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TITLE CLEARANCE CERTIFICATE

This Title Certificate is issued at the instance of M/s. Concrete Lifestyles (Goa) to the distinct property described hereinbelow :

DESCRIPTION OF PROPERTY:

All that landed property "ARADI", admeasuring 2000 square meters situated at Aradi, Village Socorro Taluka Bardez, Goa, surveyed in the Revenue Survey of Record of Rights under Survey No.10/26 (hereinafter referred to as the 'said property') and bounded as under:

East : By Survey No.11/2;
West : By public road;
North : By Survey No.10/25;
South : By Survey No.10/27.

We have carefully perused the documents furnished and opine as under :

HISTORICAL FLOW OF TITLE:

1. The earliest document is the Will dated 27/02/1974 executed by one Lucio Baptista Monteiro by which he appointed his niece Anita Carmen D'Souza as his legal heir.



2. Will being a document of succession and not a transfer it cannot strictly be termed as a title document. In the absence of any independent document of title the said property in favour of the testator i.e. Lucio Baptista Monteiro, the title of Lucio Baptista Monteiro to the said property is not established.

3. At least, if there was a mention of the said property in the Will, it could have been said that Lucio Baptista Monteiro claimed right to the said property from the year 1974 and Anita being the universal heir of Lucio B. Monteiro, through the Will would inherit all his estate including the said property. Such a question does not arise since the Will is silent in respect of the property and only nominates Anita as his heir which means all estates of Lucio B. Monteiro is inherited by her and to show Anita's title to the said property, title of Lucio Baptista Monteiro should be established first.

Hence, the said Will by itself is of no assistance to trace the title.

4. It is pertinent to note that under the Portuguese Law of Succession, the chief object of the Will is the appointment of the heir unlike the Will in rest of India where the purpose is disposal of properties.

Therefore, as per Article 2011 of the said Portuguese Law of Succession, the transmission of the ownership and possession of the inheritance to the heirs whether instituted or legal, takes place from the moment of the death of the estate leaver.

5. However, survey record in Form IX at Sr. No.778 dated 19/10/1972, there is an entry stating that Lucio Baptista Monteiro (wrongly spelt as Lucy), occupant 'since before survey'. This indicates that atleast from the year 1972, said Lucio Baptista Monteiro was in possession of the said property.

6. Upon the death of said Lucio Baptista Monteiro (wrongly written as Louis) on 29/12/1987, by virtue of the will, said Anita being the universal heir of said Lucio inherited possessory right of Lucio in the said property and her name was duly entered in the column of occupant of Survey Form I & XIV.

Said Lucio must have expired, otherwise the name of Anita would not have come in Survey Records for the said reason it can be presumed that said Louis is Lucio Baptista Monteiro.

7. A survey document is not a document of title but is a revenue record establishing lawful and physical possession of a person named as occupant. It has a legal presumption of correctness under Section 105 of Goa Land Revenue Code.
8. Therefore, said Anita Carmen D'Souza can be said to be having only possessory title based on survey record of the said property.
9. Said Anita Carmen D'Souza was married to Mr. Cyril Francis D'Souza under the regime of Communion of Assets.
10. Said Anita Carmen D'Souza expired on 17/02/2001 leaving behind her 2 sons Mr. Cyril Garrard D'Souza and Mr. Christopher G. D'Souza who inherited the half undivided right of their mother late Anita in the said property.
11. In the Inventory Proceedings bearing No.117/2007/C instituted by Cyril Francis D'Souza, upon the death of his wife Anita Carmen D'Souza, the said property was allotted by order dated 19/01/2009 passed by the Civil Judge Senior Division, Margao to Mr. Cyril Francis D'Souza (half share) and Cyril Garrard D'Souza (1/4th share) and Christopher Gavin D'Souza (1/4 share).
12. Based upon the said Inventory order, the names of Christopher D'Souza, Cyril F. D'Souza and Cyril Garrard D'Souza were entered in the column of occupant in Survey Form I & XIV pertaining to the said property.
13. It is to be noted that an Inventory Proceeding is not a mode of acquisition of title, but is a mode of distribution of pre-existing right of the deceased estate leaver in the property, among his heirs. Therefore, it is very essential for the deceased estate leaver to have a title, to have it successfully

passed on to his heirs. An Inventory court does not inquire or verify the title of the estate leaver to the properties listed for allotment but simply distributes everything that has been listed.

14. Mr. Christopher G. D'Souza accompanied by his said 2 sons, sold the said property to one Mr. Krishan Lal Arora, by a Deed of Sale dated 27/06/2011 duly registered under Book-1 Document Registration No.BRZ-BK1-03170-2011, CD No.BRZ0193 on date 28/8/2011 with the Sub-Registrar of Bardez at Mapusa.

15. Upon the purchase of the property the name of Krishanlal Arora was duly mutated in the Survey Records in the column of occupant.

16. A public notice was published in the newspaper inviting objections to the proposed purchase. However, no objections were received.

17. By a Deed of Sale dated 24/08/2011, said Krishan Lal Arora sold the said property to M/s. Concrete Lifestyles (Goa), duly registered under Book 1, Document and Registration No.BRZ-BK1-04-110-2011 dated 24/08/2011 with the Sub-Registrar of Bardez.

CONCLUSION:

Thus it can be concluded that M/s. Concrete Lifestyles (Goa) has clear and marketable title to the said property, derived from the possessory title of Lucio B. Monteiro which can be said to have been crytalised into title by adverse possession of more than 40 years.

Panaji.

March 1, 2014.


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TITLE CLEARANCE CERTIFICATE

This Title Certificate is issued at the instance of M/s. Concrete Lifestyles (Goa) to verify their title to the distinct property surveyed under no.10/27, admeasuring 2050 square meters alongwith two residential houses bearing no.451 and 83(452) existing therein which distinct property forms part of the larger property known as "RAIBATTA" or "VUDDULECHI SIR" or "OLLACHI XIR" or "ARADI" situated at Aradi, Village Socorro Taluka Bardez, Goa. The said larger property is described under Land Registration No.5146 at page 157V of Book B-35 old in the Land Registration office of Bardez, hereinafter referred to as the said property and bounded as under:

- North : By the property and house with garden belonging to the heirs of Pascoal Ribeiro and one Ladu and others.
- South : By the property having a house and open land belonging to the heirs of S. Ana Monteiro and now belonging to Ladu.
- East : By the Property now belonging to Sebastian and Luis.
- West : By the property belonging to Pascoal Rebeiro, now belonging to Chari.

On careful scrutiny of the documents furnished, we opine as under :

1. The SAID PROPERTY originally belonged in half share to one Kashinath Bablo Naik and was found inscribed in his favour under No.39379 at folio 199 (v) of Book G-44 in the Land Registration Office of

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Bardez, Judicial Division having been allotted to him in the Inventory Proceedings amongst orphans by the Civil Court of Judicial Division Bardez (3rd Office) filed on the death of Xantabai Caxinata Naique, wife of said Kashinath Bablo Naik by order dated 03/03/1962 and the other half share was allotted to her 3 sons Madhukar, Bablo, Ishwar and inscribed in their names under No.40685.

2. However, the name of Kashinath Bablo Naik alone appeared in the column of occupant in Survey Form I & XIV pertaining to Survey No.10/27.

3. It appears that Kashinath Bablo Naik desired to mortgage the said property and as his son Ishwar was minor, Kashinath obtained permission from the Court on behalf of his minor son Ishwar to mortgage the said property and the same was duly granted as is clear from the certificate dated 23/02/1970 issued by the Court Clerk and the said property was mortgaged to some Bank.

As there was default in repayment of loan, the said property was attached by the Registrar of the Co-op. Societies at the instance of the said Bank and put up for sale in a public auction.

4. The SAID PROPERTY alongwith residential houses existing therein was purchased by Mr. Sabastian Cyprian Mendes alias Sebastiao C. Mendes, in the public auction held on 05/10/1987 under Section 156 of Maharashtra Co-op. Societies Act (as applied to State of Goa) and upon the payment of price, the sale was confirmed and made absolute on 05/11/1987, as is clear from certificate dated 17/12/1987 issued by the Assistant Registrar of Co-operative Society, North Zone, Mapusa and also another certificate of purchase dated 17/04/1989 registered under no.1514 of Book I, Vol.79 before Sub Registrar of Bardez, Mapusa Goa.

Therefore, Kashinath Bablo Naik and his sons ceased to have title to the said property from 05/10/1987 which vested in said Sebastiao Mendes.

5. Vide a Deed of Sale dated 17/12/2007 duly registered, the said Mr. Sabastiao Mendes and his wife Mrs. Marta Mendes, sold the said property to M/S. Ideas Plus Ink Constructions Pvt. Ltd.

6. M/s. Ideas Plus Ink Constructions Pvt. Ltd. have in turn sold the said property to Shri Krishan Lal Arora by Deed of Sale dated 9/04/2007 duly registered under No.BRZ-BK1-00509-2009-CD No.BRZD No.19 dated 09/04/2009 document Serial No.503.

7. The name of Krishan Lal Arora was duly mutated in the Occupants Column of Survey Form I & XIV pertaining to Survey No.10/27 by deleting names of the original occupant Kashinath Bablo Naik and the subsequent occupant Sebastiao Mendes.

8. The name of Kashinath Bablo Naik shows his lawful possession of the said property from the time of promulgation of survey. In fact in Survey Form IX at entry No.735 against the date 19/10/1972, there is an entry "Kashinath Bablo Naik, Occupant since before Survey". Upon mutation, the name of Sebastiao Mendes also shows lawful and physical possession from the date of purchase in the year 1989.

9. A public notice was published inviting claims/objections to the purchase of the said property, however, no objections were received from any one.

10. By a Deed of Sale dated 24/08/2011, said Krishnan Lal Arora sold the said property to M/s. Concrete Lifestyles (Goa). The said Deed of Sale was duly registered in Book – 1, Document, Registration No.BRZ-BK1-04111-2011, CD No.BRZD218 on date 24/08/2011 with the Sub-Registrar of Bardez at Mapusa. Thus, from the date of the said Deed of Sale M/s. Concrete Lifestyles (Goa) are in lawful and physical possession of the said property.

11. The Nil Encumbrance Certificate dated 14/06/2005 issued by the Sub-Registrar states that there are no encumbrance for a period of 40 years from 01/01/1965 till 13/06/2005.

There is also Nil Encumbrance for the period 14/06/2005 till 26/10/2007.



There is one more Nil Encumbrance Certificate certifying Nil Encumbrance on the said property from 9/04/2009 till 11/08/2010.

There is one more Nil Encumbrance Certificate for 30 years from 01/01/1985 till 28/01/1914.

CONCLUSION :

Based on the above analysis, M/s. Concrete Lifestyles (Goa) can be said to have clear, legal and marketable title to the said property.

Panaji.

March 1, 2014.



SUDIN M. S. USGAONKAR