

*Jose Pedro de Sant'Ana Godinho*

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ADVOCATE

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09/10/2018

CERTIFICATE OF TITLE

This Certificate of Title is issued at the request of M/S Talak Homes and Estates, having its office at Ashiyana, Comba, Margao, Goa, in respect of Plot No.7B of the property named "Datoli" also known as "Agarivelem Batta" or "Vatigally" or "Vattiagally", situated in the village of Curtorim of the taluka of Salcete. The entire property is described in the Land Registration Office of Salcete under No.21418 at folio 29 overleaf of Book B No.55 of the new series, enrolled in the land revenue roll under Matriz numbers 2115, 2118 and 2120 and surveyed under Survey Nos.337/1, 339/1, 430/2 and 440/0, together with an old house bearing H.No.308 standing thereon, situated at Maina, and bounded on the EAST partly by the land surveyed under Survey No.430/1, partly by Public Road and land surveyed under Survey No.339/2, on the WEST by Public Road, on the NORTH by land surveyed under Survey Nos.439, 438 and 431 and on the SOUTH by land surveyed under Survey Nos.336, 337/2, 338 and 341. This property shall hereinafter be called 'the entire property'.

Plot No.7B of the entire property is surveyed under Survey No.440/1-H with an area of 4395 square metres and is bounded on the EAST by nallah, on the WEST by Plot No.5B of the same property, on the NORTH by land surveyed under Survey No.438 and on the SOUTH by Public Road. The said Plot No.7B shall hereinafter be called 'the said property'.

To arrive at my findings, I have gone through the following documents:



- a) Land Registration Certificate
- b) Deed of Gift dated 13/07/1950
- c) Death Certificate of Jose Antonio Travasso
- d) Death Certificate of Maria Conceicao Barreto.
- e) Judgment and Decree in Special Civil Suit No.281/90/A
- f) Deed of Partition dated 09/05/2002
- g) Deed of Succession dated 25/10/2007
- h) Deed of Sale dated 14/01/2008
- i) Form I & XIV of Survey No.440/1-H
- j) Survey Plan of Survey No.440/1-H
- k) Sanad No.AC-II/SG/CONV/24/2008 dated 21/05/2008
- l) Letter No.TPM/CONST/Curt/440/1H/10/4069 dated 12/08/10
- m) Construction Licence No.VPC/2018-2019/4 dated 09/05/2018
- n) Nil Certificate of Encumbrance on Property No.627 of 2008 dated 20/03/2008
- o) Nil Certificate of Encumbrance on Property No.2453 of 2018 dated 03/10/2018

Having gone through the above documents, I have come to the following conclusions:

From the document at a), it is seen that the entire property is described in the Land Registration Office of Salcete under No.21418 at folio 29 overleaf of Book B No.55 of the new series and is inscribed in transmission in the name of Jose Antonio Travasso by Inscription of Transmission No.31227 recorded at folio 135 of Book G No.37.

From the document at b), it is seen that by Deed of Gift dated 13/07/1950 recorded by the erstwhile Notary Public of Salcete, Antonio Vicente da Fonseca at page 26 onwards of Book No.646, the said Jose Antonio Travasso and his wife, Maria Conceicao Barreto gifted a portion of the entire property, having an area of 2290.25 square metres to their nephew, Jose Manuel Travasso. By the



said Deed, the said Jose Antonio Travasso and his wife gifted the remaining portion of the entire property to their six sons, Francisco Xavier, Caetano Jose, Menino, Inacio, Luis and Sebastiao, and any male issue that may be born to them thereafter in equal shares with reservation of usufruct in their favour. Thereafter one more son was born to the said Jose Antonio and wife, he being Alexio Travasso. Thus the said seven sons of the said Jose Antonio and wife became entitled to the remaining portion of the entire property in equal shares, subject to the usufruct of the said Jose Antonio and wife.

From the documents at c) and d), it is seen that the said Jose Antonio Travasso and his wife, Maria Conceicao Barreto, expired on 28/08/1966 and 12/10/1991 respectively and thus their usufruct in the said property was extinguished and the said sons of Jose Antonio and Maria Conceicao thus became the absolute owners of the remaining portion of the entire property.

From the document at e), it is seen that the said Sebastiao and wife instituted a suit for partition of the entire property against the said brothers and their spouses in the Court of Civil Judge Senior Division, Margao, it being Special Civil Suit No.281/90/A. In the said suit a Commissioner was appointed who partitioned the entire property into 23 plots. By Consent Decree dated 16/07/1998, the said 23 plots were allotted to the various parties in the said suit. Group No.7, consisting of Plots Nos.7, 7A, 7B and 7 C, was allotted to Inacio Travasso alias Ignatius Travasso and his wife Muriel Priscilla D'Costa alias Muriel Priscilla Travasso.

From the document at f), it is seen that the co-owners of the entire property executed a Deed of Partition dated 09/05/2002 to give effect to the allotments made in the said suit, the said Deed having been duly registered in the Office of Sub-Registrar of Salcete under No.1763 at pages 215 to 282 of Book No.1 Vol.No.1338. By the said Deed, the said Inacio Travasso alias Ignatius Travasso and his wife were allotted Plots Nos.7, 7A, 7B and 7 C of the entire property.



From the document at g), it is seen that the said Inacio Travasso alias Ignatius Travasso expired on 13/05/2006, leaving the said Muriel Priscilla D'Costa alias Muriel Priscilla Travasso as his widow and moiety-holder and as heirs his daughter Brenda Maria Travasso alias Brenda Maria D'Costa married to Milroy D'Costa and his son, Gilbert Anthony Travasso, as his heirs, they having qualified as heirs and successors of the said Inacio Travasso alias Ignatius Travasso by Deed of Succession dated 25/10/2007 drawn by the Notary Ex-Officio of Salcete.

From the document at h), it is seen that the said Muriel Priscilla D'Costa alias Muriel Priscilla Travasso, Brenda Maria Travasso alias Brenda Maria D'Costa, Milroy D'Costa and Gilbert Anthony Travasso sold the said property, being Plot No.7B of the entire property to M/S Talak Homes and Estates by Deed of Sale dated 14/01/2008 which is duly registered in the Office of Sub-Registrar of Salcete under No.423 at pages 21 to 38 of Book No.1 Vol.No.2797.

From the documents at i) and j), it is seen that the said property is surveyed under Survey No.440/1-H with an area of 4395 square metres and that the name of M/S Talak Homes and Estates is recorded as occupant of the said survey holding.

From the document at k), it is seen that by Sanad No.AC-II/SG/CONV/24/2008 dated 21/05/2008, permission was granted to M/S Talak Homes and Estates under Section 32 of the Land Revenue Code for conversion of a portion of the said property having an area of 3997 square metres and permission was granted to the said firm to use the said land for residential purpose.

From the document at l), it is seen that the Town & Country Planning Department has, by its Letter No.TPM/CONST/Curt/440/1H/10/4069 dated 12/08/10, given its No Objection to the proposed construction of residential buildings and bungalow in the said property from the planning point of view.



From the document at m), it is seen that by Construction Licence No.VPC/2018-2019/4 dated 09/05/2018, Village Panchayat of Curtorim has granted licence to M/S Talak Homes and Estates to construct residential buildings and bungalow at Dantoloi under Survey No.440/1H of Curtorim village.

From the document at n), it is seen that it is seen that, by the Nil Certificate of Encumbrance on Property No.627 of 2008 dated 20/03/2008, the Civil Registrar and Sub-Registrar of Salcete has certified that there is no encumbrance on the said property for the period from 1<sup>st</sup> November 1965 to 19<sup>th</sup> March 2008.

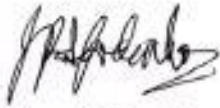
From the document at o), it is seen that it is seen that, by the Nil Certificate of Encumbrance on Property No.2453 of 2018 dated 03/10/2018, the Civil Registrar cum Sub-Registrar of Salcete has certified that there is no encumbrance on the said property for the period from 20<sup>th</sup> March 2008 to 1<sup>st</sup> October 2018.

From a study of the above documents, I have come to the conclusion that the said firm M/S Talak Homes and Estates has a clear and marketable title to the said property and that the said property is free from encumbrances. The said firm has obtained a Sanad under Section 32 of the Land Revenue Code authorizing it to convert the use of the said property for residential purpose. A Construction Licence has also been issued and permission for development has been granted to the said firm whereby it has been permitted to construct residential buildings and bungalow in the said property.

In view of the above, it is clear that the said firm M/S Talak Homes and Estates is entitled to enter into agreements and deeds in respect of the premises it proposes to construct in the said property and that the purchasers of the said premises will acquire a clear and marketable title to the said premises and



undivided right to the said property.



Jose Pedro de Sant'Ana Godinho  
(Advocate)

