

ADV. ARCHANA G. S. BORKER

12/146/B4 Shop No. 4,
B & F Habitat,
Opp New Navtara Hotel
Ximer, Khorlim,
Mapusa, Bardez Goa

Contact +91 9823434720
email - archanaborker@gmail.com

TITLE REPORT

The request for scrutiny is pertaining to a property known as "ARADICHEM BATTA" situated in ward Gaunsawado, within the jurisdiction of the Mapusa Municipal Council, Taluka Bardez, North Goa District, State of Goa, which property is described in the Land Registration office under no. 13969 at Folio 106V of Book B 36 new and having old cadastral no. 1693, consisting therein two residential houses bearing nos. 31/6 admeasuring 100 sq. mts. & 32/6 admeasuring 40 sq. mts. and presently the said property is surveyed under Chalta no 7 P.T. Sheet no. 108 of City Survey of Mapusa - Goa, admeasuring an area of 2652 sq. mts., and presently bounded as follows:

East: By properties bearing Chalta no. 8 P.T. Sheet no. 108, Chalta no. 10 P.T. Sheet no. 108 of City Survey of Mapusa - Goa and Chalta no. 13 P.T. Sheet no. 101 of City Survey of Mapusa - Goa;

West: By properties bearing Chalta no. 1 P.T. Sheet no. 108 and Chalta no. 6 P.T. Sheet no. 108 of City Survey of Mapusa - Goa and by road;

North: By properties bearing Chalta no. 8 P.T. Sheet no. 108, Chalta no. 6 P.T. Sheet no. 108 of City Survey of Mapusa – Goa and Chalta no. 23 P.T. Sheet no. 100 of City Survey of Mapusa – Goa;

South: By road and by property bearing Chalta no. 6 P.T. Sheet no. 108 of city survey of Mapusa - Goa; hereinafter been referred to as the “SAID PROPERTY” for the sake of brevity.

The Client has submitted the following photocopies of the documents on which I have relied to conduct the scrutiny of the above mentioned land parcel:-

1. Construction license issued by Mapusa Municipal Council dated 04.02.2022 having License no. 32.
2. Form D dated 07.12.2021.
3. North Goa Planning and Development Authority vide its Order dated 08.10.2021, bearing Ref. No. NGPDA/M/1838/848/2021.
4. Deed of Sale dated 29.12.2020, registered under Book no. 1, Registration no. BRZ-1-3490-2020 dated 30.12.2020 before Office of Sub-Registrar of Bardez Taluka.
5. Deed of Sale dated 28.12.2020, registered under Book no. 1, Registration no. BRZ-1-3442-2020 dated 28.12.2020 before Office of Sub-Registrar of Bardez Taluka.

- DA
BORKER
ADVOCATE
6. Conversion sanad bearing No. 4/70/CNV/ACIII/2020/909 dated 20.10.2020.
 7. Deed of Sale dated 09.12.2019, registered under Book no. 1, Registration no. BRZ-1-4136-2019 dated 24.12.2019 before Office of Sub-Registrar of Bardez Taluka.
 8. Deed of Sale dated 09.12.2019, registered under Book no. 1, Registration no. BRZ-1-3917-2019 dated 10.12.2019 before Office of Sub-Registrar of Bardez Taluka.
 9. Judgment dated 07.05.2014 issued by Court of Civil Judge Junior Division 'E' court at Mapusa bearing RCS No. 248/2012/E.
 10. House tax receipts for two residential houses bearing nos. 31/6 & 32/6 of the year 2013-14.
 11. Deed of Sale dated 22.12.2008 registered in the office of the Sub-registrar of Bardez under No. 1098 at pages 45 to 62, Book No. I, Vol. No. 2804 dated 24.06.2009.
 12. Order dated 17.10.2008 in proceedings before the court of Civil Judge Senior Division 'A' court at Mapusa bearing (Port) C.M.A. No. 63/08/A.
 13. Deed of Sale dated 03.07.2008, registered under Registration No. 1097 at pages 25 to 44 of Book No. I, Vol. No. 2804 dated 24/06/2009 before Office of Sub-Registrar of Bardez Taluka.

14. Agreement for Sale dated 22.02.2008 registered in the office of Sub-Registrar of Bardez under Registration No. 1197 at pages 101 to 120, Book No. I, Vol. No.2496 dated 25.02.2008.
15. Final order in Inventory proceeding No. 126/97/E issued by Civil Judge Junior Division 'E' court at Mapusa.
16. Deed of Inventory Proceedings under no. 1171 at pages 201 to 226 Book No. I Vol. No. 2494 dated 22-02-2008 in the Office of the Sub Registrar of Bardez at Mapusa.
17. Certificate from Land Registration Office of Bardez containing Inscription no. 9496 drawn up at folio 92V of Book G-14 issued by Directorate of Archives and Archaeology, Panaji-Goa and its translation by Matias Xavier Vaz.
18. Certificate from Land Registration Office of Bardez containing Description No. 13969 of B-36 (new) at folio 106V issued by Directorate of Archives and Archaeology, Panaji-Goa and its translation by Matias Xavier Vaz.
19. Portuguese Deed of Purchase and Sale dated 24th September 1907 duly registered before the Joao Cupertino Da Caridade Frias, Notary Public of judicial division of Bardez under Folio No. 87, 87v,

BORKER
ARCHANA
ADVOCATE

88 and 88v of Book No. 95/Ser. No. 48 and its translation by Mr. Antonio A.M. Caldeira.

TITLE FLOW:

The SAID PROPERTY originally belonged to Sebastiao Paulo Lobo, having purchased from Maria Victoria Pereira vide Deed of Purchase and Sale dated 24.09.1907 duly registered before Joao Cupertino Da Caridade Frias, Notary Public of Judicial Division of Bardez under Folio No. 87, 87v, 88 and 88v of Book No. 95/Ser. No. 48

The SAID PROPERTY is inscribed in the Land Registration office under no. 9496 drawn up at folio 92V of Book G-14 in favour of Sebastiao Paulo Lobo and described under no. 13969 of B-36 (new) at folio 106V.

Upon the death of Sebastiao Paulo Lobo alias Sebastian Paulo Lobo married to Mrs. Maria Ubaldina D'Sa e Lobo, an inventory proceeding No. 126/97/E was filed before the Civil Judge Junior Division 'E' court at Mapusa wherein the SAID PROPERTY was listed as item no. 1 and as per the final chart of allotment the SAID PROPERTY was allotted in favour of Mr. Ian Jeronimo Saluzinho Lobo and his wife Mrs. Rose Ian Lobo and Mrs. Edna Glen Lobo and Master Alistair Peter Lobo. This is also registered as Deed of Inventory Proceedings under no. 1171 at pages 201 to 226 Book No. I Vol. No. 2494 dated 22-02-2008 in the Office of the Sub

Registrar of Bardez at Mapusa.

By virtue of Deed of Sale dated 03.07.2008 duly registered under Registration No. 1097 at pages 25 to 44 of Book No. I, Vol. No. 2804 dated 24.06.2009 before Office of Sub-Registrar of Bardez Taluka, the said Mr. Ian Jeronimo Saluzinho Lobo, Mrs. Rose Ian Lobo and Mrs. Edna Glen Lobo sold the SAID PROPERTY in favour of Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias.

Prior to execution of said Deed of Sale dated 03.07.2008, an Agreement for Sale was executed on 22.02.2008 registered in the office of Sub-Registrar of Bardez under Registration No. 1197 at pages 101 to 120, Book No. I, Vol. No. 2496 dated 25.02.2008 between the said Mr. Ian Jeronimo Saluzinho Lobo, Mrs. Rose Ian Lobo and Mrs. Edna Glen Lobo and Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias pertaining to the SAID PROPERTY.

Subsequently, Mrs. Edna Glen Lobo initiated proceedings before the court of Civil Judge Senior Division 'A' court at Mapusa bearing (Port) C.M.A. No. 63/08/A requesting for permission from the Hon'ble Court for selling share of Minor Master Alistair Peter Lobo in the SAID PROPERTY, which application was allowed vide Order dated 17.10.2008, pursuant to which Deed of Sale dated 22.12.2008 came to be executed between said Master Alistair Peter Lobo, through his mother and guardian Mrs. Edna Glen Lobo in

ARCHANA G. SENAI BORKER
ADVOCATE

favour of Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias. The said Deed of Sale is found registered in the office of the Sub-registrar of Bardez under No. 1098 at pages 45 to 62, Book No. I, Vol. No. 2804 dated 24.06.2009.

The name of one Smt. Bella Fernandes was also recorded as possessor of the house in the Form D and accordingly a suit was filed before the Court of Civil Judge Junior Division 'E' court at Mapusa bearing RCS No. 248/2012/E, wherein Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias were declared to be the owners in possession of the SAID PROPERTY inclusive of the house and liberty was given to Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias to delete the entry of Bella Fernandes from the Form D of the SAID PROPERTY in lieu of Judgment dated 07.05.2014.

As per the title flow mentioned in the Sale Deeds, the said Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias thereafter divided the SAID PROPERTY into two plots i.e. PLOT NO. M-1 and PLOT NO. M-2 having an area of 1150 sq. mts., and 1502 sq. mts., respectively.

By virtue of Deed of Sale dated 09.12.2019 duly registered under Book no. 1, Registration no. BRZ-1-4136-2019 dated 24.12.2019 before Office of Sub-Registrar of Bardez Taluka, the said Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias sold, conveyed, transferred a PLOT M-1 in favour of the S.K. Constructions, a partnership firm bearing Reg. no.

44/2010 dated 20.04.2010, holding PAN no. ABVFS6060Q, having its registered office at Office no. 6, Stay Well Apts., Sonarwado, Verla, Canca, Bardez – Goa.

By virtue of another Deed of Sale dated 09.12.2019, registered under Book no. 1, Registration no. BRZ-1-3917-2019 dated 10.12.2019 before Office of Sub-Registrar of Bardez Taluka, the said Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias sold, conveyed, transferred a PLOT M-2 in favour of the S.K. Constructions.

Further, Mrs. Chhaahni Misra purchased SAID PROPERTY from S.K. Constructions vide two Sale Deeds i.e. Deed of Sale dated 29.12.2020, registered under Book no. 1, Registration no. BRZ-1-3490-2020 dated 30.12.2020 before Office of Sub-Registrar of Bardez Taluka for Plot M-1, and Deed of Sale dated 28.12.2020, registered under Book no. 1, Registration no. BRZ-1-3442-2020 dated 28.12.2020 before Office of Sub-Registrar of Bardez Taluka for Plot M-2.

By and under a Letter dated 20.10.2020, the Government of Goa has granted the sanad for conversion of the SAID PROPERTY to non-agricultural use to S.K. Constructions vide No. 4/70/CNV/ACIII/2020/909.

North Goa Planning and Development Authority vide its Order dated 08.10.2021, bearing Ref. No. NGPDA/M/1838/848/2021 has granted development

BORKER
ADVOCATE

permission for construction of residential building, Row houses and compound wall in the SAID PROPERTY. Also, the SAID PROPERTY has Construction license issued by Mapusa Municipal Council dated 04.02.2022 having License no. 32.

OPINION:

I am therefore of the opinion, based on the documents submitted to me for my scrutiny, that Mrs. Chhaahni Misra is in possession and enjoyment of the SAID PROPERTY comprising of two plots i.e. PLOT NO. M-1 admeasuring an area of 1150 sq. mts., and PLOT NO. M-2 admeasuring an area of 1502 sq. mts. as an owner.

Although sale deeds mention that the SAID PROPERTY is sub divided by the said Mr. Brendan Rufus Dias and his wife Mrs. Monisha Dias as PLOT NO. M-1 and PLOT NO. M-2 having an area of 1150 sq. mts., and 1502 sq. mts. respectively, there is no documentation provided to ascertain the sub division of these plots.

The SAID PROPERTY stands in the name of S.K. Constructions in the Form D issued by the Department of Survey, Govt. of Goa. Possession of the previous owners in respect of the SAID PROPERTY is therefore established. However, the name of the present owner Mrs. Chhaahni Misra needs to be incorporated in the survey records.

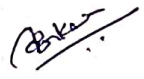
ENABLER
DATE

House tax receipts for two residential houses bearing nos. 31/6 and 32/6 of the year 2013-14 is in the name of Peter Lobo, father of Mr. Ian Jeronimo Saluznho Lobo. Recent house tax receipts need to be verified. If the name of the present owner is not reflected, the same needs to be transferred in the name of present owner.

No Nil Encumbrance Certificate is furnished in respect of the SAID PROPERTY. The same needs to be furnished prior to execution of any further sale deeds.

Place: Mapusa - Goa

Date: 23.05.2022


ARCHANA G.S. BORKER
Advocate