

TITLE REPORT

To,
REALCON RESIDENCY LLP
Having its Registered Office at 378,
MMM Road Amritsar,
Amritsar, PB - 143001.

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

- a) Survey Records Form I & XIV bearing Survey No. 55/2 of Village Assagao, Bardez - Goa.
- b) Manual Form I & XIV
- c) Form IX
- d) Form III
- e) Auto De Demarcacao
- f) Registo Do Agrimensor
- g) Order dated 03/02/2017 passed by Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa - Goa in Inventory Proceedings bearing No. 485/2013/B

- h) Deed of Sale dated 02/08/2019 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. BRZ-1-2463-2019 dated 02/08/2019.
- i) Correspondence Certificate dated 31/07/2019 issued by G. P. Aroskar, Land Surveyor.
- j) Nil Encumbrance Certificate dated 09/08/2019 bearing No. 1749/2019
- k) Cadastral Survey Plan
- l) Survey Plan

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE-I

ALL that Immovable property known as “**BADEM**”, situated in the Ward Badem of Village **Assagao**, Bardez - Goa, Sub-District of Bardez Taluka, District of North Goa, State of Goa and which is within the limits of Village Panchayat of Assagao, Bardez – Goa, neither

found to be described in Land Registration Office of Bardez nor found to be enrolled in the Taluka Revenue Office and presently Surveyed under Survey No. **55/2** of Village Assagao, admeasuring **850 sq. mts.** and bounded as under :-

Towards the North :- By a public road of the Village Assagao;

Towards the South :- By the property surveyed under Survey No. 55/6 of Village Assagao;

Towards the East :- By a Pathway;

Towards the West :- By the property surveyed under Survey No. 55/1 of Village Assagao;

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

TRACING OF PARTIES TITLE:

1. The SAID PROPERTY is neither described nor inscribed in the Land Registration Records. However the Registo Do Agremensor and Cadastral Survey

Records read with the Correspondence Certificate reveal that the **SAID PROPERTY** bears old Cadastral Survey No. 464 originally belonged to Damiao Nazareth.

2. Correspondence Certificate dated 31/07/2019 issued by G. P. Aroskar, Land Surveyor, Mapusa, Goa reveals that the **SAID PROPERTY** bearing old Cadastral Survey No. **464** corresponds to survey No. **55/2** of Village Assagao, Bardez – Goa.
3. Cadastral Survey Records (Auto De Demarcao) and Registo Do Agrimensor are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said cadastral Survey Records and Registo Do Agrimensor 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 the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.

4. The said Cadastral Survey No. 464 read with the Registo Do Agrimensor and the Correspondence Certificate establishes that the said property originally belonged to Mr. Damiao Nazareth.
5. Manual Form I & XIV of the said property clearly show the names of Tipus C. Nazareth, Pedro Nazareth, Anna Catherina Nazareth, Philomena Nazareth, John Lemos, Manuel Mariano Nazareth, Diago John Sebastian Nazareth, Macario Rosario Noronha, Rose Eufamiania Noronha and Jose Anujo Da Guarda Noronha as Occupants.

6. As per Form IX and Form III it appears that one Mr. Tipus C. Nazareth is the Occupant of the said property since before survey of the said property.

7. Inventory Proceedings bearing No. 485/2013/B before Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa instituted upon the death of **1.** Diogo Rosario de Nazareth alias Diogo Rosario Nazareth alias Diogo Rosario Nazare alias Diogo Jose Nazareth, **2.** Dulcina Rosario Pereira alias Dulcina Rosana Pereira alias Dulcina Pereira, **3.** Damiao Nazare alias Custodio Cosme Damiao Nazareth, **4.** Elisa Especiosa Pereira alias Luisa Maria de Souza alias Elisa Pereira alias Ana Joaquina Pereira and **5.** Tiburcio Nazareth alias Tiburcio Custodio Nazareth alias Tipus C. Nazareth alias Tibureco Nazareth, reveals as under :

A. That Damiao Nazare alias Custodio Cosme Damiao Nazareth and Elisa Especiosa Pereira alias Luisa Maria de Souza alias

Elisa Pereira alias Ana Joaquina Pereira were husband and wife and expired without leaving any Will or any other disposition of their last wish, on 01/11/1950 and 24/04/1950 respectively leaving behind their only son, Tiburcio Nazareth alias Tiburcio Custodio Nazareth alias Tipus C. Nazareth alias Tibureco Nazareth.

B. That the said Tiburcio Nazareth alias Tiburcio Custodio Nazareth alias Tipus C. Nazareth alias Tibureco Nazareth expired on 18/01/1975 in the status of bachelor also without leaving any Will or any other disposition of their last wish.

C. That Diogo Rosario de Nazareth alias Diogo Rosario Nazareth alias Diogo Rosario Nazare alias Diogo Jose Nazareth was the

paternal uncle of Tiburcio Nazareth alias
Tiburcio Custodio Nazareth alias Tipus C.
Nazareth alias Tibureco Nazareth and
predeceased brother of Damiao Nazare
alias Custodio Cosme Damiao Nazareth.

D. That the said Diogo Rosario de Nazareth
alias Diogo Rosario Nazareth alias Diogo
Rosario Nazare alias Diogo Jose Nazareth
and Dulcina Rosario Pereira alias Dulcina
Rosana Pereira alias Dulcina Pereira were
husband and wife and expired without
leaving any Will or any other disposition of
their last wish, on 14/04/1920 and
18/06/1921 respectively leaving behind
their following three children as their only
legal heirs :

I. Custodio Mathias alias Mathew
Nazareth expired on 20/12/1972
(bachelor) leaving behind **(a)** Maria

Francisca alias Maria Francisca
Nazareth, **(b)** Minguel Pinto alias Miguel
Paulo Nazareth alias Paul Michael alias
Paul Nazareth alias Paul Michel alias
Paul Michael Nazareth alias Paulo
Minguel Nazareth alias Polly Michal
Nazareth as his sole legal heirs.

II. Maria Francisca alias Maria Francisca
Nazareth or Minguelina Fernandes or
Maria Francisca Nazare married to Alex
Reginald Noronha or Alex Reginaldo
Noronha or Aleixo Reginald Noronha or
Alex Noronha and both expired on
16/11/1974 and on 24/01/1953
respectively, without leaving any Will or
any other disposition of their last wish,
leaving behind their two sons and one
daughter namely **(a)** Macario Rosario
Naronha or Macario R. Naronha or

Maccario Naronha or Mucaria Noronha married to Mrs. Ubaldina Noronha or Ubaldina D'Souza or Ubaldina De Souza or Ubaldina Naronha or Ubaldine; **(b)** Jose Anujo Da Guarda Noronha alias Anjo De Guarda Noronha or Jose Anujo De Guarde Noronha or Jose Anju Noronha or Jose Duarte Noronha married to Maria Sebastiana Fermina Barreto alias Maria Sebastiana Fermina Noronha or Maria Fermina Barreto or Maria Sebastiana Barreto; **(c)** Mrs. Rosa Eufemia Noronha alias Rosa Eufamia Noronha or Rosa Eufamia Lobo married to Mr. Norberto De Lobo alias Norbet Lobo.

The said Macario Rosario Naronha or Macario R. Naronha or Maccario Naronha or Mucaria Noronha expired on

20/09/1991 leaving behind his widow and moiety holder, Mrs. Ubaldina Noronha or Ubaldina D'Souza or Ubaldina De Souza or Ubaldina Naronha or Ubaldine and five children namely **(i)** Mr. Alex Reginaldo Noronha married to Mrs. Leena Noronha alias Minguelina Fernandes; **(ii)** Peter Rafael Noronha married to Mrs. Maria D'Souza; **(iii)** Mrs. Felecidade Augusta Noronha alias Felicidade Augusta Lasrado alias Felcida Augusta Noronha married to Mr. Otto Lasrado; **(iv)** Mrs. Maria Annie D'Souza alias Maria Annie Noronha married to Mr. Avinash Luis D'Souza alias Avinash Bobby Mario D'Souza and **(v)** Mrs. Bastin Elizabeth Noronha alias Bastean Elizabeth Noronha married to Mr. Clive Cecil Saldanha.

The said Jose Anjo Da Guarda Noronha alias Anjo De Guarda Noronha or Jose Anujo De Guarde Noronha or Jose Anju Noronha or Jose Duarte Noronha and his wife, Maria Sebastiana Fermina Barreto alias Maria Sebastiana Fermina Noronha or Maria Fermina Barreto or Maria Sebastiana Barreto both expired on 21/04/1993 and 01/06/1978 respectively leaving behind their two daughters as their sole legal heirs namely **(a)** Mrs. Eugenia Terezinha Noronha alias Eugenia Terezinha D'Costa married to Mr. Santan D'Costa and **(b)** Mrs. Rosa Especiosa Noronha alias Rosa Especiosa Noronha Machado married to Mr. Savio Menino Jesus Machado alias Savio Maria De Menino Jesus Machado

The said Mr. Norberto De Lobo alias Norbet Lobo expired on 10/05/1982 leaving behind his widow and moiety holder, the said Mrs. Rosa Eufemia Noronha alias Rosa Eufamia Noronha or Rosa Eufamia Lobo and four children as his sole legal heirs namely **(a)** Mr. Marcus Lobo alias Marcus Norbert Lobo married to Mrs. Ozelle Lobo alias Ozelle Marcus Lobo; **(b)** Mr. Francis Lobo alias Francis Norbert Lobo married to Mrs. Monica Lobo alias Monica Francis Lobo; **(c)** Mrs. Effie D'Lima alias Effie Simon or Epiphania Simon D'Lima married to Mr. Simon Joseph D'Lima; **(d)** Mrs. Joana Coutinho alias Joana Saby Concertino or Joana Coutinho married to Mr. Saby Coutinho alias Philip Concertino

III. Miguel Paulo alias Minguel Paulo or Miguel Paulo Nazareth or Paul Michael or Paul Nazareth or Polly Michal Nazareth or Paul Michel or Paul Michael Nazareth or Paulo Minguel Nazareth or Paulo Miguel Nazareth or Miguel Nazare or Miguel Nazare married to Rozaline Rodrigues alias Rosy Nazareth or Rosalina Rodrigues or Rozaline Rodrigues E Nazareth or Rosalina Rodrigues or Roza Philip Rodrigues.

Both the said Miguel Paulo and Rozaline Rodrigues expired on 31/10/1940 and 08/11/1963 respectively leaving behind their three sons and one daughter as their sole legal heirs namely **(a)** Pedru Nazareth alias Pedro Nazareth or Peter Nazareth married to Mrs. Anna Catharina Nazareth alias Ana Quiteria Nazareth or Ana Quiteria Souza E Nazareth; **(b)** Mrs. Philomena John Rafayel Lemos alias Philomena Nazareth or

Philomena Lemos or Filomena Lemos or
Filomena Nazareth E Lemos married to Mr.
Joao Lemos alias Joao Rafael Lemos or John
Lemos or Joao Lemos; **(c)** Mr. Manoel
Mariano Nazareth alias Manuel Marious
Nazareth or Manuel Paulo Nazareth or
Manuel Paul Nazareth or Manuel Mariano
Nazareth married to Mrs. Regina Peligrina
Mendonca E Nazareth alias Regina Peregrine
Mendonca and **(d)** Mr. Diogo John Sebastian
Nazareth married to Mrs. Carmelina
Bezemita Evoltinacabral E Nazareth alias
Evelyn Nazareth or Evilina Nazareth

Both the said Pedru Nazareth alias Pedro
Nazareth and Mrs. Anna Catharina Nazareth
expired on 15/06/1981 and 17/08/2010
respectively leaving behind their two sons
and two daughters as their sole legal heirs
namely **(a)** Mrs. Esperance Nazareth married

to Mr. Usman Sharif **(b)** Mrs. Effie Nazareth alias Effie Nazareth E Silveira married to Mr. Francis Silveira; **(c)** Mr. Diogo Rosario De Nazareth alias Diogo Pedru Nazareth (bachelor) and **(d)** Mr. Agnelo John Nazareth married to Mrs. Rose Ann Solomon alias Rose Ann Solomon E Nazareth.

The said Mrs. Esperance Nazareth expired on 13/07/2008 leaving behind her widower and moiety holder, the said Mr. Usman Sharif and three children as sole legal heirs namely **(a)** Ms. Tanzila Sharif; **(b)** Mr. Ibrahim Sharif and **(c)** Ms. Ziafa Sharif.

Both the said Mrs. Philomena John Rafayel Lemos alias Philomena Nazareth and Mr. Joao Lemos expired on 17/04/2013 and 01/03/1995 respectively leaving behind their only daughter as their sole legal heir

namely **(a)** Mrs. Joanita Ezabella Lemos alias Joanita Ezabella Dias married to Mr. Samuel Louis Dias.

The said Mr. Manoel Mariano Nazareth expired on 09/09/2013 leaving behind his widow and moiety holder, the said Mrs. Regina Peligrina Mendonca E Nazareth alias Regina Peregrine Mendonca and three children as sole legal heirs namely **(a)** Mr. Luis Nazareth (bachelor); **(b)** Mr. John Nazareth married to Mrs. Joanitha Nazareth alias Joanita Clara D'Mello and **(c)** Mr. Joseph Nazareth (bachelor).

The said Mr. Diogo John Sebastian Nazareth expired on 19/05/2005 leaving behind his widow and moiety holder, the said Mrs. Carmelina Bezemita Evoltinacabral E Nazareth alias Evelyn Nazareth or Evilina

Nazareth and six children as sole legal heirs namely **(a)** Mr. Joseph Nazareth alias Joseph John Nazareth married to Mrs. Olivia Nazareth alias Olivia Christaline D'Souza; **(b)** Mr. Jacob Nazareth alias Jacob John Nazareth or Jacob P. Marshall Nazareth married to Mrs. Jesslyn Nazareth alias Jesslyn Silvia Fernandes; **(c)** Mr. Joaquim Julius Nazareth married to Mrs. Nelvia Nazareth alias Nelvia Joaquim Deniz; **(d)** Mrs. Rosy Emilia Nazareth alias Rosy Fernandes married to Mr. Tolentino Fernandes; **(e)** Sr. Anita Nazareth alias Annagrace Nazareth or Anita Annagrace Nazareth (nun) and **(f)** Mr. Edward Nazareth alias Edward Romould Nazareth (bachelor).

8. In Inventory Proceedings bearing No. 485/2013/B instituted before Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa, the said property

was listed at **ITEM NO. 2** and the said property was allotted to Mr. Joseph Nazareth (bachelor) and the said allotment was confirmed by Order dated 03/02/2017 passed by Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa in Inventory Proceedings bearing No. 485/2013/B.

9. Vide Deed of Sale dated 02/08/2019 registered before Sub-Registrar of Bardez, Mapusa – Goa under No. BRZ-1-2463-2019 dated 02/08/2019, the said Mr. Joseph Nazareth sold the said property in favour of Realcon Residency LLP.

10. In light of above, considering the fact that the Cadastral Survey Records, Registo Do Agrimensor, Correspondence Certificate, Order dated 03/02/2017 passed by Ad-Hoc Additional Senior Civil Judge, 'B' Court at Mapusa – Goa in Inventory Proceedings bearing No. 485/2013/B and Deed of Sale dated 02/08/2019 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, I am of the opinion that **REALCON RESIDENCY 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. Production of the 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 is converted from agricultural to non-agricultural purposes.
4. 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. 55/2 reflects the name of Joseph Nazareth in Form I & XIV issued by the Department of Survey, Government of Goa. **It is advisable that the name of the present owner i.e. Realcon Residency LLP needs to be mutated in the Survey Records and the name of the said Joseph Nazareth needs to be deleted.**

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 09/08/2019 bearing No. 1749/2019 in respect of the said PROPERTY is furnished to establish that there is no encumbrance in the said PROPERTY.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **REALCON RESIDENCY LLP** has a 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 V** above.
- iii. Production of the 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 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 Damiao Nazareth 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, 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;
- 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:- 24/10/2019



(Adv. Shivan S. Desai)