

Amay Phadte

ADVOCATE

El- Capitan Center,
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Date:- 27/11/2018

TITLE INVESTIGATION AND SEARCH REPORT

This report is prepared to investigate the title of Mr. Joao Fernandes, resident of House no.1130, Bamanwado, Siolim, Bardez ("The Intending Seller") to that of an immovable property known as "CAZONIEM E BANDO" which is also known as "CAZONIEM AND BAN" alias "BAMAN WADDO" which is situated at Bamanwado, Siolim, Taluka Bardez and Sub-District of Bardez, District of North Goa, State of Goa, surveyed in the records of rights under Survey No. 33/6 of Village Siolim admeasuring an area of 595 sq. mts, and property bearing survey no. 33/8 of village Siolim along with a house having a plinth area of 125 sq. mtrs., bearing house No. 1130, better described below.

T H E P R O P E R T Y

ALL THAT IMMOVABLE LANDED PROPERTY known as "CAZONIEM E BANDO" which is also known as "CAZONIEM AND BAN" alias "BAMAN WADDO" which is situated at Bamanwado, Siolim, Taluka Bardez and Sub-District of Bardez, District of North Goa, State of Goa, within the limits of Village Panchayat of Siolim, described in the land registration office Bardez under No. 21685 of Book-"B" 56. The said property registered in Land Revenue Office, Bardez Taluka under

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Matriz No. 413 of 3rd circumscription which is surveyed in the records of rights under Survey No. 33/8 of Village Siolim, along with a house having a plinth area of 125 sq. mtrs. and a property bearing Survey No. 33/6 (Part) of Village Siolim and the whole is bounded as under:

On the North: by the property of survey no. 38/40 & 38/5;

On the South: by the property of 33/6 (Part) and 33/9;

On the East: By the road;

On the West: by the property of survey no. 38/4;

(hereinafter referred to as the said Property)

DOCUMENTS PRODUCED

Following documents were submitted for my scrutiny:

Sr.	Particulars
1.	Photocopy of Form I & XIV (Manual), computerized copy of survey no. 33/6 and 33/8 of Village Siolim, Bardez- Goa.
2.	Photocopy of From III issued by the Office of Talathi of Siolim.
3.	Photocopy of the Form IX issued by the Office of Talathi of Siolim.

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4.	Photocopy of Conveyance of Sale Dated 24/11/1976 duly registered before Sub-Registrar of Bardez at Mapusa, bearing Registration No.736 of Book No.I Volume166 at Pages 189 to 193 dated 26/11/1976.
5.	Photocopy of the Rectification and Modification of Conveyance dated 26/10/1978, duly registered in the office of Sub Registrar of Bardez at Mapusa bearing Registration No. 886, Book No. I, Vol. 128 at Pages 198 to 201 date 21/12/1978.
6.	Photocopy of the Survey Plan of Survey No. 33/8 and 33/6 of village Siolim.
7.	Photocopy of the Inventory Proceedings bearing Case no. 118/2018/E filed before the Court of the Civil Judge Junior Division at Mapusa Goa.
8.	Copy of Nil encumbrances dated 30/11/2018 issued by the Sub- Registrar of Bardez at Mapusa.

Documents submitted to me at item no. 1 to 8 are Photocopies of which Originals and or certified copies which are compared by me and I am satisfied of being genuine.

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FLOW OF THE TITLE

- a) All that Property known as “CAZONIEM E BANDO” which is also known as “CAZONIEM AND BAN” alias “BAMAN WADDO” which is situated at Bamanwado, Siolim, Taluka Bardez and Sub-District of Bardez, District of North Goa, State of Goa, within the limits of Village Panchayat of Siolim, described in the land registration office Bardez under No. 21685 of Book-“B” 56. The said property registered in Land Revenue Office, Bardez Taluka under Matriz No. 413 of 3rd circumscription which is surveyed in the records of rights under Survey No. 33/6 of Village Siolim, totally admeasuring an area of 2275 sq. mts. along with a house having a plinth area of 125 sq. mtrs., bearing house No. 1130, independently surveyed under Survey No. 33/8 of Village Siolim, hereinafter referred to as the said larger property.
- b) That part of the said larger property was originally owned and possessed by late Mr. Nicolau Francisco Inacio Cordeiro and his wife Maria Guilermana Rosana Cordeiro.
- c) The said larger property also bears old cadastral survey no. 1571.

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- d) That part of the said larger property to the extent of an area of 595 sq. mts along with a house have plinth area of 125 sq. mts and also independently surveyed under Survey no. 33/8 of village Siolim was possessed by Mr. Joao Fernandes with the consent of Mr. Nicolau Francisco Inacio Cordeiro and his wife Maria Guilermina Rosana Cordeiro, hereinafter referred to as the said property.
- e) Mr. Joao Fernandes used the said house to carry bakery business and accordingly his name is also recorded in the form IX and where as in Form III of the survey records reflects the name of Nicolas Cordeiro. The name of Mr. Joao Fernadnes was recorded in the other rights column with a remark "*House belongs to Joao Fernandes*" in survey no. 33/8 of village Siolim.
- f) Since Mr. Joao Fernandes resided in the said property for more than 15 years, late Mr. Nicolau Francisco Inacio Cordeiro and his wife Maria Guilermina Rosana Cordeiro offered him to sell the said property along with the house standing therein, which offer was accepted and accordingly executed Conveyance of Sale dated 24/11/1976 which was registered in the office of Sub Registrar of Bardez at Mapusa bearing Registration No. 886, Book No. I, Vol. 128 at Pages 198 to 201 date 21/12/1978.

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- g) The name of Mr. Joao Fernandes was mutated in the Form I & XIV as against the said property and since then is in absolute and uninterrupted, peaceful possession of the said property and the house.
- h) Upon the death of the wife Luizinha Fernandes an inventory proceeding was filed before the Court of Civil Judge Junior Division Court at Mapusa, bearing Inventory Proceeding No. 118/2018/E wherein the said property was listed as Item No. I and the house existing in the said property was listed as Item No. II.
- i) Pursuant to the Judgment, Order and Decree dated 31/10/2018 the said property was allotted to the Mr. Joao Fernandes as moiety share holder, Mr. Anthony Fernandes and his wife Mrs. Joanita Fernandes, Mr. Luis Fernandes and his wife Mrs. Ivy Fernandes, Mrs. Angela Carneiro and her husband Mr. Lawrence Carneiro, Mrs. Isabel Fernandes and her Husband Mr. Joe Fernandes.
- j) That Mr. Joao Fernandes, Mr. Anthony Fernandes and his wife Mrs. Joanita Fernandes, Mr. Luis Fernandes and his wife Mrs. Ivy Fernandes, Mrs. Angela Carneiro and her husband Mr. Lawrence Carneiro, Mrs. Isabel Fernandes and her Husband Mr. Joe Fernandes are owners in absolute possession of the said property till date.

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k) That The Parties has also filed Partition Proceedings bearing No. 15/490/2018/PART/LAND before the Deputy Collector of North Goa, Bardez Taluka at Mapusa Goa to obtain an independent survey number for the SAID PROPERTY.

I have carefully read the above documents and give my observations and opinion as under:

O B S E R V A T I O N S A N D O P I N I O N

1. Mr. Joao Fernandes claims title to the said property vide Conveyance of sale executed in his favour by Mr. Nicolau Francisco Inacio Cordeiro and his wife Maria Guilermina Rosana Cordeiro.
2. The said conveyance was executed on 24/11/1976 and the recitals of the said instrument mentions that 15 years prior to the execution of the instrument the said property along with the house were been used by Mr. Joao Fernandes for his bakery business.
3. The Survey records in Form III name of survey no. 33/6 records the name of Nicolas Cardeiro and Form IX records the name of Joao Fernandes.

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4. From the records made available it is clear that the property has a possessory title, from Title Deeds commencing from the year 1976 which are made available to me for my scrutiny.
 5. I have examined the Public Revenue Records of the said property which includes the Form III, Form 9, Manual and electronic Form I & XIV of the said property from the Office of Village Panchayat of Siolim and new survey plan of the said property.
 6. Upon perusal of the Form I & XIV it is amply clear that the predecessors in title of intending Sellers are owner and there is a presumption that they are owner in possession of the said property which presumption is fortified by Deed of Sale executed by the intending Seller by Conveyance of Sale dated 24/11/1976.
 7. As represented by the Intending Seller they are in absolute right, title, uninterrupted, peaceful possession of the said property since the date of purchase till date and that there is no litigation of whatsoever nature pending before any Court of law with regards to the said property.

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8. In view of the abovementioned title investigation and the searches done subject to the observation made hereinabove the title of the Said Property is clear and marketable.

Date: - 27/11/2018

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(ADVOCATE)

