

# Ramdas Kolwalker & Associates<sup>1</sup>

Ramdas R. Kolwalker  
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Rajiv R. Kolwalker  
B.Com., LL.M.

Mrs. Varsha M. Khandeparkar  
B.A., LL.B.

Vithal K. Punaji

Dirshana D. Kambli  
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ADVOCATES, HIGH COURT



## TITLE REPORT

This Title Report is given at the request of **VIANAAR PROPERTIES PRIVATE LIMITED**, a duly registered Company, having Registered office at Flat No 308, 3rd Floor, Hiren Light Indust. Co. Op. Soc, Mogul Lane, Mahim(West) Mumbai , Mumbai City Maharashtra 400016 represented by its director **Mrs. NEELAM NAGPAL**, resident of 97- B, Manekshaw Road, Anupam Garden, Sainik Farm, New Delhi-110062 , in respect of immovable property known as '**BAMMAN VADDO**', Plot 'A' admeasuring 2356 square meters bearing Survey No. 50/23-A of village Siolim, Taluka and registration sub- district of Bardez, District of North Goa, State of Goa and the said properties is not found described in the Land Registration Office nor enrolled in the Land Revenue Office and is bounded towards the North by the property bearing Survey No. 50/20 and 50/21 , South by the Plots C, D & E of property

bearing Survey No. 50/23 , East by the plot B of the property bearing survey No. 50/23-B, West by road all of Siolim, Bardez, Goa and this property shall hereinafter be referred to as the **SAID PROPERTY A** and another property known as '**BAMMAN VADDO**', Plot 'B' admeasuring 2230 square meters bearing Survey No. 50/23-B of village Siolim, Taluka and registration sub- district of Bardez, District of North Goa, State of Goa and the said property is not found described in the Land Registration Office nor enrolled in the Land Revenue Office and is bounded towards the North by the property bearing Survey No. 50/20-B and 50/21 , South by Public Road; East by the property bearing survey No. 50/21 and West by the Plot A and plot E of the property bearing survey No. 50/23-A and 50/23 all of Siolim, Bardez, Goa and this property shall hereinafter be referred to as the **SAID PROPERTY B**.

The Said Property A and the Said Property B shall hereinafter be jointly referred to as the **SAID PROPERTIES** for the sake of brevity.

The following documents were placed before me by **VIANAAR PROPERTIES PRIVATE LIMITED** through Mrs. Neelam Nagpal for scrutiny and my report thereon.



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1. Records and Proceedings of Orfonological Inventory  
Proceedings initiated upon the death of late Maia Josefina  
Salvacao Henriques of the year 1917 together with its English  
Translation.

2. Will dated 13-05-1922 at folio 44V onwards of the book of  
Wills number seven in charge of the notary Guilherme of  
Comaraca of Mapusa Joao Copertino da Caridade Frias together  
with its English Translation.

3. Deed of Release and Relinquishment drawn on 23/08/2007, at  
folio 23-26, Book No.818. registered in the Office of the Civil  
Registrar cum Sub -Registrar.

4. Memorandum of Understanding dated 4-07-2009 executed at  
Mapusa, Goa.



5. Deed of Sale dated 27-07-2011 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No. BRZ-BK1-03687-2011 , Book 1 Document, CD Number BRZD206 dated 29-07-2011.



6. Deed of Partition dated 27-07-2011 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No. BRZ-BK1-04246-2011 , Book 1 Document, CD Number BRZD222 dated 07-09-2011.

7. Agreement dated 29/07/2011, registered before the Notary Advocate S.R Timble, bearing registration no. 287941, dated 29/02/2011.

8. Deed of Sale dated 23-09-2011 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No. BRZ-BK1-4522-2011 , Book 1 Document, CD Number BRZD229 dated 23-09-2011.

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9. Deed of Sale dated 22-11-2022 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-1-5322-2022 , Book 1-Document dated 25-11-2022.

10. Agreement for Confirmation of Rights dated 23-11-2022 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-1-5298-2022 , Book 1-Document dated 24-11-2022.

11. Judgement , Order and Decree dated 29-09-2007 in Regular Civil Suit bearing no.113/2006/C passed by the Civil Judge Senior Division at Mapusa, Goa.

12. Manual Form of the property bearing Survey No.50/23 issued by the Office of the Talathi, Bardez-Goa.



13. Form III issued by the Office of Talathi ,Siolim, Bardez-Goa.
14. Form 9 issued by the Office of Talathi ,Siolim, Bardez-Goa.
15. Form I & XIV bearing Survey No. 50 Sub-Division No. 23-A of Village Siloim, Bardez – Goa.
16. Survey Plan of Survey No. 50 Sub-Division No. 23-A of Village Siloim, Bardez – Goa.
17. Form I & XIV bearing Survey No. 50 Sub-Division No. 23-B of Village Siloim, Bardez – Goa.
18. Survey Plan of Survey No. 50 Sub-Division No. 23-B of Village Siloim, Bardez – Goa.
19. Zoning Certificate from the office of the Senior Town Planner, of zoning of the property bearing Survey No.50/23-A of Village Siloim, Bardez – Goa, bearing reference Number TPBZ/ZON/10724/SIO/TCP-2022/7869, dated 16/12/2022.



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20. Zoning Certificate issued by the office of the Senior Town Planner, of zoning of the property bearing Survey No.50/23-B of Village Siloim, Bardez – Goa, bearing reference Number TPBZ/ZON/10723/SIO/TCP-2022/7868, dated 16/12/2022.

21. Nil Encumbrance Certificate bearing Certificate No.2881 of 2022, of the property bearing survey no.50/23-A of Village Siloim, Bardez – Goa, issued by the Civil Registrar Cum Sub-Registrar of Bardez-Goa.

22. Nil Encumbrance Certificate bearing Certificate No.2880 of 2022, of the property bearing survey no.50/23-B of Village Siloim, Bardez – Goa, issued by the Civil Registrar Cum Sub-Registrar of Bardez-Goa.

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I have carefully perused the above documents and I have to state as follows:

a) As per the document at Sr. No.1 which is Records and Proceedings of Orfonological Inventory Proceedings initiated upon the death of late Maia Josefina Salvacao Henriques of the year 1917 together with its English Translation it is seen that the upon the death of late Maia Josefina Salvacao Henriques widow of late Caetano Francisco da Cunha an Inventory Proceedings was initiated and who had left the following heirs i.e first son Espectecao da Cunha who was a bachelor and widow and children of the earlier deceased second son late Exhaltacao da Cunha.



b) As per the document at Sr. No.2 which is a Will dated 13-05-1922 at folio 44V onwards of the book of Wills number seven in charge of the notary Guilherme of Comaraca of Mapusa Joao Copertino da Caridade Frias together with its English Translation Mr. Espectecao da Cunha in his status of bachelorhood bequeathed all his estate to his nephews namely Mr. Caetano Francisco Da Cunha, Antonio Piedade da Cunha, Jose Sebastiao da Cunha and Joaquim Xavier da Cunha all sons of his deceased brother Exaltacao da Cunha and his wife

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Arminia Emilia da Oliveira in equal parts all his assets , rights and shares and appointing and instituting them as his universal heirs to all his estate.

c) As per the document at Sr. No.3 which is Deed of Release and Relinquishment drawn on 23/08/2007, at folio 23-26, Book No.818 registered in the Office of the Civil Registrar cum Sub – Registrar 1. Mrs. Bertha Martin, widow of Savy Martin, 2.Mrs. Rielle Kudyadi alias Rielle Martin; daughter of late Savy Martin and her husband, 3. Mr. Reoferron Martin; son of late Savy Martin, all residing at 3, Gulmanor Building, 8 Strand Road, Opp. Telephone Bhavan, Colaba, Mumbai-400005 , 4. Mrs. Maria Olivia Lena D'Cunha alias Leena D'Cunha, widow of late Joseph D'Cunha, 5.Ms. Melinda D'Cunha; daughter of late Joseph D'Cunha, 6. Mr. Anthony Brian D'Cunha; son of late Joseph D'Cunha, 7. Ms. Maureen D'Cunha; daughter of late Joseph D'Cunha, 8. Mr. John Paul D'Cunha; son of late Joseph D'Cunha, all residing at 303/B, Pushkar Apartments, Babula Junction, Vasai (w), Mumbai-401207 , 9. Mrs. Theresa



Mendes wife of Blanco Mendes , of full age, married, business , of Indian Origin and her husband 10. Mr. Blanco Mendes of full age, married, Indian Origin residing at E-8 , Palm Crest Colva Goa , through their duly constituted attorney Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 released their rights to the estate of their parents / parents in law, grand parents namely late Joaquim D'Cunha alias Joaquim Xavier Da Cunha alias Joaquim Xavier Das Dores e Cunha alias Joaquim Das Dores Cunha alias Joaquim Xavier Das Dores da Cunha alias Joaquim Xavier and his wife Mrs. Ruby D'Cunha alias Robertina Carmelina Linda Vitolrin de Souza alias Robertina Carmelina Linda V. de Souza alias Robertina Carmelina V. L. de Souza alias Robertina Carmelina Linda D'Cunha alias Robertina de Souza alias Robertina Carmelina both of whom expired at Mumbai on 30-07-1996 and 16-02-1990 respectively ( son and daughter in law of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira ) in favour of the remaining co-heirs namely 1. Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha and his wife, 2. Mrs. Marian D'Cunha, both residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 , 3.Mrs. Marie Julie Fernandes alias Julie Fernandes; daughter of late Caetano Francisco D'Cunha, and her husband 4.Mr. Antony Evaristo Fernandes alias Tony Fernandes; son of late John



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Peter Fernandes, both residing at 3, Baptista Bhavan, St. John Baptista Road, Bandra, Mumbai-400050 5. Ms. Maria Hotencia Pricilla Gracis D'Cunha alias Maria Garcia D'Cunha alias Maria Gracia D'Cunha; daughter of late Caetano Francisco D'Cunha, residing at House No.89, Opp. Agnel Ashram, Verna, Salcette, Goa.

d) As per the document at Sr. No.4 which is Memorandum of Understanding dated 4-07-2009 executed at Mapusa, Goa 1.Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha and his wife 2.Mrs. Marian D'Cunha, both residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 , 3.Mrs. Marie Julie Fernandes alias Julie Fernandes; daughter of late Caetano Francisco D'Cunha, and her husband 4.Mr. Antony Evaristo Fernandes alias Tony Fernandes; son of late John Peter Fernandes, both residing at 3, Baptista Bhavan, St. John Baptista Road, Bandra, Mumbai-400050 , 5.Ms. Maria Hotencia Pricilla Gracis D'Cunha alias Maria Garcia D'Cunha alias Maria Gracia D'Cunha; daughter of late Caetano Francisco D'Cunha,

residing at House No.89, Opp. Agnel Ashram, Verna, Salcette, Goa, 6. Mrs. Maria Olivia Lena D'Cunha alias Leena D'Cunha, widow of late Joseph D'Cunha, 7. Ms. Melinda D'Cunha; daughter of late Joseph D'Cunha, 8. Mr. Anthony Brian D'Cunha; son of late Joseph D'Cunha, 9. Ms. Maureen D'Cunha; daughter of late Joseph D'Cunha, 10. Mr. John Paul D'Cunha; son of late Joseph D'Cunha, all residing at 303/B, Pushkar Apartments, Babula Junction, Vasai (w), Mumbai-401207, 11. Mrs. Bertha Martin, widow of Savy Martin, 12. Mrs. Rielle Kudyadi alias Rielle Martin; daughter of late Savy Martin, 13. Mr. Reoferron Martin; son of late Savy Martin, all residing at 3, Gulmanor Building, 8 Strand Road, Opp. Telephone Bhavan, Colaba, Mumbai-400005, 14. Mrs. Theresa Mendes wife of Blano Mendes, of full age, married, business, of Indian Origin and her husband 15. Mr. Blano Mendes of full age, married, Indian Origin residing at E-8, Palm Crest Colva Goa (heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira) declared to have orally agreed to sell distinct and independent Plot A admeasuring 2232 square meters (the Said Property A) out of property bearing survey No.50 sub division 23 of Village Siolim, Bardez, Goa for valuable consideration to M/s Dolce Vita Restaurants Private Limited, a company duly registered under the Indian Companies Act having its registered office at 25 Fort Road Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 represented by its Chairman and Managing Director Mr. Mustafa



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Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016.

e) As per the document at Sr. No.5 which is Deed of Sale dated 27-07-2011 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-BK1-03687-2011 , Book 1 Document, CD Number BRZD206 dated 29-07-2011 1.Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha and his wife 2.Mrs. Marian D'Cunha, both residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 (heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira) sold distinct and independent Plot B admeasuring 2230 square meters out of property bearing survey No.50 sub division 23 of Village Siolim , Bardez, Goa (subsequently which was partitioned as survey No.50 sub division 23-B of Village Siolim , Bardez, Goa) for valuable consideration to Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016. In the said



Deed of Sale 1.Mrs. Marie Julie Fernandes alias Julie Fernandes; daughter of late Caetano Francisco D'Cunha, and her husband,2.Mr. Antony Evaristo Fernandes alias Tony Fernandes; son of late John Peter Fernandes, both residing at 3, Baptista Bhavan, St. John Baptista Road, Bandra, Mumbai-400050 , 3.Ms. Maria Hotencia Pricilla Gracis D'Cunha alias Maria Garcia D'Cunha alias Maria Gracia D'Cunha; daughter of late Caetano Francisco D'Cunha, residing at House No.89, Opp. Agnel Ashram, Verna, Salcette, Goa , 4.Mrs. Maria Olivia Lena D'Cunha alias Leena D'Cunha, widow of late Joseph D'Cunha, 5.Ms. Melinda D'Cunha; daughter of late Joseph D'Cunha, 6.Mr. Anthony Brian D'Cunha; son of late Joseph D'Cunha, 7.Ms. Maureen D'Cunha; daughter of late Joseph D'Cunha, 8.Mr. John Paul D'Cunha; son of late Joseph D'Cunha, all residing at 303/B, Pushkar Apartments, Babula Junction, Vasai (w), Mumbai-401207 (heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira) were signatories as the Confirming Parties.



f) As per the document at Sr. No.6 which is Deed of Partition dated 27-07-2011 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-BK1-04246-2011 , Book 1 Document, CD Number BRZD222 dated 07-09-2011 executed between 1.Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha and his wife 2.Mrs. Marian D'Cunha, both

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residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 as parties of the First Part, 1.Mrs. Marie Julie Fernandes alias Julie Fernandes; daughter of late Caetano Francisco D'Cunha, and her husband 2.Mr. Antony Evaristo Fernandes alias Tony Fernandes; son of late John Peter Fernandes, both residing at 3, Baptista Bhavan, St. John Baptista Road, Bandra, Mumbai-400050, 3.Ms. Maria Hotencia Pricilla Gracis D'Cunha alias Maria Garcia D'Cunha alias Maria Gracia D'Cunha; daughter of late Caetano Francisco D'Cunha, residing at House No.89, Opp. Agnel Ashram, Verna, Salcette, Goa, 4.Mrs. Maria Olivia Lena D'Cunha alias Leena D'Cunha, widow of late Joseph D'Cunha, 4.Ms. Melinda D'Cunha; daughter of late Joseph D'Cunha, 5.Mr. Anthony Brian D'Cunha; son of late Joseph D'Cunha, 5.Ms. Maureen D'Cunha; daughter of late Joseph D'Cunha, 6.Mr. John Paul D'Cunha; son of late Joseph D'Cunha, all residing at 303/B, Pushkar Apartments, Babula Junction, Vasai (w), Mumbai-401207, 7. Mrs. Bertha Martin, widow of Savy Martin, 8. Mrs. Rielle Kudiyadi alias Rielle Martin; daughter of late Savy Martin, 9. Mr. Reoferron Martin; son of late Savy Martin, all residing at 3,



Gulmanor Building, 8 Strand Road, Opp. Telephone Bhavan, Colaba, Mumbai-400005 as parties of the Second Part, 1.Mrs. Theresa Mendes wife of Blano Mendes , of full age, married, business , of Indian Origin and her husband 2.Mr. Blano Mendes of full age, married, Indian Origin residing at E-8 , Palm Crest Colva Goa as Confirming Parties ( all heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira) partitioned the property bearing survey No.50 sub division 23 of Village Siolim , Bardez, Goa admeasuring 5600 square meters into 5 plots namely Plot A admeasuring 2358 square meters i.e the Suit Property A , Plot B admeasuring 2373 square meters i.e the Suit Property B, Plot C admeasuring 275 square meters, Plot D admeasuring 275 square meters, Plot E admeasuring 320 square meters as per the sketch annexed thereto. Thereafter an application for partition was filed before the office of the Deputy Collector and SDO Mapusa and the property bearing survey No.50 sub division 23 of Village Siolim , Bardez, Goa was partitioned and Said Property A was given a separate survey No.50 sub division 23-A admeasuring 2356 square meters by virtue of final order No.15/285/2013/PART/LAND dated 24-11-2014 and Said Property B was given a separate survey No.50 sub division 23-B admeasuring 2230 square meters by virtue of final order No.15/284/2013/PART/LAND dated 15-12-2014.



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g) As per the document at Sr. No.7 which is Agreement dated 29/07/2011, registered before the Notary Advocate S.R Timble, bearing registration no.287941, dated 29/07/2011 executed between 1.Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha and his wife, 2.Mrs. Marian D'Cunha, both residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 as parties of the First Part , 1.Mrs. Marie Julie Fernandes alias Julie Fernandes; daughter of late Caetano Francisco D'Cunha, and her husband, 2.Mr. Antony Evaristo Fernandes alias Tony Fernandes; son of late John Peter Fernandes, both residing at 3, Baptista Bhavan, St. John Baptista Road, Bandra, Mumbai-400050 , 3. Ms. Maria Hotencia Pricilla Gracis D'Cunha alias Maria Garcia D'Cunha alias Maria Gracia D'Cunha; daughter of late Caetano Francisco D'Cunha, residing at House No.89, Opp. Agnel Ashram, Verna, Salcette, Goa, 4.Mrs. Maria Olivia Lena D'Cunha alias Leena D'Cunha, widow of late Joseph D'Cunha, 5.Ms. Melinda D'Cunha; daughter of late Joseph D'Cunha, 6. Mr. Anthony Brian D'Cunha; son of late Joseph D'Cunha, 7. Ms. Maureen D'Cunha; daughter

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of late Joseph D'Cunha, 8. Mr. John Paul D'Cunha; son of late Joseph D'Cunha, all residing at 303/B, Pushkar Apartments, Babula Junction, Vasai (w), Mumbai-401207 as parties of the Second Part , 1.Mrs. Bertha Martin, widow of Savy Martin, 2. Mrs. Rielle Kudyadi alias Rielle Martin; daughter of late Savy Martin, 3.Mr. Reoferron Martin; son of late Savy Martin, all residing at 3, Gulmanor Building, 8 Strand Road, Opp. Telephone Bhavan, Colaba, Mumbai-400005 , 4. Mrs. Theresa Mendes wife of Blanco Mendes , of full age, married, business , of Indian Origin and her husband 5.Mr. Blanco Mendes of full age, married, Indian Origin residing at E-8 , Palm Crest Colva Goa as parties of the Third Part (Parties of the First Part, Second Part and the Third Part being the heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira), Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 as party of the Fourth Part and M/s EISA Infra Pvt. Ltd, a company having its registered office at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 as party of the Fifth Part agreed to clear the title and sell distinct and independent Plot A admeasuring 2232 square meters (subsequently which was partitioned as survey No.50 sub division 23-A of Village Siolim , Bardez, Goa) and Plot B admeasuring 2230 square meters (subsequently which was partitioned as survey No.50 sub division 23-B of Village Siolim , Bardez, Goa) out of property bearing survey No.50



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sub division 23 of Village Siolim , Bardez, Goa for valuable consideration to M/s EISA Infra Pvt. Ltd.

h) As per the document at Sr. No.8 which is Deed of Sale dated 23-09-2011 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-BK1-4522-2011 , Book 1 Document, CD Number BRZD229 dated 23-09-2011 executed between 1.Mr. Albert Joaquim D'Cunha alias Albert D'Cunha; son of Joaquim D'Cunha and his wife, 2. Mrs. Marian D'Cunha, both residing at Flat No.403-A, Shalibadhra Apartments, 147, Datta Mandir, Malad(E), Mumbai-400097 , 3.Mrs. Marie Julie Fernandes alias Julie Fernandes; daughter of late Caetano Francisco D'Cunha, and her husband, 4.Mr. Antony Evaristo Fernandes alias Tony Fernandes; son of late John Peter Fernandes, both residing at 3, Baptista Bhavan, St. John Baptista Road, Bandra, Mumbai-400050, 5. Ms. Maria Hotencia Pricilla Gracis D'Cunha alias Maria Garcia D'Cunha alias Maria Gracia D'Cunha; daughter of late Caetano Francisco D'Cunha, residing at House No.89, Opp. Agnel



Ashram, Verna, Salcette, Goa, 6. Mrs. Maria Olivia Lena D'Cunha alias Leena D'Cunha, widow of late Joseph D'Cunha, 7. Ms. Melinda D'Cunha; daughter of late Joseph D'Cunha, 8. Mr. Anthony Brian D'Cunha; son of late Joseph D'Cunha, 9. Ms. Maureen D'Cunha; daughter of late Joseph D'Cunha, 10. Mr. John Paul D'Cunha; son of late Joseph D'Cunha, all residing at 303/B, Pushkar Apartments, Babula Junction, Vasai (w), Mumbai-401207, 11. Mrs. Bertha Martin, widow of Savy Martin, 12. Mrs. Rielle Kudyadi alias Rielle Martin; daughter of late Savy Martin and her husband, 13. Mr. Sunil Kudyadi, 14. Mr. Reoferron Martin; son of late Savy Martin, all residing at 3, Gulmanor Building, 8 Strand Road, Opp. Telephone Bhavan, Colaba, Mumbai-400005 (All heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira) sold distinct and independent Plot A admeasuring 2356.50 square meters out of property bearing survey No.50 sub division 23 of Village Siolim, Bardez, Goa (subsequently which was partitioned as survey No.50 sub division 23-A of Village Siolim, Bardez, Goa) for valuable consideration to M/s EISA Infra Pvt. Ltd., a company having its registered office at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 and Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016.



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ADVOCATES, HIGH COURT

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i. As per the document at Sr. No.9 which is Deed of Sale dated 22-11-2022 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-1-5322-2022 , dated 25-11-2022 M/s EISA Infra Pvt. Ltd, a company having its registered office at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 through its director Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 and 2.Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 sold immovable property bearing survey No.50 sub division 23-A of Village Siolim , Bardez, Goa admeasuring 2356 square meters and property bearing survey No.50 sub division 23-B of Village Siolim , Bardez, Goa admeasuring 2230 square meters for valuable consideration to Vianaar Properties Private Limited a duly registered Company, having Registered office at Flat No 308, 3rd Floor, Hiren Light Indust. Co. Op. Soc, Mogul Lane, Mahim(West) Mumbai , Mumbai City, Maharashtra 40016 represented by its



director Mrs. Neelam Nagpal resident of 97- B, Manekshaw Road, Anupam Garden, Sainik Farm, New Delhi-110062.

j) As per the document at Sr. No.10 which is Agreement for Confirmation of Rights dated 23-11-2022 duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-1-5298-2022 , Book 1-Document dated 24-11-2022 executed between 1. Mrs. Amelia Salvacao Francis, 2. Mrs. Cecelia Antoinette Francis Lynch alias Cecilia A Francis Lynch married to 3. Mr. John William Lynch both residents of Bonanza, Burgoyne Road, Sunburyon Thames,TW167PP,UK as parties of the First Part , 1 Mr. Nelson D'silva married to 2.Mrs.Catherine D'silva , residing at T-9, Block 4, PaiBhavan, Tonca, Caranzalem, Goa,403002 as parties of the Second Part, 1. Mr.Savio Joseph Edward D'cunha alias Savio D'Cunha, residing at RHIIB6 (ground Floor),Sector 6,Vashi,Navi Mumbai400703 as parties of the Third Part , 1.Mrs. Sandra D'Cunha residing at 58 Preston Road, Wembley,Middlesex,HA98LA,UK as parties of the Fourth Part (Parties of the First Part, Second Part , the Third Part and the Fourth Part being the heirs of late Exaltacao da Cunha and his wife late Arminia Emilia da Oliveira), Vianaar Properties Private Limited a duly registered Company represented by its director Mrs. Neelam Nagpal as party of the Fifth Part , M/s EISA Infra Pvt. Ltd



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# <sup>23.</sup> *Ramdas Kolwalker & Associates*

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B.A., LL.B.

*Rajiv R. Kolwalker*  
B.Com., LL.M.

*Mrs. Varsha M. Khandeparkar*  
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*Vithal K. Punaji*

*Dirshana D. Kambli*  
B.A., LL.B.  
LL.B. (HONS)

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as party of the Sixth Part, Mr. Mustafa Eisa as parties of the Seventh Part, The parties of the First Part, the Parties of the Second Part, the parties of the Third Part and the parties of the Fourth Part confirmed the legality of the Deed of Sale dated 23-09-2011 and Deed of Sale dated 27-07-2011 both referred to hereinabove for valuable consideration and also confirmed the ownership rights of the Party of the Sixth part and of the Party of the Seventh Part to the Said Property A and the Said Property B sold thereunder.

k) As per the documents at Sr. No.11, 12, 13 and 14 which are Decree dated 29-09-2007 in Regular Civil Suit bearing no.113/2006 /C passed by the Civil Judge Senior Division at Mapusa, Goa Manual Form I and XIV, Form III and Form 9 of the property bearing Survey No.50/23 issued by the Office of the Talathi, Bardez-Goa and the name of one Mr. Manuel Sebastiao Fernandes which was wrongly recorded in the tenant column of



form I and XIV of the property bearing Survey No.50/23 of village Siolim, Bardez, Goa was duly deleted upon obtaining a final decree dated 29-09-2007 passed in Regular Civil Suit bearing No.113/2006/C for declaration filed against Mr. Manuel Sebastiao Fernandes by Mr. Albert D' Cunha and his wife Mrs. Marian D'Cunha before the Hon Civil Judge Senior Division at Mapusa and this judgement, order and decree dated 29-09-2007 passed in Regular Civil Suit bearing No.113/2006/C has attained finality for want of appeal.



l) As per the documents at Sr. No. 15 and 16 which are Form I & XIV and Survey Plan of property bearing Survey No. 50 Sub-Division No. 23-A of Village Siloim, Bardez – Goa., the same stands in the name of Vianaar Estates Private Limited which is the current exclusive owner in possession of the Said Property A.

m) As per the documents at Sr. No.17 and 18 which are Form I & XIV and Survey Plan of property bearing Survey No. 50 Sub-Division No. 23-B of Village Siloim, Bardez – Goa. the same stands in the name of Vianaar Estates Private Limited which is

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LL.B. (HONS)

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the current exclusive owner in possession of the Said Property  
B.

n) As per the document at Sr. No.19 which is Zoning Certificate from the Office of the Senior Town Planner, of zoning of the Said Property bearing Survey No.50/23-A of Village Siolim, Bardez, Goa, having reference Number TPBZ/ZON/10724/SIO/TCP-2022/7869, dated 16/12/2022 it is clear that as per the Regional Plan for Goa 2021 the property under reference falls in SETTLEMENT ZONE CATEGORY (VP-2) with permissible FAR 60.

o) As per the document at Sr. No.20 which is Zoning Certificate from the Office of the Senior Town Planner, of zoning of the Said Property bearing Survey No.50/23-B of Village Siolim, Bardez, Goa, having reference Number TPBZ/ZON/10723/SIO/TCP-2022/7868, dated 16/12/2022 it is clear that as per the Regional



Plan for Goa 2021 the property under reference falls in SETTLEMENT ZONE CATEGORY (VP-2) with permissible FAR 60.



p) As per the document at Sr. No.21 which is Nil Encumbrance Certificate bearing Certificate No.2881, of the property bearing survey no.50/23-A, issued by the Civil Registrar Cum Sub-Registrar of Bardez-Goa wherein it is clearly stated therein that upon search no encumbrances affecting the Said Property was found for a period of 12 years from 23<sup>rd</sup> September,2011 to 24<sup>th</sup> November,2022.

q) As per the document at Sr. No.22 which is Nil Encumbrance Certificate bearing Certificate No.2880, of the property bearing survey no.50/23-B issued by the Civil Registrar Cum Sub-Registrar of Bardez-Goa wherein it is clearly stated therein that upon search no encumbrances affecting the said property was found for a period of 12 years from 23<sup>rd</sup> July,2011 to 24<sup>th</sup> November,2022.

In view of the above, I am of the opinion that M/s EISA Infra Pvt. Ltd, a company having its registered office at 25, Fort Road, Mount View No.2,

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Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 through its director Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 and 2. Mr. Mustafa Eisa, residing at 25, Fort Road, Mount View No.2, Ground Floor, near Mahim Police Station, Mahim(w), Mumbai-400016 sold immovable property bearing survey No.50 sub division 23-A of Village Siolim , Bardez, Goa admeasuring 2356 square meters and property bearing survey No.50 sub division 23-B of Village Siolim , Bardez, Goa admeasuring 2230 square meters for valuable consideration to Vianaar Properties Private Limited a duly registered Company represented by its director Mrs. Neelam Nagpal under the Deed of Sale dated 22-11-2022 executed at Mapusa, Goa and duly registered in the office of the Civil cum Sub Registrar of Bardez at Mapusa under No.BRZ-1-5322-2022 , , Book 1 Document dated 25-11-2022 . Thus Vianaar Properties Private Limited is the exclusive and legal owner in possession of the Said Properties with a marketable title thereto. The Said Properties are having no encumbrance



and the above said owner is free to sell, agree to sell, dispose off, construct/ develop or agree to develop the said property fully or in parts to any person or persons of its choice.

Place: Mapusa, Goa.

Date: 17<sup>th</sup> May , 2023



(RAJIV R. KOLWALKER)

