

15/05/2020

To,  
S. J. Constructions,  
Prop. Mr. Shashidharan Shankara Pillai  
H.No.196/1/3, Ambadi House,  
Near MES College, Vidhyanagar Colony,  
Zuarinagar, Goa.

Sir,

### **SEARCH REPORT**

At your request, I am herewith submitting the search report of the property described hereinbelow.

### **SUBJECT MATTER AND DESCRIPTION OF THE PROPERTY**

All that property known as "Xira" or "Rumbordem", situated at ward Belloy of Nuvem, Salcete Taluka, South Goa District, State of Goa, admeasuring an area of 2675.00 sq. mtrs. and at loco having an area of 2775.00 sq. mtrs, out of which an area of 285.00 sq. mtrs. has been acquired by the Government of Goa, registered in the Land Registration Office of Salcete under No.24409 presently as a whole registered in the survey records of Nuvem Village under the name "Belloy" and recorded under survey No.227/4 of Nuvem Village, and the said property is bounded as under :-

- On the North : By the property bearing Survey No.227/3;  
On the South : By the property bearing Survey No.227/6-P and 227/6-A;  
On the East : By the property bearing Survey No.227/5;  
On the West : By the National Highway.



### **DOCUMENTS PRODUCED FOR VERIFICATION**

1. Form I & XIV in respect of the property surveyed under No.227/4 of Nuvem Village.
2. Survey Plan in respect of the property surveyed under No.227/4 of Nuvem Village.
3. Land Description Certificate No.24409 of Book B-62, along with inscription.
4. Translation of Public Deed of Sale and Acquittance of price and lease with advance of rents dated 05/01/1917.
5. Translation of Public Deed of sales, Acquittances and Mortgage dated 05/05/1936.
6. Translation of Deed of Sale, Acquittance and Relinquishment dated 31/05/1940
7. Public will dated 11/06/1981 recorded at Margao at folio 85V onwards of Deed Book no.102 dated 11/06/1981.
8. Deed of Gratuitous Assignment of illiquid Rights. Registered before the sub-registrar of Salcete under Reg.no.610 at pages 383 to 390 Book I Volume no.6 dated 9/10/1986.
9. Deed of Gratuitous Assignment of illiquid Rights. Registered before the sub-registrar of Salcete under Reg. no.611 at pages 391 to 396 Book I Volume no.6 dated 9/10/1986.
10. Deed of Gratuitous Assignment of illiquid Rights. Registered before the sub-registrar of Salcete under Reg. no.82 at pages 240 to 245 Book I Volume no.14 dated 19/1/1987.
11. Deed of Gratuitous Assignment of illiquid Rights. Registered before the sub-registrar of Salcete under Reg. no.11 at pages 71 to 76 Book IV Volume no.I dated 23/09/1988.
12. Deed of Family partition registered in the office of the Sub-registrar of Salcete at Margao in Book-1 document Registration number MGO-BK1-05745-2012 CD number MGOD63 dated 19/10/2012.
13. Power of Attorney dated 16/02/2006 executed by Shri Malachy Angelo Damasceno Fernandes in favour of Mrs. Anita Mazarello.
14. Power of Attorney dated 22/11/2011 executed by Smt. Sybil Ruth Kleofita Da Costa and her husband Shri manuel Rosa De Lima Fernandes in favour of Shri Anil Benjamin Wenceslau Da Costa and Shri Joao George Savio Da Costa.
15. Power of Attorney dated 26/11/2011 executed by Smt. Shirley Carol Arcangela da Costa and shri Glandy Fernandes in favour of Shri Anil Benjamin Wenceslau Da Costa and Shri Joao George Savio Da Costa.
16. Power of Attorney dated 30/11/2011 executed by Smt. Maria Shaila Syncletica Da Costa and Shri Herbert manuel Dias in favour of Shri Anil Benjamin Wenceslau Da Costa and Shri Joao George Savio Da Costa .





17. Power of Attorney dated 09/02/2012 executed by Smt Filomena D'Costa Fernandes, Mr. Glenn Leonard Stanislaus Fernandes, Mrs. Smita Roshan Santos Fernandes and Mrs. Maria Nineta Pereira Fernandes in favour of Mr. Candido Arnaldo Roque Fernandes.
18. Power of Attorney dated 11/02/2012 executed by Smt Lucia maria Camila D'Souza, Shri Lestor Sabino D'Souza, Smt Vera D'Souza and Smt. Lourdes mary Exentina D'Souza in favour of Shri Gislain Jhon D'Souza.
19. Power of Attorney dated 13/02/2012 executed by Mr. Trevor Savio Valerian Fernandes and Mrs. Matilda Cardoso in favour of mr. Candido Arnaldo Roque Fernandes.
20. Power of Attorney dated 02/03/2012 executed by Smt Roana Verodian Nunes in favour of Shri Joao George Savio Da Costa and Shri Anil Benjamin Wenceslau Da Costa.
21. Power of Attorney dated 02/03/2012 executed by Smt. Lorette Fernandes in favour of Shri Anil Benjamin Wenceslau Da Costa and Shri Joao George Savio Da Costa
22. Power of Attorney dated 11/03/2012 executed by Shri Maria Eulogio Jovita Kevin Fernandes married to Smt. Jean Zelma Antao Fernandes in favour of Mr. Candido Arnaldo Roque Fernandes.
23. Deed of Sale duly registered before the Sub-Registrar of Salcete at Margao under Reg. No.MGO BK103083-2018, CD Number MGOD126 Dated 16/07/2018.
24. Plaint copy of the suit filed before the Court of the Civil Judge, Senior Division at Margao under Special Civil Suit No.10/2019.
25. Memorandum of Understanding dated 28/11/2019 executed before Notary Adv. Rajendra G Raut Dessai under Reg. No. 40220/2019 dated 04/12/2019.
26. Technical Clearance Order issued by Town and Country Department, South Goa District, Margao under Ref No. TPM/32161/NUV/227/4/2020/1468 dated 12/03/2020.
27. Construction Licence No. VP/NUV/BL/2019-20/33 dated 18/03/2020 issued by Village Panchayat Nuvem, Salcete-Goa.
28. Approved Construction Plan.
29. Nil Certificate of Encumbrances Certificate No.619 of 2020 dated 11/05/2020.

### **DEVOLUTION OF THE PROPERTY**

From the documents produced for verification, it reveals that there exists a property known as "Xira or Rumbordem", situated at ward Belloy of Nuvem Village, Salcete Taluka, South Goa District, State of Goa, admeasuring an area of 2673.00 sq. mtrs, and at loco of 2775.00 sq. mtrs, out of which an area of



285.00 sq. mtrs, has been acquired by the Government of Goa, registered in the Land Registration Office under No.24409 of Book B-62, along with inscription and surveyed under No.227/4, hereinafter referred to as the "said property".

The said property is inscribed in the name of Shri Joao Caetano Da Costa.

Said Shri Joao Caetano Da Costa expired on 17/03/1965 and his wife Smt. Ana Arcangela Podenciana Dias expired on 17/10/1985, leaving behind them five daughters and three sons as their qualified heirs viz.

- (I) Smt Caterina Antonea Julia Da Costa a Noronha married to Shri Severinho Rosario Benedicto Noronha
- (II) Shri Roquo Xavier Da Costa married to Smt. Ursula Maria Da Grace Cecilia Eutifia Filipianas Da Costa. Shri Roque Xavier Da Costa expired on 18/12/2009 and his wife Smt. Ursula Maria Da Grace Cecilia Eutifia Filipianas Da Costa expired on 16/03/1998 Leaving behind them five children
  - (a) Smt. Maria Shaila Syncletica Da Costa
  - (b) Shri Herbert manuel Dias
  - (c) Smt. Shirley Carol Arcangela da Costa
  - (d) Smt Sybil Ruth Kleofita Da Costa
  - (e) Shri Anil Benjamin Wenceslau Da Costa
- (III) Shi Cipriano Piedade Da Costa married to Smt. Maria Carlota Pedrinha Idinhallazara De Venacio Corriea
- (IV) Smt Lucia Maria Camila da Costa married to Shri Euplio Micheal Crescencio D'Souza expired on 25/09/2004 leaving behind Smt leaving behind him two Childrens viz
  - (a) Shri Gislain John D'Souza
  - (b) Shri lester Sabino D'Souza





- (V) Smt Philomena D'Costa Fernandes married to Shri Vitorino Sebastio Amaldo Fernandes, expired on 15/12/1981 leaving behind five sons, viz.
- (a) Shri Malachy Angelo Damasceno Fernandes and his wife Smt Anita Mazarello E Fernandes
  - (b) Shri Candido Arnaldo Roque Fernandes married to Smt Maria Nineta Pereira Fernandes
  - (c) Shri Trevor Savio Valerian Fernandes married to Smt. Matilda Cardozo
  - (d) Shri Maria Eulogio Jovita Kevin Fernandes married to Smt. Jean Zelma Antao Fernandes
  - (e) Shri Glenn Leonard Stanislaus Fernandes married to Smt. Smita Roshan Santos Fernandes
- (VI) Smt Mariette Da Costa
- (VII) Shri Leoncio Antonio da Costa married to Smt Maria Assuncao Esmeralda Coutinho Da Costa
- (VIII) Smt Barula Da Costa married to Shri Francisco Antonio Rodrigues.

Said Smt. Ana Arcangela Podenciana Dias during her life time had executed a Public Will dated 11/06/1981, by virtue of this Will she bequeathed her disposable share in all her properties to her two sons Shri Cipiriano Piedade da costa alias Mr. Cypriano Piedade Da Costa and Shri Leoncio Antonio Da Costa.

By Deed of Gratuitous Assignment of Illiquid Rights dated 09/10/1986, Mrs. Caterina Antonea Julia Da Costa E Noronha and her husband Mr. Severinho Rosario Benedicto Noronha have gifted all their illiquid rights which they have inherited in the estate left by their deceased parents and parents-in-law to her brother/brother-in-law viz. to Shri Leoncio Antonio da Costa.



By Deed of Gratuitous Assignment of Illiquid Rights dated 09/10/1986, Ms. Mariette Da Costa, (Nun), have gifted all her illiquid rights which she has inherited in the estate left by her deceased parents and parents-in-law to her brother/brother-in-law namely to Shri Leoncio Antonio da Costa.

By Deed of Gratuitous Assignment of Illiquid Rights dated 19/01/1987, Smt Philomena D'Costa Fernandes alias Filomena Da Costa as a widow have gifted all her illiquid rights which she has inherited in the estate left by her deceased parents to her brother viz. to Shri Leoncio Antonio da Costa.

By Deed of Gratuitous Assignment of Illiquid Rights dated 23/09/1988, Smt Barula Da Costa Rodrigues and her husband Shri Francisco Antonio Rodrigues have gifted all her illiquid rights which she has inherited in the estate left by her deceased parents and parents-in-law to her brother/brother-in-law viz. to Shri Leoncio Antonio da Costa.

By a Deed of Family Partition dated 19/10/2012 registered in the office of the Sub-Registrar of Salcete at Margao in Book-1 document Registration No.MGO-BK1-05745-2012 CD No.MGOD63 dated 19/10/2012, the said property described as "ASSET-VI" in the said Deed of Family Partition dated 19/10/2012, is allotted exclusively to Shri Cipiriano Piedade da Costa and his wife Mrs. Maria Carlota Pedrinha and therefore Shri Cipiriano Piedade da Costa and his wife Mrs. Maria Carlota Pedrinha became the owners in possession of the suit property.

Said Shri Cipiriano Piedade da Costa and his wife Mrs. Maria Carlota Pedrinha sold the said property to Mr. Robert Navraj by a Deed of Sale dated 16/07/2018 registered in the office of Sub-Registrar of Salcete in Book 1- Document Registration No.MGO BK103083-2018, CD No.MGOD126.

Upon execution of the Deed of Sale, Mr. Robert Navraj initiated Mutation Proceedings and has included his name in the occupant column of Form I & XIV of Survey No.227 sub-division 4 of Nuven Village.

It was noted by Mr. Robert Navraj that there is no inventory proceedings initiated nor Deed of Succession is drawn upon death of Shri Joao Caetano Da Costa and his wife Smt Ana Arcangela Podenciana Dias. Therefore said Mr.





Robert Navraj by way of abundant caution has instituted a suit for Declaration before the Civil Judge Senior Division at Margao, registered under Civil Suit No. 10/SCS/2019/B declaring him to be the owner in possession of the suit property which is pending disposal.

In my considered view the above mentioned suit is likely to be decided in favour of Mr. Robert Navraj, as the parties to the suit viz. the Defendants No 1 to 28 and 31 to 35 are proceeding Exparte and the Defendants No. 29 Shri Glenn Leonard Stanislaus Fernandes and Defendants No.30 Smt. Smita Roshan Santos Fernandes are contesting the said suit for declaration.

The Defendant No.29 and 30 are the Son/daughter-in-law of the Smt Philomena D'Costa Fernandes and her husband Shri Vitorino Sebastio Amaldo Fernandes, who were also parties to the Deed of Partition of family property and they along with their parents have signed the said Deed of Partition through Mr. Candido Arnaldo Roque Fernandes, nominated power of attorney.

Said Mr. Candido Arnaldo Roque Fernandes was appointed by executants Smt Filomena D'Costa Fernandes alias Philomena D'Costa Fernandes, Mr. Glenn Leonard Stanislaus Fernandes, Mrs. Smita Roshan Santos Fernandes and Mrs. Maria Nineta Pereira Fernandes through Power of Attorney dated 09/02/2012.

The Deed of Partition and the Power of Attorney are properly executed.

Thereafter by a Memorandum of Understanding dated 28/11/2019 duly executed before Notary, Adv. Rajendra G Raut Dessai under Reg. No. 40220/2019 dated 04/12/2019, said Mr. Robert Navraj and his wife Mrs. A. G. Sumitra agreed to sell said property to Mr. Shashidaran Shankaran Pillai, the sole proprietor of S. J. Constructions, to develop the same by constructing residential and commercial complex thereon.

Said Mr. Shashidaran Shankaran Pillai, the sole proprietor of S. J. Constructions has obtained the necessary permissions viz. Technical Clearance Order under No.TPM/32161/NUV/227/4/2020/1468 dated 12/03/2020, Construction Licence under No. VP/NUV/BL/2019-20/33 dated 18/03/2020 and Approved Construction Plan in the name of Mr. Robert Navraj and hence the proposed construction undertaken by you is legal in nature.



**ENCUMBRANCES, IF ANY**

Nil Certificate of Encumbrances on the said property has been produced before me which is registered under Certificate No.619 of 2020 dated 11/05/2020 for the period from 01/01/1991 to 08/05/2020.

**OPINION**

Upon perusing the documents produced before me for verification from 1 to 29 and on considering what has been stated by me hereinabove in the Report, I am of the opinion that Mr. Robert Navraj have acquired clear and marketable title over the said property more particularly described in Schedule hereinabove, however, subject to the Judgement and Decree to be passed by the Hon'ble Civil Judge, Senior Division at Margao in Civil Suit No. 10/SCS/2019/B.

You may however apply and obtain RERA registration.



*Manguirish U. Kenkre*  
**(Manguirish Kenkre)**  
**Advocate**