

TITLE REPORT

To,

MR. GAURAV JAIN,
resident of A2/31-32,
Safdarjung Enclave,
Delhi - 110029

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

- a) Survey Records Form I & XIV bearing Survey No. 100/3 of Village Calangute, Bardez - Goa.
- b) Survey Records Form I & XIV bearing Survey No. 100/4 of Village Calangute, Bardez - Goa
- c) Manual Form I & XIV (Survey No. 100/4 of Village Calangute)
- d) Deed of Partition dated 24/01/1976, registered before the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 45 of Book No. I, Volume No. 10 at pages 7 to 10 dated 27/01/1976



- e) Deed of Sale dated 05/04/1976 registered before the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 221/76 of Book No. I, Volume No. 10 at pages 117 to 121 dated 09/04/1976
- f) Inventory Proceedings bearing No. 145/2009/B initiated before the Court of Civil Judge Senior Division at Mapusa - Goa
- g) Order dated 18/08/2009 passed in the said Inventory Proceedings bearing No. 145/2009/B by the Court of Civil Judge Senior Division, 'B' Court at Mapusa - Goa
- h) Deed of Sale dated 06/08/2021, registered before Sub-Registrar of Bardez, Mapusa - Goa under registration No. BRZ-1-2749-2021 dated 09/09/2021



- i) Survey Plan
- j) Order dated 10/11/2021 bearing Ref. No. NGPDA/CAL/44/629/1087/2021 issued by the North Goa Planning And Development Authority, Panaji – Goa
- k) Order dated 12/11/2021 bearing Ref. No. NGPDA/CAL/44/629/1113/2021 issued by the North Goa Planning And Development Authority, Panaji – Goa
- l) NOC dated 06/12/2021 bearing No. DHS/2021/DHS0901/O0013/300 was issued by PHC Candolim Health Centre, Candolim, Bardez – Goa
- m) Construction License bearing Ref. No. VP/Cal/F-13/21-22/L-30/3744 dated 21/12/2021 has been issued by Village Panchayat of Calangute, Bardez – Goa



II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE-I

ALL THAT property surveyed under Survey No. **100/3** of Village Calangute, within the limits of Village Panchayat of Calangute, Taluka and Registration Sub-District of Bardez, District North Goa in the State of Goa, admeasuring an area of **800 sq. mts.** approximately, consisting therein a dilapidated house structure bearing Village Panchayat House No. 1/1, having plinth area of **130 sq. mts.**, neither found described in the Land Registration Office of Bardez at Mapusa - Goa nor found enrolled in the Taluka Revenue Office of Bardez and is bounded as under:-

On the North : by the Road

On the South : by the property bearing Survey No. 100/1 of Village Calangute.

On the East : by the property bearing Survey No. 100/4 of Village Calangute; and

On the West : by the property bearing Survey No. 100/2 of Village Calangute

The property shall hereinafter be referred to as the **SAID FIRST PROPERTY.**

SCHEDULE-II

ALL THAT ALL that property known as "**CONGOLY**" alias "**CONGULY**", surveyed under Survey No. **100/4** of Village Calangute, within the limits of Village Panchayat of Calangute, Taluka and Registration Sub-District of Bardez, District North Goa in the State of Goa, admeasuring an area of **825 sq. mts.** approximately, consisting therein a house structure bearing Village Panchayat House No. 1/16A, having plinth area of **90 sq. mts.**, found described in the Land Registration Office of Bardez at Mapusa - Goa under No. 3590 at page 68 of Book B-68 New, found enrolled in the Taluka Revenue Office of Bardez under Matriz No. 814 of the third circumscription, bearing Matriz No. 722 and is bounded as under:-

On the North : by the Road,



- On the South : by the property bearing Survey No.
101/1 of Village Calangute.
- On the East : by the property bearing Survey No.
100/5 of Village Calangute; and
- On the West : by the property bearing Survey No.
100/3 of Village Calangute

The property shall hereinafter be referred to as the **SAID
SECOND PROPERTY.**

TRACING OF PARTIES TITLE:

1. The **SAID FIRST PROPERTY** is neither described nor inscribed in the Land Registration Records. The FIRST DOCUMENT furnished for scrutiny in respect of the **SAID FIRST PROPERTY** is Inventory Proceedings bearing No. 145/2009/B initiated before the Court of Civil Judge Senior Division at Mapusa - Goa which reveals that the **SAID FIRST PROPERTY** originally belonged to Anthony D'Souza and his wife, Phyllis D'Souza



2. The FIRST DOCUMENT furnished for scrutiny in respect of the **SAID SECOND PROPERTY** is Deed of Partition dated 24/01/1976, registered before the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 45 of Book No. I, Volume No. 10 at pages 7 to 10 dated 27/01/1976 and the said Deed of Partition dated 24/01/1976 reveals that the **SAID SECOND PROPERTY** originally belonged to Diogo Francisco de Souza and his wife, Rita Maria Lobo.
3. Upon the death of the said Diogo Francisco de Souza and his wife, Rita Maria Lobo, the **SAID SECOND PROPERTY** was partitioned equally by their daughters, Santana de Souza and Rosy de Souza vide Deed of Partition dated 24/01/1976, registered before the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 45 of Book No. I, Volume No. 10 at pages 7 to 10 dated 27/01/1976.



4. Vide Deed of Sale dated 05/04/1976 registered before the Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 221/76 of Book No. I, Volume No. 10 at pages 117 to 121 dated 09/04/1976, the said Santana de Souza and Rosy de Souza sold the **SAID SECOND PROPERTY** in favour of Anthony D'Souza and his wife, Phyllis D'Souza.

5. Inventory Proceedings bearing No. 145/2009/B initiated before the Court of Civil Judge Senior Division at Mapusa - Goa reveals that the said Anthony D'Souza alias Anthony Peter Paul D'Souza alias Joao Antonio Eusebio alias Antonio D'Souza passed away on 18/03/2006 leaving behind his widow and moiety holder, the said Mrs. Phyllis D'Souza alias Phyllis Mauricia Armida Mendes and the following children as sole and universal legal heirs:

- (i) Mrs. Andrea Caroline D'Souza alias Andrea D'Souza married to Mr. Melroy Sebastian Fernandes



(ii) Ms. Helen Rose Ana D'Souza alias Helen D'Souza

6. Upon the death of the said Anthony D'Souza alias Anthony Peter Paul D'Souza alias Joao Antonio Eusebio alias Antonio D'Souza, Inventory Proceedings bearing No. 145/2009/B was initiated before the Court of Civil Judge Senior Division at Mapusa - Goa wherein the **SAID FIRST PROPERTY** was listed at **ITEM NO. 2** and the **SAID SECOND PROPERTY** was listed at **ITEM NO. 1** in the List of Assets.

7. The **SAID FIRST PROPERTY** was taken in auction by the said Ms. Helen Rose Ana D'Souza alias Helen D'Souza and the **SAID SECOND PROPERTY** was taken in auction by the said Mrs. Andrea Caroline D'Souza alias Andrea D'Souza married to Mr. Melroy Sebastian Fernandes which was confirmed vide Order dated 18/08/2009 passed in the said Inventory Proceedings bearing No. 145/2009/B by the Court of Civil Judge Senior Division, 'B' Court at Mapusa - Goa.



8. Vide Deed of Sale dated 06/08/2021, registered before Sub-Registrar of Bardez, Mapusa - Goa under registration No. BRZ-1-2749-2021 dated 09/09/2021, the said Ms. Helen Rose Ana D'Souza alias Helen D'Souza sold the **SAID FIRST PROPERTY** and the said Mrs. Andrea Caroline D'Souza alias Andrea D'Souza along with her husband, Mr. Melroy Sebastian Fernandes sold the **SAID SECOND PROPERTY** in favour of Mr. Gaurav Jain.

9. In light of above, the said Mr. Gaurav Jain became absolute owner in possession of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.

10. Manual Form I & XIV and Form III are Revenue Records prepared under the applicable Goa Land Revenue Code

Manual Form I & XIV:

in respect of **Survey No. 100/4** of Village **Calangute**, Bardez - Goa clearly shows the name of Maria Orlanda



D'Souza and after deleting the said name, the name of Anthony D'Souza and Phyllis D'Souza were added in the Occupants Column. The said Manual Form I & XIV is consistent with the devolution of ownership.

11. Following permissions have been obtained by the said Mr. Gaurav Jain for construction of Residential Bungalows (4 nos) in the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.

- (i) Order dated 10/11/2021 bearing Ref. No. NGPDA/CAL/44/629/1087/2021 issued by the North Goa Planning And Development Authority, Panaji - Goa
- (ii) Order dated 12/11/2021 bearing Ref. No. NGPDA/CAL/44/629/1113/2021 issued by the North Goa Planning And Development Authority, Panaji - Goa
- (iii) NOC dated 06/12/2021 bearing No. DHS/2021/DHS0901/O0013/300 was issued by



PHC Candolim Health Centre, Candolim, Bardez -
Goa

- (iv) Construction License bearing Ref. No. VP/Cal/F-
13/21-22/L-30/3744 dated 21/12/2021 has been
issued by Village Panchayat of Calangute, Bardez
- Goa

12. I have inspected the originals of the following
documents:

- (a) Deed of Partition dated 24/01/1976,
registered before the Sub-Registrar of Bardez,
Mapusa - Goa under Registration No. 45 of
Book No. I, Volume No. 10 at pages 7 to 10
dated 27/01/1976
- (b) Deed of Sale dated 05/04/1976 registered
before the Sub-Registrar of Bardez, Mapusa -
Goa under Registration No. 221/76 of Book
No. I, Volume No. 10 at pages 117 to 121
dated 09/04/1976



(c) Deed of Sale dated 06/08/2021, registered before Sub-Registrar of Bardez, Mapusa - Goa under registration No. BRZ-1-2749-2021 dated 09/09/2021

13. In light of above, considering the fact that the Deed of Partition dated 24/01/1976, Deed of Sale dated 05/04/1976, Order dated 18/08/2009 passed in the said Inventory Proceedings bearing No. 145/2009/B by the Court of Civil Judge Senior Division, 'B' Court at Mapusa - Goa and Deed of Sale dated 06/08/2021 and Survey Records in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owners, I am of the opinion that, the said **MR. GAURAV JAIN** has clear and marketable title in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY SUBJECT** to the following:



- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Production of the following documents.
 - (a) Manual Form I & XIV (for Survey No. 100/3 of Village Calangute)
 - (b) Form III
 - (c) Form IX
 - (d) Nil Encumbrance certificate
 - (e) Updated Zoning Certificate

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 FIRST PROPERTY** and the **SAID SECOND PROPERTY**
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 FIRST PROPERTY** and the **SAID SECOND PROPERTY** is converted from agricultural to non-agricultural purposes.

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

V. **EVIDENCE OF POSSESSION:-**

The **SAID FIRST PROPERTY** bearing Survey No. 100/3 of Village Calangute, Bardez - Goa and the **SAID SECOND PROPERTY** bearing Survey No. 100/4 of Village Calangute, Bardez - Goa reflects the name of Gaurav Jain in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owner in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.



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 FIRST PROPERTY** and the **SAID SECOND PROPERTY**. No Nil Encumbrance Certificate in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** is furnished to establish that there is no encumbrance in the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**. However an updated Nil Encumbrance Certificate needs to be furnished

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **MR. GAURAV JAIN** has a clear and marketable title in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** **SUBJECT** to the following:.

- i. Publication of Public Notice inviting objections from the general public, if any



ii. Production of the following documents.

- (a) The Manual Form I & XIV (for Survey
No. 100/3 of Village Calangute)
- (b) Form III
- (c) Form IX
- (d) Nil Encumbrance certificate
- (e) Updated Zoning Certificate

➤ **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 FIRST PROPERTY** and the **SAID SECOND PROPERTY** and/or (ii) against the larger property;
 - (b) I have taken the title documents under which Anthony D'Souza and his wife, Phyllis D'Souza



and Diogo Francisco de Souza and his wife, Rita Maria Lobo acquired the Land as the 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, as set out at 'I' above, as photocopies or scanned copies and the authenticity of the originals of such documents;
- (b) 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;
- (c) that all the documents relating to the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** and furnished to me have been validly executed and delivered by the parties to them;



- (d) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (e) that there are no pending litigations in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**; and
- (f) that names of persons spelt differently in different documents in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND 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 FIRST PROPERTY** and the **SAID SECOND 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 FIRST PROPERTY** and the **SAID SECOND PROPERTY** is not within the scope of this report
- 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:- 24/03/2022

(Adv. Shivan S. Desai)

