

**TITLE REPORT**

**To,**  
**AZARA SPACES LLP,**  
having its registered office at 603,  
6<sup>th</sup> Floor, Landsend Apartments,  
B/869, B.J. Road,  
Bandstand, Bandra (W),  
Mumbai - 400050.

- I. I have pursued the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 41 Sub-Division No. 5 of Village Marna, Bardez - Goa.
  - b) Survey Records Form I & XIV bearing Survey No. 41 Sub-Division No. 6 of Village Marna, Bardez - Goa
  - c) Inscription Certificate (bearing No. 16330)
  - d) Inscription Certificate (bearing No. 39130)
  - e) Description Certificate (bearing No. 5703)



- f) Manual Form I & XIV
- g) Form III
- h) Deed of Gift dated 21/08/1957
- i) Deed of Partition dated 07/09/1988, registered before Sub-Registrar of Bardez, Mapusa - Goa under No. 39 of Book No. I, Volume No. 51 dated 04/01/1990
- j) Deed of Rectification dated 02/01/1998 registered before Sub-Registrar of Bardez, Mapusa - Goa under No. 183 of Book No. I, Volume No. 503 dated 22/01/1998
- k) Inventory Proceedings bearing No. 387/2019/B filed before the Civil Judge Senior Division at Mapusa-Goa



- l) Order dated 30/09/2019 passed in Inventory Proceedings bearing No. 387/2019/B by the Civil Judge Senior Division at Mapusa-Goa
- m) Deed of Sale dated 23/11/2020, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-3008-2020
- n) Survey Plan
- o) Nil Encumbrance Certificate dated 05/11/2020 bearing No. 1933/2020 (Survey No. 41/6)
- p) Nil Encumbrance Certificate dated 05/11/2020 bearing No. 1934/2020 (Survey No. 41/5)
- q) Zoning Certificate dated 06/11/2020 bearing Ref. No. TPBZ/ZON/8064/ANJ/TCP-20/4056 issued by Deputy Town Planner, Town and Country Planning Department, Mapusa - Goa.

II. **DESCRIPTION OF THE PROPERTY:**

**SCHEDULE I**

ALL THAT immovable property with a coconut grove situated at Madlo Vaddo, the eastern half of the larger property known as "**MADORCO**", situated at Marna, Village **Siolim**, within the jurisdiction of Village Panchayat of Siolim, Taluka and Sub-District of Bardez, District of North Goa, State of Goa, which property is described in Land Registration Office of Bardez under No. 5703 at page 205 of Book B-15 series (new) and enrolled in the Land Revenue Office under Matriz No. 412 and surveyed under Survey No. **41/5**, admeasuring **2050 sq. mts.** and Survey No. **41/6**, admeasuring **80 sq. mts.** along with old mud residential house bearing House No. 153 situated therein and bounded as under:

North : By the properties bearing Survey Nos. 40/3, 4, 5, 6, 7, 8 and 9 of Village Marna;

South : By the Road;



**SHIVAN S. DESAI**  
ADVOCATE

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East : By the properties bearing Survey Nos. 41/16  
and 7 of Village Marna;

West : By the properties bearing Survey Nos. 40/1  
and 2 of Village Marna;

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

**III. TRACING OF PARTIES TITLE:**

1. The **SAID PROPERTY** is described under No. 5703  
and the same is inscribed under No. 16330 in  
favour of Govinda Manguexa Xete Mixal and his  
wife, Soteabama.
2. Further the **SAID PROPERTY** is inscribed on **31<sup>st</sup>  
October 1957** under No. 39130 in favour of  
Datarama Xete Mixal alias Datarama Sridora Mixal  
and Manguexa Sridora Mixal alias Manguexa Xete  
Mixal. The said Inscription Certificate reveals that  
the **SAID PROPERTY** was gifted to the said



Datarama Xete Mixal alias Datarama Sridora Mixal and Manguexa Sridora Mixal alias Manguexa Xete Mixal by their paternal uncle, Govinda Manguexa Xete Mixal and his wife, Soteabama with reservation of life interest for themselves vide Deed dated 21<sup>st</sup> August 1957

3. **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.*

4. Deed of Partition dated 07/09/1988, registered before Sub-Registrar of Bardez, Mapusa - Goa under No. 39 of Book No. I, Volume No. 51 dated 04/01/1990 reveals that the said Datarama Xete Mixal alias Datarama Sridora Mixal alias Dattaram Shridhar Xete Mishal passed away leaving behind his widow and moiety holder, Smt. Annapurna Dattaram Mishal and the following legal heirs:
- i. Mr. Mahableshwar Dattaram Mishal married to Mrs. Milan Mahableshwar Mishal
  - ii. Mr. Shridhar Dattaram Mishal
  - iii. Mr. Vinayak Dattaram Mishal



- iv. Miss. Seema Dattaram Mishal
- v. Miss. Sangeeta Dattaram Mishal
- vi. Mrs. Sandhya Subhash Narvekar married to Mr.  
Subhash Rama Shet Narvekar
- vii. Mrs. Uma Umesh Parricar married to Mr. Umesh  
Purushottam Parricar
- viii. Mrs. Netra Audhut Marathe married to Mr.  
Audhut Kashinath Marathe
5. Vide Deed of Partition dated 07/09/1988, registered  
before Sub-Registrar of Bardez, Mapusa - Goa under  
No. 39 of Book No. I, Volume No. 51 dated  
04/01/1990 executed between Manguesh Sridora  
Mishal and his wife, Mrs. Motibai Manguesh Mishal  
AND Smt. Annapurna Dattaram Mishal; Mr.  
Mahableshwar Dattaram Mishal and his wife, Mrs.  
Milan Mahableshwar Mishal; Mr. Shridhar Dattaram  
Mishal; Mr. Vinayak Dattaram Mishal; Miss. Seema  
Dattaram Mishal; Miss. Sangeeta Dattaram Mishal;  
Mrs. Sandhya Subhash Narvekar and her husband,





Mr. Subhash Rama Shet Narvekar; Mrs. Uma Umesh Parricar and her husband, Mr. Umesh Purushottam Parricar and Mrs. Netra Audhut Marathe and her husband, Mr. Audhut Kashinath Marathe, the **SAID PROPERTY** was allotted to the said Manguesh Sridora Mishal and his wife, Mrs. Motibai Manguesh Mishal.

6. However there were some typo-errors in the said Deed of Partition dated 07/09/1988, as to it was mentioned in respect to the **SAID PROPERTY** as described under No. 6491 of Book B-17 New instead of No. 5703 of Book B-15 (new) and it was mentioned Matriz No. 442 instead of Matriz No. 412 and it was mentioned admeasuring area of 205 sq. mts. instead of admeasuring area of 2050 sq. mts. and all those mistakes were rectified vide Deed of Rectification dated 02/01/1998 registered before Sub-Registrar of Bardez, Mapusa - Goa under No.

183 of Book No. I, Volume No. 503 dated  
22/01/1998.

7. In pursuance to Deed of Partition dated 07/09/1988 read with Deed of Rectification dated 02/01/1998, the said Manguesh Sridora Mishal and his wife, Mrs. Motibai Manguesh Mishal became owners of the **SAID PROPERTY**.

8. Inventory Proceedings bearing No. 387/2019/B filed before the Civil Judge Senior Division at Mapusa-Goa reveals that the said Mr. Manguesh Sridora Mishal alias Manguexa Xete Mixal alias Manguessa Shridhar Mishal passed away on 29/09/2018 leaving behind his wife and moiety holder, Mrs. Motibai Manguesh Mishal and the following 5 children as his sole and universal legal heirs:

i. Mr. Dinesh Manguesh Mishal married to Mrs.  
Uma Dinesh Mishal



- ii. Mr. Rajesh Manguesh Mishal married to Mrs. Usha Rajesh Mishal
  - iii. Mr. Sandesh Manguesh Mishal married to Mrs. Shilpa Sandesh Mishal
  - iv. Mrs. Neema Dattaram Narvekar alias Neema Manguesh Mishal married to Mr. Dattaram Balkrishna Narvekar
  - v. Mrs. Neeta Santosh Mapari alias Nita Santosh Mapari alias Neeta Manguesh Mishal married to Mr. Santosh Datta Mapari
9. Upon the death of the said Mr. Manguesh Sridora Mishal alias Manguexa Xete Mixal alias Manguessa Shridhar Mishal, Inventory Proceedings bearing No. 387/2019/B was filed before the Civil Judge Senior Division at Mapusa-Goa by the said Mr. Dinesh Manguesh Mishal and **the SAID PROPERTY** was listed at ITEM NO. **V** and at ITEM NO. **VI**





10. Inventory Proceedings are proceedings contemplated under the then applicable Portuguese Civil Code and the present Succession Act for partition of estate and confirmation of succession AND vide Order dated 30/09/2019 passed in Inventory Proceedings bearing No. 387/2019/B by the Civil Judge Senior Division at Mapusa-Goa, **the SAID PROPERTY** at ITEM NO. **V** and at ITEM NO. **VI** was allotted to the said Mrs. Motibai Manguesh Mishal; Mr. Dinesh Manguesh Mishal married to Mrs. Uma Dinesh Mishal; Mr. Rajesh Manguesh Mishal married to Mrs. Usha Rajesh Mishal and Mr. Sandesh Manguesh Mishal married to Mrs. Shilpa Sandesh Mishal.

11. 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. **41/6** and Survey No. **41/5** of Village **Marna**, Bardez - Goa clearly shows the names of Dattaram Ganesh Mishal and Manguesh Sridora Mishal and Motibai M. Mishal. The name of Matildes Noronha was reflected in Other Rights Column in respect of Survey No. 41/6 which stands deleted. **The same requires clarification.**

12. Public notice dated 19/10/2020 was published in Gomantak (in Marathi) and Navhind Times (in English) inviting objections, if any, to the title of the said Mrs. Motibai Manguesh Mishal; Mr. Dinesh Manguesh Mishal and his wife, Mrs. Uma Dinesh Mishal; Mr. Rajesh Manguesh Mishal and his wife, Mrs. Usha Rajesh Mishal and Mr. Sandesh Manguesh Mishal and his wife, Mrs. Shilpa Sandesh Mishal in respect of **the SAID PROPERTY** within 15 days of publication of notice failing which any claim

shall be deemed to be waived or abandoned. No objections were received in pursuance to the above notice within the stipulated period of 15 days.

13. In respect of property bearing Survey No. 41/6 of Village Marna, by Judgement and Decree dated 27/07/2010, the legal heirs of Henriqueta D'Souza were directed to hand over vacant possession of the existing house structure and in pursuance to execution application no. 15/2017/C, the possession of the house structure was taken. House Tax receipts are in the name of Manguesh Mishal

14. Vide Deed of Sale dated 23/11/2020, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-3008-2020, the said Mrs. Motibai Manguesh Mishal; Mr. Dinesh Manguesh Mishal and his wife, Mrs. Uma Dinesh Mishal; Mr. Rajesh Manguesh Mishal and his wife, Mrs. Usha Rajesh Mishal and Mr. Sandesh

Manguesh Mishal and his wife, Mrs. Shilpa Sandesh Mishal sold **the SAID PROPERTY** in favour of Azara Spaces LLP

15. In light of above, considering the Inscription Description Certificate, Deed of Partition dated 07/09/1988 read with Deed of Rectification dated 02/01/1998, Order dated 30/09/2019 passed in Inventory Proceedings bearing No. 387/2019/B by the Civil Judge Senior Division at Mapusa-Goa AND Deed of Sale dated 23/11/2020 and the Survey Records in respect of the **SAID PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owner and that no objections were received in pursuance to the Public Notice, I am of the opinion that the said **AZARA SPACES LLP** has clear and marketable title in respect of **the SAID PROPERTY**.





**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 06/11/2020 bearing Ref. No. TPBZ/ZON/8064/ANJ/TCP-20/4056 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 and abutted by proposed 25.00 mtrs. wide Right of Way” as per Regional Plan for Goa 2021.



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. **41/6** of Village **Marna**, Bardez - Goa reflects the name of AZARA SPACES LLP in Form I & XIV issued by the Department of Survey, Government of Goa, which establishes the possession of the present owner.

The said property bearing Survey No. **41/5** of Village **Marna**, Bardez - Goa reflects the name of AZARA SPACES LLP 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. Nil Encumbrance Certificate dated 05/11/2020 bearing No. 1933/2020 (Survey No. 41/6) and Nil Encumbrance Certificate dated 05/11/2020 bearing No. 1934/2020 (Survey No. 41/5) in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance.

#### **CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that **AZARA SPACES LLP** has a clear and marketable title in respect of **the SAID PROPERTY**.

➤ **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;  
and

(b) I have taken the title documents under which Govinda Manguexa Xete Mixal and his wife, Soteabama 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:- 19/02/2022



(Adv. Shivan S. Desai)