

**TITLE REPORT**

To,  
**VIANAAR INFRA LLP,**  
378, MMM Road, Amritsar,  
Punjab - 143001.

- I. I have pursued the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 10 Sub-Division No. 4 of Village Marra, Bardez - Goa.
  - b) Registo de Agrimensor
  - c) Auto de Demarcacao
  - d) Manual Form I & XIV
  - e) Form IX
  - f) Form III



- g) Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa – Goa
- h) Deed of Sale dated 03/06/1977 registered in the Office under Registration No. 432 of Book No. I, Volume No. 116 dated 23/06/1977
- i) Inventory Proceedings bearing No. 9/2002/B filed before the Court of the Civil Judge Senior Division at Panaji – Goa
- j) Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at Panaji – Goa
- k) Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji – Goa



- l) Deed of Succession and Qualification of Heirs  
dated 01/02/2022
- m) Deed of Succession and Qualification of Heirs  
dated 07/03/2022
- n) Deed of Sale dated 22/04/2022 registered before  
Sub-Registrar of Bardez, Mapusa - Goa under  
Registration No. BRZ-1-1880-2022 dated  
27/04/2022
- o) Deed of Sale dated 22/04/2022 registered before  
Sub-Registrar of Bardez, Mapusa - Goa under  
Registration No. BRZ-1-1899-2022 dated  
27/04/2022
- p) Old Cadastral Survey Plan
- q) Survey Plan



r) Nil Encumbrance Certificate dated 16/05/2022  
bearing No. 1130/2022

s) Nil Encumbrance Certificate dated 26/05/2022  
bearing No. 1251/2022

II. **DESCRIPTION OF THE PROPERTY:**

**SCHEDULE I**

ALL THAT property known as "**CULCORNEACHY NOMOS**" or "**APYNAICAHY NOMOS**", situated in the Ward Marra of Village Pilerne, within the limits of Village Panchayat of Pilerne, Taluka and Registration Sub-District Bardez, District North Goa in the State of Goa, which property is not described in the Land Registration Office and enrolled in the Taluka Revenue Office of Bardez under Matriz No. 552 and surveyed under Old Cadastral Survey No. 1356 and presently surveyed under Survey No. **10/4** of the Village **Marra**, admeasuring an area **5,000 sq. mts.** and the same is bounded as under:-



- North :- By the property bearing Survey No. 9/20 of Village Marra;
- South :- By the property bearing Survey No. 14/2, 14/8, 14/7-A, 14/7-B and Road of Village Marra;
- East :- By the property bearing Survey Nos. 10/5, 10/6, 10/10, 10/11, 10/14 and Road of Village Marra;
- West :- By the property bearing Survey Nos. 10/3, 10/2, 10/1, 10/13 and Survey No. 13/4 and 13/15 of Village Marra;

This property shall hereinafter referred to as the  
**SAID PROPERTY.**

## **SCHEDULE II**

ALL THAT distinct and independent portion of referred to as "Plot B" admeasuring an area of **2722 sq. mts.** forming part of the said property described in Schedule I above and the said plot B is bounded as under:-



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- North :- By the part property bearing Plot A of  
Survey No. 10/4 of Village Marra;
- South :- By the property bearing Survey No. 14/7-A,  
14/7-B, 14/8 of Village Marra and partly by  
Marra Village Road;
- East :- By the property bearing Survey Nos. 10/14  
of Village Marra;
- West :- By the property bearing Survey Nos. 10/13  
and Survey No. 13/4 and 13/15 of Village  
Marra;

This property shall hereinafter referred to as the  
**SAID PLOT 'B'.**

### **SCHEDULE III**

ALL THAT distinct and independent portion of  
referred to as "Plot A" admeasuring an area of **2278 sq.**  
**mts.** forming part of the said property described in  
Schedule I above and the said plot A is bounded as  
under:-



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- North :- By the property bearing Survey No. 10/3 of Village Marra;
- South :- By internal 5 mts. wide road part of the property bearing Plot B of Survey No. 10/4 of Village Marra;
- East :- By the property bearing Survey No. 10/5 and 10/11 of Village Marra;
- West :- By the property bearing Survey Nos. 10/3, 10/2 and 10/1 of Village Marra;

This property shall hereinafter referred to as the **SAID PLOT 'A'**.

**III. TRACING OF PARTIES TITLE:**

1. The **SAID PROPERTY** is neither described nor inscribed in the Land Registration Records. **Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained. Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration**



*records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevailant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.*

2. Registo Do Agrimensor and Cadastral Survey Records (Auto de Demarcacao) reveals that the **SAID**



**PROPERTY** bearing old Cadastral Survey No. **1356** originally belonged to Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco.

3. Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa - Goa establishes that the **SAID PROPERTY** bearing old Cadastral Survey No. **1356** and Survey No. **10/4** of Village **Marra**, Bardez - Goa is almost same.
4. *The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.*



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5. **Registo Do Agrimensor** and Cadastral Survey Records are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said Registo Do Agrimensor and Cadastral Survey Records 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 and in the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.
6. Vide Deed of Sale dated 03/06/1977 registered in the Office under Registration No. 432 of Book No. I, Volume No. 116 dated 23/06/1977, (1) Filomena Soares, (2) Maria Berta Elvidia Filomena Joaquina Ribeiro alias Berta Ribeiro and (3) Ana Ida Josefina De Anunciacao Ribeiro e Menezes, all three



daughters of Joao Francisco Ribeiro sold the SAID PROPERTY in favour of Assuncao Roque Menino Barreto.

7. The said Deed of Sale dated 03/06/1977 registered in the Office under Registration No. 432 of Book No. I, Volume No. 116 dated 23/06/1977 was executed by the three daughters of Joao Francisco Ribeiro namely, 1) Filomena Soares, (2) Maria Berta Elvidia Filomena Joaquina Ribeiro alias Berta Ribeiro and (3) Ana Ida Josefina De Anunciacao Ribeiro e Menezes and the SAID PROPERTY was originally registered in the name of Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco in Registo Do Agrimensor and Cadastral Survey Records (Auto de Demarcacao) however the said Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco was not made party to the said



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**Deed of Sale dated 03/06/1977 registered in the  
Office under Registration No. 432 of Book No. I,  
Volume No. 116 dated 23/06/1977**

8. Inventory Proceedings bearing No. 9/2002/B filed before the Court of the Civil Judge Senior Division at Panaji - Goa reveals THAT the said Assumpcao Roque Menino Barreto passed away on 06/01/1993 and the said Maria Carmelina Fernandes passed away on 15/06/1990 leaving behind their following legal heirs:

- (a) Mr. Sebastiao Barreto married to Mrs. Maria Ubaldina De Almeida e Barreto
- (b) Mr. Pedro Paulo Barreto married to Mrs. Monica Barreto
- (c) Mr. Cirilo Sebastiao Barreto married to Mrs. Sarika Barreto
- (d) Mr. Ludovico V. N. Sebastiao Barreto married to Mrs. Ruby Barreto



- (e) Mr. Egypsy Barreto married to Mrs. Vera Barreto
- (f) Mrs. Ofelia Pereira married to Mr. Jose Pereira
- (g) Mrs. Robertina Barreto e Almeida married to Mr. Pedro Luis Joaquim Almeida

9. Upon the death of the said Assumpcao Roque Menino Barreto and Maria Carmelina Fernandes, Inventory Proceedings bearing No. 9/2002/B was initiated before the Court of the Civil Judge Senior Division at Panaji - Goa by the said Mr. Sebastiao Barreto and the **SAID PROPERTY** was listed in TWO PLOTS as PLOT admeasuring **905 sq. mts.** at **Item No. VIII** and PLOT admeasuring **4095 sq. mts.** at **Item No. IX** in the LIST OF ASSETS.

10. Vide Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at



Panaji - Goa, all the parties calculated the total share holding of each one and agreed to the following allotment :

- (i) The Interested Party, Mr. Sebastiao Barreto and his wife, Mrs. Maria Ubaldina De Almeida e Barreto being entitled to 1/7<sup>th</sup> share in the estate and thereby allotted the Item No. VIII i.e. PLOT admeasuring **905 sq. mts.** forming part of the **SAID PROPERTY** mentioned therein
- (ii) The other Interested Parties namely, Mr. Pedro Paulo Barreto and his wife, Mrs. Monica Barreto; Mr. Cirilo Sebastiao Barreto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Rosina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida being jointly entitled to the remaining 6/7<sup>th</sup> share in the estate in equal



shares and thereby allotted the Item Nos. I to VII and IX (i.e. PLOT admeasuring **4095 sq. mts.** forming part of the **SAID PROPERTY**) and X mentioned therein in equal shares.

11. Vide Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji - Goa, the said Consent Terms dated 19/01/2013 was confirmed and made absolute for all legal purposes wherein the said Mr. Sebastiao Barreto and his wife, Mrs. Maria Ubaldina De Almeida e Barreto became absolute owners of the PLOT admeasuring **905 sq. mts.** forming part of the **SAID PROPERTY** and the said Mr. Pedro Paulo Barreto and his wife, Mrs. Monica Barreto; Mr. Cirilo Sebastiao Barreto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Rosina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her



husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida became absolute owners of the PLOT admeasuring **4095 sq. mts.** forming part of the **SAID PROPERTY.**

**12.** Deed of Succession and Qualification of Heirs dated 01/02/2022 reveals that the said Mr. Pedro Paulo Barreto alias Pedro Paulo Barreto passed away on 09/02/2014 leaving behind his widow and moiety holder, the said Mrs. Maria Monica Raposo alias Monica Barreto and his two sons, namely, Mr. Melroy Menino Barreto and Mr. Joel Carlisto Barreto as his sole and universal legal heirs.

**13.** Deed of Succession and Qualification of Heirs dated 07/03/2022 reveals that the said Mr. Sebastiao Barreto alias Sebastiao Barreto passed away on 09/11/2020 leaving behind his widow and moiety holder, the said Mrs. Maria Ubaldina De Almeida e



Barreto and as his sole and universal legal heir and without any issues but leaving behind his brothers and sister.

- 14.** Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1880-2022 dated 27/04/2022, the said Mrs. Maria Monica Raposo alias Monica Barreto, Mr. Melroy Menino Barreto and his wife, Mrs. Alvita Rhea Correia, Mr. Joel Carlisto Barreto, Mr. Cirilo Sebastiao Barreto alias Cirilo Sebastiao Baretto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Ruby Baretto alias Rozina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida AND Mrs. Maria Ubaldina De Almeida e Barreto sold Plot B admeasuring an area of **2722 sq. mts.** forming



part of the said property in favour of Vianaar Infra  
LLP

- 15.** Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1899-2022 dated 27/04/2022, the said Mrs. Maria Monica Raposo alias Monica Barreto, Mr. Melroy Menino Barreto and his wife, Mrs. Alvita Rhea Correia, Mr. Joel Carlisto Barreto, Mr. Cirilo Sebastiao Barreto alias Cirilo Sebastiao Baretto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Ruby Baretto alias Rozina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida AND Mrs. Maria Ubaldina De Almeida e Barreto sold Plot A admeasuring an area of **2278 sq. mts.** forming



part of the said property in favour of Vianaar Infra  
LLP

16. **Manual Form I & XIV, Form IX AND Form III** are  
Revenue Records prepared under the applicable Goa  
Land Revenue Code

**Manual Form I & XIV, Form IX AND Form III:**

in respect of the **SAID PROPERTY** bearing Survey  
No. **10/4** of Village **Marra**, Bardez - Goa clearly  
shows the name of Ana Ida Josefina de Annunciacao  
Ribeiro Menezes in the Occupants Column and after  
deleting the said name, the name of Assuncao Roque  
Menino Barreto was added in the Occupants  
Column.

17. In light of above, considering the fact that the  
Registo Do Agrimensor, Auto de Demarcacao,  
Manual Form I & XIV, Form IX, Form III, Super  
Imposition Report dated 14/01/2022 issued by S. A.  
Dhuri, Architect & Govt. Approved Valuer, Mapusa-

Goa, Deed of Sale dated 03/06/1977, Consent Terms dated 19/01/2013 and Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji - Goa, Deed of Succession and Qualification of Heirs dated 01/02/2022, Deed of Succession and Qualification of Heirs dated 07/03/2022, Deed of Sale dated 22/04/2022 and Deed of Sale dated 22/04/2022 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 owners, I am of the opinion that **VIANAAR INFRA 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 7 above.



(iii) Production of Land Use 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** are converted from agricultural to non-agricultural purposes.
4. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** are not identified as a Forest Land



**V. EVIDENCE OF POSSESSION:-**

The **SAID PROPERTY** admeasuring an area **5000 sq. mts.**, surveyed under Survey No. **10/4** of Village **Marra** reflect the names of Assuncao Roque Menino Barreto, Maria Ubaldina de Almeida e Barreto, Sebastiao Barreto, Monica Barreto, Cirilio Sebastiao Barreto, Sarita Barreto, Ludovico Barreto, Rubu Barreto, Egypsy Barreto, Vera Barreto, Ofelia Pereira, Jose Pereira, Robertina Barreto e Almeida and Pedro Luis Joaquim Almeida in Form I & XIV issued by the Department of Survey, Government of Goa. **However it is advisable to carry out mutation proceedings and the name of the present owner i.e. Vianaar Infra LLP be added in the survey records.**

**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 16/05/2022 bearing No. 1130/2022 in respect of Plot B admeasuring an area of **2722 sq. mts.** forming part of the said property and Nil Encumbrance Certificate dated 26/05/2022 bearing No. 1251/2022 in respect of the Plot A admeasuring an area of **2278 sq. mts.** forming part of the said property is furnished to establish that there is no encumbrance.

**CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that **VIANAAR INFRA 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 7 and Para V above.
- (iii) Production of Land Use 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 not inspected the originals of the title documents produced for scrutiny referred to above; and
  - (c) I have taken the title documents under which Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco 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, asset 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 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:- 11/06/2022



**(Adv. Shivan S. Desai)**

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**TITLE REPORT**

To,  
**VIANAAR INFRA LLP,**  
378, MMM Road, Amritsar,  
Punjab - 143001.

- I. I have pursued the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 10 Sub-Division No. 14 of Village Marra, Bardez - Goa.
  - b) Survey Records Form I & XIV bearing Survey No. 10 Sub-Division No. 13 of Village Marra, Bardez - Goa
  - c) Inscription Certificate (bearing Inscription No. 20978)
  - d) Description Certificate (bearing Description No. 20044 of Book B-53 at folio 134)



- e) Description Certificate (bearing Description No. 20042 of Book B-53 at folio 133)
- f) Registo de Agrimensor
- g) Auto de Demarcacao
- h) Manual Form I & XIV
- i) Form IX
- j) Form III
- k) Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa – Goa
- l) Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa – Goa



- m) Deed of Sale dated 06/03/1971 registered in the Office under Registration No. 13 at pages 229 to 234 of Book No. I, Volume No. 4 dated 12/05/1971
- n) Deed of Sale dated 31/05/1975 registered in the Office under Registration No. 443 at pages 294 to 304 of Book No. I, Volume No. 92 dated 17/08/1975
- o) Inventory Proceedings bearing No. 9/2002/B filed before the Court of the Civil Judge Senior Division at Panaji – Goa
- p) Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at Panaji – Goa



- q) Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji – Goa
- r) Deed of Succession and Qualification of Heirs dated 01/02/2022
- s) Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1898-2022 dated 27/04/2022
- t) Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1897-2022 dated 27/04/2022
- u) Survey Plan



v) Nil Encumbrance Certificate dated 26/05/2022  
bearing No. 1250/2022 (Survey No. **10/13** of the  
Village **Marra**)

w) Nil Encumbrance Certificate dated 26/05/2022  
bearing No. 1249/2022 (Survey No. **10/14** of the  
Village **Marra**)

II. **DESCRIPTION OF THE PROPERTY:**

**SCHEDULE I**

ALL THAT property known as "**PREDIO RUSTICO  
CULCARNEACHI NOMOS**" or "**SIRNEBATTA**", situated  
in the Ward Marra, within the limits of Village  
Panchayat of Pilerne, Taluka and Registration Sub-  
District Bardez, District North Goa in the State of Goa,  
which property is described in the Land Registration  
Office of Panaji (Conservatoria de Registo Predial) under  
No. 20044 of Book B-53 at folio 134 and enrolled in the  
Taluka Revenue Office of Bardez under Matriz No. 559  
and surveyed under Old Cadastral Survey No. 1372 and

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presently surveyed under Survey No. **10/14** of the Village **Marra**, admeasuring an area **300 sq. mts.** along with a dwelling house and one out house existing therein and the same is bounded as under :-

North :- By the property bearing Survey No. 10/4 of Village Marra;

South :- By the Road of Village Marra;

East :- By the property bearing Survey No. 10/4 and Road of Village Marra;

West :- By the property bearing Survey No. 10/4 of Village Marra;

This property shall hereinafter referred to as the **SAID FIRST PROPERTY.**

## **SCHEDULE II**

ALL THAT property known as "**RUSTICO CULCARNEACHI NOMOS**" or "**APINACHEACHI NOMOS**" or "**COLCOLCORNEACHI NOMOS**", situated in the Ward Marra, within the limits of Village Panchayat of Pilerne, Taluka and Registration Sub-District Bardez, District

North Goa in the State of Goa, which property is described in the Land Registration Office of Panaji (Conservatoria de Registo Predial) under No. 20042 of Book B-53 at folio 133 and enrolled in the Taluka Revenue Office of Bardez under Matriz No. 558 and surveyed under Old Cadastral Survey No. 1374 and presently surveyed under Survey No. **10/13** of the Village **Marra**, admeasuring an area **1725 sq. mts.** and the same is bounded as under :-

North :- By the property bearing Survey No. 10/1 of Village Marra;

South :- By the property bearing Survey No. 10/4 of Village Marra;

East :- By the property bearing Survey No. 10/4 of Village Marra;

West :- By the property bearing Survey No. 13/4 of Village Marra;

This property shall hereinafter referred to as the  
**SAID SECOND PROPERTY.**



**III. TRACING OF PARTIES TITLE:**

1. The **SAID FIRST PROPERTY** is described under No. 20044 of Book B-53 at folio 134 and the **SAID SECOND PROPERTY** is described under No. 20042 of Book B-53 at folio 133 and both the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** are collectively inscribed on *11<sup>th</sup> May 1950* under No. 20978 in favour of Maria Assucena Eliza Ribeiro alias Maria Ribeiro and her husband, Ernesto Ribeiro. Inscription Certificate reveals that the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** was acquired by the said Maria Assucena Eliza Ribeiro alias Maria Ribeiro and her husband, Ernesto Ribeiro in the Partition that took place among them and Father Edmundo Braulio Fernandes, Parish Priest of the Church of Cidade de Goa, Ezilda Ribeiro e Souza, widow of Augusto de Souza and others vide Deed dated 15<sup>th</sup> October 1947.



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2. **Inscription and Description Certificates** are records maintained during the Portuguese Regime wherein the record of title was maintained. *Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevailant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes*



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*and therefore the same is a vital document for  
assessment of title to the property.*

3. Registo Do Agrimensor and Cadastral Survey Records (Auto de Demarcacao) reveals that the **SAID FIRST PROPERTY** bearing old Cadastral Survey No. **1372** and the **SAID SECOND PROPERTY** bearing old Cadastral Survey No. **1374** originally belonged to Ana Rita de Lima Ribeiro, widow of Sebastiao Caetano Ribeiro and her son, Ernesto Ribeiro.
4. Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa - Goa establishes that the **SAID FIRST PROPERTY** bearing old Cadastral Survey No. **1372** and Survey No. **10/14** of Village **Marra**, Bardez - Goa is almost same.
5. Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer,



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Mapusa - Goa establishes that the **SAID SECOND PROPERTY** bearing old Cadastral Survey No. **1374** and Survey No. **10/13** of Village **Marra**, Bardez - Goa is almost same.

6. *The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.*
7. *Registo Do Agrimensor* and Cadastral Survey Records are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said Registo Do Agrimensor and Cadastral Survey Records 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 and in the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.

8. Deed of Sale dated 06/03/1971 registered in the Office under Registration No. 13 at pages 229 to 234 of Book No. 1, Volume No. 4 dated 12/05/1971 reveals that the said Ernesto Ribeiro passed away on 19/01/1968 leaving behind his widow and moiety holder, the said Maria Assucena Eliza Ribeiro alias Maria Ribeiro alias Marry Ribeiro and the following legal heirs:

- (i) Dr. Antonio Ribeiro (bachelor);
- (ii) Dr. (Mrs.) Doris Fernandes nee Ribeiro married to Mr. Barney Fernandes;
- (iii) Mother M. Francis De Sales nee Irene Ribeiro
- (iv) Ernest Ribeiro (bachelor)
- (v) Dr. William Ribeiro
- (vi) Mr. Ronald Ribeiro



9. Vide Deed of Sale dated 06/03/1971 registered in the Office under Registration No. 13 at pages 229 to 234 of Book No. 1, Volume No. 4 dated 12/05/1971, the said Mrs. Maria Assucena Eliza Ribeiro alias Maria Ribeiro alias Marry Ribeiro, widow of Ernesto Ribeiro sold her HALF SHARE in the inheritance of her husband, Ernesto Ribeiro and the said, Dr. Antonio Ribeiro (bachelor); Dr. (Mrs.) Doris Fernandes nee Ribeiro and her husband, Mr. Barney Fernandes; Mother M. Francis De Sales nee Irene Ribeiro and Ernest Ribeiro (bachelor) sold their 1/12<sup>th</sup> SHARE each in the inheritance of their father, Ernesto Ribeiro in favour of Dr. William Ribeiro and Mr. Ronald Ribeiro.
10. Vide Deed of Sale dated 06/03/1971 registered in the Office under Registration No. 13 at pages 229 to 234 of Book No. 1, Volume No. 4 dated 12/05/1971, the said Dr. William Ribeiro and Mr. Ronald Ribeiro became exclusive owners of the properties belonging

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to Ernesto Ribeiro including the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.

11. Vide Deed of Sale dated 31/05/1975 registered in the Office under Registration No. 443 at pages 294 to 304 of Book No. 1, Volume No. 92 dated 17/08/1975, the said Dr. William Ribeiro and Mr. Ronald Ribeiro sold properties including the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** in favour of Maria Carmelina Fernandes, wife of Assuncao Roque Menino Barreto; Pedro Paulo Barreto, Ludovico Vila Nova Sebastiao Barreto and Egipsy Sebastiao Barreto.

**However in the said Deed of Sale dated 31/05/1975 the Old Cadastral Survey No. of the SAID FIRST PROPERTY is mentioned as 1310 instead of 1372 which needs to be rectified.**

12. Inventory Proceedings bearing No. 9/2002/B filed before the Court of the Civil Judge Senior Division



at Panaji - Goa reveals THAT the said Assumpcao Roque Menino Barreto passed away on 06/01/1993 and the said Maria Carmelina Fernandes passed away on 15/06/1990 leaving behind their following legal heirs:

- (a) Mr. Sebastiao Barreto married to Mrs. Maria Ubaldina De Almeida e Barreto
- (b) Mr. Pedro Paulo Barreto married to Mrs. Monica Barreto
- (c) Mr. Cirilo Sebastiao Barreto married to Mrs. Sarika Barreto
- (d) Mr. Ludovico V. N. Sebastiao Barreto married to Mrs. Ruby Barreto
- (e) Mr. Egypsy Barreto married to Mrs. Vera Barreto
- (f) Mrs. Ofelia Pereira married to Mr. Jose Pereira
- (g) Mrs. Robertina Barreto e Almeida married to Mr. Pedro Luis Joaquim Almeida



**13.** Upon the death of the said Assumpcao Roque Menino Barreto and Maria Carmelina Fernandes, Inventory Proceedings bearing No. 9/2002/B was initiated before the Court of the Civil Judge Senior Division at Panaji - Goa by the said Mr. Sebastiao Barreto and the **SAID FIRST PROPERTY** was listed as **Item No. I** in the LIST OF ASSETS and the **SAID SECOND PROPERTY** was listed as **Item No. II** in the LIST OF ASSETS.

**However in the said Inventory the Old Cadastral Survey No. of the SAID FIRST PROPERTY is mentioned as 1310 instead of 1372 which needs to be rectified.**

**14.** Vide Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at Panaji - Goa, all the parties calculated the total share holding of each one and agreed to the following allotment :



- (i) The Interested Party, Mr. Sebastiao Barreto and his wife, Mrs. Maria Ubaldina De Almeida e Barreto being entitled to 1/7<sup>th</sup> share in the estate and thereby allotted the Item No. VIII mentioned therein
- (ii) The other Interested Parties namely, Mr. Pedro Paulo Barreto and his wife, Mrs. Monica Barreto; Mr. Cirilo Sebastiao Barreto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Rosina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida being jointly entitled to the remaining 6/7<sup>th</sup> share in the estate in equal shares and thereby allotted the Item Nos. I to VII and IX and X mentioned therein in equal shares.



**15.** Vide Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji - Goa, the said Consent Terms dated 19/01/2013 was confirmed and made absolute for all legal purposes wherein the said Mr. Pedro Paulo Barreto and his wife, Mrs. Monica Barreto; Mr. Cirilo Sebastiao Barreto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Rosina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida became absolute owners of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.

**16.** Deed of Succession and Qualification of Heirs dated 01/02/2022 reveals that the said Mr. Pedro Paulo Barreto alias Pedro Paulo Barreto passed away on



09/02/2014 leaving behind his widow and moiety holder, the said Mrs. Maria Monica Raposo alias Monica Barreto and his two sons, namely, Mr. Melroy Menino Barreto and Mr. Joel Carlisto Barreto as his sole and universal legal heirs.

**17.** Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1898-2022 dated 27/04/2022, the said Mrs. Maria Monica Raposo alias Monica Barreto, Mr. Melroy Menino Barreto and his wife, Mrs. Alvita Rhea Correia, Mr. Joel Carlisto Barreto, Mr. Cirilo Sebastiao Barreto alias Cirilo Sebastiao Baretto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Ruby Baretto alias Rozina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida sold

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the **SAID FIRST PROPERTY** in favour of Vianaar  
Infra LLP

- 18.** Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1897-2022 dated 27/04/2022, the said Mrs. Maria Monica Raposo alias Monica Barreto, Mr. Melroy Menino Barreto and his wife, Mrs. Alvita Rhea Correia, Mr. Joel Carlito Barreto, Mr. Cirilo Sebastiao Barreto alias Cirilo Sebastiao Baretto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Ruby Baretto alias Rozina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida sold the **SAID SECOND PROPERTY** in favour of Vianaar Infra LLP



19. In view of above, the said Vianaar Infra LLP became absolute owner in possession of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.

20. Manual Form I & XIV, Form IX AND Form III are Revenue Records prepared under the applicable Goa Land Revenue Code

**Manual Form I & XIV, Form IX AND Form III:**

in respect of the **SAID FIRST PROPERTY** bearing Survey No. **10/14** of Village **Marra**, Bardez - Goa and the **SAID SECOND PROPERTY** bearing Survey No. **10/13** of Village **Marra**, Bardez - Goa clearly shows the names of Dr. William Ribeiro and Ronald Ribeiro in the Occupants Column and after deleting the said names, the names of Maria Carmelina Fernandes, Pedro Paulo Barreto, Ludovico Vila Nova Sebastiao Barreto and Egipsy Sebastiao Barreto were added in the Occupants Column.



21. In light of above, considering the fact that the Inscription and Description records, Registo Do Agrimensor, Auto de Demarcacao, Manual Form I & XIV, Form IX, Form III, Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa - Goa, Deed of Sale dated 06/03/1971, Deed of Sale dated 31/05/1975, Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at Panaji - Goa, Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji - Goa, Deed of Succession and Qualification of Heirs dated 01/02/2022, Deed of Sale dated 22/04/2022 and Deed of Sale dated 22/04/2022 and the Survey Records in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title



and is consistent with the ownership of the present owners, I am of the opinion that **VIANAAR INFRA LLP** have clear and marketable title in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** subject to the following:

- (i) Publication of Public Notice inviting objections from the general public, if any
- (ii) Observation made at Para 11 and 13 above.
- (iii) Production of the Land Use 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 FIRST PROPERTY** and the **SAID SECOND 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 FIRST PROPERTY** and the **SAID SECOND PROPERTY** are converted from agricultural to non-agricultural purposes.
4. No NOC is furnished from the Forest Department to establish that the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** are not identified as a Forest Land

**V. EVIDENCE OF POSSESSION:-**

The **SAID FIRST PROPERTY** admeasuring an area **300 sq. mts.**, surveyed under Survey No. **10/14** of Village **Marra** and the **SAID SECOND PROPERTY** admeasuring an area **1725 sq. mts.**, surveyed under Survey No. **10/13** of Village **Marra** reflect the names of Maria Carmelina Fernandes, Pedro Paulo



Barreto, Ludovico Vila Nova Sebastiao Barreto and Egipsy Sebastiao Barreto in Form I & XIV issued by the Department of Survey, Government of Goa. **However it is advisable to carry out mutation proceedings and the names of the present owners i.e. Vianaar Infra LLP be added in the survey records.**

**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 26/05/2022 bearing No. 1250/2022 (Survey No. **10/13** of the Village **Marra**) and Nil Encumbrance Certificate dated 26/05/2022 bearing No. 1249/2022 (Survey No. **10/14** of the Village **Marra**) in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** is furnished to establish that there is no encumbrance.



**CERTIFICATE**

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

- (i) Publication of Public Notice inviting objections from the general public, if any
- (ii) Observation made at Para 11 and 13 and Para V above.
- (iii) Production of the Land Use 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**

**FIRST PROPERTY** and the **SAID SECOND PROPERTY** and/or (ii) against the larger property;

- (b) I have not inspected the originals of the title documents produced for scrutiny referred to above; and
- (c) I have taken the title documents under which Maria Assucena Eliza Ribeiro alias Maria Ribeiro and her husband, Ernesto Ribeiro 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, asset 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 FIRST PROPERTY** and the **SAID SECOND 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 FIRST PROPERTY** and the **SAID SECOND PROPERTY**; and
- (f) that names of persons spelt differently in different documents in respect of the **SAID FIRST PROPERTY** and the **SAID SECOND 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 FIRST PROPERTY** and the **SAID SECOND 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 FIRST PROPERTY** and the **SAID SECOND 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 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:- 11/06/2022



**(Adv. Shivan S. Desai)**