

Shivan S.Desai
ADVOCATE

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TITLE REPORT

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

- a) **Survey Records Form I & XIV bearing Survey No. 44/1 of Village Assagao, Bardez - Goa.**
- b) Registo Do Agrimensor
- c) Form IX
- d) Manual Form I & XIV
- e) Inscription Description Certificate
- f) Survey Record
- g) Deed of Sale dated 28/08/2018 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-BK1-03812-2018, CD No. BRZD802 dated 29/08/2018
- h) Technical Clearance Order dated 25/10/2018 bearing No. TPB/2796/ASSG/TCP-18/4367 issued by Senior Town Planner, Mapusa – Goa
- i) Conversion Sanad dated 27/11/2018 bearing No. 4/209/CNV/AC-III/2018/1309 issued by the Additional Collector-III, North Goa District, Mapusa – Goa.

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- j) Deed of Succession dated 03/07/2018
- k) Proceedings in Regular Civil Suit No. 211/2018/B filed before the Senior Civil Judge, 'B' Court at Mapusa – Goa
- l) Consent Decree dated 10/08/2018 passed in Regular Civil Suit No. 211/2018/B by the Senior Civil Judge, 'B' Court at Mapusa – Goa
- m) **Survey Records Form I & XIV bearing Survey No. 45/1 of Village Assagao, Bardez - Goa.**
- n) Registo Do Agrimensor
- o) Form IX
- p) Manual Form I & XIV
- q) Survey Record
- r) Deed of Sale dated 28/08/2018 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-BK1-03811-2018, CD No. BRZD802 dated 29/08/2018
- s) Technical Clearance Order dated 04/09/2018 bearing No. TPB/4600ASSG/TCP-18/3679 issued by Senior Town Planner, Mapusa – Goa

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COMMON DOCUMENTS

- t) Deed of Sale with Discharge of the price dated 25/07/1928
- u) Deed of Gift dated 03/05/1944
- v) Inventory Proceedings bearing No. 88/14/F filed before the Civil Judge Junior Division at Mapusa – Goa
- w) Order dated 16/05/2014 passed by Civil Judge Junior Division at Mapusa – Goa in Inventory Proceedings bearing No. 88/14/F
- x) Correspondence Certificate dated 21/11/2016 issued by Surveyor, Prazeres A. Gonsalves,
- y) NIL Encumbrance Certificate dated 22/03/2018 bearing No. 772/2018 (Survey No. 45/1)
- z) Cadastral Survey Plan
- aa) Survey Plan

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II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE I

ALL THAT property known as 'BADEM' also known as "SUTAREM GRANDE", situated in the Ward Badem, of Village **Assagao**, admeasuring an area of **5150 sq. mts.**, within the limits of the Village Panchayat of Assagao, Taluka of Bardez, Sub District of Bardez, District of North Goa and State of Goa; bearing Old Cadastral Survey No. 355; which property is described in the Land Registration Office of Bardez under No. 34880 of Book B-89 (new) at folio 149 and is presently surveyed under **Survey No. 44/1** of Village of Assagao; and is bounded as follows:

North: By Public Road

South: By the Survey No.44/3

West: By Public Road

East: By Survey No. 68 and 44/2

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

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SCHEDULE II

ALL THAT property known as 'BADEM' also known as "SUTAREM GRANDE", situated in the Ward Badem, of Village **Assagao**, admeasuring an area of **3175 sq. mts.**, within the limits of the Village Panchayat of Assagao, Taluka of Bardez, Sub District of Bardez, District of North Goa and State of Goa; bearing Old Cadastral Survey No. 354; which property is neither found to be described in the Land Registration Office of Bardez nor found to be enrolled in the Taluka Land Revenue Office and is presently surveyed under **Survey No. 45/1** of Village of Assagao; and is bounded as follows:

North: By the Survey No. 67

South: By the Road

West: By Public Road

East: By the Survey No. 68;

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

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TRACING OF PARTIES TITLE:

1. The **said Property No. 1** is described under No. 34880 and inscribed under No. 28695 in favour of Antonio Lourenco da Cruz. Inscription and Description Certificate reveals that the **said Property No. 1** was purchased by the said Antonio Lourenco da Cruz from Caraciolo de Souza and his wife, Luciana de Noronha by Deed dated 01/02/1938. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained.
2. The Registo do Agrimensor and Land Survey Record reveals that the **said Property No. 1** bearing old Cadastral Survey No. **355** originally belonged to Caraciolo de Souza son of Simao de Souza and of Rosinha de Souza in **1/4 share**; Antonio Lourenco da Cruz son of

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Miguel Simao de Cruz and of Maria de Cruz in **1/2 share**; Leonor Fernandes wife of Luis Felipe Vitorino Fernandes in **1/4 share**.

3. Vide Deed of Sale with Discharge of the price dated 25/07/1928, the said Caraciolo de Souza and his wife, Lusiana De Noronha sold their rights in respect of the **said Property No. 1** in favour of Leonora Fernandes.
4. Deed of Succession dated 03/07/2018 reveals that the said Antonio Lourenco da Cruz passed away leaving behind as sole and universal heirs Simao D'Cruz married to Mrs. Anne D'Cruz and Mr. Louis D'Cruz married to Mrs. Veronica D'Cruz.
5. Regular Civil Suit No. 211/2018/B was filed before the Senior Civil Judge, 'B' Court at Mapusa – Goa against the said Simao D'Cruz married to Mrs. Anne D'Cruz and Mr. Louis

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D'Cruz married to Mrs. Veronica D'Cruz legal heirs of Antonio Lourenco da Cruz and by Consent Decree dated 10/08/2018 passed in Regular Civil Suit No. 211/2018/B by the Senior Civil Judge, 'B' Court at Mapusa - Goa, the said Simao D'Cruz married to Mrs. Anne D'Cruz and Mr. Louis D'Cruz married to Mrs. Veronica D'Cruz as legal heirs of Antonio Lourenco da Cruz admitted that the entry of Antonio Lourenco da Cruz in the cadastral survey was erroneous and that they had no right in the **said Property No. 1** whilst acknowledging the exclusive ownership of legal heirs of Caraciolo De Souza and his wife, Luciana de Noronha namely said Mr. Antonio Caridade Fernandes alias Anthony Caridade Fernandes and Mrs. Rose Philomena Fernandes alias Rosa Filomena Fernandes.

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6. The **said Property No. 2** is neither described or inscribed in the Land Registration Records. However Registo do Agrimensor and Land Survey Record reveals that the **said Property No. 2** bearing old Cadastral Survey No. **354** originally belonged to Leonor Fernandes wife of Luis Felipe Vitorino Fernandes.
7. Correspondence Certificate dated 21/11/2016 issued by Surveyor, Prazeres A. Gonsalves reveals that the **said Property No. 1** bearing old Cadastral Survey No. **355** corresponds to survey No. **44/1** and the **said Property No. 2** bearing old Cadastral Survey No. **354** corresponds to survey No. **45/1** of Village Assagao, Bardez – Goa.
8. Inventory Proceedings bearing No. 88/14/F filed before the Civil Judge Senior Division at Mapusa reveals that the said Mr. Luis Felipe

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Vitorino Fernandes alias Miguel Caridade Fernandes alias Miguel Fernandes expired on 12/08/1951 and the said Mrs. Leonor Fernandes alias Leonora Fernandes expired on 28/06/1953, without leaving any Will or any other disposition of their last wish, and leaving behind their sole and universal heir; Mrs. Cyrila Felicidade Fernandes alias Cirila Felecidade Fernandes alias Cirila Felecia Fernandes alias Filsu Fernandes married to Mr. Menino Paulo Fernandes.

9. Inventory Proceedings bearing No. 88/14/F filed before the Civil Judge Senior Division at Mapusa further reveals that the said Mr. Menino Paulo Fernandes expired on 11/06/1989, without leaving any will or any other disposition of his last wish, leaving behind his widow and moiety holder, the said Mrs. Cyrila Felicidade Fernandes alias Cirila

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Felecidade Fernandes alias Cirila Felecia
Fernandes alias Filsu Fernandes and the
following legal heirs :

- i. Mr. Antonio Caridade Fernandes alias
Anthony Caridade Fernandes married to
Mrs. Vivien Mary Theresa Fernandes
- ii. Mrs. Rose Philomena Fernandes alias
Rosa Filomena Fernandes married to Mr.
Roque Antonio Fernandes.

10. Upon the death of the said Mr. Luis Felipe
Vitorino Fernandes alias Miguel Caridade
Fernandes alias Miguel Fernandes; Mrs.
Leonor Fernandes alias Leonora Fernandes
AND Mr. Menino Paulo Fernandes, Inventory
Proceedings bearing No. 88/14/F were
instituted before the Civil Judge Senior
Division at Mapusa by the said, Mrs. Cyrila
Felicidade Fernandes alias Cirila Felecidade

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Fernandes alias Cirila Felecia Fernandes alias
Filsu Fernandes and the **said Property No. 1**
was listed in ITEM NO. 3 and the **said**
Property No. 2 was listed in ITEM NO. 2.

11. Vide Judgment and Order dated 16/05/2014
passed by the Civil Judge Senior Division, at
Mapusa – Goa, in Inventory Proceedings No.
88/2014/F, the **said Property No. 1** listed in
ITEM NO. 3 and the **said Property No. 2** listed
in ITEM NO. 2 were allotted in two equal
shares in favour of the said Mr. Antonio
Caridade Fernandes alias Anthony Caridade
Fernandes and Mrs. Rose Philomena
Fernandes alias Rosa Filomena Fernandes.
12. Vide Deed of Sale dated 28/08/2018 registered
before Sub-Registrar of Mapusa, Bardez – Goa
under No. BRZ-BK1-03812-2018, CD No.
BRZD802 dated 29/08/2018, the said Mr.

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Antonio Caridade Fernandes alias Anthony Caridade Fernandes along with his wife, Mrs. Vivien Mary Theresa Fernandes AND Mrs. Rose Philomena Fernandes alias Rosa Filomena Fernandes along with her husband, Mr. Roque Antonio Fernandes sold the **said Property No. 1** in favour of Megrez Estates Pvt. Ltd.

13. Vide Deed of Sale dated 28/08/2018 registered before Sub-Registrar of Mapusa, Bardez – Goa under No. BRZ-BK1-03811-2018, CD No. BRZD802 dated 29/08/2018, the said Mr. Antonio Caridade Fernandes alias Anthony Caridade Fernandes along with his wife, Mrs. Vivien Mary Theresa Fernandes AND Mrs. Rose Philomena Fernandes alias Rosa Filomena Fernandes along with her husband, Mr. Roque Antonio Fernandes sold the **said Property No. 2** in favour of Megrez Estates Pvt. Ltd.

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14. Vide Deeds of Sale both dated 28/08/2018, the said Megrez Estates Pvt. Ltd. became owner in possession of the **said Property No. 1** and the **said Property No. 2**.
15. Technical Clearance Order dated 04/09/2018 bearing No. TPB/4600ASSG/TCP-18/3679 and Technical Clearance Order dated 25/10/2018 bearing No. TPB/2796/ASSG/TCP-18/4367 issued by Senior Town Planner, Mapusa - Goa has been obtained for the proposed construction of Residential Villas and Swimming Pool in the **said Property No. 1** and the **said Property No. 2**.
16. In light of above, considering the fact that the Inscription and Description records and Judgment and Order dated 16/05/2014 passed by the Civil Judge Senior Division, at Mapusa - Goa, in Inventory Proceedings No. 88/2014/F

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and Deeds of Sale both dated 28/08/2018 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, I am of the opinion that Megrez **ESTATES PVT. LTD.** has clear and marketable title in respect of the **said Property No. 1** and the **said Property No. 2** subject to the production of updated Nil Encumbrance 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 No. 1** and the **said Property No. 2.**
2. The Urban Ceiling Act is not applicable to the State of Goa.

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3. Conversion Sanad dated 27/11/2018 bearing No. 4/209/CNV/AC-III/2018/1309 issued by the Additional Collector-III, North Goa District, Mapusa – Goa has been furnished to establish that the **said Property No. 1** is converted from agricultural to non-agricultural purposes (residential). However No Conversion **Sanad** has been furnished to establish that the **said Property No. 2** is converted from agricultural to non-agricultural purposes.

V. **EVIDENCE OF POSSESSION:-**

The **said Property No. 1** bearing Survey No. 44/1 and the **said Property No. 2** bearing Survey No. 45/1 reflects the names of Antonio Caridade Fernandes alias Anthony Caridade Fernandes AND Rose Philomena Fernandes alias Rosa Filomena Fernandes in Form I & XIV issued by the Department of Survey, Government of Goa. However

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it is advisable that the name of present owner, Megrez Estates Pvt. Ltd. shall be mutated in respect of the **said Property No. 1** and the **said Property No. 2** in Form I & XIV.

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. 1** and the **said Property No. 2**. NIL Encumbrance Certificate dated 22/03/2018 bearing No. 772/2018 in respect of the **said Property No. 2** is furnished to establish that there is no encumbrance. However no NIL Encumbrance Certificate in respect of the **said Property No. 1** is furnished to establish that there is no encumbrance. However updated Nil Encumbrance Certificate needs to be furnished in respect of the **said Property No. 1** and the **said Property No. 2**.

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CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **MEGREZ ESTATES PVT. LTD.** has a clear and marketable title in respect of the **said Property No. 1** and the **said Property No. 2** subject to the following:

- i. Production of updated Nil Encumbrance Certificate
- ii. Observation made at Para V above

➤ **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 No. 1** and the **said Property No. 2** and/or (ii) against the larger property;

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- (b) I have not inspected the originals of the title documents produced for scrutiny referred to above; and
- (c) I have taken the title documents under which Leonor Fernandes wife of Luis Felipe Vitorino 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 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;

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- (c) that all the documents relating to the **said Property No. 1** and the **said Property No. 2** 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 No. 1** and the **said Property No. 2**; and
- (f) that names of persons spelt differently in different documents in respect of the **said Property No. 1** and the **said Property No. 2** 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

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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 No. 1** and the **said Property No. 2** 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.
- 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:- 29/11/2018



(Adv. Shivan S. Desai)