



ADV. NEEHAL S. VERNEKAR,
B.COM; L.L.B

OFFICE: 2ND FLOOR, HIGH COURT OF
BOMBAY AT GOA COMPLEX,
ALTO-PORVORIM-NORTH-GOA-403501
Neehalvers@gmail.com

Date: 18.03.2023

The present title report is being provided, on request of M/s Action Metalliks Pvt Ltd, a company incorporated under the Indian Companies Act, 1956, having incorporation no:U271010R2004PTC007785, office at Uditnagar, Rourkela, Odhisa-769012..

Subject:-

All that property known as “ Zambleachi Aradi” also known as “CORMOLBOMBALE, also known as “ZAMBEACHY ADDY” also known as “CARMALBOMBACHI BAR”, surveyed under Chalta no: 48 of P.T Sheet no: 25 of City Survey of Mapusa, admeasuring an area of 896 square meters, situated at Duler, within the city limits of Mapusa-Bardez Goa, founded registered as two properties in the Land Registration Office of Bardez at Mapusa under description nos: 6805 at pages 123 and 6806 at pages 123 of Book B-18 New Series 79, not found enrolled in the Taluka Revenue Office of Bardez at Mapusa-Goa. Hereinafter referred to as the “Said Property”. The same is bounded as under:

East: by lane/passage,

West: by municipal road,

North: by Chalta no.47 of PT Sheet no: 25

South: by water drain.

The following documents have been supplied to me by authorized person of M/s Metalliks Pvt Ltd, for the purpose of title scrutiny and verification of the Said Property.

1. Certificate of Inventory Proceedings issued on 10th September 1965 in Portuguese language along with its English translation.
2. Records and Proceedings of Inventory Proceedings bearing no: 150/2016/C.
3. Deed of Sale dated 23rd March 2016,

4. Agreement of Family settlement dated 03.04.2019.
5. Form D.
6. Inscription and Description
7. Conversion Sanad
8. Construction license
9. Nil encumbrance certificate

Derivation of Title:-

The genesis of the Said Property can be traced to the two parcels land described under Description no: 6805, drawn up at folio 122 of book B-18 (N) and Description no: 6806, drawn up at folio no.123 of Book B-18 (N) of the Land Registration records of Bardez, presently preserved in the Directorate of Archives and Archeology-Panaji. (*See: certified copy of the description extract (2nos) in Portuguese language, issued by the Directorate of Archives and Archeology bearing no.3703, dt.25.04.2022 and 26.04.2022, along with its English translation*) The aforesaid description is recorded at the instance of Mr. Fotty Gaunco, based on document dated 22nd June 1896.

Based on the Document dated 22nd June 1896, the properties described under nos: 6805 and 6806 as aforementioned were inscribed in favour of Mr. Fotty Gaunco, under inscription no: 4180 and 4181, drawn up at folio 253 and 254 respectively, of book G-6 of the Land Registration Records of Bardez. (*see: extract of inscription, bearing no: 3749 dated 28.04.2022 issued by the Department of Archeology along with its English translation*)

Before proceeding, it is important to understand the significance of the entry of inscription and description in the context of discernible title. The relevance of which is interpreted by the Hon'ble High Court of Bombay in the case of "Narcinva S. Sinai Nadkarni v. Govt of Goa"

As under:-

"10. Article 953 of the Portuguese Civil Code provides as under:

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.

Therefore the fact that the property of the Appellants has been shown in the Land Registration document not only confers on them due title in

respect of the property but also it shows that they are in possession of the property.”

Vide Public Deed dated 14th August 1897, drawn under no.4 of diary of 13th at folio 51 reverse of Book no.206 of the notes of Notary Public Miguel Jose Ribeiro of the Judicial Division of Bardez, Mr. Miguel D’ Almeida, purchased from Mr. Fotty Gaunco and his wife, the properties described under no: 6805 and 6806 as aforementioned. This transaction and transmission of title in favour of Mr. Miguel D’ Almeida is recorded in the records of the Land registration office of Bardez under inscription no: 4583 drawn up partly at folio 86 and partly at folio 87 of Book G-7. (*See: extract of inscription bearing no: 3790 dated 4.05.2022, issued by the Department of Archeology along with its English translation*)

Upon the death of the said Minguel Almeida and his wife Maria Antonia Coutinho, Inventory Proceedings were initiated in the Court of law in the Judicial Division of Bardez at Mapusa which was concluded by a Decree dated 31st July 1965, wherein the Said Property was listed as Item No. 1 and 2 in the Description of assets of the said Inventory Proceedings. By Order passed thereon, the Said Property came to be allotted to Douglas Edmund Almeida and Narcisa Justiniana Fernandes, having purchased the same in auction in the said Inventory Proceedings.(*See: Certificate of Inventory Proceedings, issued at the behest of Adv. Mario Baptista Cardosa, constituted legal attorney, on 10th September 1965, along with its English translation*)

Said Douglas Edmund Almeida and Narcisa Justiniana Fernandes expired leaving behind as their heirs; (a) Mrs. Arlene Maria Dias Nee Almeida, married to Antonio Rosario Dias, (b) Mr. Darryl Jerome Almeida married to Charmaine Fernandes, (c) Mr. Kevin Joseph Almeida married to Cheryl Almeida and (d) Mr. Brian Joseph Almeida married to Carol Almeida.

Mr. Douglas Edmund Almeida had executed a Will dated 17/10/1995 whereby he bequeathed the said property along with the house existing therein to his son, the said Mr. Brian Joseph Almeida.

Further, the remainder of the heirs of Douglas Edmund Almeida and Narcisa Justiniana Fernandes, i.e. Mrs. Arlene Maria Dias Nee Almeida, Antonio Rosario Dias, Mr. Darryl Jerome Almeida, Charmaine Fernandes, Mr. Kevin Joseph Almeida and Cheryl Almeida *vide*

Declaration dated 9/2/2005 and 25/10/2005, had accepted the said will and have declared that they have no right, title or interest in the said property and the said house.

Pursuant to the death of Douglas Edmund Almeida and Narcisa Justiniano Fernandes, an Inventory Proceedings bearing No. 150/2016/C have been initiated in the Court of Civil Judge Senior Division at Mapusa by the said Brian Joseph Almeida and the said property is allotted to said Brian Joseph Almeida vide Order dated 3rd November 2017. (*See: records and proceedings of Inventory Proceedings no: 150/2016/C, instituted before Civil Judge Senior Division-at Mapusa*).

Subsequently, Brian Joseph Almeida along with his wife, Mrs. Carol Almeida alias Carol Ann Almeida vide deed of sale dated 23rd March, 2016, registered under No. BRZ-BK1-0520-2016 CD Number BRZD778, dated 23/03/2016, sold the said property to Mr. Amancio D'Souza alias Amancio Timotio D'Souza alias Timotio Amancio De Souza and Mrs. Augusta Amy D'Souza. (*See: Deed of Sale dt. 23rd March, 2016, registered under No. BRZ-BK1-0520-2016 CD Number BRZD778, dated 23/03/2016*)

Pursuant to acquiring a title in the Said Property Mr. Amancio D'Souza alias Amancio Timotio D'Souza alias Timotio Amancio De Souza and Mrs. Augusta Amy D'Souza, obtained development permission as follows to commercially develop the Said Property, details of which are as under:-

- i. Conversion Sanad no:4/164/CNV/AC-III/2018/1357, dated 23.11.2018.
- ii. Development Permission bearing no: NGPDA/M/1848/29/2022, dated 11.01.2022 issued under Section 44 of the Goa Town and Country Planning Act 1974.
- iii. Construction License no: 1 dated 22.04.2022 issued by the Mapusa Municipal Council.
- iv. N.O.C. dated 15.03.2022 from Urban Health Centre, Mapusa.
- v. N.O.C. dated 13.01.2022 from Electricity Department, Sub-Division I(U), Mapusa, Goa.
- vi. Permission dated 19.02.2022 from Directorate of Fire and Emergency Services.
- vii. Approved Development Plan under No. NGPDA/M/1848/1291/2022.

Vide Deed of Sale dated 15th December 2022, registered before the office of the Sub registrar of Bardez at Mapusa, under no: BRZ-1-750-2023, on 16th February 2023, Mr. Amancio D'Souza alias Amancio Timotio D'Souza alias Timotio Amancio De Souza and Mrs. Augusta

Amy D'Souza, sold the Said Property along with its appurtenant land, easement and development permissions, to M/s Action Metaliks Pvt Ltd, for due consideration.

As such, M/s Action Metaliks Pvt Ltd, has now become the absolute owner in possession of the Said Property, free from encumbrances or charge.

From the above narration, it is opined that, M/s Action Metaliks Pvt Ltd, have a discernible title to the Said Property surveyed known as Zambleachi Aradi" also known as "CORMOLBOMBALE, also known as "ZAMBEACHY ADDY" also known as "CARMALBOMBACHI BAR", surveyed under Chalta no: 48 of P.T Sheet no: 25 of City Survey of Mapusa, admeasuring an area of 896 square meters, situated at Duler, within the city limits of Mapusa-Bardez Goa, founded registered as two properties in the Land Registration Office of Bardez at Mapusa under description nos: 6805 at pages 123 and 6806 at pages 123 of Book B-18 New Series 79, not found enrolled in the Taluka Revenue Office of Bardez at Mapusa-Goa.

*(**The Present Opinion is subject to the assumption that, the certified copies of the documents under consideration as mentioned herein, are true and authenticated copies of the originals as maintained in the public records and the English translations thereto are accurate and correct)*

SD/-

Adv. Neehal S. Vernekar