



Dated: 20th February 2021

To,
Avon Shire Developments,
6 Moledina Road,
Behind Ramkrishna Hotel,
Camp Pune 411001

CERTIFICATE OF TITLE

1. Description of the concerned Property: -

All that distinct portion admeasuring 3486 sq mts surveyed under New Survey No.253/3-A forming part of the larger property known as '**MADUNGA**' admeasuring an area of 7375 square meters, situated at Assagao Village, within the limits of the Village Panchayat of Assagao in the Taluka and Registration Sub District of Bardez, District of North Goa in the State of Goa, surveyed under Survey No.253/3, described on the Land Registration Office of Bardez under No.14152 at page 181V of Book B-37 new, not enrolled in the Taluka Revenue Office, and is bounded as under:-

East: By remaining portion of the same property;

West: By property surveyed under Survey No.253/2 of Village Assagao;

North : By road; and

South: By property surveyed under Survey No. 252/3 of Assagao Village

The said larger property admeasuring 7375 sq mts is bounded as under: -

Towards North: by road;

Towards South: by Survey No.252/3 of Village Assagao;

Res: "Siddhivinayak", Plot No.118, PDA Colony, Alto-Porvorim Goa. 403-521
Email: pratiksha.adv@gmail.com



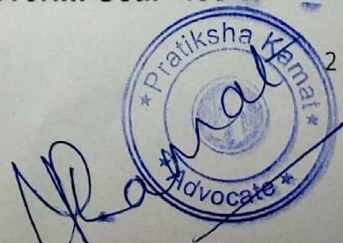
Towards East: By road;

Towards West: By Survey No.252/2 of Village Assagao.

II Description of documents scrutinized: -

1. Description Certificate bearing Description No.14152
2. Inscription Certificate bearing Inscription No.3752
3. Inscription Certificate bearing Inscription No.9916
4. Registo do Agrimensor bearing Cadastral Survey No.2590
5. Correspondence Certificate
6. Form III
7. Form IX
8. Deed of Gift dated 28/04/1989 registered under No.1038 of Book No.I Vol No.70 dated 16/07/1990,
9. Judgment and Decree dated 23/02/1995 in Special Civil Suit bearing No.176/94/A passed by the Civil Judge Senior Division at Mapusa, Goa
10. Land Use Zoning Information dated 10/01/2018 under Ref No.TPBZ/ZON/4269/ASSG/TCP/18/108 issued by the Office of the Senior Town Planner, Town and Country Planning Department at Mapusa
11. Deed of Sale dated 04/04/2018 registered in the Office of the Sub Registrar of Bardez, Mapusa and registered under No.BRZ-BK1-02262-2018, CD Number BRZD798 dated 28/05/2018,
12. Judgment and Order dated 07/12/2018 passed in Case No.TNC/Civil Issue/10/2000 by the Joint Mamlatdar-I of Bardez at Mapusa, Goa,
13. Judgment and Order dated 26/12/2018 in Inventory Proceedings bearing No.417/2018 passed by the Civil Judge Senior Division at Mapusa,

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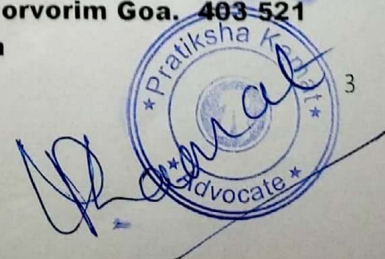




14. Land Use Zoning Information dated 10/01/2019 under Ref No.TPBZ/ZON/4269/ASSG/TCP/181/108 issued by the Office of the Senior Town Planner, Town and Country Planning Department at Mapusa
15. Deed of Sale dated 18/01/2019 registered in the Office of the Sub Registrar of Bardez and registered under Book-1 Document bearing Reg No.BRZ-1-86-2019 dated 18/01/2019,
16. Deed of Sale dated 01/02/2019 registered in the Office of the Sub Registrar of Bardez and registered under Book-1 Document bearing Reg No.BRZ-1-329-2019 dated 11/02/2019,
17. Order dated 16/09/2019 passed by the Deputy Collector and Sub Divisional Officer & S D O Bardez in Case No.15/211/2019/PART/LAND.
18. Form I and XIV dated 18/11/2019.
19. Conversion Sanad dated 24/09/2020 under No.4/214/CNV/AC-III/2019/799 is issued by the Office of the Additional Collector-III, North Goa District at Mapusa, Goa.
20. Technical Clearance Order dated 21/10/2020 under Ref No.TPBZ/6252/ASSG/TCP-20/3788 issued by the Office of the Senior Town Planner, Town and Country Planning Department at Mapusa, Bardez, Goa
21. NOC from Sanitation point of view dated 05/11/2020 under Ref No.PHCS/NOC-Const/20-21/1527 issued by the Directorate of Health Services, Primary Health Centre, Siolim
22. Construction Licence dated 27/01/2021 under No.V.P./Ass/2020-21/1593 was issued by the Office of the Village Panchayat of Assgao, Bardez, Goa

IV Flow of Title: -

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There exists the following properties: -

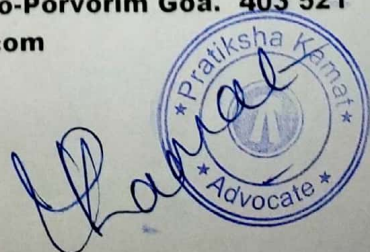
- A. All that property known as '**MADUNGA**' admeasuring 7375 sq mts situated at Assagao Village, within the limits of the Village Panchayat of Assagao in the Taluka and Registration Sub District of Bardez, District of North Goa in the State of Goa, surveyed under Survey No.253/3 and more particularly described herein above and herein after referred to as the SAID PROPERTY NO.1.
- B. All that property known as '**MADUNGA**', admeasuring 12650 sq mts situated at Assagao Village, within the limits of the Village Panchayat of Assagao in the Taluka and Registration Sub District of Bardez, District of North Goa in the State of Goa, surveyed under Survey No.252/3 and more particularly described herein above and herein after referred to as the SAID PROPERTY NO.2.

The said Property No.1 and the said Property no.2 shall be hereinafter collectively referred to as "the SAID PROPERTIES".

The SAID PROPERTIES originally belonged to Mr. Santana Fernandes and his wife Mrs. Ludovina Graciana Fernandes.

The said First Property and the said Second Property are described under No,14512 and inscribed on 22/10/1909 under No.3752 in favour of Santa Anna Avelino Fernandes and his wife Ludovina Graciana Estrocio. The said Inscription Certificate reveals that the said First Property and the said Second Property were gifted by the said Santa Anna Avelino Fernandes and his wife Ludovina Graciana Estrocio in favour of their minor sons Roque Claudio Malachias Fernandes and Jose Paulo Ubaldo Fernandes by reserving usufruct of lifetime for them.

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The said First Property and the said Second Property were inscribed on 22/10/1909 under No.9916 in favour of Roque Claudio Malachias Fernandes and Jose Paulo Ubaldo Fernandes, minor sons of Santa Anna Avelino Fernandes and his wife Ludovina Graciana Estrocio. The said Inscription Certificate reveals that the said First Property and the said Second Property were gifted to the said Roque Caudio Malachias Fernandes and Jose Paulo Ubaldo Fernandes by their parents Santa Anna Avelino Fernandes and his wife Ludovina Graciana Estrocio in equal parts reserving usufruct of lifetime for themselves vide Deed dated 13th October 1909.

Registo do Agrimensor reveals that the said First Property and the said Second Property bearing Old Cadastral Survey No.2590 originally belonged to Roque Claudio Fernandes son of Santano Avelino Fernandes and Ludovina Graciana Estrocio and the Correspondence Certificate produced on record confirms that the New survey Nos.252/3 and 253/3 of Assagao Village correspond to the old Survey No.2590 of Village Assagao.

The said Mr. Santana Fernandes and Mrs. Ludovina Fernandes expired on 17/07/1934 and 28/08/1942 respectively leaving behind their following legal heirs: -

- a. Mrs. Maria Eliza M. Fernandes alias Maria Maria Eliza M. Fernandes e Rodrigues married to Mr. Anselmo Antonio Rodrigues;
- b. Mr. Roque Claudio Fernandes married to Mrs. Cassiana Fernandes;
- c. Mr. Ubaldo Fernandes, bachelor;
- d. Mrs. Ricardina Felicidade Safina Fernandes married to Mr. Pedro Joaquim Lobo.

The said Ubaldo Fernandes passed away before his parents as a bachelor and therefore was not entitled to any rights in their estate.

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The stamp is circular with the text "Pratiksha Kamat" at the top and "Advocate" at the bottom. The number "5" is written to the right of the stamp.



The said Anselmo Antonio Rodrigues expired leaving behind his widow and moiety holder, the said Maria Eliza Fernandes e Rodrigues and his only legal heir, Philomena Sony Fernandes married to Sony Fernandes alias Sunny Fernandes.

Vide Deed of Gift dated 28/04/1989 registered under No.1038 of Book No.I Vol No.70 dated 16/07/1990, the said Maria Eliza Fernandes e Rodrigues gifted her share in the SAID PROPERTIES in favour of her daughter Philomena Sony Fernandes.

The said Sony Fernandes alias Sunny Fernandes expired on 27/12/1993 leaving behind his widow and moiety holder, the said Smt. Philomena Sony Fernandes alias Philomena Fernandes and the following legal heirs: -

- a. Romeo Fernandes, expired bachelor;
- b. Alex Domnic Tadeo Fernandes, expired bachelor;
- c. Mrs. Anita Alicia Fernandes alias Asha Kambli married to Arjun Kambli (which marriage was not under the law of communion of assets);

The said Mr. Roque Claudio Fernandes and his wife Mrs. Casiana Fernandes, both expired leaving behind their following legal heirs:

- (i) Father Ayres Fernandes, unmarried;
- (ii) Mr. Cristo Fernandes married to Mrs. Uma Fernandes;
- (iii) Mrs. Maria Yolanda Conceicao Noronha alias Maria eulanda Conceicao Noronha married to Mr. Derrick Noronha;
- (iv) Mrs. Ludovina F. Melba Fernandes married to Mr. Francisco B. S. T. Souza;
- (v) Mr. Roland Fernandes, expired bachelor.





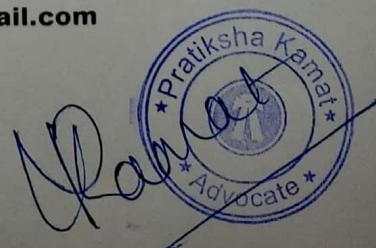
The said Mr. Francisco do Carmo Quiteiro Souza alias Francisco B. S. T. Souza expired leaving behind his widow and moiety holder, the said Mrs. Ludovina Fatima Melba Souza alias Melba Souza and the following legal heirs:

- a. Mrs. Marina Do Carmo Pereira married to Mr. Wilson Braz Pereira;
- b. Mr. Glenn Savio Do Carmo Quitero E. Souza married to Mrs. Elvina Josefina Quiteiro e Souza alias Elvina J. Verdes;
- c. Mrs. Zita Do Carmo Menezes married to Mr. Selwyn Joso Agnelo Pais Menezes alias Selwyn Jose Menezes.

Special Civil Suit bearing No.176/94/A was filed before the Civil Judge Senior Division at Mapusa, Goa by Mrs. Ricardina Felicidade Safina Fernandes, Mr. Cristo Godfrey Fernandes and his wife Mrs. Uma Fernandes, Mrs. Ludovina Fatima Melba Souza alias Melba Souza and her husband Mr. Francisco do Carmo Quiteiro Souza, Mr. Ayres Ubaldo Fernandes, Mrs. Maria Eulanda Concecao Noronha and her husband Mr. Derrick Noronha, Mr. Roland Claudio Magno Fernandes against said Philomena Sony Fernandes seeking Declaration of the said Deed of Gift dated 28/04/1989 as null and void and Partition and Permanent Injunction.

Vide Judgment and Decree dated 23/02/1995, the said Mrs. Ricardina Felicidade Safina Fernandes, Mr. Cristo Godfrey Fernandes and his wife Mrs. Uma Fernandes, Mrs. Ludovina Fatima Meba Souza and her husband Mr. Francisco do Carmo Quiteiro Souza, Mr. Ayres Ubaldo Fernandes, Mrs. Maria Eulanda Concecao Noronha and her husband, Mr. Derrick Noronha; Mr. Roland Claudio Magno Fernandes along with the said Philomena Sony Fernandes became owners of the SAID PROPERTIES with their respective shares and Deed of Gift dated 28/04/1989 was construed as gift corresponding to only 1/3rd rights in the SAID PROPERTIES.

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The said Mrs. Ricardina Felicidade Safina Fernandes and her husband Mr. Pedro Joaquim Lobo both expired leaving behind their only daughter Mrs. Julia Lobo married to Mr. Abilio D'Souza.

The said Mr. Abilio D'Souza expired leaving behind his widow and moiety holder the said Mrs. Julia Lobo and three children, namely Nolasco D'Souza, Eric D'Souza and Allison D'Souza.

The said Alex Domnic Fernandes expired on 28/08/1996, the said Philomena Sony Fernandes alias Filomena Fernandes expired on 09/11/2008, the said Romeo Fernandes expired on 08/03/2009 and the said Arjun Kambli expired on 05/11/2011, leaving behind their sole and universal legal heirs namely Mrs. Anita Alicia Fernandes alias Asha Arjun Kambli.

The said Asha Arjun Kambli and Arjun Kambli were not married under the Law of General Communion of Assets as applicable in the State of Goa and out of their marriage, they had the following children, Miss Rupa Arjun Kambli, Miss Avila Arjun Kambli and Master Sahil Kambli.

The said Arjun Kambli expired on 05/11/2011 leaving behind Miss Rupa Arjun Kambli, Miss Avila Arjun Kambli and Master Sahil Kambli as heirs, however. Since as the marriage was not under the law of communion of assets, no rights accrued to them.

Land Use Zoning Information dated 10/01/2018 under Ref No.TPBZ/ZON/4269/ASSG/TCP/18/108 issued by the Office of the Senior Town

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Planner, Town and Country Planning Department at Mapusa shows that the property surveyed under Survey No.253/3 of Village Assagao falls in the Settlement Zone.

Vide Deed of Sale dated 04/04/2018 registered in the Office of the Sub Registrar of Bardez, Mapusa and registered under No.BRZ-BK1-02262-2018, CD Number BRZD798 dated 28/05/2018, the said Mrs. Asha Arjun Kambli alias Asha Fernandes sold her 1/3rd undivided rights in the Said Properties equivalent to property admeasuring 6675 sq mts (i.e. area admeasuring 2458 sq mts out of the said Property No.1 and area admeasuring 4217 sq mts out of the said Property No.2) in favour of R9 Ventures and her children Miss Rupa Arjun Kambli and Miss Avila Arjun Kambli and Fr. Ayres Fernandes signed the said Deed of Sale as Confirming Party.

Inventory Proceedings bearing No.417/2018 was filed before the Civil Judge Senior Division at Mapusa, Goa by the said Fr. Ayres Fernandes to establish the estate of the said Mr. Santana Fernandes and Mrs. Ludovina Graciana Fernandes and 2/3rd share in the said Property No.1 was listed at Item No.1 and 2/3rd share in the said Property No.2 was listed at Item No.2.

2/3rd rights in the said properties was purchased by the said Fr. Ayres Fernandes in auction conducted in the said Inventory Proceedings bearing No.417/2018 which was confirmed by Judgment and Order dated 26/12/2018.

In light of the above said Fr. Ayres Fernandes became the owner in possession of 2/3rd rights in the Said Properties equivalent to the property admeasuring 13,350 sq mts (i.e. area admeasuring 4917 sq mts out of the Said Property No.1 and area admeasuring 8433 sq mts out of the Said Property No.2.

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Vide Judgment and Order dated 07/12/2018 passed in Case No.TNC/Civil Issue/10/2000 by the Joint Mamlatdar-I of Bardez at Mapusa, Goa, the Learned Mamlatdar considered the entire evidence on the record and came to the conclusion that there is no material evidence to establish tenancy in favour of late Govind Vishnu Harmalkar and/or his legal heirs namely Anand Harmalkar and further came to the conclusion that the claimants have failed to prove that they are the tenants of the said First Property.

Land Use Zoning Information dated 10/01/2019 under Ref No.TPBZ/ZON/4269/ASSG/TCP/181/108 issued by the Office of the Senior Town Planner, Town and Country Planning Department at Mapusa states that the property bearing Survey No.253/3 of Assagao Village falls in the Settlement Zone.

Vide Deed of Sale dated 18/01/2019 registered in the Office of the Sub Registrar of Bardez and registered under Book-1 Document bearing Reg No.BRZ-1-86-2019 dated 18/01/2019, the said Fr. Ayres Fernandes sold his 2/3rd undivided rights in the said Property No.1 corresponding to an area admeasuring 4917 sq mts in favour of R9 Ventures.

Vide Deed of Sale dated 01/02/2019 registered in the Office of the Sub Registrar of Bardez and registered under Book-1 Document bearing Reg No.BRZ-1-329-2019 dated 11/02/2019, the said R9 Ventures, a Partnership Firm represented by their Partners Mr. Chinmay Vishwas Patil, 2. Mr. Patrick Gonsalves and 3. Mr. Jaideep Anil Dessai as the Vendors sold a distinct portion admeasuring 3486 sq mts of the Said Property No.1 herein after referred to as the said Plot to Avon Shire Developments, a Partnership Firm, represented by its Partner Mr. Mohamed Ali Haji as the Purchaser.

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By virtue of the above said Avon Shire Developments, a Partnership Firm became the absolute owner in possession of the said Plot admeasuring 3486 sq mts.

The said Plot/Property admeasuring 3486 sq mts came to be partitioned and is now surveyed under Survey No.253/3-A of Village Assagao confirmed by Order dated 16/09/2019 passed by the Deputy Collector and Sub Divisional Officer & S D O Bardez in Case No.15/211/2019/PART/LAND.

The said Plot/Property admeasuring 3486 sq mts stands mutated in the name of Avon Shire Developments as confirmed by Form I and XIV dated 18/11/2019.

Conversion Sanad dated 24/09/2020 under No.4/214/CNV/AC-III/2019/799 is issued by the Office of the Additional Collector-III, North Goa District at Mapusa, Goa for conversion of the said property surveyed under Survey No.253/3.

Technical Clearance Order dated 21/10/2020 under Ref No.TPBZ/6252/ASSG/TCP-20/3788 was issued by the Office of the Senior Town Planner, Town and Country Planning Department at Mapusa, Bardez, Goa for construction of residential building, swimming pool and compound wall in the said property.

NOC from Sanitation point of view dated 05/11/2020 under Ref No.PHCS/NOC-Const/20-21/1527 was issued by the Directorate of Health Services, Primary Health Centre, Siolim for construction of residential building, swimming pool and compound wall in the said property.

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Construction Licence dated 27/01/2021 under No.V.P./Ass/2020-21/1593 was issued by the Office of the Village Panchayat of Assgao, Bardez, Goa for construction of residential building, swimming pool and compound wall in the said property.

V. Opinion: -

Based upon the documents produced and the searches conducted, I opine that Avon Shire Developments, a Partnership Firm is the absolute owner in possession of the distinct portion admeasuring 3486 sq mts surveyed under New Survey No.253/3-A forming part of the larger property known as '**MADUNGA**' admeasuring an area of 7375 square meters, situated at Assagao Village, within the limits of the Village Panchayat of Assagao in the Taluka and Registration Sub District of Bardez, District of North Goa in the State of Goa, surveyed under Survey No.253/3, described on the Land Registration Office of Bardez under No.14152 at page 181V of Book B-37 new, not enrolled in the Taluka Revenue Office, more particularly described herein above.

The said Avon Shire Developments have obtained all the required permissions/approvals to initiate construction on the said property.

The said Avon Shire Developments have a clear and marketable title to the said property subject to the production of latest Nil Certificate of encumbrance of the said property.

Pratiksha Kamat
Advocate

