

Teresa Colaço, ADVOCATE

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18th June Road,

Panjim 403001 - Goa, India.

Tel.: 46372

Panjim, 14th. November, 1996

TITLE INVESTIGATION REPORT

CERTIFICATE OF TITLE concerning the property known as "PORVORCHEM RAN" alias "FOTTEACHEM BHATTLE" or "FOTTICHEM BHATTLE" wholly admeasuring about 87,070 Sq. Ms. situated at Socorro within the Village Panchayat of Socorro, Taluka and Sub-District of Bardez, District of Goa, described in the Land Registration Office of Bardez, Mapusa under N° 39269 at fls. 181 of Book B-100 New and enrolled in the Matriz Predial of village Socorro in the Taluka Revenue Office of Mapusa, under N° 260 and bearing New Survey Nos. 42/1 and 43/1 in the Record of Rights of village Socorro, bounded as a whole on the East by the property of the heirs of Sebastiao Monteiro and others, on the West by the property of the heirs of Constantino Ribeiro and of Comunidade of Sangolda, on the North by the property of the heirs of Constantino Ribeiro and other and properties described under Sy. Nos. 39267 and 39268, and on the South by the property of the same Comunidade of Sangolda.

2. I, Teresa Colaço, Advocate having my Office at 104, Manguirish Bldg., 18th. June Road, Panjim, Goa, state that I have examined the documents of the abovementioned property as under:

(1) Proceedings of Inventory in the Court of the Civil Judge Senior Division of Bardez at Mapusa (Comarca Court), on death of Mrs. Carmina Chico Ribeiro, concluded by Order dated 30.9.1967. ✓

(2) "Formal de Partilhas" (Charter of Partitions) issued by the Comarca Court of Bardes, Mapusa, from the Orphanological Inventory conducted through said Court, 3rd. Office, on death on 16.8.1935 of Dr. Graciano Ribeiro de Santana, predeceased husband of Carmina Chico Ribeiro, ended by final Judgement dated 7.11.1936.

(3) Deed of Declaration of Succession or Succession Certificate executed on 12.10.1992 by and before the Notary ex-Officio of Ilhas, Panaji, Asha Suresh Kamat, on death of Henrique Ribeiro, alias Henrique Bastos Ribeiro de Santana or H. Ribeiro.

(4) Certificate of description and inscription of property "Porvorchem Ran" situated at Socorro village, Taluka of Bardez, under N° 39269 at fls. 181 of Book B-100 New (description), and N° 43352 at fls. 37v of Book G 47 (inscription) issued by the Land Registration Office of Bardez, Mapusa on 18.11.1971.

(5) Forms I & XIV of property "Fottichem Bhatle", Sy. N° 42/1 admeasuring 46,800 Sq. Ms. and Sy. N° 43/1 admeasuring 39,175 Sq. Ms. in village Socorro, Taluka of Bardez, in name of Derek Amulyanath Ribeiro and ors., and Coral Vimala Ribeiro and ors., respectively, both issued by the Talathi of Socorro on 19.1.95 and 2.1.95 and Survey Plans.

(6) Power of Attorney executed by Derek Amulyanath Ribeiro, alias Derek Ribeiro and wife Louisa Ribeiro on 16.7.92 before the Notary of Thane District, J.L.Mhatre in favour of Dr. Fernando Jorge Colaço and Ms. Teresa Colaço, Power of Attorney executed by Mrs. Lorna Victor, alias L. Victor on 26.2.93 before the Consulate General of India at Toronto, Canada in favour of Mrs. Coral Vimala Ribeiro and Ms. Teresa Colaço, and duly stamped in India by the Addl. Collector of Goa, North Division, Panaji on 30.3.93, Power of Attorney executed by Mrs. Coral Vimala Ribeiro, alias Coral Ribeiro or C. Ribeiro or C.V. Gomes on 21.1.93 before the Notary of Greater

Bombay, S.V.Dewoolkar in favour of Dr. Fernando Jorge Colaço and Ms. Teresa Colaço, and Power of Attorney executed by Ehrlich Jose da Victoria Lobo and wife Mrs. Elaine da Victoria Lobo on 25.1.1993 before the Embassy of India at Budapest, Hungary, in favour of Mrs. Coral Gomes and Mrs. Silvia Sa Colaço, and duly stamped in India by the Addl. Collector of Goa, North Division, Panaji on 24.2.1993, all with powers to sell, etc.

(7) Miscellaneous papers.

3. Consequent upon the death of Carmina Chico Ribeiro de Santana, late of Porvorim, Socorro, Bardez, with will and leaving her children ~~affixes~~ and children of her predeceased son Manuel Maria Ribeiro de Santana, an Orphanological Inventory proceeding was conducted in the then Comarca Court of Bardez at Mapusa, through the 3rd. Office, for partition of her estate, wherein inter alia the property listed under Item N° 13 known as "Porvorchem Ran" situated at Socorro, bearing Matriz N° 260 was allotted to the co-heir Henrique Bastos Ribeiro de Santana. This partition was approved by the Final Court Order dated 30.9.1967 which became res judicata as no appeal was filed, vide Certificate issued by said Court on 16.1.1968.

4. The said property "Porvorchem Ran" is described in the Land Registration Office of Bardez, Mapusa under description N° 39269 at fls. 181 of Book B 100 New, as shown by a Certificate issued by the said Office on 18.11.1971, where the same is described textually (in English translation):

"Description N° 39269 at fls. 181 of Book B New 100.

N° 39269 - Property known as "Porvorchem Ran" situated at Socorro ward, Porvorim of village Serula, bounded on the East by the property

of the heirs of Sebastiao Monteiro and others, on the West by the property of the heirs of Constantino Ribeiro and of Comunidade of Sangolda, on the North by the property of the heirs of Constantino Ribeiro and others ~~and others~~ and properties described under Nos. 39267 and 39268 and on the South by the property of the same Comunidade of Sangolda."

Same Certificate records that this property, between others, is inscribed in the name of Henrique Bastos Ribeiro de Santana, alias Henrique Ribeiro de Santana, widower, Professor, residing at Porvorim, under Inscription N° 43352 at fls. 37v of Book G 47, dated 23.3.1971, on the basis of allotment made in the Orphanological Inventory proceedings conducted in the Comarca Court of Bardez, Mapusa, on death of late Carmina C Chico Ribeiro de Santana, alias Rosa Maria Carmina Rodrigues Chico or Rosa Chico Ribeiro, widow of Graciano Andre Joao Ribeiro de Santana, alias Graciano Ribeiro de Santana, landlady, late of Porvorim, concluded by final judgement dated 30.9.1967 as per Certificate issued by said Court on 16.1.68.

5. The abovesaid property is enrolled in the Matriz Records of village Socorro, Taluka Bardez with the name of "Porvorchem Ran" under N° 260 as recorded in the abovesaid Certificate of Inventory proceedings issued on 16.8.1968.

6. On death on 19.4.1991 of the co-heir Henrique Bastos Ribeiro de Santana, to whom the property "Porvorchem Ran" was allotted on death of his mother Carmina (see Para 3 above), who died with a Will executed on 24.5.1979 before the Notary ex-Officio of Bardez, Mapusa, a Deed of Declaration of Succession or Succession Certificate was executed by and before the Notary ex-Officio of Ilhas, Panaji, Mrs. Asha Suresh Kamat on 12.10.1992 at Deed Book N° 642, pgs. 89v onwards,

whereby his four children Derek Amulyanath (Anthony) Ribeiro, alias Derek Amulyanath Ribeiro or Derek Ribeiro, Lorna Carmen Nirmala Ribeiro, alias Lorna Victor, Coral Vimala Ribeiro, alias Coral Gomes and Elaine Rohini Ribeiro; alias Elaine da Victoria Lobo were declared as his heirs. The Extract dated 12.10.92 of the said Deed of Succession was duly published in the Govt. Gazette, namely Govt. Gazette, Series III, N° 31 dated 29.10.92 (pg. 682) and after the time-limit of 1 month for objections was over, a certified copy of the same Deed was issued to the party Coral Vimala Ribeiro on 13.1.93 with the endorsement dated 30.11.92 that the Extract was published in the Official Gazette and that there was no claim within the time-limit.

7. In the recent Survey Records made under the GDD Land Revenue Code, 1968 and rules thereunder, the above property was registered in the village records of Socorro under Sy. Nos. 42/1 and 43/1 with the name of "Fottichem Bhatle" and area of 46800 Sq. Ms. and 39175 Sq. Ms. respectively, ⁱⁿ the name of the original Occupant/Owner Henrique Bastos Ribeiro de Santana. On his death on 19.4.91, the property now stands in the name of his heirs Derek Amulyanath Ribeiro and others as shown by 2 Forms I & XIV issued by the Talathi of Socorro, Taluka Bardez on 19.1.95 and 2.1.95 respectively.

8. Besides the names of the heirs of Henrique Bastos Ribeiro de Santana, namely Derek Amulyanath Ribeiro and others, in the Form I & XIV of Sy. No. 42/1, there are many other names in the Occupant/Owner's column, which names are those of the Purchasers of various plots sold of the property "Porvorchem Ran" which was subdivided into 110 plots and 3 phases and named "Greenhills Colony". Phases I and II under Sy. N° 42/1 of said Greenhills Colony were sold by the original Owner, Henrique Bastos Ribeiro de Santana through Alcon Constructions ranging from the years 1974 to 1984 to different purchasers who have subsequently entered their names in the survey records. Phase III

under Sy. N° 43/1 consisting of 48 plots left out unsold at the time of death of Henrique Bastos Ribeiro de Santana in 1991 and thus belonging exclusively to the abovesaid 4 children of said Henrique by virtue of the above Deed of Succession executed on 12.10.92, were agreed to be sold to M/S Kamat Construction Pvtl Ltd., a Company incorporated under the Companies Act, 1956, having its registered Office at Panjim, represented by its Director Mr. Uday Anant Kamat vide an Agreement executed at Panjim on 20.7.1993 by the heirs of late Henrique Ribeiro, namely Derek Ribeiro and his wife Louisa Ribeiro, Lorna Victor, widow, Coral Ribeiro or C.V.Gomes and Elaine da Victoria Lobo and husband Ehrlich da Victoria Lobo, in person or through their Attorneys and said M/S Kamat Construction Pvt. Ltd. through its Director Mr. Uday Anant Kamat. The husband of the third Vendor C.V.Gomes, namely Mr. Joseph Raymond Gomes was a Confirming party and joined the Agreement to give his express consent to the terms of the Agreement though not being a domicile of Goa and therefore not subject to the law of communion of assets.

PRIOR TITLE

9. I perused a Charter "Formal de Partilhas" issued by the Comarca Court of Bardez, Mapusa, Goa, on death of late Dr. Graciano Ribeiro de Santana issued in favour of his widow and moiety holder Rosa Maria Carmila Rodrigues Chico, alias Carmina Chico Ribeiro, and their children Dr. Manuel Ribeiro de Santana and others on 1.7.1937 wherein inter alia it is shown that on the Orphanological Inventory proceedings conducted through said Comarca Court on death of said Dr. Graciano at Porvorim on 17.8.1935, with a Will, the assets of the dissolved couple were distributed between the widow and

moiety holder Rosa Maria Carmila and children with aution, etc. and observance of the said Will where the aforesaid property "Porvorchem Ran" situated at Spcorro and bearing Matriz N° 260 was allotted to said Rosa Maria Carmila Rodrigues Chico.

ON ENCUMBRANCES

10.a) On encumbrances, no encumbrances have been disclosed or detected on said property "Porvorchem Ran" or "Fotteachem Bhattle" or "Fottichem Bhattle" described under N° 39269 at fls. 181 of Book B 100 New through searches made. This refers to the period upto 31.10.1965, since from 1.11.1965 the Indian system of Transfer of Properties and Registration was enforced in Goa with the extension of the Indian Registration Act, 1908 alongwith the Transfer of Property Act, 1882 (by Notification published in the Goa Official Gazette under the GDD Regulation, 1963 published in Govt. Gazette N° 22 dt. 20.5.1964), and coming into force of the GDD Registration Rules by another relevant Notification.

b) I perused also Form I & XIV of Index of Lands of village Socorro Bardez, of relevant Survey Nos. 42/1 and 43/1, issued on 19.1.95 and 2.1.95 respectively, referred to above, wherein the columns "Names of the Tenant" and "Other rights- Name of the person holding rights and nature of rights" are both in blank, so showing that the property "Fottichem Bhattle" alias "Fotteachem Bhattle" or "Porvorchem Ran" is freehold and absolutely free of any encumbrances or charges.

11. In view of the above stated, I am of the opinion that the heirs of Henrique Bastos Ribeiro de Santana, alias Henrique Ribeiro, namely Derek Ribeiro and wife Louisa Ribeiro, Lorna Victor, Coral Vimala Ribeiro, alias C.V.Gomes and Elaine Rohini Ribeiro, alias Elaine da Victoria Lobo and husband Ehrlich da Victoria Lobo hold a good, clean and marketable title and lawful possession of all that property

comprising of 48 plots of Phase III of the land known as "Porvorchem Ran", alias "Fotteachem Bhattle" or "Fottichem Bhattle" situated at Socorro, within the local limits of the Village Panchayat of Socorro, Taluka and Sub-District of Bardez, District of Goa, State of Goa, described as a whole in the Land Registration Office of Bardez, Mapusa under N° 39269 at fls. 181 of Book B 100 New and enrolled in the Taluka Revenue Office of Bardez, Mapusa, under N° 260 of the respective 'Matriz Predial' and bearing new Sy. N° 43/1 in the Record of Rights of Village Socorro in which the name of the property is recorded as "Fotteachem Bhattle" admeasuring about 39175 Sq. Ms. as per the Survey records and bounded on the East partly by the property of the heirs of Sebastiao Monteiro and others and partly by open space, on the West partly by property of heirs of Constantino Ribeiro and other and property described under Nos. 39267 and 39268, partly by open space and partly by other phase of the said sub-division, on the North by the property of the heirs of Constantino Ribeiro and other and properties described under Nos. 39267 and 39268, and on the South by partly the other phase of the said sub-division and partly by open space.

Panjim, Goa, 14th. November, 1996.

Teresa Colaço
(Teresa Colaço)
Advocate