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Scrutiny Report of Title Documents in favour of
Alps Construction, a Partnership Firm, duly Registered under
the Indian Partnership Act, 1932

Following documents have been scrutinized for the purpose of
Report:

1. Form I & XIV of survey no. 41/8 in the name of John D'Souza.
2. Death Certificate of Joao Francisco D'Souza, alias John D'Souza.
3. Death Certificate of Maria Pia D'Souza, alias Mrs. M.P. D'Souza.
4. Death Certificate of Leo Francisco Dianisio D'Souza, alias Leo D'Souza.
5. Deed of Declaration of Succession drawn in the office of Notary Public of Judicial Division of Bardez under Book No. 731 at pages 88 V to 90 V dated 23/06/1998.



6. Copy of Publication in the Local News Paper namely 'The Navhind Times' dated 21/01/2004.
7. Deed of Sale in favour of Ms. Iona Yvette Fernandes dated 10/03/2004.
8. Form I & XIV of survey no. 41/8 in the name of Ms. Iona Yvette Fernandes.
9. Survey Plan of the property bearing survey no.41/8.
10. Agreement for Sale and Possession dated 26/06/2008.
11. Supplementary Agreement dated 19/08/2008.
12. Nil Certificate of Encumbrance for the period 1st day of March, 1988 to 13th March, 2008 dated 14/03/2008 and 1st January, 2008 to 7th August, 2009 dated 07/08/2008.
13. Copy of Public Notice published in the Local News Papers namely 'Tarun Bharat', 'Gomantak' and 'The Navhind Times' dated 11/06/2008.

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14. Judgment, Order and Decree dated 23/06/2009 in
Spl. Civil Suit No.165/2008/C.
15. Rectification Agreement dated 05/04/2012.
16. Deed of Sale dated 05/04/2012, registered under Book
-1 Document, Registration No. BRZ-BK1-01670-2012, CD
Number BRZD 310 dated 10/04/2012 in favour of M/s.
Pratham Realcons Pvt. Ltd..
17. Form I & XIV of survey no. 41/8 in the name of
Pratham Realcons Pvt. Ltd..
18. Joint Venture Agreement executed between M/s.
Pratham Realcons Pvt. Ltd. and one M/s. Mahesh Associates
(the Firm, registered in the office of Sub-Registrar of Bardez at
Mapusa under No. Book-1, Doc. Reg. No. BRZ-BK1-01619-
2012 C.D.No. BRZD308, dtd.05/04/2012.



19. Memorandum of Understanding dtd. 27/10/2015 executed by and between M/s. Pratham Realcons Pvt. Ltd. and M/s. Mahesh Associates.
20. Memorandum of Understanding dtd. 27/10/2015 executed between M/s. Pratham Realcons Pvt. Ltd. as Vendors and M/s. Alps Constructions as Purchasers.
21. Conversion Sanad bearing No. 4/32/CNV/AC-III/2021/487 dtd. 15/04/2021.
22. Approved Plans of construction issued by the Town & Country Planning Department, North Goa, Mapusa under Order No. NGPDA/CAN/44/67/3130/2021 dtd. 16/03/2021.
23. Construction License (permission) for the purpose of development of the property bearing survey no. 41/8 issued by village Panchayat of Candolim by License No. VP/32/3/201619/2021-2022 dtd. 08/11/2021.

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24. Deed of Sale dtd. 19/07/2022 registered under No.

Book-1 Doc. Reg. No. BRZ-1/3549/2022.

25. Form I & XIV of survey no. 41/8

On perusal of document at serial no.1, i.e. Form I & XIV of survey no. 41/8 in the name of John D'Souza, it is seen that the property known as "SOUZA WADO", admeasures 1,325 sq. mts. and the same having been surveyed in the name of said John D'Souza and with particular reference to the entry of the name of said John D'Souza in "Occupant's Column", in the said survey record, it is clear that the property originally belonged to said John D'Souza and he was in possession of the same. The said entry is a confirmed entry in the name of said John D'Souza from the time of promulgation of survey record of Village Candolim and that



the survey records in Village Candolim were promulgated way back in the year 1970-71 and therefore there is reason to believe that the said property belonged to said John D'Souza alone.

Though survey record is not a final document of title, but it gives the presumptive value of possession. In the absence of any other documents, such as Land Registration Certificate, Land Revenue Certificate, etc., one can believe that said property exclusively belonged to said John D'Souza whose name is found recorded in said "Occupants Column", of Form I & XIV. There are no other entries in other columns of said Form I & XIV, namely in that of Tenant's, Other Right's, Cultivator's Columns and therefore one can safely come to a conclusion that the said land is a free hold land without any encumbrances so far as title is concerned and it belonged to said Mr. John D'Souza.

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On perusal of document at serial Nos.2 and 3, i.e. Death Certificates of Joao Francisco D'Souza, alias John D'Souza and Death Certificate of Maria Pia D'Souza, alias Mrs. M.P. D'Souza, the said documents indicate that said John D'Souza and Maria Pia D'Souza were husband and wife respectively and therefore considering the entry of the name of said John D'Souza in the survey records of above survey no.41/8, the said property was an estate of the deceased John D'Souza and his wife Maria Pia D'Souza.

On perusal of document at serial no.4, i.e. Death Certificate of Leo Francisco Dianisio D'Souza, alias Leo D'Souza, it is seen that said Leo D'Souza is the son of above referred John D'Souza and Maria Pia D'Souza.

On perusal of document at serial no.5, i.e. Deed of Declaration of Succession drawn on 10th June, 1987 in the office of Notary Public of Judicial Division of Bardez under Book No. 731 at pages 88 V to 90 V dated 23/06/1988, it is seen that on the demise of said Maria Pia Dias alias Maria Pia Dias e Souza or M.P. D'Souza, her husband Joao Estefanio D'Souza, alias John D'Souza, both of them were survived leaving behind them as their sole and universal heirs their three sons namely Cerilo Thomas Simao De Souza, Jeferino De Souza and Leo Francisco Dianisio D'Souza and that they being the universal heirs and successors of the above deceased, they acquired right in the above referred property being the heirs of deceased said John D'Souza and Maria Pia D'Souza. The said Succession Deed is drawn strictly as per prevailing law applicable to the State of Goa fulfilling all the

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requirements and as such it is a perfect document of title with regard to above referred property in favour of said three sons namely Cerilo Thomas Simao De Souza, Jeferino De Souza and Leo Francisco Dianisio D'Souza of the deceased John D'Souza and Maria Pia D'Souza.

On perusal of document at serial nos.6 and 7, i.e. Copy of Publication in the Local News Paper namely 'The Navhind Times' dated 21/01/2004 and Deed of Sale in favour of Ms. Iona Yvette Fernandes dated 10/03/2004, it is seen that Ms. Iona Yvette D'Souza purchased the above referred property bearing survey no. 41/8 from the legitimate owners of the above referred property whose names are found in the said Deed of Sale dated 10/03/2004.



Prior to the purchase of the above referred property by said Ms. Iona Yvette Fernandes, she has published a Public Notice in the local news paper namely 'The Navhind Times' dated 21/01/2004, inviting for objections if any from anybody and having found that there were no objection from any angle, the said Deed of Sale was executed.

The said Deed of Sale is a perfect document of title in favour of said Ms. Iona Yvette Fernandes.

Having signed, executed and registered the said Deed by respective Sellers for themselves and also as lawful attorneys of various others as parties to the Deed as 'Vendors' and said Ms. Iona Yvette Fernandes as 'Purchaser', the said Deed of Sale is registered in the records of Sub-Registrar of Bardez at Mapusa under Reg. No. 1071 at pages 123 to 140, Book No. 1, Volume No.1126 dated 14/06/2004.

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On perusal of document at serial no.8, i.e. Form I & XIV of survey no. 41/8 in the name of Ms. Iona Yvette Fernandes, it is seen that on the strength of above referred Deed of Sale, the above referred property is mutated in the name of said Iona Yvette Fernandes under Mutation No.17258. The Mutation Entry is effected under the provisions of Land Revenue Code and that prior to the final entry in the name of Purchaser, notices are given to all the parties whose names are found in the Deed of Sale and having satisfied with the procedure followed and having not received any objections from anybody, the name of said Ms. Iona Yvette Fernandes was entered in survey record of said property bearing survey No. 41/8.

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On perusal of document at serial no.9, i.e. Survey Plan of the property bearing survey no.41/8, it is seen that the said property surveyed under survey No.41/8 is clearly identified and shown in the plan annexed to the said Deed of Sale.

On perusal of document at serial nos. 10, 11, 12 and 13, i.e. Agreement for Sale and Possession dated 26/06/2008, Supplementary Agreement dated 19/08/2008, Nil Certificate of Encumbrance for the period 1st day of March, 1988 to 13th March, 2008 dated 14/03/2008 and 1st January, 2008 to 7th August, 2009, dated 07/08/2009 and Copy of Public Notice published in the Local News Papers namely 'Tarun Bharat', 'Gomantak' and 'The Navhind Times' dated 11/06/2008, it is seen that prior to the execution of said Agreement for Sale and Possession, the intending purchasers

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namely M/s. Pratham Realcons Pvt. Ltd. a private limited Company having its Registered office at B/102, 1st Floor, Gokul apartment, Borivali (West), Mumbai for abundant caution, inspite of obtaining said Nil Certificate of Encumbrance, it was found fit and proper to invite for objections if any from general public and with a view to give wide publicity, the publications were effected in three different papers, out of which two in Marathi and one in English which has got wide circulation in the State of Goa and since there were no objections of whatsoever nature, it was found fit to enter into said Agreement of Sale and Possession and having paid full consideration amount, the possession of the said property was taken over by the said Company.

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The said Agreement for Sale and Possession is duly executed and registered in the Office of Sub-Registrar of Bardez at Mapusa under Reg. No.3526 at pages 190 to 229, Book No. I, Volume no.2670 dated 02/07/2008. This document has got legal sanctity and as can be seen from due registration and execution by payment of Stamp Duty and Registration Fees by M/s. Pratham Realcons Pvt. Ltd. the said Company is holding possession of the above referred property bearing survey no.41/8 from the date of execution of said Agreement with effect from 26/06/2008, except for conveyance by due execution of Deed of Sale, the said Company is legally holding the possession of said property.

Considering the documents referred to above and with particular reference to the parties 'Vendors' to the said Deed of Sale dated 10/03/2004, it was found necessary to execute further documents i.e. Succession Deed to

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establish the link between the original owners and the Sellers who sold the same to said Ms. Iona Yvette Fernandes by said Deed of sale dated 10/03/2004 and in order to draw such deed a time limit of 45 days was fixed as can be seen from Clause no.6 of the said Agreement and after having expired the said period of 45 days and since no such deed of succession or any other deeds or documents were produced by said Ms. Iona Yvette Fernandes, with a view to give effect to said clause no.6, it was thought fit to execute a supplementary Agreement which was executed on 19/08/2008 and the time limit of three months was further extended from the date of execution of Supplementary Agreement of Sale. This Supplementary Agreement was registered before Notary Public, Shri N.S. Shinde under Reg. No. 374/2008 dated 19/08/2008.

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On perusal of document at serial no.14, i.e. Judgment, Order and Decree dated 23/06/2009 in Spl. Civil Suit No.165/2008/C, it is seen that the Court of Civil Judge Senior Division at Mapusa has delivered Judgment in accordance with Consent Terms filed by the parties to the suit. The said suit was filed by Ms. Iona Yvette Fernandes against all the heirs of deceased John D'Souza and his wife Maria Pia D'Souza and who were parties to the said Deed of Sale dated 10/03/2004, by virtue of which said Iona Yvette Fernandes purchased the said property. After having duly served the notices to all the parties to the suit by due process of law and whose names are also reflecting in the said Deed of Sale, they all appeared before the Court and filed their Written Statement on 15/04/2009. After having gone through various stages of suit and following the process of

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law, Terms of Compromise were filed in the said suit and the Hon'ble Civil Judge Senior Division, at Mapusa has delivered the said Judgment. By virtue of said Judgment it is clearly established that the title of the said property was based on survey record and consequently said Ms. Iona Yvette Fernandes has acquired exclusive ownership right and title in respect of above referred property bearing survey no.41/8 by virtue of said Deed of Sale dated 10/03/2004.

The above Judgement, Order and Decree read with said Deed of Sale dated 10/03/2004 establishes the title of above referred property in favour of said Ms. Iona Yvette Fernandes.

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On perusal of document at serial No. 15, i.e. Rectification Agreement dated 05/04/2012, it is seen that by said Rectification Agreement the error with regard to insertion of Description and Inscription Number in the original Agreement was to be deleted, since the said property does not bear above numbers. However the said numbers were recorded in the original Agreement for Sale and Possession dated 26/06/2008 and accordingly in order to make the record straight, the need of execution of Rectification Agreement was found and so the said Rectification Agreement was executed and was duly registered in the office of Sub-Registrar of Bardez under Book-1 Document, Registration Number BRZ-BK1-01769-2012, CD Number BRZD312 dated 16/04/2012.

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On perusal of document at serial No.16, i.e. Deed of Sale dated 05/04/2012, registered under Book -1 Document, Registration No. BRZ-BK1-01670-2012, CD Number BRZD 310 dated 10/04/2012, it is seen that by virtue of said Sale Deed the property rights were conveyed and transferred by Miss Iona Yvette Fernandes in favour of Purchasers, viz. Pratham Realcons Pvt. Ltd., as a result the said Company acquired full ownership right in respect of the said property bearing survey No.41/8 and as such the said company acquired valid and marketable title now which is establishes on the basis of said Deed of Sale.

On perusal of document at serial No.17, i.e. Form I & XIV of survey no. 41/8 in the name of Pratham Realcons Pvt. Ltd., it is seen that the Mutation entry was effected in favour of said company by virtue of said Deed of Sale dtd. 10/04/2012;

On perusal of document at serial No.18, i.e. Joint Venture Agreement executed between M/s. Pratham Realcons Pvt. Ltd. and one M/s. Mahesh Associates (the Firm), registered in the office of Sub-Registrar of Bardez at Mapusa under No. Book-1, Doc. Reg. No. BRZ-BK1-01619-2012 C.D.No. BRZD308, dtd.05/04/2012, it is seen that the above referred property was proposed to be developed by said M/s. Pratham Realcons Pvt. Ltd and said M/s. Mahesh Associates, on terms and conditions stipulated in the said Joint Venture Agreement which was subsequently cancelled and the said company i.e. M/s. Pratham Realcons Pvt. Ltd. were free to deal with the said property in the manner they like.

On perusal of document at serial No.19, i.e. Memorandum of Understanding dtd. 27/10/2015 executed by and between M/s. Pratham Realcons Pvt. Ltd. and M/s. Mahesh Associates, it is seen that the parties arrived into

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understanding whereby the said Joint Venture Agreement was cancelled and all the amount received by said company from said firm were refunded back to the M/s. Mahesh Associates.

On perusal of document at serial No.20, i.e. Memorandum of Understanding dtd. 27/10/2015 executed between M/s. Pratham Realcons Pvt. Ltd. as Vendors and M/s. Alps Constructions as Purchasers, it is seen that the said firm agreed to purchase the above referred property for a consideration of Rs. 1,48,00,000/- (Rupees one crore forty eight lakhs only).

On perusal of document at serial No.21, 22 & 23 i.e. Conversion Sanad bearing No. 4/32/CNV/AC-III/2021/487 dtd. 15/04/2021, Approved Plans of construction issued by the Town & Country Planning Department, North Goa,

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Mapusa under Order No. NGPDA/CAN/44/67/3130/2021 dtd. 16/03/2021 & Construction License (permission) for the purpose of development of the property bearing survey no. 41/8 issued by village Panchayat of Candolim by License No. VP/32/3/201619/2021-2022 dtd. 08/11/2021, it is seen that the above approvals were sought in the name of said company M/s. Pratham Realcons Pvt. Ltd. prior to the execution of Sale Deed and conveying the said property in favour of M/s. Alps Construction, a Partnership Firm.

On perusal of document at serial No.24, i.e. Deed of Sale dtd. 19/07/2022 registered under No. Book-1 Doc. Reg. No. BRZ-1/3549/2022, it is seen that the above referred property bearing survey no. 41/8 is duly conveyed and transferred in favour of the purchaser i.e. M/s. Alps Construction for a consideration of Rs. 1,48,00,000/- which

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is its market value. By virtue of said Deed of Sale dtd. 19/07/2022. The said M/s. Alps Construction acquired ownership right in respect of the said property and now the said firm is in possession and enjoyment of the said property.

On perusal of document at serial No.25, i.e. Form I & XIV of survey no. 41/8, it is seen that on the strength of said Sale Deed dtd. 19/07/2022 the Mutation entry has been effected in favour of M/s. Alps constructions who has purchased the said property. As such the said entry indicates that the said firm M/s. Alps Constructions is in possession of said property bearing survey no. 41/8.

Considering the above referred documents and after having given search in various offices, including the office of Sub-Registrar of Bardez at Mapusa, Civil Court, etc. I am of the opinion that said M/s. Alps Construction[✓] a Partnership Firm have got clear and marketable title in respect of the above referred property so also the said Firm is entitled to develop the said property on the basis of approvals referred to above granted by the competent authorities.

Hence I conclude my Report.

Date : 15/09/2022


(A.V.N. Salatry)
Advocate,
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