

Shivan S. Desai
ADVOCATE

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TITLE REPORT

To,
AVE MIRIAM RESORTS PRIVATE LIMITED,
having office at Ave Miriam Pirni,
Nagoa, Verna,
Salcete Goa 403722.

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

- a) Survey Records Form I & XIV bearing Survey No. 344 Sub-Division No. 5 of Village Aldona, Bardez - Goa.
- b) Survey Records Form I & XIV bearing Survey No. 344 Sub-Division No. 5-A of Village Aldona, Bardez - Goa
- c) Inscription Certificate (bearing No. 37399 at folio 20 Overleaf of Book No. G-41)
- d) Description Certificate (bearing No. 36433 at folio 139 of Book No. B-93)



- e) Manual Form I & XIV
- f) Form IX
- g) Form III
- h) Instrument Outside the Records of Sale and Discharge dated 05/12/1952
- i) Deed of Gift dated 23/11/1984, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 302 at pages 113 to 117 of Book No. I, Volume No. 226 dated 29/04/1986
- j) Agreement for Family Settlement dated 30/11/2007
- k) Deed of Sale dated 04/04/2008, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 2076 at pages 259 to 287 of Book No. I, Volume No. 2562 dated 21/04/2008



- l) Inventory Proceedings bearing No. 14/08/B filed before the Civil Judge Senior Division of Bardez at Mapusa - Goa
- m) Final Order dated 21/02/2009 passed in Inventory Proceedings bearing No. 14/08/B by the Civil Judge Senior Division at Mapusa - Goa
- n) Deed of Sale dated 30/03/2011, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-01605-2011, CD No. BRZD154 dated 30/03/2011
- o) Deed of Sale dated 20/04/2011, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-0208-2011, CD No. BRZD165 dated 26/04/2011



p) Partition Proceedings bearing No.
15/116/2009/Part/Land/ DC-II were filed
before the Court of the Deputy Collector Bardez-
II, Mapusa - Goa

q) Conversion Sanad dated 18/02/2009 bearing
No. RB/CNV/BAR/162/2008 issued by the
Collector, North Goa District, Panaji - Goa

r) Conversion Sanad dated 29/11/2012 bearing
No. RB/CNV/BAR/AC-II/09/2011 issued by the
Collector, North Goa District, Panaji - Goa

s) Deed of Sale dated 26/05/2021, registered
before Sub-Registrar of Bardez, Mapusa - Goa
under Registration No. BRZ-1-1947-2021 dated
27/05/2021

t) Survey Plan



II. DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

ALL THAT **PROPERTY** denominated as "COIRATO" or "KHAIRUT" with an old dilapidated residential house bearing H. No. 776/1 as recorded in the Office of the Village Panchayat of Aldona situated therein, situated at ward Santerxette, within the jurisdiction of Village Panchayat of Aldona, Taluka and Registration Sub-District of Bardez, District North Goa, State of Goa, described in the Land Registration Office of Bardez at Mapusa under No. 36433 of Book No. B-93 and enrolled in the Taluka Revenue Office under No. 576 of Second Division of Aldona, surveyed under Survey No. **344/5** of the Revenue Village **Aldona**, admeasuring approximately **2925 sq. mts.** and the same is bounded as under:-

Towards the North :-By the Public Road;

Towards the South :-By the property bearing Survey No.
344/7 of Village Aldona;

Towards the East :-By the Public Road;



Towards the West :- By the property bearing Survey No.
344/4 of Village Aldona;

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

SCHEDULE II

ALL THAT PROPERTY admeasuring approximately
1610 sq. mts., surveyed under Survey No. **344/5-A** of
the Revenue Village **Aldona**, forming part of the **SAID
BIGGER PROPERTY** more particularly described in
SCHEDULE I hereinabove and the same is bounded as
under:-

North : By the public road;

South : By the property surveyed under Survey No.
344/7 of Village Aldona.

East : By the Public Road;

West: By the property surveyed under Survey No.
344/5 of Village Aldona



This property shall hereinafter referred to as the **SAID
PROPERTY No. 1**

SCHEDULE III

ALL THAT admeasuring approximately **1315 sq. mts.**, surveyed under Survey No. **344/5** of the Revenue Village **Aldona**, forming part of the **SAID BIGGER PROPERTY** more particularly described in **SCHEDULE I** hereinabove and the same is bounded as under:-

North : By the public road;

South : By the property surveyed under Survey No. 344/1 of Village Aldona.

East : By the property surveyed under Survey No. 344/5-A of Village Aldona;

West: By the property surveyed under Survey No. 344/4 of Village Aldona

This property shall hereinafter referred to as the **SAID
PROPERTY NO. 2**



The **SAID PROPERTY NO. 1** and the **SAID PROPERTY NO. 2** are hereinafter collectively referred to as the **SAID PROPERTIES**

III. TRACING OF PARTIES TITLE:

1. The **SAID BIGGER PROPERTY** known as "COIRATO" is described under No. 36433 at folio 139 of Book No. B-93 and inscribed on **13th December, 1952**, the **SAID BIGGER PROPERTY** is inscribed under 37399 at -folio 20 Overleaf of Book No. G-41 in favour of Magdalena Leonildes Noronha e Cruz, wife of Jose Mariano da Cruz or Jeronimo Santana Jose Mariano da Cruz or Jeronimo Santana Jose da Cruz. The said Inscription Certificate reveals that the **SAID BIGGER PROPERTY** was purchased by the said Magdalena Leonildes Noronha e Cruz, wife of Jose Mariano da Cruz or Jeronimo Santana Jose Mariano da Cruz or Jeronimo Santana Jose da Cruz for consideration of Rupees 100/- from Francisco



Xavier Rego and his wife, Reis Magos da Cruz vide
Instrument dated 5th December 1952.

2. **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 prevailant, 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)



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.

3. Inventory Proceedings bearing No. 14/08/B filed before the Civil Judge Senior Division of Bardez at Mapusa - Goa reveals THAT the said Jeronimo Santana Jose Mariano D'Cruz alias Jeronimo Santana Jose Mariano da Cruz alias Jose Mariano de Cruz or Jeronimo Jose Santana Maria D'Cruz passed away on 09/06/1983 and his wife, Magdalena Leonildes de Noronha alias Leonildes Noronha or Magdalena Leonildes Noronha e Cruz or Magdalena Leonildes D'Cruz passed away on 11/09/2000 leaving behind their following sole and universal legal heirs:

- (i) Antonio Xavier Da Cruz alias Antonio Xavier D'Cruz



(ii) Mr. Gabriel Da Cruz alias Gabriel D'Cruz
married to Mrs. Flory Philomena Ruzaria
D'Cruz

(iii) Mr. Caetano Xavier Da Cruz alias Caetano
Xavier D'Cruz married to Mrs. Ana Chionia
Piedade Fernandes alias Ana Chionia
Piedade D'Cruz.

4. Vide Deed of Gift dated 23/11/1984, registered
before Sub-Registrar of Bardez, Mapusa - Goa under
Registration No. 302 at pages 113 to 117 of Book
No. I, Volume No. 226 dated 29/04/1986, the said
Mrs. Magdalena Leonildes Noronha e Cruz alias
Magdalena Leonildes D'Cruz alias Leonildes
Noronha during her lifetime gifted her disposable
share in the **SAID BIGGER PROPERTY** in favour of
her son, Mr. Gabriel D'Cruz.



5. Inventory Proceedings bearing No. 14/08/B filed before the Civil Judge Senior Division of Bardez at Mapusa - Goa FURTHER reveals THAT the said Antonio Xavier Da Cruz alias Antonio Xavier D'Cruz passed away on 01/07/2004 in the status of bachelor, without leaving any WILL or disposition of his last wish, leaving behind his brothers Mr. Gabriel Da Cruz alias Gabriel D'Cruz married to Mrs. Flory Philomena Ruzaria D'Cruz AND Mr. Caetano Xavier Da Cruz alias Caetano Xavier D'Cruz married to Mrs. Ana Chionia Piedade Fernandes alias Ana Chionia Piedade D'Cruz as his sole and universal legal heirs.

6. Vide Agreement for Family Settlement dated 30/11/2007, the said Mr. Gabriel Da Cruz alias Gabriel D'Cruz along with his wife, Mrs. Flory Philomena Ruzaria D'Cruz AND Mr. Caetano Xavier Da Cruz alias Caetano Xavier D'Cruz along with his wife, Mrs. Ana Chionia Piedade Fernandes alias Ana



Chionia Piedade D'Cruz separated the **SAID BIGGER PROPERTY** into TWO PORTIONS i.e. eastern portion admeasuring 1610 sq. mts. and western portion admeasuring 1315 sq. mts. which eastern portion is more particularly described in **SCHEDULE II** hereunder written and hereinafter referred to as the **SAID PROPERTY NO. 1** and which western portion is more particularly described in **SCHEDULE III** hereunder written and hereinafter referred to as the **SAID PROPERTY NO. 2**

7. On 14/01/2008, upon death of the said Jeronimo Santana Jose Mariano D'Cruz alias Jeronimo Santana Jose Mariano da Cruz alias Jose Mariano de Cruz or Jeronimo Jose Santana Maria D'Cruz and his wife, Magdalena Leonildes de Noronha alias Leonildes Noronha or Magdalena Leonildes Noronha e Cruz or Magdalena Leonildes D'Cruz who were passed away on 09/06/1983 and 11/09/2000 respectively, Inventory Proceedings bearing No.



14/08/B was instituted before the Civil Judge Senior Division of Bardez at Mapusa - Goa and the **SAID BIGGER PROPERTY** was listed at ITEM NO. 1.

8. Vide Deed of Sale dated 04/04/2008, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 2076 at pages 259 to 287 of Book No. I, Volume No. 2562 dated 21/04/2008, the said Mr. Gabriel Da Cruz alias Gabriel D'Cruz along with his wife, Mrs. Flory Philomena Ruzaria D'Cruz AND Mr. Caetano Xavier Da Cruz alias Caetano Xavier D'Cruz along with his wife, Mrs. Ana Chionia Piedade Fernandes alias Ana Chionia Piedade D'Cruz sold the **SAID PROPERTY NO. 1**, admeasuring **1610 sq. mts.** in favour of Seaside Estate Holdings Private Limited.

9. Vide Final Order dated 21/02/2009 passed in Inventory Proceedings bearing No. 14/08/B by the Civil Judge Senior Division at Mapusa - Goa, the



SAID PROPERTY NO. 1 i.e. eastern portion admeasuring 1610 sq. mts. forming part of the SAID BIGGER PROPERTY was allotted to the said Mr. Gabriel Da Cruz alias Gabriel D'Cruz along with his wife, Mrs. Flory Philomena Ruzaria D'Cruz AND Mr. Caetano Xavier Da Cruz alias Caetano Xavier D'Cruz along with his wife, Mrs. Ana Chionia Piedade Fernandes alias Ana Chionia Piedade D'Cruz AND remaining western portion admeasuring 1315 sq. mts. forming part of the SAID BIGGER PROPERTY along with the residential house bearing H. No. 776/1 situated therein was allotted exclusively to the said Mr. Gabriel Da Cruz alias Gabriel D'Cruz along with his wife, Mrs. Flory Philomena Ruzaria D'Cruz.

10. Vide Conversion Sanad dated 18/02/2009 bearing No. RB/CNV/BAR/162/2008 issued by the Collector, North Goa District, Panaji - Goa, the



SAID PROPERTY NO. 1, admeasuring **1610 sq. mts.** was converted for the purpose of Residential.

11. Partition Proceedings bearing No.

15/116/2009/Part/Land/ DC-II were filed before the Court of the Deputy Collector Bardez-II, Mapusa - Goa and a separate survey Number i.e. **Survey No. 344/5-A** of Village Aldona, Bardez - Goa was allotted to the **SAID PROPERTY NO. 1**, admeasuring **1610 sq. mts.**

12. Vide Deed of Sale dated 30/03/2011, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-01605-2011, CD No. BRZD154 dated 30/03/2011, the said Seaside Estate Holdings Private Limited sold the **SAID PROPERTY NO. 1** in favour of A and M Holdings, a Partnership Firm.



13. Vide Deed of Sale dated 20/04/2011, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-0208...-2011, CD No. BRZD165 dated 26/04/2011, the said Mr. Gabriel Da Cruz alias Gabriel D'Cruz along with his wife, Mrs. Flory Philomena Ruzaria D'Cruz sold the **SAID PROPERTY NO. 2** admeasuring **1315 sq. mts.** forming part of the **SAID BIGGER PROPERTY** in favour of A and M Holdings, a Partnership Firm.

14. Vide Conversion Sanad dated 29/11/2012 bearing No. RB/CNV/BAR/AC-II/09/2011 issued by the Collector, North Goa District, Panaji - Goa, the **SAID PROPERTY NO. 2**, admeasuring **1315 sq. mts.** was converted for the purpose of Residential.

15. In pursuance to Deed of Sale dated 30/03/2011 and Deed of Sale dated 20/04/2011, the said A and M Holdings, a Partnership Firm became owners in possession of the **SAID PROPERTY NO. 1** and the



SAID PROPERTY NO. 2 which **SAID PROPERTY NO. 1** and the **SAID PROPERTY NO. 2** are hereinafter collectively referred to as **the SAID PROPERTIES**.

16. Public notice was published in Gomantak (Marathi) and Navhind Times dated 29/04/2021 wherein objections within a period of 15 days from the date of publication were invited from the general public for sale of the **SAID PROPERTIES** by the said A and M Holdings, a Partnership Firm and after elapse of 15 days no objection are received.

17. Vide Deed of Sale dated 26/05/2021, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-1947-2021 dated 27/05/2021, the said A and M Holdings, a Partnership Firm sold the **SAID PROPERTIES** in favour of Ave Miriam Resorts Private Limited.



18. Manual Form I & XIV, Form IX AND Form III are
Revenue Records prepared under the applicable Goa
Land Revenue Code

Manual Form I & XIV, Form IX AND Form III:
in respect of the SAID BIGGER PROPERTY bearing
Survey No. 344/5 of Village Aldona, Bardez - Goa
clearly shows the name of Magdalena Leonildes
D'Cruz and after deleting the said name of
Magdalena Leonildes D'Cruz, the name of Gabriel
D'Cruz was added in the Occupants Column. The
said Manual Form I & XIV is consistent with the
devolution of ownership.

19. I have inspected the originals of the following
documents :

- (a) Deed of Gift dated 23/11/1984, registered
before Sub-Registrar of Bardez, Mapusa -
Goa under Registration No. 302 at pages
113 to 117 of Book No. I, Volume No. 226
dated 29/04/1986



- (b) Deed of Sale dated 04/04/2008,
registered before Sub-Registrar of Bardez,
Mapusa - Goa under Registration No.
2076 at pages 259 to 287 of Book No. 1,
Volume No. 2562 dated 21/04/2008
- (c) Deed of Sale dated 30/03/2011,
registered before Sub-Registrar of Bardez,
Mapusa - Goa under Registration No.
BRZ-BK1-01605-2011, CD No. BRZD154
dated 30/03/2011
- (d) Deed of Sale dated 20/04/2011,
registered before Sub-Registrar of Bardez,
Mapusa - Goa under Registration No.
BRZ-BK1-0208-2011, CD No. BRZD165
dated 26/04/2011
- (e) Deed of Sale dated 26/05/2021,
registered before Sub-Registrar of Bardez,
Mapusa - Goa under Registration No.
BRZ-1-1947-2021 dated 27/05/2021



20. In light of above, considering the Inscription Description Certificate, Instrument Outside the Records of Sale and Discharge dated 05/12/1952, Deed of Gift dated 23/11/1984, Agreement for Family Settlement dated 30/11/2007, Deed of Sale dated 04/04/2008, Final Order dated 21/02/2009 passed in Inventory Proceedings bearing No. 14/08/B by the Civil Judge Senior Division at Mapusa - Goa, Deed of Sale dated 30/03/2011, Deed of Sale dated 20/04/2011 and Deed of Sale dated 26/05/2021 in respect of the **SAID PROPERTIES**, have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owner and that no objections were received in pursuance to the Public Notice, I am of the opinion that the said **AVE MIRIAM RESORTS PRIVATE LIMITED** has clear and marketable title in respect of the **SAID PROPERTIES**.



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 properties.
2. The Urban Ceiling Act is not applicable to the State of Goa.
3. Conversion Sanad dated 18/02/2009 bearing No. RB/CNV/BAR/162/2008 issued by the Collector, North Goa District, Panaji - Goa is furnished to establish that the **SAID PROPERTY NO. 1**, admeasuring **1610 sq. mts.** is converted for the purpose of Residential
4. Conversion Sanad dated 29/11/2012 bearing No. RB/CNV/BAR/AC-II/09/2011 issued by the Collector, North Goa District, Panaji - Goa is furnished to establish that the **SAID PROPERTY**



NO. 2, admeasuring 1315 sq. mts. is converted
for the purpose of Residential

5. No NOC is furnished from the Forest
Department to establish that the **SAID**
PROPERTIES are not identified as a Forest Land

V. EVIDENCE OF POSSESSION:-

The **Said Property No. 1** bearing Survey No. 344/5-
A of Village **Aldona**, Bardez - Goa reflects the name
of AVE MIRIAM RESORTS PRIVATE LIMITED in Form
I & XIV issued by the Department of Survey,
Government of Goa which establishes the
possession of the present owner.

The **Said Property No. 2** bearing Survey No. 344/5
of Village **Aldona**, Bardez - Goa reflects the name of
AVE MIRIAM RESORTS PRIVATE LIMITED in Form I
& XIV issued by the Department of Survey,



Government of Goa which establishes the possession of the present owner.

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.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **AVE MIRIAM RESORTS PRIVATE LIMITED** has clear and marketable title in respect of the **SAID PROPERTIES.**

➤ **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 PROPERTIES** and/or (ii) against the larger property; and
 - (b) I have taken the title documents under which Magdalena Leonildes Noronha e Cruz, wife of Jose Mariano da Cruz or Jeronimo Santana Jose Mariano da Cruz or Jeronimo Santana Jose da Cruz 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, asset 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 PROPERTIES** 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 PROPERTIES**; and
 - (f) that names of persons spelt differently in different documents in respect of the **SAID PROPERTIES** 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 PROPERTIES** 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 PROPERTIES** 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:- 10/06/2021



(Adv. Shivan S. Desai)