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ADVOCATE

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**TITLE REPORT**

To,  
**M/S. GREEN AMBIT INFRASTRUCTURES,**  
A Partnership Firm,  
having its registered office House No. 629,  
Sector-21C, Faridabad,  
Haryana - 121003.

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

- a) Survey Records Form I & XIV bearing Survey No. 174/5-E of Village Siolim, Bardez - Goa.
- b) Manual Form I & XIV
- c) Sale Deed dated 06/05/1972, registered before the Sub-Registrar of Bardez under registration no 5514 at pages 383 to 390 of Book No. I, Volume No. 60 dated 29/06/1972
- d) Sale Deed dated 21/05/1992, registered before the Sub-Registrar of Bardez under registration no 1273 of Book No. I, Volume No. 166 dated 31/07/1992



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- e) Order dated 21/11/1995 passed in Partition Case No. 15/147/94/Part/Land/7719 by the Deputy Collector and Sub Divisional Officer, Mapusa Sub Division, Mapusa - Goa
- f) WILL dated 11/09/2002
- g) Inventory Proceedings bearing No. 407/2021/B filed before the Court of the Civil Judge Senior Division at Mapusa - Goa
- h) Final Order dated 18/01/2023 passed in Inventory Proceedings bearing No. 407/2021/B by the Court of the Civil Judge Senior Division at Mapusa - Goa along with Consent Terms filed therein at Exhibit 27
- i) Survey Plan

II. **DESCRIPTION OF THE PROPERTY:**

**SCHEDULE I**

All that North-West portion of the whole property known as "SUB-SENEICHEM-BATA", having an area of **2156**



sq. mts., which forms part and parcel of the entire property bearing Survey No. **174/5-E**, situated in the Ward Dongarmago of **Siolim** Village, within the limits of Village Panchayat of Siolim, Taluka and Sub-District of Bardez, District of North Goa, State of Goa, not described in the Land Registration Office of Bardez and the whole property is enrolled or inscribed in the Taluka Revenue Office of Bardez at Mapusa under Matriz rustica No. 62 of 3<sup>rd</sup> Circumscription of Siolim and the same is bounded as under:

**East:** By the Public Road.

**West:** By drain or rain waters (sangria).

**North:** By property bearing survey no 174/5-D of Village Siolim.

**South:** By the remaining part of the whole property known as Sub-Seneichem-Bata.

The said property shall hereinafter referred to as the  
**SAID PROPERTY**



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**TRACING OF PARTIES TITLE:**

1. The **SAID PROPERTY** is neither described nor inscribed in the Land Registration Office. **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 prevallant, 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)



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*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. The FIRST document furnished for inspection/scrutiny is Sale Deed dated 06/05/1972 which reveals that the SAID PROPERTY originally belonged to Antonio Bernardino Casimiro Jose Fernandes and Antonio Godinho Jose Tiofilo Fernandes and upon their death the SAID PROPERTY was acquired by 1. Smt. Doroteia Efigenia Sancha Anunciacao De Costa Fernandes, widow of the said Antonio Godinho Jose Tiofilo Fernandes; 2. Smt. Maria Augusta Graca Fernandes, daughter of Antonio Godinho Jose Tiofilo Fernandes; 3. Shri. Antonio Joaquim Olavo De Graca Fernandes, son of Antonio Godinho Jose Tiofilo Fernandes.
3. Vide Sale Deed dated 06/05/1972, registered before the Sub-Registrar of Bardez under registration no 5514 at pages 383 to 390 of Book No. I, Volume No.



60 dated 29/06/1972, the said Smt. Doroteia Efigenia Sancha Anunciacao De Costa Fernandes, Smt. Maria Augusta Graca Fernandes, and Shri. Antonio Joaquim Olavo De Graca Fernandes sold the SAID PROPERTY in favour of Smt. Sitabai Atmaram Jaca and Shri. Laxman Raulu Prabhu Moye.

4. Vide Sale Deed dated 21/05/1992, registered before the Sub-Registrar of Bardcz under registration no 1273 of Book No. I, Volume No. 166 dated 31/07/1992, the said Shri. Laxman Raulu Prabhu Moye along with his wife, Smt. Godavari Laxman Prabhu Moye sold their half undivided share in the SAID PROPERTY admeasuring 1078 sq. mts. in favour of the said Smt. Sitabai Atmaram Jaca
5. The said Smt. Sitabai Atmaram Jaca filed an Application dated 09/06/1994 for Partition of the SAID PROPERTY under Section 61 of Land Revenue Code bearing Partition Case No.



15/147/94/Part/Land/7719 before the Deputy Collector and Sub Divisional Officer, Mapusa Sub Division, Mapusa - Goa and vide Order dated 21/11/1995 passed in Partition Case No. 15/147/94/Part/Land/7719 by the Deputy Collector and Sub Divisional Officer, Mapusa Sub Division, Mapusa - Goa, the SAID PROPERTY was partitioned from the larger property and a separate Survey No. i.e. Survey No. 174/5-E of Village Siolim, Bardez - Goa, admeasuring 2156 sq. mts. was allotted to the SAID PROPERTY.

6. Inventory Proceedings bearing No. 407/2021/B filed before the Court of the Civil Judge Senior Division at Mapusa - Goa reveals as under:

(A) That the said Smt. Sitabai Atmaram Jaca passed away on 20/02/2012 in the status of widow of late Shri. Atmaram Vithal Jaca who passed away before her and out of wedlock they left their following legal heirs:



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- (i) Late Ramesh Atmaram Jaca married to Mrs.  
Anuprita Ramesh Jaca
  - (ii) Mr. Vithal Atmaram Jaca married to Mrs.  
Smita Vithal Jaca
  - (iii) Late Suresh Atmaram Jaca married to Mrs.  
Rajani Suresh Jaca
  - (iv) Mr. Raghuvir Atmaram Jaca married to Mrs.  
Shalan Raghuvir Jaca
  - (v) Mrs. Parvati Ramnath Kamat Tarkar married  
to Mr. Ramnath Kamat Tarkar

(B) That the said Late Ramesh Atmaram Jaca passed away on 26/08/2016, leaving behind his widow and moiety, the said Anuprita Ramesh Jaca and the following children as his sole and universal heirs

- (i) Mr. Atmaram Ramesh Jaca married to Mrs.  
Priya Atmaram Jaca
- (ii) Mr. Shailesh Ramesh Jaca unmarried

(iii) Mrs. Aparna Komal Kamat married to Mr.  
Komal Kamat

(C) That the said Suresh Atmaram Jaca passed  
away on 21/10/2020 without any descendants  
but leaving behind his widow and moiety holder,  
the said Mrs. Rajani Suresh Jaca

(D) That the said Ramnath Tarkar passed away on  
16/02/1997 leaving behind his widow and  
moiety holder, the said Parvati Ramnath Kamat  
Tarkar and the following children as his sole  
and universal heirs;

(i) Mr. Milind Tarkar married to Anuja Milind  
Tarkar

(ii) Mr. Devanand Tarkar married to Anagha D.  
Kamat Tarkar

(iii) Mrs. Swati Juvarkar alias Swati Zuwarker  
alias Swati Zuarcar married to Nilesh  
Gurudas Juvarkar alias Nilcsh. Sinai



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Juvarkar alias Nilesh Juvarkar alias Nilesh  
Juwarkar,

7. Vide WILL dated 11/09/2002, the said Smt. Sitabai Atmaram Jaca bequeathed the SAID PROPERTY along with house bearing No. 1044, outhouse and garage existing in the SAID PROPERTY into various plots and specific plots and portions of the house, outhouse and garage were allotted to respective legal heirs.
8. Upon death of the said Smt. Sitabai Atmaram Jaca, Inventory Proceedings bearing No. 407/2021/B was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa by the said Mr. Vithal Atmaram Jaca wherein the **SAID PROPERTY** was listed at Item No. 1 in the List of Assets.
9. In the said Inventory Proceedings bearing No. 407/2021/B filed before the Court of the Civil

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Judge Senior Division at Mapusa - Goa, Consent  
Terms were filed wherein it was decided as under:

- (A) That the said Parvati Ramnath Kamat Tarkar  
and her children, Mr. Milind Tarkar and his  
wife, Anuja Milind Tarkar, Mr. Devanand Tarkar  
and his wife, Anagha D. Kamat Tarkar and Mrs.  
Swati Juvarkar alias Swati Zuwarker alias Swati  
Zuarcar and her husband, Nilesh Gurudas  
Juvarkar alias Nilesh Sinai Juvarkar alias  
Nilesh Juvarkar alias Nilesh Juwarkar  
released/relinquished their legal undivided  
rights in the estate of deceased, Smt. Sitabai  
Atmaram Jaca.
- (B) That the SAID PROPERTY bearing Survey No.  
174/5-E of Village Siolim, Bardez - Goa,  
admeasuring 2156 sq. mts. was divided into four  
plots i.e. plot admeasuring 650 sq. mts., plot  
admeasuring 676 sq. mts., plot admeasuring  
415 sq. mts. and plot admeasuring 415 sq. mts.,

(C) That the SAID PROPERTY was allotted and assigned in the following manner:

Anuprita Ramesh Jaca and her children, Mr. Atmaram Ramesh Jaca married to Mrs. Priya Atmaram Jaca; Mr. Shailesh Ramesh Jaca, unmarried and Mrs. Aparna Komal Kamat married to Mr. Komal Kamat	Plot admeasuring 650 sq. mts.,
Mr. Vithal Atmaram Jaca married to Mrs. Smita Vithal Jaca	Plot admeasuring 676 sq. mts.,
Mrs. Rajani Suresh Jaca	Plot admeasuring 415 sq. mts.,
Mr. Raghuvir Atmaram Jaca married to Mrs. Shalan Raghuvir Jaca	Plot admeasuring 415 sq. mts.,

10. Vide Final Order dated 18/01/2023 passed in the said Inventory Proceedings bearing No. 407/2021/B by the Court of the Civil Judge Senior Division at Mapusa - Goa, Consent Terms filed therein at Exhibit 27 were accepted and hence the said Anuprita Ramesh Jaca and her children, Mr. Atmaram Ramesh Jaca married to Mrs. Priya Atmaram Jaca; Mr. Shailesh Ramesh Jaca, unmarried and Mrs. Aparna Komal Kamat married to Mr. Komal Kamat became absolute owners in possession of **Plot admeasuring 650 sq. mts.** forming part of the SAID PROPERTY, the said Mr. Vithal Atmaram Jaca married to Mrs. Smita Vithal Jaca became absolute owners in possession of **Plot admeasuring 676 sq. mts.** forming part of the SAID PROPERTY, the said Mrs. Rajani Suresh Jaca became absolute owner in possession of **Plot admeasuring 415 sq. mts.** forming part of the SAID PROPERTY and the said Mr. Raghuvir Atmaram Jaca married to Mrs. Shalan Raghuvir Jaca became

absolute owners in possession of **Plot admeasuring 415 sq. mts.** forming part of the SAID PROPERTY.

11. Public notice was published in Gomantak (Marathi) and Navhind Times dated 31/01/2023 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**, admeasuring **2156 sq. mts.**, bearing Survey No. **174/5-E** of **Siolim Village** by the said Anuprita Ramesh Jaca and her children, Mr. Atmaram Ramesh Jaca and his wife, Mrs. Priya Atmaram Jaca; Mr. Shailesh Ramesh Jaca and Mrs. Aparna Komal Kamat and her husband, Mr. Komal Kamat, Mr. Vithal Atmaram Jaca and his wife, Mrs. Smita Vithal Jaca, Mrs. Rajani Suresh Jaca and Mr. Raghuvir Atmaram Jaca and his wife, Mrs. Shalan Raghuvir Jaca and after elapse of 15 days no objection are received.

12. Manual Form I & XIV are Revenue Records prepared under the applicable Goa Land Revenue Code

Manual Form I & XIV:

in respect of the **SAID PROPERTY** bearing Survey No. **174/5-E** of Village **Siolim**, Bardez - Goa clearly shows the name of Sitabai Atmaram Jaca.

13. As per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted 50 years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a legal title document. Applying the same principle to the **SAID PROPERTY**, the records disclose the said Antonio Bernardino Casimiro Jose Fernandes and Antonio Godinho Jose Tiofilo Fernandes has been in peaceful possession of the said property since 1972 and the subsequent Sale Deed dated 06/05/1972



and Sale Deed dated 21/05/1992 confirm the continuance of the possession of Smt. Sitabai Atmaram Jaca and Shri. Laxman Raulu Prabhu Moycand and finally the said Mrs. Anuprita Ramesh Jaca and her children, Mr. Atmaram Ramesh Jaca and his wife, Mrs. Priya Atmaram Jaca; Mr. Shailesh Ramesh Jaca and Mrs. Aparna Komal Kamat and her husband, Mr. Komal Kamat, Mr. Vithal Atmaram Jaca and his wife, Mrs. Smita Vithal Jaca, Mrs. Rajani Suresh Jaca and the said Mr. Raghuvir Atmaram Jaca and his wife, Mrs. Shalan Raghuvir Jaca in pursuance to Final Order dated 18/01/2023 passed in the said Inventory Proceedings bearing No. 407/2021/B by the Court of the Civil Judge Senior Division at Mapusa - Goa.

14. In light of above, considering the fact that the Sale Deed dated 06/05/1972, Sale Deed dated 21/05/1992, Order dated 21/11/1995 passed in Partition Case No. 15/147/94/Part/Land/7719 by



the Deputy Collector and Sub Divisional Officer, Mapusa Sub Division, Mapusa - Goa, WILL dated 11/09/2002 and Final Order dated 18/01/2023 passed in Inventory Proceedings bearing No. 407/2021/B by the Court of the Civil Judge Senior Division at Mapusa - Goa along with Consent Terms 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 and considering the fact that No Objection has been received in pursuance to the public notice, I am of the opinion that the said MRS. ANUPRITA RAMESH JACA and her children, MR. ATMARAM RAMESH JACA and his wife, MRS. PRIYA ATMARAM JACA; MR. SHAILESH RAMESH JACA and MRS. APARNA KOMAL KAMAT and her husband, MR. KOMAL KAMAT, MR. VITHAL ATMARAM JACA and his wife, MRS. SMITA VITHAL JACA, MRS. RAJANI SURESH JACA and the said MR. RAGHUVIR



ATMARAM JACA and his wife, MRS. SHALAN RAGHUVIR JACA have clear and marketable title in respect of the SAID PROPERTY in their respective shares **SUBJECT** to the following :

- i. INSPCETION of original of
  - (a) Sale Deed dated 06/05/1972, registered before the Sub-Registrar of Bardez under registration no 5514 at pages 383 to 390 of Book No. I, Volume No. 60 dated 29/06/1972
  - (b) Sale Deed dated 21/05/1992, registered before the Sub-Registrar of Bardez under registration no 1273 of Book No. I, Volume No. 166 dated 31/07/1992
- ii. Production of the following documents:
  - (a) Nil Encumbrance Certificate
  - (b) Updated 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.**



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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** is converted from agricultural to non-agricultural purposes.
  4. Land Use Zoning Certificate dated 16/06/2021 bearing Ref. No. TPBZ/ZON/8626/SIO/TCP-2021/2341 issued by Deputy Town Planner, Town and Country Planning Department, Mapusa - Goa has been furnished which reveals that **the SAID PROPERTY** falls in "Settlement Zone (VP-2) with permissible FAR 60" 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** bearing Survey No. 174/5-E of Village Siolim, Bardez - Goa reflects the names of Rajani Suresh Jaca, Ramesh Atmaram Jaca, Anuprita Ramesh Jaca, Smita Vithal Jaca; Shalan Raghuvir Jaca, Raghuvir Atmaram Jaca, Suresh Atmaram Jaca and Vithal Atmaram Jaca in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owners. **However the names of Ramesh Atmaram Jaca and Suresh Atmaram Jaca needs to be deleted and the names of Atmaram Ramesh Jaca, Priya Atmaram Jaca; Shailesh Ramesh Jaca, Aparna Komal Kamat, Komal Kamat needs to be added.**



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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 in the **SAID PROPERTY**. However updated Nil Encumbrance Certificate in respect of the **SAID PROPERTY** needs to be furnished.

**CERTIFICATE**

From the documents produced from my scrutiny, I hereby certify that MRS. ANUPRITA RAMESH JACA and her children, MR. ATMARAM RAMESH JACA and his wife, MRS. PRIYA ATMARAM JACA; MR. SHAILESH RAMESH JACA and MRS. APARNA KOMAL KAMAT and her husband, MR. KOMAL KAMAT, MR. VITHAL ATMARAM JACA and his wife, MRS. SMITA VITHAL JACA, MRS. RAJANI SURESH JACA and the said MR.

RAGHUVIR ATMARAM JACA and his wife, MRS. SHALAN RAGHUVIR JACA have clear and marketable title in respect of the SAID PROPERTY in their respective shares **SUBJECT** to the following :

- i. INSPCETION of original of
  - (c) Sale Deed dated 06/05/1972, registered before the Sub-Registrar of Bardez under registration no 5514 at pages 383 to 390 of Book No. I, Volume No. 60 dated 29/06/1972
  - (d) Sale Deed dated 21/05/1992, registered before the Sub-Registrar of Bardez under registration no 1273 of Book No. I, Volume No. 166 dated 31/07/1992
- ii. Observation made at **para V above.**
- iii. Production of the following documents:
  - (a) Nil Encumbrance Certificate
  - (b) Updated Zoning Certificate

➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis of documents furnished to me as more particularly



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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 issued a public notice in respect of the said property;
  - (c) I have not inspected the originals of the title documents produced for scrutiny referred to above; and
  - (d) I have taken the title documents under which Antonio Bernardino Casimiro Jose Fernandes and Antonio Godinho Jose Tiofilo Fernandes 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

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submitted to me, as set 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;



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- 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



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- 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:- 21/03/2023



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