

**Shivan S. Desai**  
ADVOCATE

Off:  
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Mobile No 9822102911

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**TITLE REPORT**

To,  
**ANOKHA ESTATES PVT. LTD.**  
having its registered Office  
at 711/32, Green Hill, Socorro,  
Porvorim, Bardez - Goa

I. I have perused the photocopies of the following documents:

- a) Survey Records Form I & XIV bearing Survey No. **147/4** of Village **Pilerne**, Bardez - Goa.
- b) Registo Do Agrimensor
- c) Old Cadastral Survey Plan
- d) Inscription Certificate (bearing No. 24954 at pages 173 of Book G-38)
- e) Description Certificate (bearing No. 21445 at page 52 of Book B-57 New)

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- f) Correspondence Certificate dated 11/03/2022 bearing No. 9(02)-23/DSLR-2022/673 issued by Directorate of Settlement & Land Records, Panaji – Goa
- g) Notification dated 28/11/1988 bearing No. 22/117/87/RD issued by the Executive Engineer, Works Div II, P.W.D. Panaji – Goa
- h) Inventory Proceedings bearing No. 172/2009/C initiated before the Court of the Civil Judge Senior Division C-Court at Mapusa – Goa
- i) Order dated 28/09/2010 passed in the said Inventory Proceedings bearing No. 172/2009/C by the Court of the Civil Judge Senior Division at Mapusa – Goa registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-04509-2010, CD No. BRZD102 dated 07/12/2010

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- j) Order dated 28/10/2013 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/246/2013/PART/LAND/DC-II
- k) Order dated 07/07/2014 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/246/2013/PART/LAND/DC-II
- l) Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1807-2022 dated 22/04/2022
- m) Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1806-2022 dated 22/04/2022

- n) Land Use Zoning Certificate bearing Ref. No.  
TPBZ/ZON/1391/PIL/TCP-15/1451 dated  
06/05/2015 issued by the Senior Town Planner,  
Town and Country Planning Department,  
Mapusa - Goa
- o) Land Use Zoning Certificate bearing Ref. No.  
TPBZ/ZON/1391/PIL/TCP-15/1453 dated  
06/05/2015 issued by the Senior Town Planner,  
Town and Country Planning Department,  
Mapusa - Goa
- p) Land Use Zoning Certificate bearing Ref. No.  
TPBZ/ZON/10164/PIL/TCP-2022/4535 dated  
09/08/2022 issued by the Senior Town Planner,  
Town and Country Planning Department,  
Mapusa - Goa
- q) Land Use Zoning Certificate bearing Ref. No.  
TPBZ/ZON/10167/PIL/TCP-2022/4534 dated

09/08/2022 issued by the Senior Town Planner,  
Town and Country Planning Department,  
Mapusa – Goa

- r) Nil Encumbrance Certificate dated 07/03/2022  
bearing No. 521/2022
- s) Survey Plan

**II. DESCRIPTION OF THE PROPERTY:**

**SCHEDULE – I**

ALL THAT property known as “**LAMBUCHER BHATT**”  
alias “**LAMBUCHER BATT**”, situated at Moica Vaddo of  
Village **Pilerne**, within the jurisdiction of Village  
Panchayat of Pilerne, Taluka and Registration Sub –  
District of Bardez, District North Goa, State of Goa,  
described in the Land Registration Office of Bardez at  
Mapusa – Goa under No. 21445 at page 52 of Book B-57  
New and found enrolled in the Taluka Revenue Office  
under Matriz No. 1473, surveyed under Survey No.

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**147/4** of Village **Pilerne**, admeasuring **3,450 sq. mts.**  
and the same is bounded as under:-

North :- By the properties bearing Survey Nos. 147/2  
and 147/3;

South :- By the properties bearing Survey Nos. 147/5  
and 147/6;

East :- By the Public Road;

West :- By the Public Road;

The said property shall hereinafter referred to as the  
**SAID BIGGER PROPERTY**

**SCHEDULE - II**

ALL THAT **PLOT 'A'** admeasuring 1685 sq. mts. bearing  
Survey No. 147/4-A of Village Pilerne, Bardez - Goa  
forming part of the SAID BIGGER PROPERTY described  
in Schedule I hereinabove

The said property shall hereinafter referred to as the  
**SAID PLOT 'A'**



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**SCHEDULE - III**

ALL THAT **PLOT 'B'** admeasuring 1695 sq. mts. bearing  
Survey No. 147/4 of Village Pilerne, Bardez - Goa  
forming part of the SAID BIGGER PROPERTY described  
in Schedule I hereinabove

The said property shall hereinafter referred to as the  
**SAID PLOT 'B'**

**TRACING OF PARTIES TITLE:**

1. The **SAID BIGGER PROPERTY** is described under  
No. 21445 at page 52 of Book B-57 New and  
inscribed on **8<sup>th</sup> September 1962** under No. 24954  
at pages 173 of Book G-38 in favour of Maria  
Eulalia de Melo by other name Maria Eulalia  
Rodrigues e Melo, wife of Pedro Joao Jeronimo de  
Melo. The said Inscription Certificate reveals that  
the **SAID BIGGER PROPERTY** was purchased by the  
said Maria Eulalia Rodrigues e Melo, wife of Pedro  
Joao Jeronimo de Melo from Antonio Theofilus



Athaide alias Antonio Behlarmine Caridade Decio Ernest Felix Theophilus Athaide and his wife, Jessie Lena Athaide vide Deed dated 25<sup>th</sup> May 1962.

2. **Inscription and Description Certificates** are records maintained during the Portuguese Regime wherein the record of title was maintained. *Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevailant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of*





*the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.*

3. The Hon'ble High Court of Bombay at Goa in the case of **Jossephine D'Costa V/s. Khushali Govind Naik Desai** and other reported at Manu/MH/1303/2004 has observed that "The Plaintiffs property has been inscribed in the names of Plaintiffs from 14<sup>th</sup> August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality the transfer of possession in favour of a



*person in whose favour such inscription has been done. In other words, by virtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of tittle and possession in respect of the property claimed by them against none proved by the Defendants,"*

4. Registo Do Agrimensor reveals that the **SAID BIGGER PROPERTY** bearing old Cadastral Survey No. **955** originally belonged to Ana Maria Conceicao Mascarenhas, widow of Antonio Belarmino Caetano de Ataide and her son, Antonio Belarmino Caridade Decio Ernesto Felix, Teofilo de Ataide.
5. Correspondence Certificate dated 11/03/2022 bearing No. 9(02)-23/DSLR-2022/673 issued by Directorate of Settlement & Land Records, Panaji - Goa establish that the **SAID PROPERTY** bearing old Cadastral Survey No. **955(Part)** corresponds to survey No. **147/4-A** of Village Pilerne, Bardez - Goa.

***The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.***

6. Cadastral Survey Records and Registo Do Agrimensor are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said cadastral Survey Records and Registo Do Agrimensor were prepared on the basis of Ownership of the property and not just on the basis of possession. Although the said Registo is not a document of title, the same is indicative of the ownership status at the time of the survey.
7. Notification dated 28/11/1988 bearing No. 22/117/87/RD reveals that area admeasuring 70



sq. mts. from the **SAID BIGGER PROPERTY** was acquired by the Executive Engineer, Works Div II, P.W.D. Panaji – Goa for improvement of road from Marra Chapel to Naik waddo A. G. Pilerne and Marra Village of Bardez Taluka.

8. Inventory Proceedings bearing No. 172/2009/C initiated before the Court of the Civil Judge Senior Division C-Court at Mapusa – Goa reveals that the said Maria Eulalia de Melo passed away on 21/07/2001 and the said Pedro Joao Jeronimo de Melo alias Peter John D'Mello alias Pedro Joao Jerinomo D'Mello alias John D'Mello alias Pedro Joao Jeronimo D'Mello passed away on 19/02/2009 leaving behind their following sole and universal legal heirs:

(A) Mr. Agnel Paul Cherobin D'Mello alias Agnel P.C. D'Mello married to Mrs. Cheryl D'Mello



- (B) Mr. Xavier Marcelino D'Mello alias Xavier M. D'Mello married to Mrs. Leocadia Mildred D'Mello,
- (C) Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello married to Mrs. Celine D'Mello,
- (D) Mrs. Anna Maria Clara D'Mello alias Anna Maria Clara Percira alias Clara Pereira married to MR. Joseph Lionel Percira
- (E) Mrs. Genevies Maria Bibeanna D'Mello alias Genevieve Maria Bibeanna Sequeira alias Genevieve Sequeira married to Mr. Valerian M. L. Sequiera
- (F) Mr. Joseph Aloysius D'Mello married to Mrs. Camilla Leonora Angela D'Mello alias Camilla Leonora A. D'Mello
9. Upon the death of the said Maria Eulalia de Melo and Pedro Joao Jeronimo de Melo alias Peter John D'Mello alias Pedro Joao Jerinomo D'Mello alias

John D'Mello alias Pedro Joao Jeronimo D'Mello, Inventory Proceedings bearing No. 172/2009/C was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa by the said Mr. Xavier Marcelino D'Mello alias Xavier M. D'Mello and the **SAID BIGGER PROPERTY** was listed at **Item No. 1** in the LIST OF ASSETS.

10. The **SAID BIGGER PROPERTY** listed at **Item No. 1** in the LIST OF ASSETS was taken in auction held in Inventory Proceedings bearing No. 172/2009/C before the Court of the Civil Judge Senior Division at Mapusa - Goa on 03/08/2010 jointly by the said Mr. Xavier Marcelino D'Mello alias Xavier M. D'Mello married to Mrs. Leocadia Mildred D'Mello and Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello married to Mrs. Celine D'Mello.



11. Vide Order dated 28/09/2010 passed in the said Inventory Proceedings bearing No. 172/2009/C by the Court of the Civil Judge Senior Division at Mapusa - Goa, the Chart of Allotment dated 16/09/2010 was confirmed wherein the **SAID BIGGER PROPERTY** was taken in auction jointly by the said Mr. Xavier Marcelino D'Mello alias Xavier M. D'Mello married to Mrs. Leocadia Mildred D'Mello and Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello married to Mrs. Celine D'Mello.

12. The **SAID BIGGER PROPERTY** was partitioned by and between the said Mr. Xavier Marcelino D'Mello alias Xavier M. D'Mello and his wife, Mrs. Leocadia Mildred D'Mello and Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello and his wife, Mrs. Celine D'Mello wherein Plot 'A' admeasuring 1725 sq. mts. from the **SAID BIGGER PROPERTY** was allotted to the said Mr.



Xavier Marcelino D'Mello alias Xavier M. D'Mello and his wife, Mrs. Leocadia Mildred D'Mello and Plot 'B' admeasuring 1725 sq. mts. from the **SAID BIGGER PROPERTY** was allotted to the said Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello and his wife, Mrs. Celine D'Mello

13. The said Order dated 28/09/2010 passed in the said Inventory Proceedings bearing No. 172/2009/C by the Court of the Civil Judge Senior Division at Mapusa - Goa was further registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-04509-2010, CD No. BRZD102 dated 07/12/2010.

14. Application for Partition of Holding under Section 61 of the Land Revenue Code, 1968 was filed by Mr. Xavier Marcelino D'Mello alias Xavier M.





D'Mello and his wife, Mrs. Leocadia Mildred D'Mello against Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello and his wife, Mrs. Celine D'Mello for partitioning his Plot 'A' admeasuring 1725 sq. mts. from the **SAID BIGGER PROPERTY** and for allotment of the separate survey number which was allowed vide Order dated 28/10/2013 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/246/2013/PART/LAND/DC-II.

15. Vide Order dated 07/07/2014 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/246/2013/PART/LAND/DC-II, the **SAID PLOT 'A'** admeasuring 1685 sq. mts. from the **SAID BIGGER PROPERTY**, was partitioned and a separate Survey No. 147/4-A of Village Pilerne, Bardez - Goa was obtained by the said Mr. Xavier Marcelino D'Mello alias Xavier M.



D'Mello and his wife, Mrs. Leocadia Mildred D'Mello.

16. Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1807-2022 dated 22/04/2022, the said Mr. Xavier Marcelino D'Mello alias Xavier M. D'Mello and his wife, Mrs. Leocadia Mildred D'Mello sold the **SAID PLOT 'A'** admeasuring 1685 sq. mts. bearing Survey No. 147/4-A of Village Pilerne, Bardez - Goa in favour of Anokha Estates Pvt. Ltd.

17. Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1806-2022 dated 22/04/2022, the said Mr. Thomas Vilanova Ludovico D'Mello alias Mr. Thomas V.I. D'Mello and his wife, Mrs. Celine D'Mello sold the **SAID PLOT 'B'** admeasuring 1695 sq. mts. bearing



Survey No. 147/4 of Village Pilerne, Bardez – Goa  
in favour of Anokha Estates Pvt. Ltd.

18. In view of above, the said Anokha Estates Pvt. Ltd. became absolute owner in possession of the **SAID PLOT 'A'** admeasuring 1685 sq. mts. bearing Survey No. 147/4-A of Village Pilerne, Bardez – Goa AND the **SAID PLOT 'B'** admeasuring 1695 sq. mts. bearing Survey No. 147/4 of Village Pilerne, Bardez – Goa.
19. Manual Form I & XIV, Form III and Form IX are Revenue Records prepared under the applicable Goa Land Revenue Code.
- Manual Form I & XIV, Form III and Form IX:  
in respect of the **SAID BIGGER PROPERTY** bearing Survey No. **147/4** of Village **Pilerne**, Bardez – Goa clearly shows the names of Maria Eulalia D'Mello, Pedro Joao Jeronimo D'Mello and Govt. of Goa PWD as occupants in the Occupants column.



20. Under Section 105 of the Goa Land Revenue Code, a person reflected in Form I & XIV is presumed to be in possession of the property unless rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.

21. In light of above, considering the fact that the Inscription Description Certificates, Registo Do Agrimensor, Order dated 28/09/2010 passed in the said Inventory Proceedings bearing No. 172/2009/C by the Court of the Civil Judge Senior Division at Mapusa - Goa registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-04509-2010, CD No. BRZD102 dated 07/12/2010, Order dated 28/10/2013 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/246/2013/PART/



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LAND/DC-II, Order dated 07/07/2014 passed by Deputy Collector & SDO, Mapusa Sub Division, Mapusa - Goa in Case No. 15/246/2013/PART/LAND/DC-II, Deed of Sale dated 22/04/2022 and Deed of Sale dated 22/04/2022 and survey records in respect of the **SAID BIGGER PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **ANOKHA ESTATES PVT. LTD.** has clear and marketable title in respect of the **SAID PLOT 'A'** admeasuring 1685 sq. mts. bearing Survey No. 147/4-A of Village Pilerne, Bardez - Goa and the **SAID PLOT 'B'** admeasuring 1695 sq. mts. bearing Survey No. 147/4 of Village Pilerne, Bardez - Goa **SUBJECT** to the Publication of Public Notice inviting objections from the general public, if any



IV. In addition to above, I have to make the following observations:

1. No tenants/Mundkars are reflected in the survey records of the **SAID PLOT 'A'** and the **SAID PLOT 'B'**.
2. The Urban Ceiling Act is not applicable to the State of Goa.
3. No Conversion **Sanad** has been furnished to establish that the **SAID PLOT 'A'** and the **SAID PLOT 'B'** are converted from agricultural to non-agricultural purposes.
4. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/1391/PIL/TCP-15/1451 dated 06/05/2015 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that the **SAID PLOT**



admeasuring **1685 sq. mts** from the **SAID BIGGER PROPERTY** bearing Survey No. 147/4-A of Village Pilerne, Bardez - Goa falls in "Settlement Zone" as per Regional Plan for Goa 2021. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/10164/PIL/TCP-2022/4535 dated 09/08/2022 reveals that as per Regional Plan Goa 2021, the plot under reference falls in settlement category VP - 1, with permissible FAR 80. The plot is abutting existing road which is 25 mtrs. wide. MDR.

5. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/1391/PIL/TCP-15/1453 dated 06/05/2015 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that the **PLOT** admeasuring **1765 sq. mts** from the **SAID BIGGER PROPERTY** bearing Survey No. 147/4



of Village Pilerne, Bardez - Goa falls in "Settlement Zone" as per Regional Plan for Goa 2021. Land Use Zoning Certificate bearing Ref. No. TPBZ/ZON/10167/PIL/TCP-2022/4534 dated 09/08/2022 reveals that as per Regional Plan Goa 2021, the plot under reference falls in settlement category VP - 1, with permissible FAR 80. The plot is abutting existing road which is 25 mtrs. wide. MDR.

6. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** is not identified as a Forest Land

**V. EVIDENCE OF POSSESSION:-**

The **SAID PLOT 'B'** bearing Survey No. **147/4** of Village **Pilerne**, Bardez - Goa reflects the names of Govt. of Goa P.W.D. 70 sq. mts. and ANOKHA ESTATES PVT. LTD. in Form I & XIV issued by the Department of Survey, Government of Goa which





establishes the ownership of the present owners in respect of the **SAID PLOT 'B'** admeasuring 1695 sq. mts.

The **SAID PLOT 'A'** bearing Survey No. **147/4-A** of Village **Pilerne**, Bardez - Goa reflects the name of **ANOKHA ESTATES PVT. LTD.** in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owners in respect of the **SAID PLOT 'A'**.

**VI. ENCUMBRANCE ON PROPERTY:-**

I have taken search in the Office of the Sub-Registrar of Mapusa, Bardez - Goa and have not found any registered mortgages in respect of the **SAID BIGGER PROPERTY**. Nil Encumbrance Certificate dated 07/03/2022 bearing No. 521/2022 in respect of the **SAID BIGGER PROPERTY** is furnished to establish that there is no encumbrance.



**CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that **ANOKHA ESTATES PVT. LTD.** has clear and marketable title in respect of the **SAID PLOT 'A'** admeasuring 1685 sq. mts. bearing Survey No. 147/4-A of Village Pilerne, Bardez – Goa and the **SAID PLOT 'B'** admeasuring 1695 sq. mts. bearing Survey No. 147/4 of Village Pilerne, Bardez – Goa **SUBJECT** to the Publication of Public Notice inviting objections from the general public, if any

➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'I' above.
- For the purpose of issuing this report on title:
  - (a) I have not carried out a negative search in respect of litigations (i) in relation to the



**SAID BIGGER PROPERTY** and/or (ii)  
against the larger property; and

- (a) I have taken the title documents under which Maria Eulalia de Melo by other name Maria Eulalia Rodrigues e Melo, wife of Pedro Joao Jeronimo de Melo acquired the land as root of title.
- For the purpose of issuing this report on title, I have assumed:
    - (a) the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, asset out at 'I' above, as photocopies or scanned copies and the authenticity of the originals of such documents;
    - (a) that the documents of title set out in the report above have not been modified in any



manner and are valid, subsisting and remain in force;

- (b) that all the documents relating to the **SAID BIGGER PROPERTY** and furnished to me have been validly executed and delivered by the parties to them;
- (c) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (d) that there are no pending litigations in respect of the **SAID BIGGER PROPERTY**; and
- (e) that names of persons spelt differently in different documents in respect of the **SAID BIGGER PROPERTY** are the same person.

- The accuracy of this report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete



and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out of the documents, responses and other information furnished to me.

- This report on title is confined to the **SAID BIGGER PROPERTY** only.
- The search conducted at the Office of the Sub-Registrar of Mapusa, Bardez - Goa is subject to non-availability of certain records and certain land registration records being torn at the concerned Sub-Registrar's Office.
- The availability/existence of the access to the **SAID BIGGER PROPERTY** is not within the scope of this report.



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- A certificate determination, notification, opinion or the like will not be binding on an Indian court or any arbitrator or judicial or regulatory body which would have to be independently satisfied despite any provision in the title documents to the contrary. The report on title has been prepared in accordance with and is subject the laws of India.

Place:-Panaji-Goa.

Date:- 12/09/2022



**(Adv. Shivan S. Desai)**