

JONATHAN COSTA

ADVOCATE

OFF: 0832 – 2736412

CELL: 0091 – 9673626460

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OPINION ON TITLE

1. Description of the Subject Matter Property:

ALL THAT portion of the larger immovable property known as DONGRI or MAINA DE OITEIRO or DONGRIM, situated in village Seraulim, within the limits of the Village Panchayat of Seraulim, Taluka and Registration Sub – District of Salcete, District of South Goa, State of Goa, which larger property is described in the Land Registration Office of Salcete under Nos. 35,886, 35,887 and 35,888, at pages 140v to 141v of Book No. B-92 (New), but is not found enrolled in the Land Revenue Office for Matriz, which portion, as a separate, distinct and independent entity in itself, admeasures an area of **1,872 sq mts**, is surveyed under **Survey No. 101/11** of village Seraulim, and is bounded at present as follows:

East : by the property surveyed under S. No. 101/11-A of village Seraulim,

West : by the property surveyed under S. No. 101/10 of village Seraulim,

North : by the properties surveyed under S. Nos. 101/7-A and 101/9 of village Seraulim, and,

South : by the property surveyed under S. No. 101/13 of village Seraulim, acquired for road.

Which property shall hereinafter be referred to as the **"Said Property"**;

I, **Jonathan Delduque Costa**, advocate, having my office at D-3, Colaco Residency, Block D, Rua Abade Faria, Comba, Margao, Goa, 403601, and registered with the Bar Council of Maharashtra and Goa under No. MAH/2997/2008, at the request of Mr. Royston Costa, sole proprietor of M/s Costa Constructions, have carried out an investigation of title in regard to the Said Property.

I confirm that I have examined the following documents (*not in chronological order*) concerning the Said Property.



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2. Documents:

- i. Land Registration Certificate bearing Description No. 35,886, of Book B-92, (New), issued by the Land Registrar of Salcete, on June 2, 2015, along with its English translation;
- ii. Land Registration Certificate bearing Description No. 35,887, of Book B-92 (New), issued by the Land Registrar of Salcete, on June 17, 2015, along with its English translation;
- iii. Land Registration Certificate bearing Description No. 35,888, of Book B-92, issued by the Land Registrar of Salcete, on June 17, 2015, along with its English translation;
- iv. Inscription Certificate bearing No. 36552, along with its English Translation, issued by the Land Registrar of Salcete, on July 21, 2015;
- v. Inscription Certificate bearing No. 29448, along with its English Translation, issued by the Land Registrar of Salcete, on July 5, 2019;
- vi. Form III of the property surveyed under S. No. 101/11 of village Seraulim, recorded in the name of Mr. Francisco Fernandes, issued by the Inspector of Survey and Land Records, on May 5, 2023;
- vii. Manual Form I and XIV of the property bearing S. No. 101/11 of village Seraulim, recorded in the name of Mr. Francisco Fernandes, issued by the Talathi of Seraulim, on July 11, 2023;
- viii. Survey Plan of the properties bearing S. Nos. 101/11, 101/11-A and 101/11-B of village Seraulim, issued by the Directorate of Settlement and Land Records, on July 10, 2023;
- ix. Public Deed of Sale, Cession and Discharges dated March 13, 1943, registered before Mr. Francisco Xavier Roque da Cruz, Assistant Notary of Salcete Jurisdiction, between Mr. Joaquim Piedade Baptista as the First Party, Mr. Paixao Rosario Augusto Fernandes, or Paixao Augusto Rosario Fernandes, or Augusto Fernandes as the Second Party, and Mrs. Remigia Lourdes Fernandes, or Maria Remegia Lourdes Fernandes and her husband Mr. Tomas Joao Rodrigues as the Third Party;
- x. Records and Proceedings of Orphanological Inventory Proceedings, filed on the death of late Mrs. Maria Clotildes Fernandes, along with its English Translation;

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- xi. Records and Proceedings of Orphanological Inventory Proceedings, filed on the death of late Mr. Francisco Fernandes, along with its English Translation;
- xii. Records and Proceedings of Special Civil Suit No. 5/1978, filed before the Court of the Civil Judge Senior Division of Salcete at Margao, between Mr. Jose Santana Fernandes and his wife Mrs. Fatima Emeliana B. Dias e Fernandes as Plaintiffs, and Mrs. Emilia Miranda Fernandes and Ors. as Defendants;
- xiii. Public Will of Mr. Alvito Francisco Jose Fatima Fernandes, alias Alvito Fernandes drawn on April 28, 2017, recorded at folio 20 to 21 of Will Book No. 449, issued by the Office of the Civil Registrar cum Sub – Registrar and Special Notary (Salcete), Margao – Goa;
- xiv. Deed of Testamentary Succession drawn on April 6, 2018, recorded at Folio 88 to 89 of Book of Deeds No. 1649, on the death of Mr. Alvito Francisco Jose Fatima Fernandes, alias Alvito Fernandes, issued by the Office of the Civil Registrar cum Sub – Registrar and Special Notary (Salcete), Margao – Goa, on May 15, 2018;
- xv. Form I and XIV of the property bearing S. No. 101/11 of village Seraulim, found recorded in the name of Mrs. Ruberta Fernandes, alias Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, issued by the Citizen Service Centre – Salcete, on August 3, 2018;
- xvi. Conversion Sanad of the property surveyed under S. No. 101/11 of village Seraulim, bearing No. COL/SAL/SG/CONV/85/2018/8241, issued by the Office of the Collector of South Goa, dated July 12, 2019;
- xvii. Records and Proceedings of Regular Inventory Proceedings No. 301/2022/H, instituted in the Court of the Civil Judge Junior Division H Court, at Margao, Goa, on the death of late Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes, alias Emilia Etelvina Vitoria Ligia Gomes e Miranda, alias Emilia Miranda Fernandes;
- xviii. Public Notice dated July 22, 2023, published on the local English daily, "O Heraldo";
- xix. Nil Encumbrance Certificate bearing No. NEC/2/2023/4420, issued by the Sub – Registrar of Salcete at Margao, on September 14, 2023, for the period from 01-01-1994 to 08-09-2023, in respect of the property bearing S. No. 101/11 of village Seraulim;
- xx. Powers of Attorney;

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- xxi. Digital Form I and XIV of the property bearing S. No. 101/11 of village Seraulim, recorded in the name of Mr. Royston Joseph Caetano Costa;
- xxii. Deed of Sale dated September 12, 2023, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-3951-2023 dated 18-Sep-2023;
- xxiii. Technical Clearance Order from the Senior Town Planner, Town and Country Planning Department, South Goa, Margao, bearing Ref. No. TPM/34974/Seraul/101/11/2024/2131 dated March 22, 2024;
- xxiv. Health NOC issued by the Primary Health Centre, Cansaulim, Directorate of Health Services, bearing Ref. No. DHS/2024/DHS0901/O0014/102 dated April 16, 2024;
- xxv. Construction License issued by the Village Panchayat of Seraulim, bearing Ref. No. VP/S/03/2024-25, dated May 16, 2024.

3. General Qualifications:

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- i. At the outset, it is clarified that this Opinion on Title is prepared based solely on the basis of documents furnished to me, as enlisted hereinabove at Point 2. The same may be compared with their respective originals/certified copies.
- ii. For the purpose of this Opinion:
 - a. I have not carried out a negative search in respect of litigations in respect of the Said Entire Property/Said Property;
 - b. I have assumed 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 at Point 2 hereinabove;
 - c. I have assumed that the documents at Point 2 hereinabove have not been tampered with, or modified in any form or manner, and are valid, subsisting and remain in force;
 - d. That the documents at Point 2 hereinabove have been executed per law and duly delivered by the Parties to them;



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- e. That all documents are within the capacity and powers of each Party, and have been validly authorized by each Party;
- f. That there are no pending litigations in respect of the Said Property;
- g. The names of persons spelt differently in different documents at Point 2 hereinabove are the same person.
- iii. The accuracy of this Opinion necessarily depends on the information furnished to me, and the information provided to me during the course of 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.
- iv. The availability of access to the Said Property, its terrain and location, are not within the scope of this Opinion;
- v. This Opinion will not be binding on any Court of law, or judicial or regulatory body, and the same would have to be independently satisfied despite any provision in the title documents to the contrary.
- vi. This Opinion has been prepared in accordance with, and is subject to the laws of Goa and/or India as the case maybe.

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On examination of the abovementioned documents, I find the same to be in order as per the law prevailing in the State of Goa. Further, I opine the following:

4. Origin of Title and Subsequent Developments:

- i. There exists ALL THAT Plot No. 52, being a plantation of trees known as DONGRIM, situated at Seraulim Village, within the limits of the Village Panchayat of Seraulim, Taluka and Sub – District of Salcete, District of South Goa, State of Goa, which property is not found enrolled in

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the Land Revenue Office for Matriz, but is found described in the Land Registration Office of Salcete under No. 35,886 at Book B-92 (New)¹, and is bounded as under:

East : by the Plot No. 53, belonging to Mr. Augusto Fernandes, Bonifacio Francisco Xavier Fernandes, Remigia Lourdes Fernandes, and Jose Santana Fernandes,
West : by the Plot Nos. 51 and 56 of the Fabrica of Church of Benaulim,
North : by the Plot Nos. 51 and 56 of the Fabrica of Church of Benaulim, and,
South : by the municipal road which leads to Colva.

Which property shall hereinafter be referred to as the '**Said Plot No. 52**';

- ii. There exists ALL THAT Plot No. 53, being a plantation of trees known as DONGRIM, situated at Seraulim Village, within the limits of the Village Panchayat of Seraulim, Taluka and Sub – District of Salcete, District of South Goa, State of Goa, which property is not found enrolled in the Land Revenue Office for Matriz, but is found described in the Land Registration Office of Salcete under No. 35,887 at Book B-92 (New)², and is bounded as under:

East : by the Plot No. 54 of the same property, belonging to Mr. Augusto Fernandes, Bonifacio Francisco Xavier Fernandes, Remigia Lourdes Fernandes and Jose Santana Fernandes,
West : by the Plot No. 52 of the same property, belonging to Mr. Augusto Fernandes, Bonifacio Francisco Xavier Fernandes Remigia Lourdes Fernandes and Jose Santana Fernandes;
North : by the Plot No. 55 of the Fabrica of Church of Benaulim, and,
South : by the municipal road which leads to Colva.

Which property shall hereinafter be referred to as the '**Said Plot No. 53**';

¹ Land Registration Certificate bearing Description No. 35,886 of Book B-92, (New), issued by the Land Registrar of Salcete, on June 2, 2015, along with its English translation.

² Land Registration Certificate bearing Description No. 35,887 of Book B-92 (New), issued by the Land Registrar of Salcete, on June 17, 2015, along with its English translation.

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- iii. There also exists ALL THAT Plot No. 54, being a plantation of trees known as DONGRIM, situated at Seraulim Village, within the limits of the Village Panchayat of Seraulim, Taluka and Sub – District of Salcete, District of South Goa, State of Goa, which property is not found enrolled in the Land Revenue Office for Matriz, but is found described in the Land Registration Office of Salcete under No. 35,888 at Book B-92 (New)³, and is bounded as under:

East : by a reserved road,

West : by the Plot No. 53, belonging to Mr. Augusto Fernandes, Bonifacio Francisco Xavier Fernandes, Remigia Lourdes Fernandes, and Jose Santana Fernandes,

North : by a reserved road, and,

South : by the municipal road which leads to Colva;

Which property shall hereinafter be referred to as the '**Said Plot No. 54**';

- iv. The Said Plot Nos. 52, 53 and 54 constituted a single, contiguous, independent parcel of land, and shall hereinafter together be referred to as the "**Said Entire Property**";

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- v. The Said Entire Property originally belonged to Mr. Francisco Fernandes and his wife Mrs. Maria Clotildes Fernandes;
- vi. Mr. Francisco Fernandes, expired on July 14, 1931, intestate, without any Will or testament of his final disposition, leaving behind as his widow and moiety sharer, the said Mrs. Maria Clotildes Fernandes, and as his sole and universal heirs, his 4 children, namely:
- Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes,
 - Mr. Bonifacio Francisco Xavier Fernandes,
 - Ms. Remigia Lourdes Fernandes, alias Maria Remigia Lourdes Fernandes, and,
 - Mr. Jose Santana Fernandes.

³ Land Registration Certificate bearing Description No. 35,888 of Book B-92, issued by the Land Registrar of Salcete, on June 17, 2015, along with its English translation.

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- vii. On the death of Mr. Francisco Fernandes, Orphanological Inventory Proceedings⁴ were initiated in the year 1934, by his widow and moiety sharer, Mrs. Maria Clotildes Fernandes;
- viii. In the said Orphanological Inventory Proceedings, the Said Plot No. 52, forming part of the Said Entire Property, came to be listed at Item No. 2, the Said Plot No. 53 forming part of the Said Entire Property, came to be listed at Item No. 3, and the Said Plot No. 54, forming part of the Said Entire Property, came to be listed at Item No. 4;
- ix. That per the allotment in the Inventory Proceedings, the said Plot Nos. 52, 53 and 54, forming the Said Entire Property, came to be allotted in auction to the following heirs, in the manner as mentioned herein below:
- a. To Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes – 1/4th of Plot Nos. 52, 53 and 54,
 - b. To Mr. Bonifacio Francisco Xavier Fernandes - 1/4th of Plot Nos. 52, 53 and 54,
 - c. To Mrs. Remigia Lourdes Fernandes, alias Maria Remigia Lourdes Fernandes - 1/4th of Plot Nos. 52, 53 and 54, and
 - d. To Mr. Jose Santana Fernandes - 1/4th of Plot Nos. 52, 53 and 54;
- x. The said allotment was confirmed vide Final Judgment and Order dated August 12, 1934⁵;
- xi. Pursuant to the above, the Said Entire Property is also found inscribed in the name of Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes, alias Paixao Augusto Rosario Fernandes, and Jose Santana Fernandes⁶, to the extent of their respective 1/4th undivided rights, title, share and interest therein;

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⁴ Records and Proceedings of Orphanological Inventory Proceedings, filed on the death of late Mr. Francisco Fernandes, along with its English Translation;

⁵ Records and Proceedings of Orphanological Inventory Proceedings, filed on the death of late Mr. Francisco Fernandes, along with its English Translation.

⁶ Inscription Certificate bearing No. 29,448, along with its English Translation, of properties described under Land Registration Certificate Nos. 35,886, 35,887 and 35,888, issued by the Land Registrar of Salcete, on July 5, 2019.

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- xii. Further, vide Deed of Sale, Cession and Discharge dated March, 1943⁷, Mrs. Remigia Lourdes Fernandes, alias Maria Remigia Lourdes Fernandes, and her husband Mr. Tomas Joao Rodrigues, sold to their brother/brother in law, Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes, alias Paixao Augusto Rosario Fernandes, their 1/4th undivided rights, title, share and interest share in the Said Entire Property;
- xiii. The said 1/4th undivided rights, title, share and interest share in the Said Entire Property thereby sold, is further found inscribed in the name of Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes, alias Paixao Augusto Rosario Fernandes⁸;
- xiv. Therefore, Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes, alias Paixao Augusto Rosario Fernandes became the sole and absolute owner of 2/4th undivided rights, title, share and interest in the Said Entire Property, with Mr. Bonifacio Francisco Xavier Fernandes and Mr. Jose Santana Fernandes, together, the sole and absolute owners of the balance 2/4th undivided rights, title, share and interest in the Said Entire Property;
- xv. Mrs. Maria Clotildes Fernandes expired on September 13, 1942, and the said Mr. Paixao Rosario Augusto Fernandes, alias Augusto Fernandes, alias Paixao Augusto Rosario Fernandes, expired on June 15, 1962 respectively;
- xvi. Upon their deaths Orphanological Inventory⁹ Proceedings were instituted by the widow of late Mr. Paixao Rosario Augusto Fernandes, namely, Mrs. Emilia Miranda Fernandes alias Emilia Etelvina Ligia Vitoria Gomes Miranda, for the partition and division of their respective Estates;

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⁷ Public Deed of Sale, Cession and Discharges dated March 13, 1943, registered before Mr. Francisco Xavier Roque da Cruz, Assistant Notary of Salcete Jurisdiction, between Mr. Joaquim Piedade Baptista as the First Party, Mr. Paixao Rosario Augusto Fernandes, or Paixao Augusto Rosario Fernandes, or Augusto Fernandes as the Second Party, and Mrs. Remigia Lourdes Fernandes, or Maria Remigia Lourdes Fernandes and her husband Mr. Tomas Joao Rodrigues.

⁸ Inscription Certificate bearing No. 36,552, along with its English Translation, of properties described under Land registration Certificate Nos. 35,886, 35,887 and 35,888, issued by the Land Registrar of Salcete, on July 21, 2015.

⁹ Records and Proceedings of Orphanological Inventory Proceedings, filed on the death of late Mrs. Maria Clotildes Fernandes, along with its English Translation;

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- xvii. In the said Orphanological Inventory Proceedings, the 2/4th share of the Said Plot No. 52, forming part of the Said Entire Property came to be listed at Item No. 3, 2/4th share of the Said Plot No. 53, forming part of the Said Entire Property came to be listed at Item No. 4, and 2/4th share of the Said Plot No. 54, forming part of the Said Entire Property, came to be listed at Item No. 5 therein. The said Item Nos. 3, 4 and 5 formed the Estate of late Mr. Paixao Rosario Augusto Fernandes;
- xviii. The said Item Nos. 3, 4 and 5, were further allotted in auction to Mr. Alvito Fernandes, alias Alvito Francisco Jose de Fatima Miranda Fernandes, son of said late Mr. Paixao Rosario Augusto Fernandes. The allotment was confirmed by Judgment and Order dated August 9, 1973¹⁰;
- xix. As such, the Said Entire Property came to be owned by the following heirs of Francisco Fernandes, in the below mentioned manner:
- a. Mr. Alvito Fernandes, alias Alvito Francisco Jose de Fatima Miranda Fernandes – 2/4th share,
 - b. Mr. Bonifacio Francisco Xavier Fernandes – 1/4th share,
 - c. Mr. Jose Santana Fernandes – 1/4th share;
- xx. Mr. Jose Santana Fernandes thereafter filed a suit for partition, bearing Special Civil Suit No. 5/1978¹¹, before the Court of the Additional Civil Judge Senior Division, at Margao, against Mr. Alvito Fernandes and others, and against the heirs of Mr. Bonifacio Francisco Xavier Fernandes, to partition their respective shares in the Said Entire Property by metes and bounds;

¹⁰ Records and Proceedings of Orphanological Inventory Proceedings, filed on the death of late Mrs. Maria Clotildes Fernandes, along with its English Translation.

¹¹ Records and Proceedings of Special Civil Suit No. 5/1978, filed before the Court of the Civil Judge Senior Division of Salcete at Margao, between Mr. Jose Santana Fernandes and his wife Mrs. Fatima Emeliana B. Dias e Fernandes as Plaintiffs, and Mrs. Emilia Miranda Fernandes and Ors. as the Defendants;

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- xxi. In the abovementioned Civil Suit, it was categorically averred by Mr. Jose Santana Fernandes, that Mr. Alvito Fernandes and others were the owners of 2/4th undivided rights, title, share and interest in the Said Entire Property, that the heirs of Bonifacio Francisco Xavier Fernandes were the owners of 1/4th undivided rights, title, share and interest in the Said Entire Property, and that Mr. Jose Santana Fernandes was the owner of 1/4th undivided rights, title, share and interest in the Said Entire Property;
- xxii. The abovementioned suit was admitted and disposed by consent, by all the parties thereto, whereby, the Said Entire Property was sub - divided into four plots (after taking into account areas lost for road widening), by Engineer Agnelo J. H. Pereira, being Plot No. 1 having an area of 936 sq mts, Plot No. 2 having an area of 936 sq mts, Plot No. 3 having an area of 936 sq mts, and Plot No. 4 having an area of 947 sq. mts, in accordance with the shares and entitlements of each of the parties thereto.
- xxiii. Further, per the Consent Terms filed therein, it was agreed by and between the Parties that:
- a. Towards their 2/4th share in the Said Entire Property, Plot Nos. 1 and 2, totally admeasuring an area of 1,872 sq mts, would be allotted solely and exclusively to Mrs. Emilia Miranda Fernandes, Mr. Alvito Fernandes and Ms. Succorina Fernandes, (Defendant Nos. 1-3);
 - b. Towards their 1/4th share in the Said Entire Property, Plot No. 3, admeasuring an area of 936 sq mts, would be allotted solely and exclusively to the heirs of Mr. Bonifacio Francisco Xavier Fernandes, namely, Mr. Jose Luis Fernandes, Mr. Domingos Fernandes, Mr. Matheus Fernandes, Mrs. Perpetua Fernandes, Mrs. Filomena Noronha, and Mr. Roquezinho Noronha, (Defendant Nos. 4-9);
 - c. Towards their 1/4th share in the Said Entire Property, Plot No. 4, admeasuring an area of 947 sq mts, would be allotted solely and exclusively to Mr. Jose Santana Fernandes and Mrs. Fatima Emeliana B. Dias e Fernandes, (Plaintiffs);

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xxiv. The said Special Civil Suit No. 5/1978, was decreed vide Compromise Decree dated June 30, 1983, passed by the Addl. Civil Judge Senior Division at Margao, as per the Consent Terms dated June 7, 1983¹²;

xxv. The said Plot Nos. 1 and 2, amalgamated together, as a separate, distinct and independent entity in itself, partitioned from the remainder of the Said Entire Property, presently admeasures an area of 1,872 sq mts, is surveyed under S. No. 101/11 of village Seraulim, and is presently bounded as follows:

East : by the property surveyed under S. No. 101/11-A of village Seraulim,

West : by the property surveyed under S. No. 101/10 of village Seraulim,

North : by the properties surveyed under S. Nos. 101/7-A and 101/9 of village Seraulim,
and,

South : By the property surveyed under S. No. 101/13 of village Seraulim, acquired for
road.

Which property shall herein be referred to as the “**Said Property**”¹³

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xxvi. Further, the said Plot Nos. 3 and 4, were also partitioned from the Said Entire Property, and presently are surveyed under S. No. 101/11-A of village Seraulim, admeasuring about 936 sq mts, and under S. No. 101/11-B of village Seraulim, admeasuring about 947 sq mts, respectively¹⁴;

xxvii. As such, pursuant to the said proceedings for partition of the Said Entire Property, the Said Property came to be owned and possessed, solely and exclusively by Mr. Alvito Francisco

¹² Records and Proceedings of Special Civil Suit No. 5/1978, filed before the Court of the Civil Judge Senior Division of Salcete at Margao, between Mr. Jose Santana Fernandes and his wife Mrs. Fatima Emeliana B. Dias e Fernandes as Plaintiffs, and Mrs. Emilia Miranda Fernandes and Ors as the Defendants.

¹³ Survey Plan of the properties bearing S. Nos. 101/11, 101/11-A and 101/11-B of village Seraulim, issued by the Directorate of Settlement and Land Records, on July 10, 2023;

¹⁴ Survey Plan of the properties bearing S. Nos. 101/11, 101/11-A and 101/11-B of village Seraulim, issued by the Directorate of Settlement and Land Records on July 10, 2023;

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Jose Fatima Fernandes, alias Alvito Fernandes, his mother, Mrs. Emilia Miranda Fernandes, and his sister, Mrs. Succorina Fernandes, in equal proportions;

xxviii. Thereafter, Mr. Alvito Jose Fatima Fernandes, alias Alvito Fernandes expired on December 16, 2017, without any issues, leaving behind a Will and Final Testament dated April 28, 2017¹⁵, whereby his widow and moiety sharer, Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes, was constituted as his sole and universal heir. The same is further evidenced by a Deed of Testamentary Succession, drawn on April 6, 2018¹⁶;

xxix. As such, the 1/3rd undivided rights, title, share and interest of Mr. Alvito Jose Fatima Fernandes, alias Alvito Fernandes, in the Said Property, devolved solely and exclusively upon his widow, Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes;

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xxx. Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes, alias Emilia Etelvina Vitoria Ligia Gomes E Miranda, alias Emilia Miranda Fernandes, also expired on April 12, 2006, whereupon Inventory Proceedings were instituted in the Court of the Civil Judge Junior Division at Margao, Goa, being Regular Inventory Proceedings No. 301/2022/H, for the partition and division of her Estate;

xxxi. Per the Inventory Proceedings¹⁷, and per the declarations filed therein, Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes expired, leaving behind the following heirs:

¹⁵ Public Will of Mr. Alvito Francisco Jose Fatima Fernandes, alias Alvito Fernandes drawn on April 28, 2017, recorded at folio 20 to 21 of Will Book No. 449, issued by the Office of the Civil Registrar cum Sub – Registrar and Special Notary (Salcete) Margao – Goa;

¹⁶ Deed of Testamentary Succession drawn on April 6, 2018, recorded at Folio 88 to 89 of Book of Deeds No. 1649, on the death of Mr. Alvito Francisco Jose Fatima Fernandes alias Alvito Fernandes, issued by the Office of the Civil Registrar cum Sub – Registrar and Special Notary (Salcete) Margao – Goa, on May 15, 2018;

¹⁷ Records and Proceedings of Regular Inventory Proceedings No. 301/2022/H, instituted in the Court of the Civil Judge Junior Division H Court, at Margao, Goa, on the death of late Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes, alias Emilia Etelvina Vitoria Ligia Gomes e Miranda, alias Emilia Miranda Fernandes;

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- a. Late Mr. Alvito Francisco Jose Fatima Fernandes, expired, leaving behind his wife Mrs. Ruberta de Socorro Fernandes alias Roberta de Socorro Fernandes alias Ruberta Fernandes, as his sole and universal heir,
 - b. Ms. Succorina Fernandes,
 - c. Mrs. Winfred Clara Clotildes Fernandes, married to Mr. Alberto Joao Matias D'Sa,
 - d. Mrs. Maria Do Amparo Miranda Fernandes, married to late Mr. Cesar F. G. S. Estibreiro De Miranda, who expired leaving behind the following heirs, namely:
 - i. Mrs. Maria Teresa Fernandes, married to Mr. Francis Xavier Bertha Camilo Menezes,
 - ii. Mrs. Corina Joice Fernandes Miranda, married to Mr. Kim Sydney Alemiao, and,
 - iii. Mrs. Iola Belina Fernandes Miranda, married to Mr. Steven Yonatan Katzir Bullock;
- xxxii. In the said Inventory Proceedings, 1/3rd of the Said Property, was listed as the sole asset comprising the Estate of late Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes, denominated as Item No. 1 in the Final List of Assets;
- xxxiii. Vide Final Chart of Partition, drawn on December 20, 2022, and, Judgment and Decree dated December 27, 2022¹⁸, 1/3rd of the Said Property was allotted to the above said heirs of late Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes, in the following manner:
- a. To Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes - 1/4th share of Item No. 1;
 - b. To Ms. Succorina Fernandes - 1/4th share of Item No. 1;
 - c. To Mrs. Winfred Clara Clotildes Fernandes, married to Mr. Alberto Joao Matias D'Sa - 1/4th share of Item No. 1;

¹⁸ Records and Proceedings of Regular Inventory Proceedings No. 301/2022/H, instituted in the Court of the Civil Judge Junior Division H Court, at Margao, Goa, on the death of late Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes, alias Emilia Etelvina Vitoria Ligia Gomes e Miranda, alias Emilia Miranda Fernandes;

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- d. To Mrs. Maria Do Amparo Miranda Fernandes - 1/8th share of Item No. 1;
- e. To Mrs. Maria Teresa Fernandes, married to Mr. Francis Xavier Bertha Camilo Menezes - 1/24th share of Item No. 1;
- f. To Mrs. Corina Joice Fernandes Miranda, married to Mr. Kim Sydney Alemão, - 1/24th share of Item No. 1, and;
- g. To Mrs. Iola Belina Fernandes Miranda, married to Mr. Steven Yonatan Katzir Bullock - 1/24th share of Item No. 1;

xxxiv. As such, the 1/3rd undivided rights, title, share and interest of late Mrs. Emilia Etelvina Lizia Vitoria Gomes De Miranda Fernandes in the Said Property, was allotted to Mrs. Ruberta de Socorro Fernandes alias Roberta de Socorro Fernandes alias Ruberta Fernandes, Ms. Succorina Fernandes, Mrs. Winfred Clara Clotildes Fernandes, married to Mr. Alberto Joao Matias D'Sa, Mrs. Maria Do Amparo Miranda Fernandes, Mrs. Maria Teresa Fernandes, married to Mr. Francis Xavier Bertha Camilo Menezes, Mrs. Corina Joice Fernandes Miranda, married to Mr. Kim Sydney Alemão, and Mrs. Iola Belina Fernandes Miranda, married to Mr. Steven Yonatan Katzir Bullock;

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xxxv. Further, per the Judgment and Decree in Special Civil Suit No. 5/1978, dated June 30, 1983, 1/3rd undivided rights, title, share and interest in the Said Property was already allotted to Ms. Succorina Fernandes;

xxxvi. As such, Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes, Ms. Succorina Fernandes, Mrs. Winfred Clara Clotildes Fernandes, Mr. Alberto Joao Matias D'Sa, Mrs. Maria Do Amparo Miranda Fernandes, Mrs. Maria Teresa Fernandes, Mr. Francis Xavier Bertha Camilo Menezes, Mrs. Corina Joice Fernandes Miranda, Mr. Kim Sydney Alemão, Mrs. Iola Belina Fernandes Miranda, and Mr. Steven Yonatan Katzir Bullock were the sole and absolute owners in title and possession of the Said Property, in the manner as stated hereinabove;

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- xxxvii. The Form I and XIV of the Said Property was also found recorded in the name of Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes in the Occupants Column¹⁹;
- xxxviii. Vide a Deed of Sale dated September 12, 2023²⁰, the aforesaid Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes, Ms. Succorina Fernandes, Mrs. Winfred Clara Clotildes Fernandes, Mr. Alberto Joao Matias D'Sa, Mrs. Maria Do Amparo Miranda Fernandes, Mrs. Maria Teresa Fernandes, Mr. Francis Xavier Bertha Camilo Menezes, Mrs. Corina Joice Fernandes Miranda, Mr. Kim Sydney Alemao, Mrs. Iola Belina Fernandes Miranda, and Mr. Steven Yonatan Katzir Bullock sold the Said Property to Mr. Royston Joseph Caetano Costa;
- xxxix. Further, upon completion of mutation in accordance with the procedure prescribed, the Form I and XIV of the Said Property at present is also found recorded in the name of Mr. Royston Joseph Caetano Costa in the Occupants Column, as the Sole Occupant thereof²¹;
- xi. As such, Mr. Royston Joseph Caetano Costa, sole proprietor of M/s Costa Constructions, is the sole and absolute owner in title and possession to the Said Property;

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5. Conclusion:

- i. Therefore based on and in view of the above, I conclude and opine that Mr. Royston Joseph Caetano Costa, sole proprietor of M/s Costa Constructions is the sole and absolute owner in exclusive possession, title, use and enjoyment to ALL THAT portion of the larger immovable property known as DONGRI or MAINA DE OITEIRO or DONGRIM, situated in village

¹⁹ Form I and XIV of the property bearing S. No. 101/11 of village Seraulim, found recorded in the name of Mrs. Ruberta Fernandes, alias Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes in the Occupant's Column, issued by the Citizen Service Centre – Salcete, on August 3, 2018.

²⁰ Deed of Sale dated September 12, 2023, duly registered before the Office of the Sub – Registrar of Salcete at Margao, under Reg. No. MGO-1-3951-2023 dated 18-Sep-2023.

²¹ Digital Copy of the Form I and XIV of the property bearing S. No. 101/11 of village Seraulim.

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Seraulim, within the limits of the Village Panchayat of Seraulim, Taluka and Registration Sub – District of Salcete, District of South Goa, State of Goa, which larger property is described in the Land Registration Office of Salcete under Nos. 35,886, 35,887 and 35,888, at pages 140v to 141v of Book No. B-92 (New), but is not found enrolled in the Land Revenue Office for Matriz, which portion, as a separate, distinct and independent entity in itself, admeasures an area of 1,872 sq mts, is surveyed under Survey No. 101/11 of village Seraulim, and is bounded on the East by the property surveyed under S. No. 101/11-A of village Seraulim, on the West by the property surveyed under S. No. 101/10 of village Seraulim, on the North by the properties surveyed under S. Nos. 101/7-A and 101/9 of village Seraulim, and on the South by the property surveyed under S. No. 101/13 of village Seraulim acquired for road, which property is herein referred to as the “Said Property”;

- ii. The documents scrutinized as aforementioned sufficiently evidence the devolution of title of the Said Property from Mr. Francisco Fernandes, in favour of the above said Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes, Ms. Succorina Fernandes, Mrs. Winfred Clara Clotildes Fernandes, Mr. Alberto Joao Matias D'Sa, Mrs. Maria Do Amparo Miranda Fernandes, Mrs. Maria Teresa Fernandes, Mr. Francis Xavier Bertha Camilo Menezes, Mrs. Corina Joice Fernandes Miranda, Mr. Kim Sydney Alemão, Mrs. Iola Belina Fernandes Miranda, and Mr. Steven Yonatan Katzir Bullock, to Mr. Royston Joseph Caetano Costa at present, who has been, and before him, his predecessors in title have been in the open, peaceful and continuous possession of the Said Property for the past more than 40 years;
- iii. The Said Property is found recorded in the name of Francisco Fernandes in the Revenue Records Manual Form I and XIV²². Further, Form III²³ in respect of the Said Property is also

²² Manual Form I and XIV of property bearing S. No. 101/11, recorded in the name of Mr. Francisco Fernandes, issued by the Talathi of Seraulim on July 11, 2023;

²³ Form III of the property surveyed under S. No. 101/11, recorded in the name of Mr. Francisco Fernandes, issued by the Inspector of Survey and Land Records, on May 5, 2023;



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found recorded in the name of Mr. Francisco Fernandes, which establishes his, and thereafter, the possession of the above said Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes, Ms. Succorina Fernandes, Mrs. Winfred Clara Clotildes Fernandes, Mr. Alberto Joao Matias D'Sa, Mrs. Maria Do Amparo Miranda Fernandes, Mrs. Maria Teresa Fernandes, Mr. Francis Xavier Bertha Camilo Menezes, Mrs. Corina Joice Fernandes Miranda, Mr. Kim Sydney Alemão, Mrs. Iola Belina Fernandes Miranda, and Mr. Steven Yonatan Katzir Bullock, and corroborates their ownership of the same, without any objection;

- iv. As such, the Manual Form I and XIV, and the Form III of the Said Property, is also consistent with the devolution of ownership, and the same evidences possession and indicates the ownership of Mr. Francisco Fernandes and thereafter, the above said Mrs. Ruberta de Socorro Fernandes, alias Roberta de Socorro Fernandes, alias Ruberta Fernandes, Ms. Succorina Fernandes, Mrs. Winfred Clara Clotildes Fernandes, Mr. Alberto Joao Matias D'Sa, Mrs. Maria Do Amparo Miranda Fernandes, Mrs. Maria Teresa Fernandes, Mr. Francis Xavier Bertha Camilo Menezes, Mrs. Corina Joice Fernandes Miranda, Mr. Kim Sydney Alemão, Mrs. Iola Belina Fernandes Miranda, and Mr. Steven Yonatan Katzir Bullock, for the past more than 40 years, without any objection;
- v. The Said Property is found zoned as Settlement Zone per the Regional Plan 2021 in force in the State of Goa and further, has been converted to Non – Agricultural Use vide Conversion Sanad dated July 12, 2019²⁴;
- vi. There are no registered mortgages on the Said Property²⁵;

²⁴ Conversion Sanad of the property surveyed under S. No. 101/11 of village Seraulim, bearing No. COL/SAL/SG/CONV/85/2018/8241, issued by the Office of the Collector of South Goa, dated July 12, 2019.

²⁵ Nil Encumbrance Certificate bearing No. NEC/2/2023/4420, issued by the Sub – Registrar of Salcete at Margao, on September 14, 2023, for the period from 01-01-1994 to 08-09-2023, in respect of the property bearing S. No. 101/11 of village Seraulim.

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vii. In order to develop the Said Property and construct thereon a residential cum commercial building to be known as PRACA DE COSTA, Mr. Royston Joseph Caetano Costa, sole proprietor of M/s Costa Constructions has obtained all the necessary statutory approvals, including but not limited to:

- a. Technical Approval²⁶,
- b. Health NOC²⁷,
- c. Construction License²⁸,

viii. As such, the Promoter, Mr. Royston Joseph Caetano Costa, sole proprietor of M/s Costa Constructions, has a clean, clear and marketable title to the Said Property, described hereinabove, and further, has obtained all the necessary statutory permissions and licenses to develop the Said Property by constructing a residential cum commercial building thereon, to be known as PRACA DE COSTA;



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Advocate

Margao, July 5, 2024.

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²⁶ Technical Clearance Order from the Senior Town Planner, Town and Country Planning Department, South Goa, Margao, bearing Ref. No. TPM/34974/Seraul/101/11/2024/2131 dated March 22, 2024.

²⁷ Health NOC issued by the Primary Health Centre, Cansaulim, Directorate of Health Services, bearing Ref. No. DHS/2024/DHS0901/00014/102 dated April 16, 2024.

²⁸ Construction License issued by the Village Panchayat of Seraulim, bearing Ref. No. VP/S/03/2024-25, dated May 16, 2024.