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TITLE REPORT

To,
MR. JATIN VOHRA
OFFICE NO. 518, 5TH FLOOR,
GERA IMPERIUM GRAND
PATTO, PANJIM.

- I. I have pursued the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 67 Sub-Division No. 3 of Village Nachinola, Bardez - Goa.
 - b) Survey Records Form I & XIV bearing Survey No. 67 Sub-Division No. 3-A of Village Nachinola, Bardez - Goa
 - c) Inscription Certificate (bearing Inscription No. 26738 at page 107 of Book G-32)
 - d) Description Certificate (bearing Description No. 32769 at page 80V of Book B-84)



- e) Manual Form I & XIV
- f) Form III
- g) Form IX
- h) Deed of Sale with Discharge of Price dated 14th
February 1935
- i) Inventory Proceedings bearing No. 133/2000
initiated before the Court of 1st Additional Civil
Judge Senior Division at Mapusa
- j) Order dated 29/06/2001 passed in the Inventory
Proceedings bearing No. 133/2000 initiated
before the Court of 1st Additional Civil Judge
Senior Division at Mapusa
- k) Deed of Succession dated 08/10/2013



- l) Deed of Sale dated 08/01/2014, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-00361-2014, CD No. BRZD616 dated 24/01/2014
- m) Survey Plan
- n) Order dated 17/11/2014 issued in Case No. 15/149/2014/Part/Land/DC-II, the Deputy Collector Bardez-II at Mapusa - Goa
- o) Partition Order dated 12/01/2015 issued in Case No. 15/149/2014/Part/Land/DC-II, the Deputy Collector Bardez-II at Mapusa - Goa
- p) Technical Clearance Order dated 17/06/2015 bearing Ref. No. TPB/1627/TCP-15/1900 issued

by the Deputy Town Planner, Town and Country
Planning Department, Mapusa - Goa

q) Construction Licence dated 23/10/2015 bearing
No. 06/VP/Nac/Const.License/2015-2016/573
was issued by the Village Panchayat of Nachinola,
Bardez - Goa

r) Land Use Zoning Certificate dated 28/02/2022
issued by Deputy Town Planner, Town and
Country Planning Department, Mapusa - Goa

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT immovable property known as
"FOTANGUEACHI MUDDI" also known as "NAIBAGA"
bearing Survey No. 67/3, admeasuring an area of 2825
sq. mts., situated in the Village of **Nachinola**, within the
limits of Village Panchayat of Nachinola, Taluka Bardez

and Registration Sub-District of Bardez, District of Goa, State of Goa which property is described in the Land Registration Office of Bardez under Description No. 32769 at page 80V of Book B-84 and inscribed under Inscription No. 26738 at page 107 of Book G-32 of the Judicial Division of Bardez and the said property is bounded as under:-

Towards the North :- By the Survey No. 67/2;

Towards the South :- By the Survey No. 67/4;

Towards the East :- By Road;

Towards the West :- By the Survey No. 67/11 and Road;

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



SCHEDULE I

ALL THAT PLOT admeasuring an area of **1000 sq. mts.**, bearing Survey No. **67/3-A**, forming part of the SAID BIGGER PROPERTY more particularly described in SCHEDULE II hereinabove and the said plot is bounded as under:-

Towards the North :- By the Survey No. 67/2;

Towards the South :- By the Survey No. 67/4;

Towards the East :- By the remaining part of the same property;

Towards the West :- By the Survey No. 67/11 and Road;

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



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III. TRACING OF PARTIES TITLE:

1. The **SAID BIGGER PROPERTY** is described under Description No. 32769 at page 80V of Book B-84 and the same is inscribed on **15th March 1935** under Inscription No. 26738 at page 107 of Book G-32 in favour of Ubaldo Conceicao Nazare. The said Inscription Certificate reveals that the **SAID BIGGER PROPERTY** was purchased by the said Ubaldo Conceicao Nazare for the price of rupees three hundred from Ditosa Leopoldina Lobo, widow of Joaquim Manuel da Cruz vide Deed of Sale with Discharge of Price dated 14th February 1935.
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 1961, the Land Registration records are not updated. However 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 prevailant, 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. Inventory Proceedings bearing No. 133/2000 initiated before the Court of 1st Additional Civil Judge Senior Division at Mapusa reveals as under :

A. That the said Mr. Ubaldo Conceicao Nazareth passed away on 28/10/1982 and his wife, Sebastiana Carmelina Lousado alias Carmelina Sebastiana Louzado e Nazareth

passed away on 13/04/1957 leaving behind their following sole and universal legal heirs:

- i. Mr. Auralinho Nazareth married to Mrs. Pamela Nazareth
- ii. Mrs. Apolinda e Lobo married to Earnest Jesus Francis Lobo
- iii. Mr. Anjelo Cajetan Nazareth married to Mrs. Maria Preciosa Olinda Florentina Simaoes
- iv. Miss Alzira Nazareth (unmarried)

B. That the said Mr. Auralinho Nazareth passed away on 08/05/1971 and the said Mrs. Pamela Nazareth passed away on 22/12/1990 leaving behind their following sole and universal legal heirs

- i. Mr. Julian Xavier Nazareth (unmarried)
- ii. Mr. Christopher Erwin Nazareth married to Mrs. Paggy Jud Nazareth



- C. That the said Mrs. Apolinda e Lobo passed away on 18/01/1991 and the said Earnest Jesus Francis Lobo passed away on 24/11/1982 leaving behind Mrs. Cynthia Nazareth married to Donath Pimenta e Nazareth as their sole and universal legal heirs
4. Upon the death of the said Mr. Ubaldo Conceicao Nazareth and his wife, Sebastiana Carmelina Lousado alias Carmelina Sebastiana Louzado e Nazareth, Inventory Proceedings bearing No. 133/2000 was initiated before the Court of 1st Additional Civil Judge Senior Division at Mapusa by the said Mr. Julian Xavier Nazareth and the SAID BIGGER PROPERTY was listed at **ITEM NO. II** in the List of Assets dated 27/04/2001.
5. In auction held on 05/05/2001 in the said Inventory Proceedings bearing No. 133/2000 initiated before the Court of 1st Additional Civil Judge Senior Division

at Mapusa, the SAID BIGGER PROPERTY listed at **ITEM NO. II** was taken by the said Mr. Julian Xavier Nazareth which was confirmed vide Order dated 29/06/2001 passed in the Inventory Proceedings bearing No. 133/2000 initiated before the Court of 1st Additional Civil Judge Senior Division at Mapusa.

6. Deed of Succession dated 08/10/2013 reveals that the said Mr. Julian Xavier Nazareth passed away on 05/03/2010 in the status of unmarried leaving behind his only brother, Mr. Christopher Erwin Nazareth married to Mrs. Paggy Jud Nazareth as his sole and universal legal heirs
7. In view of above, the said Mr. Christopher Erwin Nazareth and his wife, Mrs. Paggy Jude Nazareth became absolute owners in possession of the SAID BIGGER PROPERTY.



8. Vide Deed of Sale dated 08/01/2014, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-00361-2014, CD No. BRZD616 dated 24/01/2014, the said Mr. Christopher Erwin Nazareth and his wife, Mrs. Paggy Jude Nazareth sold a PLOT admeasuring an area of **1000 sq. mts.**, forming part of the SAID BIGGER PROPERTY, which plot is more particularly described in SCHEDULE II hereinabove and shall hereinafter referred to as the **SAID PROPERTY**, in favour of Mr. Kishor Uttam Bhaidkar and his wife, Mrs. Kavita Kishor Bhaidkar.

9. The said Deed of Sale dated 08/01/2014, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-00361-2014, CD No. BRZD616 dated 24/01/2014 was signed by Mr. Marc J. A. Cordeiro alias Marc Cordeiro as Confirming Party in pursuance to Oral Agreement for development of the SAID BIGGER PROPERTY with the

said Mr. Christopher Erwin Nazareth and his wife,
Mrs. Paggy Jude Nazareth.

10. Vide Order dated 17/11/2014 issued in Case No. 15/149/2014/Part/Land/DC-II, the Deputy Collector Bardez-II at Mapusa - Goa ordered the Inspector of Survey and Land Records, City Survey, Mapusa to carry out the partition of Survey No. 67/3 of Village Nachinola, Bardez - Goa by separating the SAID PROPERTY.

11. Vide Partition Order dated 12/01/2015 issued in Case No. 15/149/2014/Part/Land/DC-II, the Deputy Collector Bardez-II at Mapusa - Goa, a separate Survey No. i.e. 67/3-A of Village Nachinola, Bardez - Goa, was issued for the same in favour of the said Mr. Kishor Uttam Bhaidkar and Mrs. Kavita Kishor Bhaidkar.



12. Technical Clearance Order dated 17/06/2015 bearing Ref. No. TPB/1627/TCP-15/1900 issued by the Deputy Town Planner, Town and Country Planning Department, Mapusa - Goa was obtained by the said Mr. Kishor Uttam Bhaidkar and Mrs. Kavita Kishor Bhaidkar for construction of Compound Wall in the **said Property**.

13. Construction Licence dated 23/10/2015 bearing No. 06/VP/Nac/Const.License/2015-2016/573 was issued by the Village Panchayat of Nachinola, Bardez - Goa for construction of Compound Wall in the **said Property** in favour of the said Mr. Kishor Uttam Bhaidkar and Mrs. Kavita Kishor Bhaidkar.

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



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

in respect of **the SAID BIGGER PROPERTY** bearing Survey No. **67/3** of Village **Nachinola**, Bardez – Goa clearly shows the name of Ubaldo Nazareth in the Occupants Column.

15. In light of above, considering the Inscription Description Certificate, Manual Form I & XIV, Form III, Form IX, Deed of Sale with Discharge of Price dated 14th February 1935, Order dated 29/06/2001 passed in the Inventory Proceedings bearing No. 133/2000 by the Court of 1st Additional Civil Judge Senior Division at Mapusa, Deed of Succession dated 08/10/2013, Deed of Sale dated 08/01/2014 and Partition Order dated 12/01/2015 issued in Case No. 15/149/2014/Part/Land/DC-II, the Deputy Collector Bardez-II at Mapusa – Goa and the Survey Records in respect of the **SAID BIGGER PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and are



consistent with the ownership of the present owners,
I am of the opinion that the said **MR. KISHOR
UTTAM BHAIKAR and his wife, MRS. KAVITA
KISHOR BHAIKAR** have clear and marketable title
in respect of **the SAID PROPERTY** admeasuring
1000 sq. mts. surveyed under Survey No. 67/3-A of
Village Nachinola, Bardez - Goa forming part of the
SAID BIGGER PROPERTY, subject to the following :

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Inspection of Originals of Deed of Sale dated 08/01/2014, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-00361-2014, CD No. BRZD616 dated 24/01/2014
- iii. Production of 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. No Conversion Sanad has been furnished to establish that the **SAID PROPERTY** is converted from agricultural to non-agricultural purposes.
4. Land Use Zoning Certificate dated 28/02/2022 issued by Deputy Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that the **said Property** falls in "Settlement Zone (VP-2) with FAR 60" as per Regional Plan for Goa 2021. **However the said Land Use Zoning Certificate dated 28/02/2022 is valid for Three Years.**

5. 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. 67/3-A of Village Nachinola, Bardez - Goa, admeasuring 1,000 sq. mts. reflects the name of Kishor Uttam Bhaidkar and Kavita Kishor Bhaidkar in Form I & XIV issued by the Department of Survey, Government of Goa, which establishes the possession 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 in the **SAID**

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PROPERTY. However updated Nil Encumbrance Certificate in respect of the SAID PROPERTY needs to be furnished.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **MR. KISHOR UTTAM BHAIKAR and his wife, MRS. KAVITA KISHOR BHAIKAR** have a clear and marketable title in respect of **the SAID PROPERTY** admeasuring **1000 sq. mts.** surveyed under Survey No. 67/3-A of Village Nachinola, Bardez - Goa forming part of the **SAID BIGGER PROPERTY** subject to the following:

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Inspection of Originals of Deed of Sale dated 08/01/2014, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-



00361-2014, CD No. BRZD616 dated
24/01/2014

iii. Production of 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 Ubaldo Conceicao Nazare 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;



- 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:- 23/03/2022



(Adv. Shivan S. Desai)