

Shivan S.Desai
ADVOCATE

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TITLE REPORT

To,
REALCON RESIDENCY LLP
Having its Registered Office at 378,
MMM Road Amritsar,
Amritsar, PB - 143001.

- I. I have perused the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 88/3 of Village Pilerne, Bardez - Goa.
 - b) Inscription Certificate (bearing Inscription No. 20225)
 - c) Inscription Certificate (bearing Inscription No. 16561)
 - d) Inscription Certificate (bearing Inscription No. 16562)
 - e) Description Certificate (bearing Inscription No. 7092)
 - f) Auto De Demarcacao

- g) Registo Do Agrimensor
- h) Manual Form I & XIV
- i) Form IX
- j) Form III
- k) Conveyance on Sale dated 24/05/1977
- l) Sale Deed dated 30/07/1980 registered before Sub-Registrar of Ilhas, Panaji – Goa under No. 100 at Pages 313 to 318 of Book No. I, Volume No. 156 dated 27/02/1981
- m) Deed of Partition and Settlement dated 15/05/2006 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. 3408 at Pages 40 to 80 of Book No. I, Volume No. 1710 dated 03/07/2006
- n) Deed of Succession dated 31/08/2010

- o) Deed of Sale dated 22/10/2010 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. BRZ-BK1-04026-2010, CD No. BRZD92 dated 29/10/2010
- p) Deed of Sale dated 11/10/2019 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. BRZ-1-3245-2019 dated 11/10/2019
- q) Cadastral Survey Plan (bearing Old Cadastral Survey No. 1897)
- r) Survey Plan

PERMISSIONS :

- s) Order dated 22/10/2012 passed by the Deputy Collector Bardez-II at Mapusa – Goa in Case No. 15/53/2012/Part/Land/DC-II
- t) Order dated 24/12/2012 passed by the Deputy Collector Bardez-II at Mapusa – Goa in Case No. 15/8/2012/Part/Land/DC-II

- u) Land Use Zoning Certificate dated 12/04/2018 bearing Ref. No. TPBZ/ZON/4524/PIL/TCP-18/1377 issued by Senior Town Planner, Town and Country Planning Department, Mapusa – Goa
- v) Correspondence Certificate dated 02/05/2019 issued by Mohandas P. Kambli, Ex. Inspector of Survey & land Records, Panaji – Goa.
- w) Nil Encumbrance Certificate dated 14/05/2019 bearing No. 1077/2019

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE-I

ALL THAT Property known as “**BAIRO PARTIES**”, situated in the Village of **Pilerne**, within the limits of Village Panchayat Pilerne, Taluka and Registration Sub-District of Bardez, District North Goa in the State of Goa; which property is described in the Land

Registration Office under No. 7092 of Book B-19 (new) and enrolled in the Taluka Revenue Office under Matriz No. 703, totally admeasuring **4375 sq. mts.**, surveyed under Survey No. **88/3** of Village Pilerne, Bardez – Goa.

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

SCHEDULE-II

ALL THAT Property admeasuring **2468 sq. mts.**, surveyed under Survey No. **88/3** of Village Pilerne, Bardez – Goa forming part of the SAID BIGGER PROPERTY more particularly described in SCHEDULE I hereinabove and is bounded as under:-

- On the North : by property bearing Survey No. 88/2 of Village Pilerne;
- On the South : by property bearing Survey No. 88/3-A of Village Pilerne;
- On the East : by Public Road; and
- On the West : by Public Road;

The said property shall hereinafter referred to as the
SAID PROPERTY

TRACING OF PARTIES TITLE:

1. The **SAID BIGGER PROPERTY** is described under No. 7092 and inscribed In **February 1950** under No. 20225 in favour of Caixa Economica de Goa having Head Office at Cidade de Goa. The said Inscription Certificate reveals that the **SAID BIGGER PROPERTY** was acquired by the said Caixa Economica de Goa as attachment upon right of ½ right to use as attached by Order dated 29/09/1949 passed in proceedings of execution by the Judge of Civil Court of Bardez by the 1st Office moved against Sacarama Molico and Francisco Xavier Ludovico Assis de Silva.
2. The *HALF* of the **SAID BIGGER PROPERTY** further inscribed on **22nd November 1951** under No. 16561 in favour of Govinda Sinai Orti. The said Inscription

Certificate reveals that the said *HALF* of the **SAID BIGGER PROPERTY** was acquired by the said Govinda Sinai Orti in hypothecation upon right to use $\frac{1}{2}$ of the **SAID BIGGER PROPERTY** constituted by Francisco Xavier Judgero Assis da Silva for guarantee of Rs. 3,500/- being Rs. 3,000/- obtained as loan and interest of 6% per year vide Deed dated 17/06/1951.

3. The second *HALF* of the **SAID BIGGER PROPERTY** further inscribed on **22nd November 1951** under No. 16562 in favour of Govinda Sinai Orti. The said Inscription Certificate reveals that the said second *HALF* of the **SAID BIGGER PROPERTY** was acquired by the said Govinda Sinai Orti in hypothecation upon right to use $\frac{1}{2}$ of the **SAID BIGGER PROPERTY** constituted by Jose Antonio Xavier Assiz de Silva e Souza alias Jose Antonio Xavier Ass da Silva e Souza and his wife, D. Diadata Maria Carmetita Santana Melo e Silva for guarantee of Rs.

3,500/- obtained as loan and interest of 6% per year
vide Deed dated 17/06/1951.

4. The said Inscription of Hypothecation No. 16561 in respect of the *HALF* of the **SAID BIGGER PROPERTY** was amended on **25th September 1962** in favour of Antonio Filipe de Rosario Pinto vide Order dated 19/07/1962.
5. The said Inscription on side of Hypothecation No. 16562 in respect of the *HALF* of the **SAID BIGGER PROPERTY** was amended on **28th September 1962** in favour of Antonio Filipe de Rosario Pinto vide Order dated 19/07/1962.
6. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained.

7. Registo Do Agrimensor and Cadastral Survey Records reveal that the **SAID BIGGER PROPERTY** known as **“GORBATA PASSONBATA OR PATANBATA”** bearing old Cadastral Survey No. **1897** originally belonged to Francisco Xavier Ludgero Assis da Silva e Souza and Jose Antonio Xavier Assis da Silva e Souza, sons of Assis Sebastiao Agostinho de Silva.
8. Correspondence Certificate dated 02/05/2019 issued by Mohandas P. Kambli, Ex. Inspector of Survey & land Records, Panaji – Goa reveals that the **SAID BIGGER PROPERTY** bearing old Cadastral Survey No. 1897 corresponds to survey No. 88/3 of Village Pilerne, Bardez – Goa.
9. 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.

10. The said Cadastral Survey No. 1897 read with the Registo Do Agrimensor establishes that the **SAID BIGGER PROPERTY** originally belonged to Francisco Xavier Ludgero Assis da Silva e Souza and Jose Antonio Xavier Assis da Silva e Souza, sons of Assis Sebastiao Agostinho de Silva and the Description Certificate bearing No. 7092 and Inscription Certificate bearing Nos. 16561 and 16562 establishes that the **SAID BIGGER PROPERTY** than acquired by the said Antonio Filipe de Rosario Pinto.

11. Vide Conveyance on Sale dated 24/05/1977, the said Dr. Antonio Filipe Rosario Pinto along with his wife, Una Marie Pinto sold the **SAID BIGGER PROPERTY** in favour of Shri. Ganapat Rama Bhonsale and Shri. Mahadev Rama Bhonsale.

12. Sale Deed dated 30/07/1980 reveals that Shri. Ganapat Rama Bhonsale and Shri. Mahadev Rama Bhonsale have sub-divided the **SAID BIGGER PROPERTY** into four different plots after taking approval from the Town and Country Planning Department, Panaji – Goa

13. Vide Sale Deed dated 30/07/1980 registered before Sub-Registrar of Ilhas, Panaji – Goa under No. 100 at Pages 313 to 318 of Book No. I, Volume No. 156 dated 27/02/1981, the said Shri. Ganpat Rama Bhonsale along with his wife, Smt. Janki Ganpat Bhonsle and Shri. Mahadev Rama Bhonsale along with his wife, Smt. Mahananda Mahadev Bhonsle

sold a PLOT bearing No. 9, admeasuring 967 sq. mts. forming part of the **SAID BIGGER PROPERTY** in favour of Shri. Tulshidas Tukaram Naik. **However there is mistake in the said Sale Deed dated 30/07/1980 with respect to the Description number. In the said Sale Deed dated 30/07/1980 Description No. is mentioned as “7094” instead of “7092” which seems to be an error.**

14. Deed of Partition and Settlement dated 15/05/2006 reveals that the said Shri. Mahadev Rama Bhonsale passed away leaving behind his widow and moiety holder, the said Smt. Mahananda Mahadev Bhonsale alias Mahananda Mahadev Bhonsle and the following legal heirs :

- a. Mr. Vijay Mahadev Bhonsale alias Vijay Mahadev Bhonsle
- b. Mr. Milind Mahadev Bhonsale married to Mrs. Sanjeeta Milind Bhonsale

- c. Mrs. Seema Prajesh Chodankar married to Mr. Prajesh Premanand Chodankar.
15. Vide Deed of Partition and Settlement dated 15/05/2006 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. 3408 at Pages 40 to 80 of Book No. I, Volume No. 1710 dated 03/07/2006 executed between the said Shri. Ganpat Rama Bhonsale and his wife, Smt. Janki Ganpat Bhonsle and Smt. Mahananda Mahadev Bhonsale alias Mahananda Mahadev Bhonsle and her children, Mr. Vijay Mahadev Bhonsale alias Vijay Mahadev Bhonsle; Mr. Milind Mahadev Bhonsale and his wife, Mrs. Sanjeeta Milind Bhonsale and Mrs. Seema Prajesh Chodankar and her husband, Mr. Prajesh Premanand Chodankar, the three PLOTS bearing PLOT No. 1 admeasuring 1050 sq. mts.; PLOT No. 2 admeasuring 1030 sq. mts. and PLOT No. 3 admeasuring 940 sq. mts. (totally three PLOTS admeasuring 3020 sq. mts.) forming part of the

SAID BIGGER PROPERTY were allotted in favour of the said Shri. Ganpat Rama Bhonsale and his wife, Smt. Janki Ganpat Bhonsle.

16. Deed of Succession dated 31/08/2010 reveals that the said Shri. Ganpat Rama Bhonsale passed away on 19/04/2007 leaving behind his widow and moiety holder, the said Smt. Janki Ganpat Bhonsle alias Niru Tari alias Caxi Ganpata Bhonsle and the following legal heirs :

- a. Mr. Chandrashekar Ganpat Bhonsle
- b. Ms. Naixa Ganpata Bhonsle
- c. Ms. Resha Ganpat Bhonsle
- d. Mr. Devanand Ganpat Bhonsle

17. Vide Deed of Sale dated 22/10/2010 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. BRZ-BK1-04026-2010, CD No. BRZD92 dated 29/10/2010, the said Smt. Janki Ganpat Bhonsle alias Niru Tari alias Caxi Ganpata Bhonsle along

with her children, the said Mr. Chandrashekar Ganpat Bhonsle and his wife, Mrs. Priya Chandrashekar Bhonsle; Mrs. Resha Dinesh Tare and her husband, Dinesh Tare; Mr. Devanand Ganpat Bhonsle and his wife, Mrs. Swanandi Devanand Bhonsle and Mrs. Varsha Umesh Parab and her husband, Mr. Umesh Yeshwant Parab sold the said PLOT bearing PLOT No. 3 admeasuring 940 sq. mts. forming part of the **SAID BIGGER PROPERTY** in favour of Shri. Kulin B. Chhaya and Winnibald Keith Gomes.

18. Order dated 22/10/2012 passed by the Deputy Collector Bardez-II at Mapusa – Goa in Case No. 15/53/2012/Part/Land/DC-II reveals that the said Shri. Tulshidas Tukaram Naik have filed an application for partition of the PLOT bearing No. 9, admeasuring 967 sq. mts. forming part of the **SAID BIGGER PROPERTY** and vide Order dated 22/10/2012 passed by the Deputy Collector Bardez-

II at Mapusa – Goa in Case No. 15/53/2012/Part/Land/DC-II, the said PLOT bearing No. 9, admeasuring 967 sq. mts. forming part of the **SAID BIGGER PROPERTY** is partitioned and a separate Survey Number has been allotted to the same.

19. Order dated 24/12/2012 passed by the Deputy Collector Bardez-II at Mapusa – Goa in Case No. 15/8/2012/Part/Land/DC-II reveals that the said Shri. Kulin B. Chhaya and Winnibald Keith Gomes have filed an application for partition of their PLOT bearing No. 3, admeasuring 940 sq. mts. forming part of the **SAID BIGGER PROPERTY** and vide Order dated 24/12/2012 passed by the Deputy Collector Bardez-II at Mapusa – Goa in Case No. 15/8/2012/Part/Land/DC-II, the said PLOT bearing No. 3, admeasuring 940 sq. mts. forming part of the **SAID BIGGER PROPERTY** is partitioned and a

separate Survey No. 88/3-A has been allotted to the same.

20. Deed of Sale dated 11/10/2019 reveals that the PLOTS bearing PLOT No. 1 admeasuring 1050 sq. mts. and PLOT No. 2 admeasuring 1030 sq. mts. (totally admeasuring 2080 sq. mts.) forming part of the **SAID BIGGER PROPERTY** which were allotted in favour of the said Shri. Ganpat Rama Bhonsale and his wife, Smt. Janki Ganpat Bhonsle vide Deed of Partition and Settlement dated 15/05/2006, after carrying out survey it was noticed that the said PLOTS bearing Nos. 1 and 2 was **2468 sq. mts.** instead of 2080 sq. mts., which PLOTS totally admeasuring **2468 sq. mts.** is more particularly described in SCHEDULE II hereinabove and referred to as the SAID PROPERTY.

21. Vide Deed of Sale dated 11/10/2019 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. BRZ-1-3245-2019 dated 11/10/2019, the said

Smt. Janki Ganpat Bhonsle, Mr. Chandrashekar Ganpat Bhonsle and his wife, Mrs. Priya Chandrashekar Bhonsle; Mrs. Resha Dinesh Tare and her husband, Dinesh Tare; Mr. Devanand Ganpat Bhonsle and his wife, Mrs. Swanandi Devanand Bhonsle and Mrs. Varsha Umesh Parab and her husband, Mr. Umesh Yeshwant Parab sold the SAID PROPERTY admeasuring **2468 sq. mts.** forming part of the **SAID BIGGER PROPERTY** in favour of Realcon Residency LLP.

Form III :

22. in respect of the SAID BIGGER PROPERTY bearing Survey No. **88/3** of Village **Pilerne**, Bardez – Goa clearly shows the names of Antonio Filipe de Rosario Pinto and Francisco Xavier Assis da Silva as Occupants in Occupants Column

Form IX dated 12/08/1975:

23. in respect of the SAID BIGGER PROPERTY bearing Survey No. **88/3** of Village **Pilerne**, Bardez – Goa

clearly shows the name of Antonio Filipe de Rosario Pinto as Occupant in Occupants Column.

Manual Form I & XIV :

24. in respect of the SAID BIGGER PROPERTY bearing Survey No. **88/3** of Village **Pilerne**, Bardez – Goa clearly shows the names of Antonio Filipe de Rosario Pinto; Francisco Xavier Assis da Silva; Ganpat Rama Bhonsale alias Ganpat Rama Bhonsle; Janki Ganpat Bhonsale alias Janki Ganpat Bhonsle; Kulin H. Chhaya and Winnibald Keith Gomes as Occupants in Occupants Column.

25. In light of above, considering the fact that the Inscription and Description Certificates, Cadastral Survey Records, Registo Do Agrimensor, Correspondence Certificate, Conveyance on Sale dated 24/05/1977, Sale Deed dated 30/07/1980, Deed of Partition and Settlement dated 15/05/2006, Deed of Succession dated 31/08/2010, Deed of Sale

dated 22/10/2010 and Deed of Sale dated 11/10/2019 and the Survey Records in respect of the **SAID PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owner, I am of the opinion that **REALCON RESIDENCY LLP** has clear and marketable title in respect of the said **PROPERTY** subject to the following :

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Production of the 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 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 PROPERTY** is converted from agricultural to non-agricultural purposes.
4. Land Use Zoning Certificate dated 12/04/2018 bearing Ref. No. TPBZ/ZON/4524/PIL/TCP-18/1377 issued by Senior Town Planner, Town and Country Planning Department, Mapusa – Goa has been furnished which reveals that the **SAID PROPERTY** falls in “Settlement (S2) Zone” as per the Outline Development Plan for Panaji (Porvorim Part) and falls in “Settlement Zone” as per Regional Plan for Goa 2021. **However updated Zoning Certificate needs to be furnished since the said Zoning Certificate**

dated 12/04/2018 is valid only for SIX months from the date of issuance.

5. 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 PROPERTY** bearing Survey No. 88/3 reflects the names of Janki Ganpat Bhonsale alias Janki Ganpat Bhonsle, Chandrashekar Ganpat Bhonsle; Varsha Ganpat Bhonsle; Resha Ganpat Bhonsle and Devanand Ganpat Bhonsle in Form I & XIV issued by the Department of Survey, Government of Goa. **It is advisable that the name of the present owner i.e. Realcon Residency LLP needs to be mutated in the Survey Records and the names of the said Janki Ganpat Bhonsale alias Janki Ganpat Bhonsle, Chandrashekar Ganpat Bhonsle; Varsha Ganpat Bhonsle; Resha**

**Ganpat Bhonsle and Devanand Ganpat Bhonsle
needs to be deleted.**

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 PROPERTY**. Nil Encumbrance Certificate dated 14/05/2019 bearing No. 1077/2019 in respect of the **SAID PROPERTY** is furnished to establish that there is no encumbrance in the **SAID PROPERTY**.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **REALCON RESIDENCY LLP** has clear and marketable title in respect of the **SAID PROPERTY** subject to the following :

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

- ii. Observation made at **para V** above
- iii. Production of the 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 PROPERTY** and/or (ii) against the larger property;
 - (b) I have taken the title documents under which Antonio Filipe de Rosario Pinto 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 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 PROPERTY**; and
- (f) that names of persons spelt differently in different documents in respect of the **SAID 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 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 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

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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:- 27/11/2019



A handwritten signature in black ink, appearing to be "Shivan S. Desai".

(Adv. Shivan S. Desai)