

Date:-21-03-2022

SEARCH REPORT AND CERTIFICATE OF TITLE

This report and certificate of title is prepared at the request of Nanu Estates Private Limited, a Private Limited Company having its Registered Office at Nanu House, Varde Valaulicar Road, Margao, Goa, in respect of the property described below:

1. **Name of the property:** "CHONI (eastern half)"
2. **Situation:** Ward Aquem of the City of Margao, within the limits of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, in the State of Goa.
3. **Land Registration Description No.** 27914 of Book-B. No. 71 of the new series of the Land Registration Office of Salcete.
4. **Matriz No.** 66 of Margao.
5. **City Survey No.** Chalta No. 2 of P. T. Sheet No. 224 of Margao City Survey.
6. **Area:** 3,980 square meters.
7. **Boundaries:**
East: by water drain,
West: by road,

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North: by water drain,

South: by land bearing Chalta No. 5 of P. T. Sheet No. 224 of Margao City.

8. DOCUMENTS SCRUTINISED:

- (a) Certified Xerox copy dated 11-07-2006 issued by the Land Registrar of Salcete, in respect of **Description No. 16629** of Book-B. No. 42 of the new series, along with its Inscriptions.
- (b) Certified Xerox copy dated 11-07-2006 issued by the Land Registrar of Salcete, in respect of **Description No. 27914** of Book-B. No. 71 of the new series, along with all its Inscriptions.
- (c) Certificate dated 30-06-2006 issued by the Head of Taluka Revenue Office, Margao, Goa, in respect of **Matriz No. 66** of Margao, Goa,
- (d) Certified copy dated 11-07-2006 issued by the Archivist (General), Directorate of Archives & Archaeology, Panaji, Goa, in respect of the **'Escritura de Doacao' (Public Deed of Gift) dated 12-06-1936** drawn at pages 7 to 9 of the Notarial Book No. 49 of the Notary of Mormugao Special Judicial Division, Sacarama Raia Sinai Dumo.
- (e) Xerox copy of the **'Death and Burial Certificate'** dated 08-11-1991 issued by the Archdiocese of Goa and Daman, in respect of death of Mr. **Pedro Luis De Souza**.
- (f) Xerox copy of the **'Death and Burial Certificate'** dated 31-01-1991 issued by the Archdiocese of Goa and Daman, in respect of death of Mrs. **Clarina Vas**.



- (g) Certified copy dated 17-01-2005 issued by the Notary Public Ex-Officio of Salcete, in respect of the **Deed of Succession dated 17-11-2003** drawn by the Notary Public Ex-Officio of Salcete, Mr. Leonardo T. Charly de Sa, at pages 56 (overleaf) onwards of his Deeds Book No. 1455.
- (h) Certified copy dated 29-12-2003 issued by the Inspector of Surveys and Land Records (City Survey), Margao, Goa, in respect of the **Judgment and Order dated 29-12-2003** passed by the Inspector of Survey & Land Records, City Survey, Margao, in **Case No. 391/95**.
- (i) Certified copy dated 23-06-2006 issued by the Inspector of Surveys and Land Records (City Survey), Margao, Goa, of the **Plan of Chalta No. 2 of P. T. Sheet No. 224** of Margao City Survey.
- (j) Certified copy dated 05-07-2006 in **Form-D** issued by the Inspector of Surveys & Land Records (City Survey), Margao City Survey, in respect of the entries in the Property Card of **Chalta No. 2 of P. T. Sheet No. 224** of Margao City.
- (k) **Deed of Sale dated 08-11-2006** duly registered in the Office of the Sub-Registrar of Salcete at Margao, Goa, under No. 4990 at pages 235 to 266 of Book No. I, Volume No. 2219 dated 22-11-2006.
- (l) Copy of the **Certificate of Incorporation**, Articles and Memorandum of Association in respect of the company named Nanu Estates Private Limited.
- (m) Certified copy dated 02-08-2021 in **Form-D** issued by the Citizen Service Centre of Government of Goa, in respect of the entries in the



Property Card of **Chalta No. 2 of P. T. Sheet No. 224** of Margao City.

- (n) **Nil Certificate of Encumbrances** No. 2119 of 2006 dated 08-11-2006 issued by the Sub-Registrar of Salcete, for the period from 01-11-1965 till 07-11-2006.
- (o) **Nil Certificate of Encumbrances** No. 222 of 2020 dated 31-01-2020 issued by the Sub-Registrar of Salcete, for the period from 08-11-2006 to 31-01-2020.
- (p) **Nil Certificate of Encumbrances** No. 400 of 2022 dated 16-03-2022 issued by the Sub-Registrar of Salcete, for the period from 01-02-2020 to 09-03-2022.

9. SCRUTINY OF DOCUMENTS:

- (a) From the certified copy of the extract of the Description and Inscription of the Land Registration Office mentioned in **para 8(a)** above, it is seen that the entire property "CHONP", which is described in the Land Registration Office of Salcete under Description No. 16629 at page 176 of the Book-B. No. 42 of the new series, is inscribed w.e.f. 27-07-1901 under Inscription No. 8395 at page 69 (overleaf) of Book-G. No. 10, in favour of Jose Maria D'Assumpcao.
- (b) It is seen from the document mentioned at **para 8(b)** above, that said Jose Maria D'Assumpcao partitioned the said land "CHONT" vide the Public Deed dated 12-05-1922 drawn at page 71 (overleaf) to 72 (overleaf) of the Notarial Book No. 357 of the Assistant Tabeliao of Salcete, Francisco Marcelino Mousinho Epifanio Rodrigues, into two



halves, being one lying on the east and the other lying on the west; and under the same deed the said Jose Maria D'Assumpcao, sold unto one Xec Amod Agi Abdul Raim the western half thereof, and sold the eastern half thereof to Pedro Luis De Souza;

- (c) It is also seen from the same document mentioned at **para 8(b)** above that this eastern half is separately described in the same office under Description No. 27914 at page 191 of the said Book-B. No. 71 of the new series, and is inscribed exclusively in favour of the said Pedro Luis De Souza, provisionally on 22-07-1922 under Inscription No. 18191 at page 84 (overleaf) of Book-G. No. 23 of the said Land Registration Office, which inscription was thereafter finalised on 22-08-1924 under Inscription No. 19726 at page 67 (overleaf) of Book-G. No. 25 of the same Land Registration Office.
- (d) The record of Matriz mentioned at **para 8(c)** above, is of no consequence as it is held by the Bombay High Court at Panaji, Goa, in the decision reported in 1995(1) BOM CR 588, that Matriz records do not create any evidence of title, as they create only a liability in the person against whom it is recorded, to pay the land revenue to the Government.
- (e) From the document mentioned in **para 8(d)** above, it is seen that, vide the Public Deed dated 12-06-1936 drawn at pages 7 to 9 of the Notarial Book No. 49 of the Notary of Mormugao Special Judicial Division, Sacarama Raia Sinai Dumo, the said owner of the eastern half of the land "CHONI" described under No. 27914 of Book-B. No. 71 of the new series, namely, Mr. Pedro Luis De Souza along with his wife Mrs. Clarina Vas, partitioned the said eastern half of the land "CHONI" further into two halves, being one lying on the north

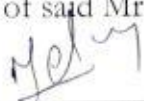
and the other lying on the south, and under the same deed they gifted to their son by name Marcus Agostinho De Souza, the northern half so formed of the said eastern half of the land "CHONI", or may be the northern half of the land described under No. 27914 of Book-B. No. 71 of the new series, with reservation of the usufruct thereof unto themselves i.e. Mr. Pedro Luis De Souza and his wife Mrs. Clarina Vas; and under the same deed the said Pedro Luis De Souza and his said wife Mrs. Clarina Vas, gifted unto Mr. Andre Souza, the southern half of that land described under No. 27914 of Book-B. No. 71 of the new series, also with reservation of usufruct thereof unto themselves.

- (f) Said Mr. Pedro Luis De Souza and his wife Mrs. Clarina Vas, expired respectively on 30-08-1936 and 29-03-1962, as can be seen from the documents mentioned at **para 8(e)** and **para 8(f)** above, and thus the usufruct reserved in their names became extinct., making a clear title of the said land in favour of the said Marcus Agostinho De Souza;
- (g) From the document mentioned in **para 8(g)** it is seen that, said Marcus Agostinho Lucio De Souza alias Marcus Agostinho De Souza alias Marcus Agostinho Lucio D'Souza alias Marcus Agostinho Lucio D' Souza expired on 07-01-1964, without any testamentary dispositions, but leaving behind him Mrs. Leonora Jesuina Carvalho alias Leonor Jesuina Carvalho e Souza alias Leonor Jesuvina De Souza nee Carvalho, as his widow and moiety shareholder, and as his universal successors, he left behind him (i) Mr. Pedro Louis D'Souza, bachelor, (ii) Mr. Lourence Valentino de Souza, married to Brenda D'Souza, (iii) Ms. Ana Fatima D'Souza, unmarried, (iv) Mr. Constancio Pio D'Souza, married to Rosy Goes e D'Souza, (v) Mr.



Honorato Xavier D'Souza, married to Annette D'Souza, and (vi) Mrs. Clarina Francisca D'Souza, unmarried, being his children, as declared in the Deed of Succession dated 7-11-2003 drawn by the Notary Public Ex-Officio of Salcete, Mr. Leonardo T. Charly de Sa, at pages 56 (overleaf) onwards of his Deeds Book No. 1455.

- (h) From the document mentioned at **para 8(h)** it is revealed that at the time of initial survey operations of City Survey of Margao, the above said northern half and southern half of the land described under No. 27914 of Book-B. No. 71 of the new series, as one single holding under Chalta No. 2 of P.T. Sheet No. 224, ignoring the fact that the said land has been divided into two halves vide the said Public Deed dated 12-06-1936; however, consequent upon Judgment and Order dated 29-12-2003 passed by the Inspector of Survey & Land Records, City Survey, Margao, in Case No. 391/95, the land under the original Chalta No. 2 of P. T. Sheet No. 224 was partitioned into northern half and southern half, and the northern half belonging to Marcus Agostinho De Souza was re-allotted Chalta No. 2 of P. T. Sheet No. 224 and the southern thereof belonging to Andre De Souza has been allotted Chalta No. 5 of P. T. Sheet No. 224.
- (i) From the certified copy of the Survey Plan referred in **para 8(i)** above, it is seen that the northern half earlier belonged to Marcus Agostinho De Souza, is allotted Chalta No. 2 of P. T. Sheet No. 224. Extent of the said land also can be seen from the said survey plan.
- (j) From the document mentioned at **para 8(j)** above, which is the extract of the Property Card in Form-D, it is seen that the said northern half separately surveyed under Chalta No. 2 of P. T. Sheet No. 224 is recorded in the name of said Mrs. Leonora G. D'Souza.



- (k) From the document mentioned at **para 8(k)** above it is seen that all the above named co-owners including Mr. Melvyn Nicholas Cardoz, husband of Mrs. Clarina D'Souza e Cardoz, have sold the above mentioned property under scrutiny herein to and in favour of the Partnership firm under the name and style M/s. Sapana Real Estate, having its principal place of business at Nanu House, Varde Valaulicar Road, Margao, Goa.
- (l) From the document mentioned at **para 8(l)** above it is seen that the said partnership firm constituted under the name and style "M/s. Sapana Real Estate" duly constituted under The Indian Partnership Act, 1932, and registered under No. 159/80 with the Registrar of Firms at Margao, Goa, is converted into a company under The Companies Act, 1956, as provided under Part IX thereof and incorporated with the Registrar of Companies at Panaji, Goa, under Corporate Identity No. U70200GA2007PTC005509 2007-2008;
- (m) From the document mentioned at **para 8(m)** above it is seen that name of the holder in origin i.e. Mrs. Leonara G. D'Souza is bracketed (indicating deletion), name of earlier firm of M/s Sapana Real Estate is also bracketed (indicating deletion) and name of Nanu Estates Private Limited is recorded as Holder of the property under scrutiny herein i.e. in respect of the property bearing Chalta No. 2 of P. T. Sheet No. 224.
- (n) The Nil Certificate of Encumbrances mentioned at **para 8(n)**, **para 8(o)** and **para 8(p)** above shows that there are no encumbrances against the said property under scrutiny herein, for the period from 01-11-1965 up to 09-03-2022.

10. CONCLUSION:

In view of the documents perused hereinabove, I have to report and certify as under:-

- (a) that the company of Nanu Estates Private Limited is the owner in possession of the property under scrutiny, which bears Chalta No. 2 of P. T. Sheet No. 224 of Margao City Survey, having an area of 3,980 square meters.
- (b) I hereby certify that the title of Nanu Estates Private Limited to the property under scrutiny is free, clear and marketable.



Melvin Jose D'Souza
Advocate