

Galileo F. Teles
Advocate (High Court)

306, Gera Imperium
EDC Complex,
Patto Plaza,
Near Bus Stand,
Panaji, Goa
Mob: 9370538063
Phone No: 0832-2993063

Date: 14/04/2023

Ref No. Galileo/Gen/Non-Lit/040/2023/Out

ANNEXURE 'A'

THE TITLE VERIFICATION AND SEARCH REPORT

1.	Report prepared for	Ishom Estate Pvt. Ltd.
2.	Particulars of the documents scrutinized - serially and chronologically	<p>a) Document of Land description no. 2150 at page 273V of Book No. B- 14 Old of Land Registration Record of Bardez preserved in the Department of Archives, Panaji, Goa along with Translation.</p> <p>b) Application dated 8/01/1986 under Section 103 of Land Revenue Code, 1968 along with Order dated 18/08/1989 passed in Case No. 18/55/86/LRC/MISC passed by Deputy collector & S.D.O. Mapusa, Sub-Division, Mapusa.</p> <p>c) Deed of Sale dated 16/01/1998 registered in Book 1 document, Volume 513, registered under No. 179 on 21/01/1998 before the Sub-Registrar of Bardez, Mapusa.</p> <p>d) Suit for Declaration dated 18/09/2000 and registered as RCS No. 160/2000/Jr-I before the Civil Judge Junior Division at Mapusa.</p> <p>e) Consent Terms Letter dated 23/10/2000 filed by parties in RCS No. 160/2000/Jr-I before the Civil Judge Junior Division at Mapusa.</p>

		<p>f) Judgement & Order dated 23/10/2000 passed by the Additional Civil Judge – I Junior Division at Mapusa in Regular Civil Suit No. 160/2000/1/Addl. directing the name of Mrs. Diodita Britto to be deleted</p>
		<p>g) Order dated 31/01/2001 passed by the Deputy Collector & S.D.O., Sub- Division, Mapusa – Goa, in case bearing No. 18/256/2000/LRC/MISC ordering the re- classification of land showing as 'Bharad'.</p>
		<p>h) Sanad dated 30/11/2001 bearing Reference No. CNV/BAR/156/2001/9057 issued by Office of the Deputy Collector & S.D.O, Sub Division, Mapusa, North Goa District, Mapusa – Goa.</p>
		<p>i) Deed of Sale dated 18/02/2003, registered before the Sub-Registrar of Bardez, Mapusa under no. 379 at pages 250 to 259, Book I, Volume No. 987 on 19.2.2003.</p>
		<p>j) Deed of Succession dated 9th April, 2003 before the Notary Ex-Officio, Pernem.</p>
		<p>k) Deed of Sale dated 27/02/2009 registered in Book I document, Volume 2757, registered under No. 466 at pages 287 to 308 on 5/03/2009 before the Sub-Registrar of Bardez, Mapusa.</p> <p>l) Public Notice issued on 26/10/2022 inviting objection on The Navhind Times English daily.</p> <p>m) Technical Clearance Order dated 6/01/2023 bearing Reference no. TPB/7970/OLA/TCP-2023/91 issued by the Office of Senior Town Planner.</p>

		<p>n) Deed of Sale dated 13/01/2023 registered in Book 1 document, under Registration No. BRZ -1-207-2023 on 13/01/2023 before the Sub-Registrar of Bardez.</p> <p>o) Health No Objection Certificate dated 20.01.2023 for Proposed Construction of Residential Units 1 to 8, Swimming Pool & Compound Wall issued by the Directorate of Health Services, Primary Health Centre, Aldona - Goa.</p> <p>p) Manual Form I and XIV of property bearing Survey No. 24/1 of Olaulim Village.</p> <p>q) Form 9 of property bearing Survey No. 24/1 of Olaulim Village.</p> <p>r) Form III (Index of Land) of property bearing Survey No. 24/1 of Olaulim Village.</p> <p>s) Recent Form I & XIV of property bearing Survey No. 24/1 of Olaulim Village reflecting the name of Ishom Estate Pvt. Ltd in the Occupant's Column.</p> <p>t) Survey Plan of property bearing Survey No 24/1 of Olaulim Village issued by Directorate of Settlement & Land Records.</p> <p>u) Nil Encumbrance Certificate bearing No. 246 of 2023 dated 2/02/2023 issued by the Sub Registrar of Bardez.</p>
3.	Nature Documents of	Original/Certified/Photocopy/Court Copies of the documents listed in clause 2 are verified.
4.	Complete or Full Description of said Immovable Property	All that property known as "Khupeneche Bhat" also known as "Kupenche Bhat" alias "Kupemchem Bhat" alias "Kuphechem Bhat" alias "Horta" alias "Kavlechem Bhat", admeasuring 4350 sq. mts bearing Survey No. 24/1 , situated at

		Pomburpa - Olaulim Village, Bardez Taluka, North Goa District, State of Goa, described in the Land Registration Office under No. 2150 at Folios 273 V of Book B Old and not known to be registered in the Land Revenue Office.
5.	Survey No.	24/1
6.	Locations like name of the place, village, city, registration, Sub-District etc.	Village Panchayat of Pomburpa-Olaulim, Bardez Taluka, North Goa District, State of Goa, India.
7.	Boundaries (of the property).	North: By the boundary of Village Aldona; South: By the Road; East: By Property bearing Survey No. 24/2 of Village Olaulim; West: By Properties bearing Survey Nos. 24/4, 24/6 and 24/7 of Village Olaulim.
8.	Flow of titles tracing out the title, of the intended mortgagor and his/its Predecessors in interest from Mother Deed to the latest Title Deed	Flow of the Title shown as per Enclosed Annexure 'B' .
9.	Encumbrances, Attachments, and/or claims whether of Government, Central or State or other Local Authorities or Third Party claims, liens etc. and details thereof. If yes, give the details thereof.	Nil Encumbrance Certificate dated 2/02/2023 issued by Sub-Registrar of Mapusa, Bardez - Goa.
10.	The period covered under the Encumbrances Certificate and the name of the	For a period from 13 th January 2023 to 1 st February 2023.

	person in whose favour the encumbrance is created and if so, satisfaction of charge, if any.	
--	--	--

Date: 14/04/2023

Place: Panaji – Goa



Galileo F. Teles

GALILEO F. TELES
B.G.L, LL.B (HONS)
306, GERA'S IMPERIUM-1,
Patio Plaza, EDC Complex,
Panaji-Goa, 403 001

Galileo F. Teles
Advocate (High Court)

306, Gera Imperium
EDC Complex,
Patto Plaza,
Near Bus Stand,
Panaji, Goa
Mob: 9370538063
Phone No:0832-2993063

Date: 14/04/2023

Ref No.Galileo/Gen/Non-Lit/ 041 /2023/Out

ANNEXURE 'B'

Sir,

The undersigned has perused and scrutinized all the documents enlisted in paragraph 2 of **Annexure 'A'**, the File pertaining to property admeasuring an area of 4350.00 Sq. Mts, surveyed under Survey No. 24/1 of Pomburpa - Olaulim Village, Bardez - Goa, "KHUPENECHE BHAT" also known as "KUPENCHE BHAT" alias "KUPEMCHEM BHAT" alias "KUPHECHEM BHAT" alias "HORTA" alias "KAVLEACHEM BHAT" alias 'CUPENEACHEM BATTa' situated in the Pomburpa - Olaulim Village, Bardez Taluka, within the limits of Village Panchayat of Pomburpa - Olaulim Village, Bardez Taluka, Bardez Taluka, District North Goa, State of Goa.

Hereinafter referred to as "Said Property".

1. There exists a Property known as an ' *Kupechem Bhat*' also known as '*Kupenche Bhat*' alias '*Horta*' alias '*Kuvleachem Bhat*' alias '*Cupeneachem Batta*'

described under No. 2150 at folios two hundred seventy three reverse of Book B-14 (old) and not inscribed in the Land Registration Records. The said property is presently surveyed under No. 24/1 admeasuring 4350 sq. mts and situated at Pomburpa-Olaulim, Bardez Goa, within the jurisdiction of the village Panchayat of Olaulim, Sub- District and Taluka Bardez, District North Goa and state of Goa.

2. The Said Property originally belonged to Mrs. Maria Leonildes Toscano who died in the year 1947 and upon her death the same came to be owned and possessed by operation of law by late Maria Elisa Toscano Ticlo who was the only heir of the said Maria Leonildes Toscano.

3. Mrs. Maria Elisa Toscano Ticlo was married to Antonio Teofilo o D'Souza Ticlo and out of their wedlock had only one child namely Mr. Brass Silvino D'Souza Ticlo alias Brass Silvire D'Souza Ticlo.

4. After the demise of the said Maria Elisa Toscano Ticlo & Antonio Teofilo D'Souza Ticlo, the SAID PROPERTY was succeeded by Mr. Brass Silvino D'Souza Ticlo who is the only son and sole heir of said Mrs. Maria Elisa Toscano Ticlo & Antonio Teofilo D'Souza Ticlo.



5. Mr. Brass Silvino D'Souza Ticlo was married to Mrs. Modesta D'souza Ticlo under regime of communion of assets and both became the absolute owners of the *Said Property* by operation of law in force.

6. After acquiring rights & interests in the *said property* Mr. Brass Silvino D'Souza Ticlo filed an Application dated 08/01/1986 under Section 103 of Land Revenue Code, 1968 to correct the survey records of property bearing Survey No. 24/1 of Pomburpa - Olaulim Village which was registered as Case No. 18/55/86/LRC/MISC in the Court of Deputy Collector & SDO Mapusa.

7. The Applicant namely Mr. Brass Silvino D'Souza Ticlo vide aforesaid Application inter-alia prayed that the error in the survey record against Survey No. 24/1 be corrected and include "*Shri. Brass Silvino D'Souza Ticlo* as occupant instead of *Deliciosa Catelino*".

8. The Applicant Mr. Brass Silvino D'Souza Ticlo made a specific averment in the said Application before the Deputy Collector & SDO Mapusa that from the year 1947 till the date of death of his mother Mrs. Maria Elisa Toscano Ticlo, the *said property* was in her possession and after her death the Applicant

continued to be in possession and enjoyment as owner thereof.

9. Based upon the averments made in the Application dated 08/01/1986 which were duly verified by the Attorney of the Applicant, and after considering the Affidavit filed by one Apollinho Francisco Curia who gave no objection for correction of Survey records by deleting the name of her step mother Late Deliciosa Castelina, the Deputy Collector & SDO Mapusa passed Order dated 18/08/1989 in Case No. 18/55/86/LRC/MISC.

10. Vide aforesaid **Order dated 18/08/1989**, the Mamlatdar of Bardez, was directed by the Deputy Collector & SDO Mapusa to correct the records by recording the name of *Mr. Brass Silvino D'Souza Ticlo* in the occupant's column of Form I & XIV of Survey No. 24/1 of Pomburpa-Olaulim Village instead of *Deliciosa Castelina*.

11. Although Form III, Form 9 & Manual Form I & XIV of the said property recorded the name of Deliciosa Castelina, pursuant to Order dated 18/08/1989 passed by Deputy Collector & SDO Mapusa, the Mutation entry was deleted and the name of Mr. Brass Silvire D'Souza Ticlo alias Mr. Brass Silvino



D'Souza Ticlo came to be recorded in the Occupant's Column of the said property as against Mutation Entry No. 473 and became the absolute owner in possession of the said property.

12. Said Mr. Brass Silvino D'Souza Ticlo along with his wife Mrs. Modesta Zanita D'Souza Ticlo sold the said property to one Mr. Caetan Santan Fernandes vide Deed of Sale dated **16/01/1998** which is duly registered in Office of Sub-Registrar of Bardez bearing Registration No. 179, Book-I, Vol. No. 513 on 21/01/1998.

13. Pursuant to Sale Deed dated 16/01/1998 said Mr. Caetan Santan Fernandes and his wife Mrs. Ana A. Fernandes also got their names mutated in the records vide Mutation Entry no. 575 & consequently became absolute owners in possession of the said property.

14. A suit for declaration was filed by Mr. Caetan Santan Fernandes and his wife Mrs. Ana A. Fernandes before Civil Judge Senior Division at Mapusa which came to be registered as **Regular Civil Suit No. 60/2000/Jr.I.**



15. By the aforesaid Regular Civil Suit bearing No. 160/2000/Jr-I the *Plaintiffs* namely Mr. Caetan Santan Fernandes & Mrs. Anna Ancesanv Fernandes prayed for a declaration to be declared as owners in possession of the suit property and further also prayed for a declaration that the name of *Deodita Carmelina Britto* is wrongly recorded and the same to be deleted from the record of rights.

16. It is specifically averred in the plaint at **paragraphs 6 & 7** that *Deodita Carmelina Britto* was the mother of Mr. Caetan Santan Fernandes, who died at the age of 85 on 06/09/1988 and she was survived by the *Plaintiffs* namely Mr. Caetan Santan Fernandes & Mrs. Anna Ancesanv Fernandes and the *Defendants* namely Mr. Tome Jose Fernandes; Mrs. Catharina Santan Fernandes & Mrs. Antonette Ilaharina Fernandes only.

17. The Plaintiff also categorically stated that the name of the *mother of Plaintiff no. 1* (Mr. Caetan Santan Fernandes) was included in the tenant's column by mistake though she was not a tenant of the said property and the *Plaintiffs* had purchased the properties as they were aware of the said fact.



18. In the aforesaid suit RCS No. 160/2000/Jr-I the parties amicably settled the matter whereby the Defendants admitted that they are the successors of Late Deodita Britto and gave no objection to declare the plaintiffs namely *Mr. Caetan Santan Fernandes & Mrs. Anna Ancesany Fernandes as the owners of the said property*. This settlement is part of record of the Civil Suit at **Exhibit 6** dated **23/10/2000**.

19. Said Mr. Caetan Santan Fernandes and his wife Mrs. Anna A. Fernandes out of their wedlock had 5 daughters namely:-

- (i) *Mrs. Maria Joseph Fernandes married to Mr. Nicholas Nativity Fernandes,*
- (ii) *Mrs. Valentina Diana Fernandes married to Mr. Ladislau Domnica Fernandes,*
- (iii) *Mrs. Jessie Josphina Fernandes married to Mr. Laurencio Valois De Piedade Fernandes,*
- (iv) *Mrs. Percila F. A. Fernandes married to Mr. Godfrey Carmo Fernandes and*
- (v) *Mrs. Magdalina Fernandes married to Mr. Zesald Oscar D'souza.*

20. The aforesaid fact is confirmed upon registration of Deed of Succession which was made before the Ex-Officio Notary, Pernem on 09/04/2003 after the death of Mr. Caetan Santan Fernandes whereby the widow namely Mrs. Anna A. Fernandes was acknowledged as the moiety holder and the aforesaid 5 daughters being



the legal heirs and successors to the estate of said Mr. Caetan Santan Fernandes.

21. Vide Deed of Sale dated **18.02.2003**, bearing Reg No. 379, at pages 250 to 259, Book No. I, Volume No. 987 on 19.02.2003, Mr. Caetan Santan Fernandes, his wife Mrs. Ana Ancesany Fernandes and their daughters Mrs. Maria Joseph Fernandes and her husband Mr. Nicholas Nativity Fernandes, Mrs. Valentina Diana Fernandes and her husband Mr. Ladislau Domnica Fernandes, Mrs. Jessie Josphina Fernandes and her husband Mr. Laurencio Valois De Piedade and Mrs. Magdalina Fernandes all represented through their Power Of Attorney holder Mr. Zesald Oscar D'souza together sold a portion admeasuring 330 sqmtrs out of total Said property to one of the daughter Mrs. Percila F. A. Fernandes and her husband Mr. Godfrey Carmo Fernandes.

22. Vide Deed of Sale dated **27/02/2009** the entire said property admeasuring 4350 sq. mts was purchased by one daughter namely Mrs. Magdalina Fernandes alias Magdalene Fernandes from the other co-owners namely Mrs. Ana Ancesany Fernandes and their daughters Mrs. Maria Joseph Fernandes and her husband Mr. Nicholas Nativity Fernandes, Mrs. Valentina Diana Fernandes and her

husband Mr. Ladislau Domnica Fernandes, Mrs. Jessie Josphina Fernandes and her husband Mr. Laurencio Valois De Piedade and Mrs. Percila F. A. Fernandes and her husband Mr. Godfrey Carmo Fernandes.

23. The aforesaid Deed of Sale dated 27/02/2009 was duly registered in the Office of the Sub-Registrar of Bardez bearing Registration No.466 at pages 287-300, Book -I, Vol. 2757 on 05/03/2009.

24. Pursuant to the Deed of Sale dated 27/02/2009 said Magdalene D'Souza also got survey records mutated in her name and her name is reflected as against Mutated Entry No. 31255 in the occupant's column of Form I & XIV.

25. From the aforesaid chronology of dated & events including the documents available with me it can be safely concluded that the said property was in possession of Maria Leonildes Toscano who died in 1947 and after which, the said property came to be owned and possessed by Maria Elisa Toscano Ticlo till 1960 & thereafter the said property was possessed and mutated in the survey records in the name of Mr. Brass Silvino D'Souza Ticlo on 18/08/1989.



26. Thereafter the said property was acquired by Mr. Caetan Santan Fernandes and his wife Anna A. Fernandes vide Sale Deed dated 16/01/1998 and subsequently they also obtained a Declaration of ownership with respect to the said property vide Judgment & Decree dated 23/10/2000 passed by 1st Additional Civil Judge Senior Division in RCS No. 160/2000/I/Addl.

27. Vide Deed of Sale dated **13/01/2023** registered in Book 1 document, under Registration No. BRZ -1- 207-2023 on 13/01/2023 before the Sub-Registrar of Bardez, Mapusa, the Said Property bearing Survey No. 24/1 of Pomburpa, Olaulim Village was sold by (i) *Mrs. Magdalene D'souza and her husband* (ii) *Mr. Zesald Oscar D'souza to Ishom Estate Pvt. Ltd.*

28. A Public Notice was issued on 26/10/2022 in Local Daily namely *The Navhind Times* English newspaper through Adv. Nikeeta Velguekar inviting objection from public in general with respect to any claim vis - a- vis the Said Property namely Survey No. 24/1 of Pomburpa, Olaulim Village. However, till date no objections have been received in the office of Adv. Nikeeta Velguekar, notwithstanding the fact that notice period for raising objections, if any was 14 days ONLY.



29. Technical Clearance has also been obtained from the Office of the Senior Town Planner, Town & Country Planning Department Mapusa, Bardez, Goa vide Order dated 06/01/2023 bearing reference No. TPB/7970/OLA/TCP-2023/91 for proposed construction of Residential units 1-8 (8 nos.) swimming pool & compound wall which is valid for 3 years provided Construction License is issued.

30. So also NOC from sanitary point of view has also been obtained for proposed construction of Residential units 1-8 (8 nos.) swimming pool & compound wall from Primary Health Centre, Aldona vide Letter bearing reference No. DHS/2023/DHS0901/00053/112 dated 20/01/2023.

31. Ishom Estate Pvt. Ltd. had applied and obtained Nil Encumbrance Certificate No. 246 of 2023 dated 02/02/2023 issued by Sub-Registrar of Bardez in favour of Ishom Estate Pvt. Ltd.

CONCLUSION

In view of the above I hereby certify that Ishom Estate Pvt. Ltd. is the owner in possession of the Property bearing Survey No. 24/1 of Pomburpa - Olaulim Village, Bardez



Taluka, District North - Goa, State of Goa and there is no legal impediment for entering into any Agreement/ Sale Deed with respect to the Said Property, subject to obtaining a fresh Nil Encumbrance Certificate from the Sub - Registrar of Bardez as on date.



Galileo F. Teles

GALILEO F. TELES
B.G.L., LL.B (HONS)
306, GERA'S IMPERIUM-1,
Patto Plaza, EDC Complex,
Panaji-Goa, 403 001

CONCLUSION

In view of the above I hereby certify that the said Property is in the name of the said Person and is being held by the said Person as per the records of the Sub-Registrar of Bardez.