

TITLE REPORT

To,
Ryago Homes Pvt. Ltd.,
Registered Office at 61,
Viraj Silverene CHS Ltd. 321,
Hill Road Opp. Mehboob Studio,
Bandra (W), Mumbai

- I. I have perused the photocopies of the following documents:
- a. Survey Records Form I& XIV bearing Survey No. 238/6 of Village Siolim, Bardez - Goa.
 - b. Description Certificate (bearing No. 8452 at page 97 reverse of Book B 22 new)
 - c. Inscription Certificate (bearing No. 17883 at page 94 reverse of Book G-24)
 - d. Manual Form I & XIV in respect of Survey No. 238/6 of Village Siolim, Bardez - Goa.
 - e. Form III
 - f. Form IX



- g. Compromise Terms in Regular Civil Appeal No. 47/89 filed before the Additional District Judge at Panaji dated 20/08/1990
- h. Sale Deed dated 21/08/1990, registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 2146 of Book No. I, Volume No. 129 dated 06/12/1991
- i. Deed of Consent dated 04/11/1993 registered before Sub-Registrar of Mapusa, Bardez - Goa drawn at page 49 of Book 770 dated 19/11/1993
- j. Will dated 04/11/1993 of Mr. Chandrakant Rama Morajkar
- k. Will dated 04/11/1993 of Mrs. Draupadi Chandrakant Morajkar



- l. Inventory Proceedings bearing No. 251/2007/A filed before Civil Judge Senior Division, 'A' Court at Mapusa - Goa along with Chart of Allotment dated 05/11/2015
- m. Final Order dated 08/12/2015 passed in Inventory Proceedings bearing No. 251/2007/A by Civil Judge Senior Division, 'A' Court at Mapusa - Goa
- n. Inventory Proceedings bearing No. 359/2021/A/B filed before the Court of the Civil Judge Senior Division at Mapusa - Goa
- o. Final Order dated 28/11/2022 passed in Inventory Proceedings bearing No. 359/2021/A/B by the Court of the Civil Judge Senior Division at Mapusa - Goa



- p. Deed of Sale dated 17/01/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-338-2023 dated 20/01/2023
- q. Land Use Zoning Certificate bearing No. TPBZ/ZON/10768/SIO/TCP-2022/8001 dated 26/12/2022 issued by Town and Country Planning Department, Mapusa - Goa
- r. Nil Encumbrance Certificate bearing No. 372/2023 dated 09/02/2023
- s. Survey Plan

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

All that property known as "Maina", admeasuring an area of **4050 sq. mts.** situated at Siolim Village, within the limits of the Village Panchayat of Siolim in the Taluka and Sub-District of Bardez, District of North



Goa in the State of Goa, the said property is described in the Land Registration Office of Bardez under No. 8452 at page 97 reverse of Book B 22 new and surveyed under survey No. 238/6 of Village Siolim, Bardez - Goa and is bounded as under:-

- Towards North : by properties bearing survey nos. 239/6, 239/7, 239/8, 239/9, 239/10, 239/45, 239/47, 239/38;
- Towards South : by plot bearing survey no. 238/6-A and a road;
- Towards East : by properties bearing survey nos. 238/28 and 238/10 and part of plot bearing survey no. 238/6-A;
- Towards West : by a nulla;

This Property shall hereinafter referred to as the **SAID BIGGER PROPERTY.**



SCHEDULE - II

ALL THAT part and parcel of land admeasuring **224 sq. mts.** of Siolim Village forming part of the **SAID BIGGER PROPERTY** more particularly described in **SCHEDULE I** hereinabove and the same is bounded as follows:

Towards the North :- By property surveyed under survey No. 238/6;

Towards the South :- By a road;

Towards the East :- By property surveyed under survey No. 238/10 of Village Siolim;

Towards the West :- By property surveyed under survey No. 238/6;

The said plot shall hereinafter referred to as the **SAID PLOT.**

SCHEDULE-III

All that property known as "Maina", admeasuring an area of **3826 sq. mts.** situated at Siolim Village, within the limits of the Village Panchayat of Siolim in



the Taluka and Sub-District of Bardez, District of North Goa in the State of Goa forming part of the **SAID BIGGER PROPERTY** more particularly described in **SCHEDULE I** hereinabove under survey No. 238/6 of Village Siolim, Bardez – Goa and is bounded as under:-

- Towards North : by properties bearing survey nos. 239/6, 239/7, 239/8, 239/9, 239/10, 239/45, 239/47 and 239/49;
- Towards South : by road;
- Towards East : by Nallah and property bearing survey no. 240/11 of Village Siolim;
- Towards West : by property bearing survey no. 239/28 and 238/6-A of Village Siolim;

This Property shall hereinafter referred to as the **SAID PROPERTY.**



III. TRACING OF PARTIES TITLE:

1. The **SAID BIGGER PROPERTY** is described under No. 8452 at page 97 reverse of Book B 22 new and inscribed on 25th October 1922 under No. 17883 at page 94 reverse of Book G-24 in favour of Chandracanta Rama Morascar, son of Rama Bivam Morascar and his wife, Sitabay. Inscription and Description Certificate reveals that the **SAID BIGGER PROPERTY** was acquired by the said Chandracanta Rama Morascar as a gift from his parents Rama Bivam Morascar and his wife, Sitabay vide Deed of Gift dated 20/10/1922 at page 84 of Book No. 215
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. The Hon'ble High Court of Bombay at Goa in the case of **Jossephine D'Costa V/s. Khushali Govind Naik Desai** and other reported at



Manu/MH/1303/2004 has observed that "The Plaintiffs property has been inscribed in the names of Plaintiffs from 14th August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality the transfer of possession in favour of a person in whose favour such inscription has been done. In other words, by virtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of title and possession in respect of the property claimed by them against none proved by the Defendants,"

4. 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. **238/6** of Village Siolim, Bardez - Goa clearly shows the name of Rama Bhiva Morajkar as occupant in the Occupants column. The said Manual Form I & XIV is consistent with the devolution of ownership.

5. Under Section 105 of the Goa Land Revenue Code, entry reflected in Form I & XIV is presumed to be true unless substituted by an appropriate proceeding in terms of law. In view of the same, there is presumption of possession in favour of a person reflected in Form I & XIV rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.
6. In the case of Diksha Holdings V/s Sita Rama Naik reported in 1998(2) GLT 444, the Hon'ble High Court

of Bombay at Goa has held that *"upon promulgation of survey under the Goa Land Revenue Code, all the previous surveys ceased to exist and the presumption under Section 105 shall prevail"*.

7. In the case of Shri. Damodara Ranum Porobo Loundo versus Shri Bhaskar R. Jalmi and others, reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa has held as under:

"In fact, Section 105 of the Land Revenue Code provides that an entry in the Record of Rights and a certified entry in the register of mutation shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefore. In other words, the presumption of correctness of the entries in the Record of Rights stands until duly rebutted or until the said entry is substituted by a fresh one."

"Therefore, affidavit evidence has got only prima facie value and does not constitute sufficient and

conclusive proof to disprove and rebut a presumption that arises by law in respect of the entries made in the Record of Rights after due inquiry."

8. Compromise Terms in Regular Civil Appeal No. 47/89 filed before the Additional District Judge at Panaji dated 20/08/1990 reveals that
- A.** That there was a tenancy dispute between the owners of THE SAID BIGGER PROPERTY, the said Mr. Chandracanta Rama Morascar alias Chandrakanta Rama Morajkar and his Wife, Mrs Draupadi Chandrakant Morajkar alias Draupadi Chandrakant Morascar and the tenant, Morto Rama Shirodkar.
- B.** That with respect to the same, Regular Civil Appeal No. 47 of 89 was filed by the said Mr. Chandracanta Rama Morascar alias Chandrakanta Rama Morajkar and his wife, Mrs. Draupadi Chandrakant Morajkar alias

Draupadi Chandrakant Morascar in the Court
of the District Judge North Division at Panaji.

9. The said Regular Civil Appeal No. 47 of 89 was mutually settled between the parties and in respect of the said settlement, Consent Terms were filed and the said bigger property was sub-divided into two parts. one part i.e. the said property admeasuring 3826 sq mts and the second part i.e. the said plot admeasuring 224 sq mts. wherein it was agreed that the Defendant, the said Morto Rama Shirodkar shall not claim any rights to the said property admeasuring 3826 sq. mts. and the said plot admeasuring 224 sq. mts. shall be sold to the Defendant, the said Morto Rama Shirodkar.
10. Vide Sale Deed dated 21/08/1990 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. 2146 of Book No. I, Volume No. 129 dated 06/12/1991, the said plot admeasuring 224



sq. mts. was sold in favour of the said Morto Rama Shirodkar by the said Mr. Chandrakant Rama Moraskar and his wife, Mrs. Draupadi Chandrakant Morajkar alias Draupadi Chandrakant Morascar.

11. Vide will dated 04/11/1993 the said Chandracanta Rama Morascar alias Chandrakanta Rama Morajkar bequeathed his disposable share in all the properties to his son Bhivrao Chandrakant Morajkar. The said Chandracanta Rama Morascar alias Chandrakanta Rama Morajkar bequeathed his indisposable share to his following six children on the condition that sum of Rs. Ten lakhs and eighty eight thousand with interest at the rate of 15% per annum compounded every month with effect from 01/01/1993 owed by him to his son the said Bhivrao Chandrakant Morajkar is first paid out of the proceeds of the said properties by the said children in equal shares.



- i. Bhivrao Chandrakant Morajkar married to Vinita Bhivrao Morajkar
- ii. Satish Chandrakant Morajkar married to Shruti Satish Morajkar
- iii. Mangala Gajanan Dabolkar to Gajanan N. Dabholkar
- iv. Usha Ganesh mayekar married to ganesh S Mayekar
- v. Vidya Gajanan Naik Tari married to Gajanan Naik Tari.
- vi. Shaila Chandrakant Morajkar

12. Vide a separate will dated 04/11/1993 the said Draupadi Chandrakant Morajkar alias Draupadi Chandrakant Morascar bequeathed her disposable share in all the properties to her son Bhivrao Chandrakant Morajkar. The said Draupadi Chandrakant Morajkar alias Draupadi Chandrakant Morascar bequeathed her indisposable share to her following six children on the condition that sum of

Rs. Ten lakhs and eighty eight thousand with interest at the rate of 15% per annum compounded every month with effect from 01/01/1993 owed by her to her son, the said Bhivrao Chandrakant Morajkar is first paid out of the proceeds of the said properties by the said children in equal shares.

- i. Bhivrao Chandrakant Morajkar married to Vinita Bhivrao Morajkar
- ii. Satish Chandrakant Morajkar married to Shruti Satish Morajkar
- iii. Mangala Gajanan Dabolkar to Gajanan N. Dabholkar
- iv. Usha Ganesh mayekar married to ganesh S Mayekar
- v. Vidya Gajanan Naik Tari married to Gajanan Naik Tari.
- vi. Shaila Chandrakant Morajkar



13. Inventory Proceedings bearing No. 251/2007/A filed before Civil Judge Senior Division, 'A' Court at Mapusa - Goa reveals as under :

A. that the said Mr. Chandracanta Rama Morascar alias Chandrakanta Rama Morajkar along with his Mrs Draupadi Chandrakant Morajkar alias Draupadi Chandrakant Morascar passed away on 28/09/2005 and 24/11/1996 respectively leaving behind the following heirs:

- i. Bhivrao Chandrakant Morajkar married to Vinita Bhivrao Morajkar
- ii. Satish Chandrakant Morajkar married to Shruti Satish Morajkar
- iii. Mangala Gajanan Dabolkar married to Gajanan N. Dabholkar
- iv. Usha Ganesh Mayekar married to Ganesh S. Mayekar
- v. Vidya Gajanan Naik Tari married to Gajanan Naik Tari.
- vi. Shaila Chandrakant Morajkar



B. That the said Shaila Chandrakant Morajkar died on 01/04/1998 in the status of spinster.

C. The said Satish Chandrakant Morajkar died on 19/10/2008 leaving behind his widow and moiety holder, the said Shruti Satish Morajkar and his only son Saurabh Satish Morajkar as his legal heirs.

14. Deed of Consent dated 04/11/1993 registered before Sub-Registrar of Mapusa, Bardez - Goa drawn at page 49 of Book 770 dated 19/11/1993 reveals that the said Mr. Chandracanta Rama Morascar alias Chandrakanta Rama Morajkar along with his wife, Mrs. Draupadi Chandrakant Morajkar alias Draupadi Chandrakant Morascar authorized each other as per each others wish to bequeath and devise their properties among their children by way of two separate wills.

15. In the said Inventory Proceedings bearing No. 251/2007/A filed before Civil Judge Senior Division, 'A' Court at Mapusa - Goa, the said property bearing Survey No. 238/6 of Village Siolim, Bardez - Goa along with Properties bearing Survey Nos. 240/6 and 258/8 of Village Siolim, Bardez - Goa were listed at item no. 2 and vide Chart of Allotment dated 05/11/2015 THE SAID PROPERTY bearing Survey No. 238/6 of Village Siolim, Bardez - Goa along with Properties bearing Survey Nos. 240/6 and 258/8 of Village Siolim, Bardez - Goa were allotted in the following manner which Chart of Allotment dated 05/11/2015 was confirmed vide Final Order dated 08/12/2015 passed in the said Inventory Proceedings bearing No. 251/2007/A by Civil Judge Senior Division, 'A' Court at Mapusa - Goa:

Bhivrao	Chandrakant	Morajkar	3/5 th share
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married to Vinita Bhivrao Morajkar	i.e. 60%
Shruti Satish Morajkar and her only son, Saurabh Satish Morajkar	1/10 th share i.e. 10%
Mangala Gajanan Dabholkar married to Gajanan N. Dabholkar	1/10 th share i.e. 10%
Usha Ganesh Mayekar married to Ganesh S. Mayekar	1/10 th share i.e. 10%
Vidya Gajanan Naik Tari married to Gajanan Naik Tari.	1/10 th share i.e. 10%

16. Inventory Proceedings bearing No. 359/2021/A/B filed before the Court of the Civil Judge Senior Division at Mapusa - Goa reveals as under:

(A) That the said Mr. Bhivrao Chandrakant Morajkar passed away on 24/06/2021 leaving behind his widow and moiety holder, the said Mrs. Vinita Bhivrao Morajkar and his sole and universal legal heirs, namely, (i) Mrs. Shalaka Bhivrao Morajkar married to Mr. Trivikram Govind Prabhugaonkar, (ii) Ms. Manasi Bhivrao

Morajkar, (iii) Mrs. Meghana Bhivrao Morajkar married to Mr. Amol Gunda.

(B) That vide Deed of Renunciation dated 03/06/2022, the said Ms. Manasi Bhivrao Morajkar renounced all her rights, title, interest, claim, shares that she may have or had inherited in respect of all movable and immovable properties belonging to deceased, Mr. Bhivrao Chandrakant Morajkar.

17. Upon death of the said late Mr. Bhivrao Chandrakant Morajkar, Inventory Proceedings bearing No. 359/2021/A/B was initiated before the Court of the Civil Judge Senior Division at Mapusa - Goa wherein his 60% share in the **SAID PROPERTY** was listed at Item No. 2 in the List of Assets.

18. Vide Final Order dated 28/11/2022 passed in the said Inventory Proceedings bearing No. 359/2021/A/B by the Court of the Civil Judge

Senior Division at Mapusa - Goa, the Chart of Allotment was confirmed wherein 60% share in the **SAID PROPERTY** was allotted in favour of the said Mrs. Vinita Bhivrao Morajkar (50% share) and Mrs. Shalaka Bhivrao Morajkar married to Mr. Trivikram Govind Prabhugaonkar (25% share) and Mrs. Meghana Bhivrao Morajkar married to Mr. Amol Gunda (25% share)

19. Vide Deed of Sale dated 17/01/2023 registered before Sub-Registrar of Bardez, Mapusa - Goa under Registration No. BRZ-1-338-2023 dated 20/01/2023, the said Mrs. Vinita Bhivrao Morajkar, Mrs. Shalaka Bhivrao Morajkar alias Shalaka Trivikram Prabhugaonker alias Shalaka T. Prabhugaonker alias Shalaka Prabhugaonker and her husband, Mr. Trivikram Govind Prabhugaonkar alias Trivikram Govind Prabhugaonker; Mrs. Meghana Amol Morajkar Gunda and her husband, Mr. Amol Anand Gunda, Mrs. Shruti Satish

Morajkar alias Shruti Satish Moraskar and her son, Mr. Saurabh Satish Morajkar; Mrs. Usha Ganesh Mayekar and her son, Sarvesh Ganesh Mayekar alias Sarvesh Mayekar and his wife, Mrs. Mrunal Sarvesh Mayekar and Mrs. Vidya Gajanan Naik Tari and her husband, Mr. Gajanan Arun Naik Tari alias Gajanan Naik sold the SAID PROPERTY in favour of Ryago Homes Pvt. Ltd.

20. In light of above, considering the fact that Inscription Description Certificate, Compromise Terms in Regular Civil Appeal No. 47/89 filed before the Additional District Judge at Panaji dated 20/08/1990, Deed of Consent dated 04/11/1993, Will dated 04/11/1993 of Mr. Chandrakant Rama Morajkar, Will dated 04/11/1993 of Mrs. Draupadi Chandrakant Morajkar, Final Order dated 08/12/2015 passed in Inventory Proceedings bearing No. 251/2007/A by Civil Judge Senior Division, 'A' Court at Mapusa - Goa, Final Order

dated 28/11/2022 passed in Inventory Proceedings bearing No. 359/2021/A/B by the Court of the Civil Judge Senior Division at Mapusa - Goa and Deed of Sale dated 17/01/2023 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 **RYAGO HOMES PVT. LTD.** has a clear and marketable title in respect of the **SAID PROPERTY** subject to the Publication of Public Notice inviting objection from the general public prior to any sale.

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 in respect of the **SAID PROPERTY** is furnished to establish that the said property is converted from agricultural to non-agricultural purposes.
4. Land Use Zoning Certificate bearing No. TPBZ/ZON/10768/SIO/TCP-2022/8001 dated 26/12/2022 issued by Town and Country Planning Department, Mapusa – Goa has been furnished which reveals that the SAID PROPERTY falls in “Settlement Zone Category (VP-2) with permissible FAR 60” as per Regional Plan for Goa 2021 and the said Zoning Certificate dated 26/12/2022 is valid for three years or till the Regional Plan for Goa 2021 is in force.



5. 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. 238/6 of Village Siolim, Bardez - Goa reflects the name of Ryago Homes Pvt. Ltd. in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the possession of the present owners.

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 bearing No. 372/2023 dated 09/02/2023 is furnished to establish that there is no encumbrance in respect of the **SAID PROPERTY**.



CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **RYAGO HOMES PVT. LTD.** has a clear and marketable title in respect of the **SAID PROPERTY** subject to the Publication of Public Notice inviting objection from the general public prior to any sale.

➤ **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 inspected the originals of the title documents produced for scrutiny referred to above; and



- (c) I have taken the title documents under which Chandracanta Rama Morascar, son of Rama Bivam Morascar and his wife, Sitabay acquired the land as 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 PROPERTY** is 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:- 27/05/2023



(Adv. Shivan S. Desai)