

**M. P. MULGAONKAR**  
**ADVOCATE**  
**HIRA, NEAR HOLY FAMILY CHURCH,**  
**ALTO - PORVORIM, BARDEZ -GOA**

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**TITLE CERTIFICATE**

M/s Kamat Creations, a partnership firm constituted under Indian Partnership Act and registered with Registrar of Firms Bardez under no. BRZ-F64-2020 and registered in the Office of Sub-Registrar of Bardez under Book-4 Document Registration Number BRZ-BK4-00018-2018 CD no. BRZD804 on 23-10-2018 submitted for my scrutiny following documents in respect of property forming part of the bigger property known as 'OITEIRO DE MADEL' also known as 'MARGAVAILE BHARAD' or HILL DE MADEL' admeasuring 1925 along with house admeasuring 250 square metres and out house and toilet admeasuring 50 square metres situated at Tivim, Bardez, Goa, surveyed under survey no. 459 sub-division no. 2 of Tivim village in order to prepare this title certificate.

**DESCRIPTION OF THE PROPERTY**

All that property forming part of the bigger property known as 'OITEIRO DE MADEL' also known as 'MARGAVAILE BHARAD' or HILL DE MADEL' admeasuring 1925 along with house admeasuring 250 square metres and out house and toilet admeasuring 50 square metres situated at Tivim, Bardez, Goa, neither described in Land Registration Office of Bardez nor enrolled in Taluka Revenue office and surveyed under survey no. 459 sub-division no. 2 of Tivim village and bounded on the east by

**Page | 1**

*M. P. Mulgaonkar*

public road, on the west by property bearing survey no. 459/1-B and 459/1, which is a pathway, on the north by property bearing survey no. 459/1, which is a road and on the south by property bearing survey no. 449/1.

### DESCRIPTION OF DOCUMENTS SCRUTINISED

1. Copy of document of handing over provisional possession of plot admeasuring 1000 square metres of the property known as 'OITEIRO DE MADEL' situated at Tivim, Bardez, Goa belonging to Comunidade of Tivim to Joao Miguel Fonseca for construction of house in File no. 28 of 1932 dated 22-10-1936
2. Copy of document of handing over definitive possession of plot admeasuring 1000 square metres of the property known as 'OITEIRO DE MADEL' situated at Tivim, Bardez, Goa belonging to Comunidade of Tivim to Joao Miguel Fonseca used for construction of house in File no. 28 of 1932 dated 13-05-1938.
3. Copy of document of handing over provisional possession of plot admeasuring 1000 square metres of the property known as 'OITEIRO DE MADEL' situated at Tivim, Bardez, Goa belonging to Comunidade of Tivim to Joao Miguel Fonseca for construction of house in File no. 29 of 1932 dated 30-11-1936

M. P. Mulgaj

4. Copy of document of handing over definitive possession of plot admeasuring 1000 square metres of the property known as 'OITEIRO DE MADEL' situated at Tivim, Bardez, Goa belonging to Comunidade of Tivim to Joao Miguel Fonseca used for construction of house in File no. 29 of 1932 dated 13-05-1938.
5. Copy of Manual Form I & XIV of Survey no. 459 sub-division no. 2 Tivim village.
6. Copy of death certificate of Simon J. M. Fonseca
7. Copy of death certificate of Mary Fonseca.
8. Copy of Deed of Renunciation dated 18-05-1989 drawn in the office of Civil Registrar cum Sub-Registrar and Notary Ex-Officio of Bardez at pages 55 reverse to 57 reverse of Book no. 739.
9. Copy of Deed of Succession dated 16-01-1991 drawn in the office of Civil Registrar cum Sub-Registrar and Notary Ex-Officio of Bardez.at pages 36 reverse to 38 reverse of Book no. 750.
10. Copy of Inventory Proceedings no. 71/2003/A filed in the Court of Civil Judge Senior Division at Bicholim to partition the properties left

*M. P. Mulgar*

by Bernardo Domingos Fonseca alias Ben Fonseca and his wife Margaret Violet Fonseca and Order dated 06-02-2004 passed in the said Inventory Proceedings.

10. Copy of Order dated 25-08-2023 passed by Administrator of Comunidades North Zone Mapusa granting approval to Andrea Maria Fonseca e Fernandes to transfer the property bearing survey no. 459/2 of Tivim village.
11. Sale Deed dated 28-08-2023 duly registered in the office of Sub-Registrar Bardez under Document Serial No. 2023-BRZ-4803 Book-1 Document Registration Number BRZ-1-4610-2023 on 27-09-2023.
12. Computerised copy of Form I & XIV of survey no. 459 sub-division no. 2 of Tivim village dated 12-10-2023.

### **TITLE SEARCH REPORT**

After carefully scrutinising the above documents, it is seen that there exists a property known as 'OITEIRO DE MADEL situated at Tivim, Bardez, Goa belonging to Comunidade of Tivim, neither described in Land Registration Office of Bardez nor enrolled in Taluka Revenue office of Bardez.

*M. P. Mulgaw*

Comunidade of Tivim allotted a plot of the said property known as 'OITEIRO DE MADEL admeasuring 1000 square metres for construction of house to Joao Miguel de Fonseca in File no. 28 of 1932 and provisional possession of the said plot admeasuring 1000 square metre was given to the said Joao Miguel de Fonseca on 22-10-1936 and definitive possession of the said plot admeasuring 1000 square metres was given to the said Joao Miguel de Fonseca on 13-05-1938 as he had used the said plot for construction of house.

Comunidade of Tivim allotted another plot of the said property known as 'OITEIRO DE MADEL admeasuring 1000 square metres for construction of house to Joao Miguel de Fonseca in File no. 29 of 1932, which is adjoining to the plot admeasuring 1000 square metres allotted to him in File no. 28 of 1932 and provisional possession of the said plot admeasuring 1000 square metre was given to the said Joao Miguel de Fonseca on 30-11-1936 and definitive possession of the said plot admeasuring 1000 square metres was given to the said Joao Miguel de Fonseca on 13-05-1938 as he had used the said plot for construction of house.

The said Joao Miguel de Fonseca, who was also known as Joao Miguel Fonseca or Simon J. M. Fonseca was married to Maria Inacinha Pereira.

The aforesaid two plots allotted to Joao Miguel de Fonseca, which are adjoining plots are surveyed together in the new survey under survey no. 459 sub-division no. 2 of Tivim village as one property admeasuring 1925


*M. P. Mulgoj*

square metres under the name 'MARGAVAILE BHARAD' and the name of Maria Inacina Pereira, wife of the said Joao Miguel de Fonseca was recorded in the column of Occupant in Form I & XIV of survey no. 459/2 of Tivim village.

The said Joao Miguel Fonseca also known as Simon J. M. Fonseca or Simon John Michael Fonseca expired on 19-02-1957 and his wife Maria Inacina Pereira also known as Mary Fonseca expired on 15-02-1983 leaving behind as their sole and universal heirs their children namely Generosa Claudina Fonseca alias Janet Carrasco married to Edwin George Carrasco and Bernardo Domingos Fonseca alias Ben Fonseca married to Margaret Pinto.

The said Edwin George Carrasco expired on 20-05-1987 without leaving any issues or any ascendants leaving as his widow the said Generosa Claudina Fonseca alias Janet Carrasco.

By Deed of Renunciation dated 18-05-1989 drawn in the office of Civil Registrar cum Sub-Registrar and Notary Ex-Officio of Bardez at pages 55 reverse to 57 reverse of Book no. 739, the said Generosa Claudina Fonseca alias Janet Carrasco renounced, relinquished and released in terms of Article 2029 of Portuguese Civil Code in the State of Goa all her rights to the inheritance left by her deceased parents namely Joao Miguel Fonseca and Mary Fonseca alias Maria Inacina Pereira and due to such

M.P. 

relinquishment her brother the said Bernardo Domingos Fonseca alias Ben Fonseca became sole and universal heir of his deceased parents Joao Miguel Fonseca also known as Simon J. M. Fonseca or Simon John Michael Fonseca and Mary Fonseca alias Maria Inacina Pereira, which fact is confirmed by Deed of Succession dated 16-01-1991 drawn in the office of Civil Registrar cum Sub-Registrar and Notary Ex-Officio of Bardez.at pages 36 reverse to 38 reverse of Book no. 750.

The said Bernardo Domingos Fonseca alias Ben Fonseca expired on 12-09-2003 and his wife Margaret Violet Fonseca expired on 21-03-1994 and upon their death their only daughter Andrea Maria Fonseca e Fernandes alias Andrea Fernandes filed Inventory Proceedings no. 71/2003/A in the Court of Civil Judge Senior Division at Bicholim to partition their properties and in the said Inventory Proceedings the said property surveyed under survey no. 459/2 was listed under Item no. 2 in the list of assets and by Order dated 06-02-2004 passed in the said Inventory Proceedings the said property surveyed under survey no. 459/2 was allotted to the said Andrea Maria Fonseca e Fernandes alias Andrea Fernandes married to Rupert Fernandes being the sole and universal heir of her deceased parents and thus the said Andrea Maria Fonseca e Fernandes alias Andrea Fernandes became absolute of the said property surveyed under survey no. 459/2 of Tivim village and thereafter Mutation of survey records was carried out and the name of Andrea Maria Fonseca e Fernandes alias Andrea Fernandes was recorded in the column of Occupant in Form I & XIV of Survey no. 459 sub-division no. 2 of Tivim village.

Page|7

M. P. 

By Order dated 25-08-2023 Administrator of Comunidades North Zone Mapusa granted approval to Andrea Maria Fonseca e Fernandes to transfer the property bearing survey no. 459/2 of Tivim village after she made payment of 10% appreciated value of the said property to the Comunidade of Tivim.

By Sale Deed dated 28-08-2023 duly registered in the office of Sub-Registrar Bardez under Document Serial No. 2023-BRZ-4803 Book-1 Document Registration Number BRZ-1-4610-2023 on 27-09-2023, the said Andrea Maria Fonseca e Fernandes alias Andrea Fernandes also known as Andrea Maria Fernandes and her husband Rupert Joseph Fernandes sold the said property known as 'OITEIRO DE MADEL' also known as 'MARGAVAILE BHARAD' or 'HILL OF MADEL' admeasuring 1925 square metres along with house, outhouse and toilet situated at Tivim, Bardez, Goa surveyed under survey no. 459 sub-division no. 2 to M/s Kamat Creations, a partnership firm constituted under Indian Partnership Act and registered with Registrar of Firms Bardez under no. BRZ-F64-2020 and the name of M/s Kamat Creations is now recorded in the column of Occupant in Form I & XIV of survey no. 459 sub-division no. 2 of Tivim village.

### OPINION

The above documents scrutinized by me traces the title of the said property known as 'OITEIRO DE MADEL' also known as 'MARGAVAILE BHARAD' or 'HILL OF MADEL' from the year 1936 i. e. for last more

Page|8

*M. P. Mulgani*



than 86 years and after careful scrutiny of the above documents, I am of the opinion that M/s Kamat Creations, a partnership firm constituted under Indian Partnership Act and registered with Registrar of Firms Bardez under no. BRZ-F64-2020 has a clear and marketable title to the property known as 'OITEIRO DE MADEL' also known as 'MARGA VAILE BHARAD' or 'HILL OF MADEL' admeasuring 1925 square metres along with house, outhouse and toilet existing therein situated at Tivim, Bardez, Goa and surveyed under survey no. 459 sub-division no. 2 of Tivim village.

Alto Porvorim, Goa

Date:- 16-11-2023

  
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**M. P. MULGAONKAR**

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ADVOCATE