose de Abreu and Borengaria Fernandes e Abreu.
4. *Registo Do Agrimensor* and Cadastral Survey Records are land records which were promulgated during the Portuguese Regime under the *Codigo 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 do Agrimensor* is not a document of title, the same is indicative of the ownership status at the time of the survey.
5. The said Cadastral Survey No. 3667 read with the *Registo Do Agrimensor*, Inscription-Description Certificates, Deeds of Gift and Deed of Will establish that the SAID PROPERTY

originally belonged to Manuel Jose de Abreu and his wife Maria Borengaria Fernandes e Abreu. The said property was inherited by Angela Mericia de Abreu, Zita dos Anjos de Abreu, Maria Filomena Azulina de Abreu and Ana Maria Rosa de Abreu who were the daughters of Manuel Jose de Abreu and his wife Maria Borengaria Fernandes e Abreu. Finally, Ana Maria Rosa de Abreu became the absolute owner of the SAID PROPERTY in pursuance of Deed of Gift dated 18/09/1946 executed by Angela Mericia Especiosa Conceicao de Abreu and Maria Filomena Angelina de Abreu, and Deed of Will dated 18/09/1946 executed by Zita Maria dos Anjos de Abreu upon her death on 08/02/1962.

6. Vide Deed of Sale dated 15/01/1971, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 4211 of Book No. I, Volume No. 47 at pages 217 to 229 on 01/03/1971, the SAID PROPERTY along with other properties, was purchased by Antonio Cleto Pedro Sequeira.

7. Vide Deeds of Will and Deed of Acquiescence dated 06/03/1990, the SAID PROPERTY was bequeathed to Antonio

Alito Sebastiao Sequeira by his parents viz. Antonio Cleto Pedro Sequeira and Maria Diana Sa e Sequeira. The said Maria Diana Sa e Sequeira passed away on 05/08/2000, pursuant to which the said Antonio Alito Sebastiao Sequeira inherited rights in the SAID PROPERTY.

8. On 04/04/2006, a Special Civil Suit No. 32/2006/B came to be instituted before the Civil Judge Senior Division 'B' Court at Mapusa. By way of the said suit, Antonio Ralino Pio Sequeira and his wife Christina Mascarenhas e Siqueira sought declaration and partition of ancestral properties. In the said proceedings, Antonio Cleto Pedro Sequeira and Antonio Alito Sebastiao Sequeira were Defendants.
9. By way of Consent Decree dated 13/04/2006, the SAID PROPERTY was allotted in favour of the Plaintiffs in the suit, i.e. Antonio Ralino Pio Sequeira and his wife Christina Mascarenhas e Siqueira.
10. On 05/09/2010, Christina Mascarenhas e Siqueira passed away leaving behind Antonio Ralino Pio Sequeira as the moiety holder and Izel Aneka Siqueira as the sole heir. On account of



the death of the said Christina Mascarenhas e Siqueira, Inventory Proceeding No. 133/2013/A was initiated before the Civil Judge Senior Division 'A' Court at Mapusa.

11. Vide Final Order dated 17/12/2015 passed in Inventory Proceeding No. 133/2013/A by the Civil Judge Senior Division 'A' Court at Mapusa, Antonio Ralino Pio Sequeira and his daughter Izel Aneka Siqueira became co-owners in equal of the SAID PROPERTY.

12. Vide Deed of Succession dated 26/04/2017, it is further declared that Christina Mascarenhas e Siqueira is succeeded by Antonio Ralino Pio Sequeira as the moiety holder, and Izel Aneka Siqueira as the sole and universal heir.

13. Subsequently, an Application for Partition of SAID PROPERTY was filed before the Dy. Collector & SDO - Mapusa. In the said partition proceedings, an Objection was raised by one Shantabai Pandurang Mandrekar who claimed ownership in the said property.



14. Vide Judgment and Order dated 26/10/2020, the application for partition was allowed and the Inspector of Settlement and Land Records was directed to carry out partition. It appears from the records that the rights and claims of the said Shantabai Pandurang Mandrekar were denied, however, on humanitarian grounds the said Shantabai Pandurang Mandrekar was permitted to occupy an area of 890sq.mts. from the larger property of 8600 sq.mts.

15. *Manual Form I & XIV and Form III* are Revenue Records prepared under the applicable Goa Land Revenue Code. *Manual Form I & XIV and Form III*, in respect of the SAID PROPERTY bearing Survey No. 185/4 of Village Anjuna, Bardez - Goa clearly shows the name of Ana Maria Rosa Abreu. *Manual Form I & XIV* appears to have been subsequently updated and shows the name of Antonio Cleto Sequeira as 'occupant' with a corresponding mutation number 3234. It bears mentioning the *manual Form I & XIV* also shows name of Shantabai Pandurang Mandrekar.



16. The latest Form I & XIV in respect of the SAID PROPERTY bearing Survey No. 185/4 of Village Anjuna, Bardez - Goa clearly shows the name of Antonio Ralino Pio Sequeira and Izel Aneka Siqueira as occupants. However, in addition thereto, the names of Shantabai Pandurang Mandrekar, Laxmi Mandrekar alias Laxmi Naik and Gurudas Pandurang Naik are also shown in occupants' column. Considering the Order for partition is already passed by the Dy. Collector & SDO, it is therefore necessary to generate updated Form I & XIV in respect of the partitioned survey holding.

17. In light of above and considering the Inscription and Description Records, Registo Do Agrimensor, Manual Form I & XIV, Form III, Deed of Sale dated 15/01/1971, Deed of Will and Acquiescence dated 06/03/1990, Consent Decree dated 13/04/2006 passed in SCS/32/2006/B by Senior Civil Judge at Mapusa, and Final Order dated 17/12/2015 passed in Inventory Proceedings 133/2013/A by Senior Civil Judge at Mapusa, I am of the opinion that MR ANTONIO RALINO PIO SEQUEIRA AND MS IZEL ANEKA SEQUEIRA have

clear and marketable title in respect of the SAID PROPERTY
subject to verification of following:

- i. Form IX
- ii. Newly generated Form I & XIV in pursuance of
Judgment and Order dated 26/10/2020 passed by the
Dy. Collector
- iii. Correspondence Certificate
- iv. Nil Encumbrance Certificate
- v. Zoning Certificate

IV. ADDITIONAL OBSERVATIONS:

- i. No tenants/Mundkars are reflected in the survey records
of the said property.
- ii. The Urban Ceiling Act is not applicable to the State of
Goa.
- iii. No conversion sanad is furnished

V. EVIDENCE OF POSSESSION:

The SAID PROPERTY surveyed under Survey No. 185/4 of
Village Anjuna reflects the names of Antonio Ralino Pio



Siqueira and Izel Siqueira in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owners in respect of the SAID PROPERTY.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that MR ANTONIO RALINO PIO SEQUEIRA AND MS IZEL ANEKA SEQUEIRA have clear and marketable title in respect of the SAID PROPERTY subject to the verification of documents mentioned at paragraph 17 above.

➤ 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:
 - i. 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.
 - ii. I have not inspected the originals and/or certified copies of the documents.
 - iii. I have taken the title documents under which Manuel Jose de Abreu acquired the Land as the root of title.

- For the purpose of issuing this report on title, I have assumed:
 - i. 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;



- ii. 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;
 - iii. that all the documents relating to the said property and furnished to me have been validly executed and delivered by the parties to them;
 - iv. that all documents are within the capacity and powers of each party and have been validly authorized by each party;
 - v. that there are no pending litigations in respect of the said property; and
 - vi. 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

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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: 23/02/2022



Adv. Shivan S. Desai