

Priyanka Kamat

Advocate

27/03/2019

To,

Rajdeep Builders

202, Mathias Plaza,

Above Canara Bank

Panaji-Goa

Sub:- Supplementary Title Report in respect of the property known as "CAMBALMARICHEM" or "SAO TOME" situated at Sao Tome of Ela, Parish of Se Primacial, Taluka, Tiswadi, Gram Panchayat of Old Goa, District of Goa.

Sir,

I have already given Title Report dated 11/02/2019 in respect of the property name **CAMBALMARICHEM" or "SAO TOME"** situated at Sao Tome of Ela , situated at Sao Tome of Ela, Parish of Se Primacial, Taluka, Tiswadi, Gram Panchayat of Old Goa, State of Goa with respect to the Plot of land No. 13 A and 13 B.

In the said Title Report dated 11/02/2019 , at page 6 of the said Title Report I had mentioned the following :- By Deed of Sale dated 22/08/1995 Smt. Julia Rita Fernandes e Pereira sold the said property to Mr. Alex Trifano Toscano registered before the Sub-Registrar at Panaji. Mr. Alex Trifano Toscano expired on 18/05/2005, thereafter Mrs. Lilia Francisca Dias alias Lilia Francisca Dias



Toscano the wife of the deceased Mr. Alex Trifano Toscano alongwith other legal heirs of Mr. Alex Trifano Toscano have applied for Deed of Qualification of Heirs which is drawn on 22/01/2019 before the Sub-Registrar at Panaji. The said Deed of Qualification of Heirs is listed for publication inviting objections from the general public. The period of 1 month is prescribed for the above objections if any and in the event no objections are received Mrs. Lilia Francisca Dias alias Lilia Francisca Dias Toscano the wife of the deceased Mr. Alex Trifano Toscano alongwith other legal heirs of Mr. Alex Trifano Toscano will be declared as the legal heirs of deceased Mr. Alex Trifano Toscano and will be the lawful owners of the property described at point I above.

I have been handed over copy of Deed of Qualification of Heirs drawn on 22/01/2019 recorded at folio 89 to 91 of Deed / Book No. 738. The Deed of Qualification of Heirs is registered before the Office of Sub -Registrar cum Registrar, Tiswadi at Panaji Goa , on 22/01/2019.

In the said Deed of Qualification of Heirs dated 22/01/2019 it is mentioned that Mr Trifonio Estevao Aleixo Toscano alias Alex Trifonio Toscano expired on 18/05/2005 without leaving will or other last desposition of his wishes and living behind his wife Mrs. Lilia Francisca Dias alias Mrs Lilia Francisca Dias Toscano as half sharer , Moeity holder and sole an universal heir, his son Mr. John Paul Toscano ,son of late Mr Trifonio Estevao Aleixo Toscano alias Alex Trifonio Toscano . It is also stated that Mrs. Lilia Francisca Dias alias Mrs Lilia Francisca Dias Toscano is half sharer and Mr . John Paul Toscano as the sole and Universal heir entrusted to the estate of the deceased Late Mr. Trifonio Estevao Aleixo Toscano alias Alex Trifonio Toscano and there are no other person or persons



who according to law may have preference over them or who may conquer along with them to the estate left by the said deceased person.

Upon reading the said Deed of Qualification of Heirs it is clear that Mrs. Lilia Francisca Dias alias Mrs Lilia Francisca Dias Toscano the wife of deceased Mr. Trifonio Estevao Aleixo Toscano along with other heir Mr. John Paul Toscano are the only lawful owners having marketable Title to the property ie All that plot of land numbers thirteen A. and thirteen B. (13A and 13B) linked one to another (ligados entre si) of the property named **"CAMBALMARICHEM" or "SAO TOME"** situated at Sao Tome of Ela, Parish of Se Primacial, Taluka, Tiswadi, Gram Panchayat of Old Goa, District of Goa the entire property being described in the Land Registration office of the Sub District of Ilhas under number nineteen thousand five hundred and eighty three at Folio eighty three of the Book B fifty two new (no. 19583 at fls. 83 of the Book B- 52 New) and registered in the Taluka Revenue Office under Number Two and Sixteen (no. 216), admeasuring total area of one thousand three hundred fifty four sq. mts. (1354 sq. mts) and henceforth forming a separate unit, both the plots linked one to another now surveyed under no. 111/4B of village Ela.



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"CAMBALMARICHEM" or "SAO TOME" situated at Sao Tome of
Ela, Parish of Se Primacial, Taluka, Tiswadi, Gram Panchayat of Old
Goa, District of Goa.

(I) Description of the property:-

All that plots of land numbers thirteen A. and thirteen B. (13A and 13B) linked one to another (ligados entre si) of the property named **"CAMBALMARICHEM"** or **"SAO TOME"** situated at Sao Tome of Ela, Parish of Se Primacial, Taluka, Tiswadi, Gram Panchayat of Old Goa, District of Goa the entire property being described in the Land Registration office of the Sub District of Ilhas under number nineteen thousand five hundred and eighty three at Folio eighty three of the Book B fifty two new (no. 19583 at fls. 83 of the Book B- 52 New) and registered in the Taluka Revenue Office under Number Two and Sixteen (no. 216), admeasuring total area of one thousand three hundred fifty four sq. mts.



(1354 sq. mts) and henceforth forming a separate unit, both the plots linked one to another now surveyed under no. 111/4B of village Ela.

The Boundaries of the said plots are as follows:-

Bounded on the East:- by plot nos. 13C and 13D and now surveyed under no. 111/4A of village Ela belonging to William Menezes.

Bounded on the West:- By plot Nos. 12E and 12F now surveyed under no. 111/9 of village Ela belonging to Shri Baptista VAz of the property known as "CAMBALMARICHEM" or "SAO TOME"

Bounded on the North:- By P.W.D road (Panaji Ponda road)

Bounded on the South:- By internal road, admeasuring its East 67.40 sq. mts and West side 68 mtrs. North side 20mts. and South side also 20 mts. and for more clarity the same has been shown on the plan hereto annexed and delineated with red ink.



(II) **Deeds and documents :-**

- a) Birth Certificate of John Paul Toscano
- b) Death Certificate of Alex Trifanio Toscano
- c) Marriage Certificate of Alex Trifanio Toscano and Lilia Francisa Dias
- d) Birth Certificate of Alex Trifanio Toscano
- e) Form I & XIV
- f) Affidavit by Julia Rita Fernance E Pereira

- g) Form I & XIV (Manual) Survey No. 111/4-B
- h) Form I & XIV (Manual) Survey No. 111/8
- i) Plan – Directorate of land Survey
- j) Letter dated 18.04.1994 from Directorate of settlement and land records, Panaji to Deputy Collector Panaji
- k) Order dated 30.9.1994
- l) Application of Resurvey before Collector – Panaji
- m) Application for correction of survey records before collector – Panaji
- n) Application for Amendment before the Mamlatdar Panaji
- o) Deed of Sale dated 22.08.1995
- p) General POA Dated 24.09.1992
- q) Letter dated 18.02.1994 from Directorate of settlement and land records Panaji
- r) Order dated 25.03.1992 from Panaji Planning and Development Authority
- s) No Objection Certificate dated 27.03.1992 from Panaji Planning and Development Form I & XIV (Manual) Survey No. 111/4-B Authority
- t) Deed of Rectification of Sale Deed dated 10.08.1990
- u) Deed of Sale dated 11.07.1973 executed on 24.01.1974
- v) Inscription and Description with Transaction



A handwritten signature in blue ink, appearing to be 'Priyanka', written in a cursive style.

- w) Old Approved Plan
- x) Nil Encumbrance Certificate

III) **Tracing of Title from the documents at Point II above:-**

One Ana Sabina Antonia D'Souza widow of Santana D'Souza of Ribandar, was the Absolute owner in possession of the piece or parcel of land known as "CAMBAL-MARICHEM" or "SAO TOME" situated at Sao Tome of Ela (Old Goa Parish of Se Primacial Taluka Tiswadi, State of Goa and described in the office of land registration of Ilhas under no. 19.583 at page 83 of the Book B 52 New and more particularly described in the schedule hereunder written;



The said Ana Sabina Antonia D'Souza by a Deed of Gift dated 21st July, 1962, made before the Notary of Panaji, Comarca Shri Fernando George Colaco and which has been registered in his Notarial Book bearing no. 584 at page 82 and which has been inscribed under inscription no. 21543 on 8-3-1963 in the book of inscription of the office of the land Registrar of Ilhas had gifted the said piece or parcel of land known as "CAMBAL MARICHEM" or "SAO TOME" to Ana Sabina Filomena Paulina Rosaria D'Souza, d/o Lucie Cesar Luis Francisco Cosme De Souza, resident of Ribandar, Ilhas, Goa;

By Deed of Sale dated 11-7-1973, which has been registered in the office of the Civil cum Sub-Registrar of Panaji under no. 54 in pages 374 to 380 of Book no. 1 Vol. 78, the said Ana Sabina Filomena Paulina Rosario De Souza and three others namely : (1) Mariata Diana Belamita Lucia De Souza also known as Belamita Marieta Diana de Souza , (2) Mario Hipacio De Souza, (3) Ernesto Teotonio Santana Lucio De Souza and further on 10th August, 1990, by a Deed rectification

of the said Deed of Sale, Have sold and conveyed the said property to Smt. Julia Rita Fernandes e Pereira, the Vendor herein;

It is subsequently noticed by the vendor that there was an error in allotting survey Number to the property and the adjoining holding and as such she filed a proceedings being case no. LRC/REUR/11/93 before the Dy. Collector and S.D.O. Panaji for correction of the said error;

The said Dy. Collector/S.D.O. Panaji, after having satisfied of the said error ordered the resurvey by his order dt. 7-12-93 and pursuant to which the resurvey was carried out and error in the survey records came to be corrected after the confirmation order dated 30-9-94 of the said Dy. Collector/S.D.O Panaji and as such the said property has now been allotted a Survey Number as 11/4 B of Village Ela, Tiswadi Taluka ,Goa;



Under the events recited hereinabove and by virtue of the aforesaid Deed of Sale Dt. 11-7-1973 and subsequent Deed of Rectification dated 10-8-1990 and also by virtue of the orders of the Dy. Collector referred to above, the said Smt. Julia Rita Fernandes e Pereira, Vendor is the owner who is sufficiently and absolutely entitled to the said piece or parcel of land admeasuring 1354 sq. mts.

Mr. Alex Trifano Toscano has been in possession for several years of the said property had filed a tenant case in the court of the Mamlatdar being Tenancy case no. 36/1992 against the Smt. Julia Rita Fernandes e Pereira, for a declaration of his Tenancy right and also for permanent injunction for restraining the Vendor from interfering with the said property in whatsoever manner;

Smt. Julia Rita Fernandes e Pereira and Mr. Alex Trifano Toscano have settled all the difference or disputes between them outside the said court of Mamlatdar and the Vendor having recognised the status of the Purchaser as of a tenant in respect of the said property has agreed to sell the said property.

By Deed of Sale dated 22/08/1995 Smt. Julia Rita Fernandes e Pereira sold the said property to Mr. Alex Trifano Toscano registered before the Sub-Registrar at Panaji.

Mr. Alex Trifano Toscano expired on 18/05/2005, thereafter Mrs. Lilia Francisca Dias alias Lilia Francisca Dias Toscano the wife of the deceased Mr. Alex Trifano Toscano alongwith other legal heirs of Mr. Alex Trifano Toscano have applied for Deed of Succession which is drawn on 22/01/2019 before the Sub-Registrar at Panaji.



The said Deed of Succession is listed for publication inviting objections from the general public.

The period of 1 month is prescribed for the above objections if any and in the event no objections are received Mrs. Lilia Francisca Dias alias Lilia Francisca Dias Toscano the wife of the deceased Mr. Alex Trifano Toscano alongwith other legal heirs of Mr. Alex Trifano Toscano will be declared as the legal heirs of deceased Mr. Alex Trifano Toscano and will be the lawful owners of the property described at point II above.

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Observations/Conclusion:-

A) Upon perusal of the above documents at Point II and after tracing the flow of title at point III it can be concluded that in the event no objections are received from general public towards the registration of Deed of Succession of Mrs. Lilia Francisca Dias alias Lilia Francisca Dias Toscano the wife of the deceased Mr. Alex Trifano Toscano alongwith other legal heirs of Mr. Alex Trifano Toscano, in that event the legal heirs of deceased Mrs. Lilia Francisca Dias alias Lilia Francisca Dias Toscano and their children will be the lawful owners of the property described at point II above. It is advisable to wait for the period of 1 month from the date of publication before entering into any transaction in respect to the property at point II above.



B) Form I and XIV dated 28/11/2018 shows the name of Alex Trifano Toscano in the Occupants Column and no names are reflected in the other rights and tenants column.

C) It would be also advisable to employ a private surveyor to check for encroachments if any at site at loco. The valuation report of the property should also be prepared.

D) Nil Encumbrance Certificate dated 24/12/2018 of the said property is on record and the same shows the property free from any encumbrances.

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