

Shivan S.Desai
ADVOCATE

Off:
603, Ambrosia Corporate Park,
6th Floor, Patto,
Panaji, Goa - 403 001.
E-mail: shivandesai@hotmail.com
☎ (0832) 6632470.
Mobile No 9822102911

TITLE REPORT

To,
M/S. K.D.S CONSTRUCTIONS,
having office at 33, Sunder Nagar,
New Delhi - 110003.

I. I have pursued the photocopies of the following documents:

- a) Survey Records Form I & XIV bearing Survey No. 134 Sub-Division No. 1 of Village Nerul, Bardez - Goa.
- b) Inscription Description Certificate
- c) Manual Form I & XIV
- d) Deed of Sale and Discharge dated 4th June 1965
- e) Inventory Proceedings bearing No. 14/94 instituted before the Court of the Civil Judge Senior Division at Panaji



- f) Order dated 30/09/1996 passed in the said Inventory Proceedings bearing No. 14/94 by the Civil Judge Senior Division at Panaji
- g) Deed of Sale dated 02/08/2021 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2659-2021 dated 03/08/2021
- h) Survey Plan
- i) Land Use Zoning Certificate dated 16/05/2019 bearing Ref. No. TPBZ/ZON/6542/NER/TCP-19/2659 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa
- j) Conversion Sanad dated 20/08/2021 bearing No. 4/128/CNV/AC-III/2021/1062 issued by the Additional Collector-III, North Goa District, Mapusa - Goa



II. DESCRIPTION OF THE PROPERTY:

SCHEDULE - I

ALL THAT property surveyed under Survey No. **134/1** of Village **Nerul**, admeasuring **2375 sq. mtrs.** known as 'Ordole Velci Dando Culgor Iria Xetache Buim' or 'Dando of Bispo Alicarnas' situated at Village Nerul, within the jurisdiction of Village Panchayat of Nerul, Taluka and Registration Sub-District of Bardez, District North Goa, State of Goa, described as whole in the Land Registration Office of Bardez under no. 3784 and is bounded as under:-

On the East : By Road
On the West : By Sy. No. 133 of village Nerul
On the North : By Sy. No. 135/33 of village Nerul
On the South : By Road;

This property shall hereinafter referred to as the
SAID PROPERTY.



III. TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** is described under No. 3784 at folio 320 of Book B-1(New) and inscribed on **5th February 1966** under No. **26059** in favour of Maria Santana Conceicao Estevao Azavedo, wife of Silvestre Manuel Sebastiao Luis. Inscription and Description Certificate reveals that the **said Property** was purchased by the said Maria Santana Conceicao Estevao Azavedo, wife of Silvestre Manuel Sebastiao Luis vide Deed of Sale and Discharge dated 4th June 1965 from Ana Berta Dionizia Fernandes and her husband, Eugenio Francisco Ines Gomes or Eugenio Gomes and the usufruct from Rosa Maria Engracia de Souza, widow.
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 and therefore the same is a vital document for assessment of title to the property.



3. Inventory Proceedings bearing No. 14/94 instituted before the Court of the Civil Judge Senior Division at Panaji reveals that the said Silvestre Manuel Sebastiao Luis passed away on 14/05/1988 leaving behind his widow and moiety holder, the said Maria Santana Conceicao Estevao Azavedo alias Maria Conceicao Estevao Luis alias Mary Luis and the following sole and universal legal heirs:

- (i) Mrs. Avita Avelina Caldeira married to Mr.
Richard Caldeira
- (ii) Mr. Carlos Honorato Luis married to Mrs.
Sharlet Marlin Luis
- (iii) Miss Brenda Luis
- (iv) Mr. Vincent Domnic Luis

4. Upon death of the said Silvestre Manuel Sebastiao Luis, Inventory Proceedings bearing No. 14/94 was instituted before the Court of the Civil Judge Senior Division at Panaji and the PLOT admeasuring 1618 sq. mts. forming part of the SAID PROPERTY was



listed at Item No. III and the PLOT admeasuring 757 sq. mts. forming part of the SAID PROPERTY was listed at Item No. IV.

5. Vide Order dated 30/09/1996 passed in the said Inventory Proceedings bearing No. 14/94 by the Civil Judge' Senior Division at Panaji, the PLOT admeasuring 1618 sq. mts. forming part of the SAID PROPERTY listed at Item No. III was allotted to Mr. Vincent Domnic Luis and the PLOT admeasuring 757 sq. mts. forming part of the SAID PROPERTY listed at Item No. IV was allotted to Mrs. Avita Avelina Caldeira as per the auction proceedings.
6. In light of above, the said Mr. Vincent Domnic Luis became absolute, sole & exclusive owner in possession of the PLOT admeasuring **1618 sq. mts.** forming part of the SAID PROPERTY and Mrs. Avita Avelina Caldeira and her husband, Mr. Richard Caldeira became absolute, sole & exclusive owners



in possession of the PLOT admeasuring **757 sq. mts.** forming part of the SAID PROPERTY.

Manual Form I & XIV:

7. in respect of the SAID PROPERTY bearing Survey No. **134/1** of Village **Nerul**, Bardez - Goa clearly shows the name of Maria Conceicao Azavedo as Occupant in Occupants Column.
8. Public Notice dated 28/03/2021 was published in Gomantak (Marathi) and Navhind Times wherein objections within a period of 15 days from the date of publication were invited from the general public for sale of the **SAID PROPERTY**, by the said Mr. Vincent Domnic Luis; Mrs. Avita Avelina Caldeira and her husband, Mr. Richard Caldeira and after elapse of 15 days no objection are received.



9. Vide Deed of Sale dated 02/08/2021 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2659-2021 dated 03/08/2021, the said Mr. Vincent Domnic Luis and Mrs. Avita Ayelina Caldeira along with her husband, Mr. Richard Caldeira sold their **PLOTS** i.e PLOT admeasuring 1618 sq. mts. and PLOT admeasuring 757 sq. mts. forming part of the SAID PROPERTY totally admeasuring **2375 sq. mts.** in favour of M/s. K.D.S. Constructions, a Partnership Firm.
10. Vide Conversion Sanad dated 20/08/2021 bearing No. 4/128/CNV/AC-III/2021/1062 issued by the Additional Collector-III, North Goa District, Mapusa - Goa the **SAID PROPERTY**, admeasuring **2350 sq. mts.** bearing Survey No. **134/1(Part)** of Village Nerul, Bardez - Goa was converted for Residential with 80 FAR.



Off:

603, Ambrosia Corporate Park,

6th Floor, Patto,

Panaji, Goa - 403 001.

E-mail: shivandesai@hotmail.com

☎ (0832) 6632470.

Mobile No 9822102911

11. I have inspected the originals of the following documents:

(i) Deed of Sale and Discharge dated 4th June 1965

(ii) Deed of Sale dated 02/08/2021 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-2659-2021 dated 03/08/2021

12. In light of above, considering the fact that the Inscription and Description Records, Manual Form I & XIV, Deed of Sale and Discharge dated 4th June 1965, Order dated 30/09/1996 passed in the said Inventory Proceedings bearing No. 14/94 by the Civil Judge Senior Division at Panaji and Deed of Sale dated 02/08/2021 and the Survey Records in respect of the **SAID PROPERTY**, have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owner and considering the



Off:
603, Ambrosia Corporate Park,
6th Floor, Patto,
Panaji, Goa - 403 001.
E-mail: shivandesai@hotmail.com
☎ (0832) 6632470.
Mobile No 9822102911

fact that No Objection has been received in pursuance to the public notice, I am of the opinion that **M/S. K.D.S. CONSTRUCTIONS, a Partnership Firm** has clear and marketable title in respect of the **SAID PROPERTY**

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. Conversion Sanad dated 20/08/2021 bearing No. 4/128/CNV/AC-III/2021/1062 issued by the Additional Collector-III, North Goa District, Mapusa - Goa has been furnished to establish that the **SAID PROPERTY**, admeasuring **2350 sq. mts.** bearing Survey No. **134/1(Part)**



Village Nerul, Bardez - Goa was converted for Residential with 80 FAR.

4. Land Use Zoning Certificate dated 16/05/2019 bearing Ref. No. TPBZ/ZON/6542/NER/TCP-19/2659 issued by the Senior Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that the SAID PROPERTY falls in "Settlement Zone" as per Regional Plan for Goa 2021.

5. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** is not identified as a Forest Land

V. EVIDENCE OF POSSESSION:-

The **SAID PROPERTY** surveyed under Survey No. **134/1** of Village **Nerul** reflects the names of Vincent Dominic Luis and Avita Avelina Caldeira in Form I & XIV issued by the Department of Survey,



Off.
603, Ambrosia Corporate Park,
6th Floor, Patto,
Panaji, Goa - 403 001,
E-mail: shivandesai@hotmail.com
☎ (0832) 6632470.
Mobile No 9822102911

Government of Goa. However it is advisable to carry out mutation proceedings and said names to be deleted and the name of present owner needs to be mutated in the survey records of the **SAID PROPERTY**.

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. No NIL Encumbrance Certificate in respect 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 **M/S. K.D.S. CONSTRUCTIONS, a Partnership Firm** has clear and marketable title in respect of the **SAID**



PROPERTY subject to observation made at **Para V** above.

➤ **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; and
 - (b) I have taken the title documents under which Maria Santana Conceicao Estevao Azavedo, wife of Silvestre Manuel Sebastiao Luis acquired the Land as the root of title.
- For the purpose of issuing this report on title, I have assumed:



Off:
603, Ambrosia Corporate Park,
6th Floor, Patto,
Panaji, Goa - 403 001.
E-mail: shivandesai@hotmail.com
☎ (0832) 6632470.
Mobile No 9822102911

- (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;



Off:
603, Ambrosia Corporate Park,
6th Floor, Patto,
Panaji, Goa - 403 001.
E-mail: shivandesai@hotmail.com
☎ (0832) 6632470.
Mobile No 9822102911

- 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.



Off:

603, Ambrosia Corporate Park,

6th Floor, Patto,

Panaji, Goa – 403 001.

E-mail: shivandesai@hotmail.com

☎ (0832) 6632470.

Mobile No 9822102911

- 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:- 27/08/2021



(Adv. Shivan S. Desai)