

①
SUB-REGISTRAR
CANACONA

OFFICE OF THE NOTARY EX-OFFICIO CANACONA

Certified to be a true Xerox copy of Deed of Succession
Duly drawn in this Notary Book of Deeds
Bearing No. 33 at Page 25 to 27 dated 05/12/2011
Total Sheets 9 sheets.

Paid fees Rs 55/- Receipt No. _____ dated 05/12/2011

Canacona Goa

Dated, 03rd February, 2012

Compared by: [Signature]

[Signature] 23/02/2012

(Fatima A. V. Fernandes)
Civil Registrar - Cum - Sub Registrar
Canacona, Goa.
SUB-REGISTRAR



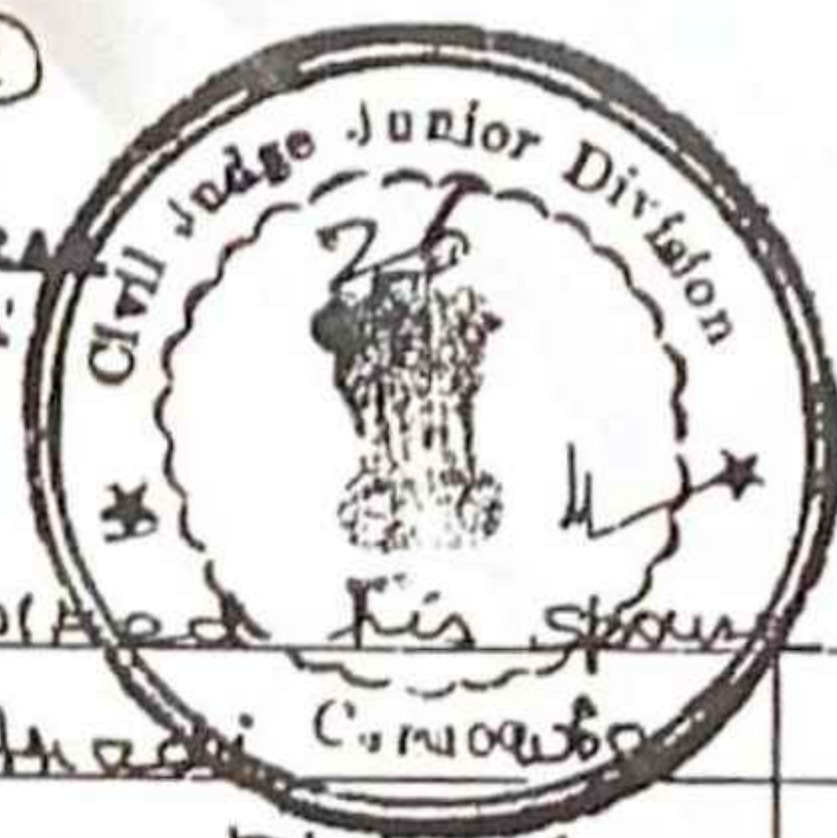
DEED OF SUCCESSION

On this Fifth day of the month of December,
of the year Two Thousand and eleven, in this Judicial Di-
vision of Canacona, and in the Office of the Notary Ex-
Officio, functioning on the First Floor of the Government
Complex Building, situated at Shellex, Canacona, be-
fore me, Mrs. Fatima A.V. Fernandes, Civil Registrar-cum
Sub Registrar and Notary Ex-Officio in the said Judicial

Division and before the two reliable witnesses, herein after mentioned and who have signed at the end of this Deed, there appeared as THE DECLARANTS or Parties of the First Part: (one) Mrs. Shirley Fernandes, do Francis Fernandes, forty years, married, housewife, resident of Manna Sidim, Bardez-Goa, (two) Mrs. Jyoti Kishor Nagvekar, forty five years, married, Service, Indian National, Resident of Bamonvaddo, odel, Sidim, Bardez-Goa, (three) Mr. Niwan Namder Bhivshet, thirty two years of age, married, Advocate, sp Namder Bhivshet, Indian National, H/o Mapusa, Taluka Bardez-Goa. And as THE INTERESTED PARTY or the PARTY OF THE SECOND PART (four) Mrs. Coninne Dorothy Mary Lobo, Fifty Six years of age, daughter of late Peter Francis Belarmino Lobo, married to Gregorio Valentin Clara Lobo, housewife, Indian National, Resident of Hane no. one Nine one/Three, Anadi, Sidim, Bardez-Goa. I certify the identity of the above said Declarants and that of the Interested Party by the guarantee and assurance given by the said witnesses, who are known to me. And in the presence of the said witnesses, the Declarants to whom I consider ^{be} persons worthy of trust and without any legal impediments for this act, solemnly declared to me as follows: That on Fifteenth day of June, Nineteen Hundred and eighty eight, expired at odel, Bardez-Goa, Pedrinho Francisco Belarmino Lobo, who was also known as Peter Francis Belarmino Lobo or Peter Francisco Belarmino Lobo. That later on, on twenty seventh day

27/11/2007

(2)
SUB-REGISTRAR
CANACONA

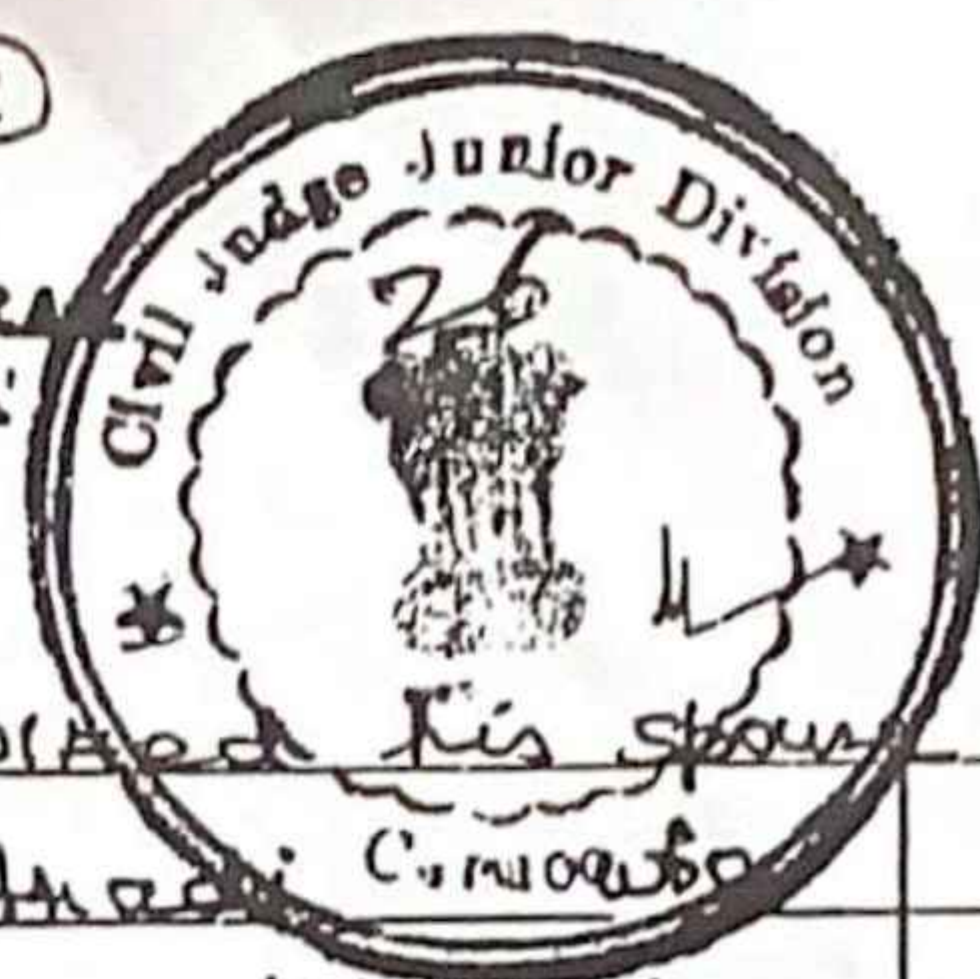


November, Two Thousand and Seven, expired his spouse
Elfreda Julia Gomes e Lobo, at- Oxel Anad. Comorato
was also known as Elfreda Julia Gomes or Elfreda
Julia Lobe and both being Goans were governed by
the regime of communion of assets. That the said Pedrin-
ho Francisco Belarmino Lobo and Elfreda Julia Go-
mes e Lobo expired intestate i.e. without executing
any will or other disposition of their last wish, but lea-
ving behind their only daughter, Mrs. Corinne Doro-
thy Mary Lobo, the Interested Party herein as their
sole and universal legal heir and successor and
that besides the above mentioned legal heir, there does
not exist any other person or persons, who in terms
of Law of Succession would prefer or concur to the estate
of inheritance left behind by the deceased persons that
by the present Deed, they the Declarants do hereby
affirm and confirm that the Party of the Second Part
the said Mrs. Corinne Dorothy Mary Lobo is the only
legal heiress left behind by the said deceased Pedrinho
Francisco Belarmino Lobo and Elfreda Julia Gomes
e Lobo. The Declarants further stated that they are
neither related to the said deceased persons nor to
the qualifying heiress nor do they have interest in
making the present declaration which they make under
oath and at the request of the said Interested Party.
The Declarants presented to me the following docu-
ments: (one) Two death certificates, (b) Two Marri-
age certificates, (c) one birth certificate, and (d) one
divergence in names certificate, which are being filed

in this Office for all legal purpose and shall be transcribed in the true copies of this Deed. Then the Interested Party, the said Mrs. Corinne Dorothy Mary Lebo stated that all the statements made hereinabove by the Declarants are true and as such she accepts the same for all legal purpose and further declared her deceased Parents left behind movable and immovable properties, the value of which exceeds the value fixed by Law and hence an extract of this Deed is subject for publication in the Official Gazette for all legal purpose. Thus they stated, declared and accepted in the presence of witnesses: (one) Mr. Melville Antao, son of Mr. Finton Antao, twenty nine years, married, Service, Indian National, Resident of Nachinola, Bunder-Goa, (two) Mr. Cleodwyn Santa Salvia Fernandes, twenty six, bachelor, Service, s/o Paulo Fernandes, No. 22, Khoretti, ^{Sidim, Bunder-Goa} who are going to sign this Deed along with the Declarants, the Interested Party and with me the said Notary Ex-Officio, after the same being read out by me in a loud voice, in the simultaneous presence of all concerned. This bears Notarial Stamps of Rupees forty, being rupees twenty for two declarations and rupees twenty for Notarial Act connection, 'Shivshet', intestate documents' (alteration); be, Sidim, Bunder-Goa (interlineation); The underlined word 'them' is superfluous; 'Fifth' (alteration). ~~the~~

1. Shirley Fernandes del
 2. Yoti K. Bagvadas del
 3. Nivas M. Shivshet del
 4. Corinne Dorothy Mary Lebo del

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SUB-REGISTRAR
CANACONA



November, Two Thousand and Seven, expired his spouse
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Julia Lobo and both being Goans were governed by
the regime of communion of assets. That the said Pedrin-
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mes e Lobo expired intestate i.e. without executing
any will or other disposition of their last wish, but lea-
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that besides the above mentioned legal heir, there does
not exist any other person or persons, who in terms
of Law of Succession would prefer or concur to the estate
of inheritance left behind by the deceased persons that
by the present Deed, they the Declarants do hereby
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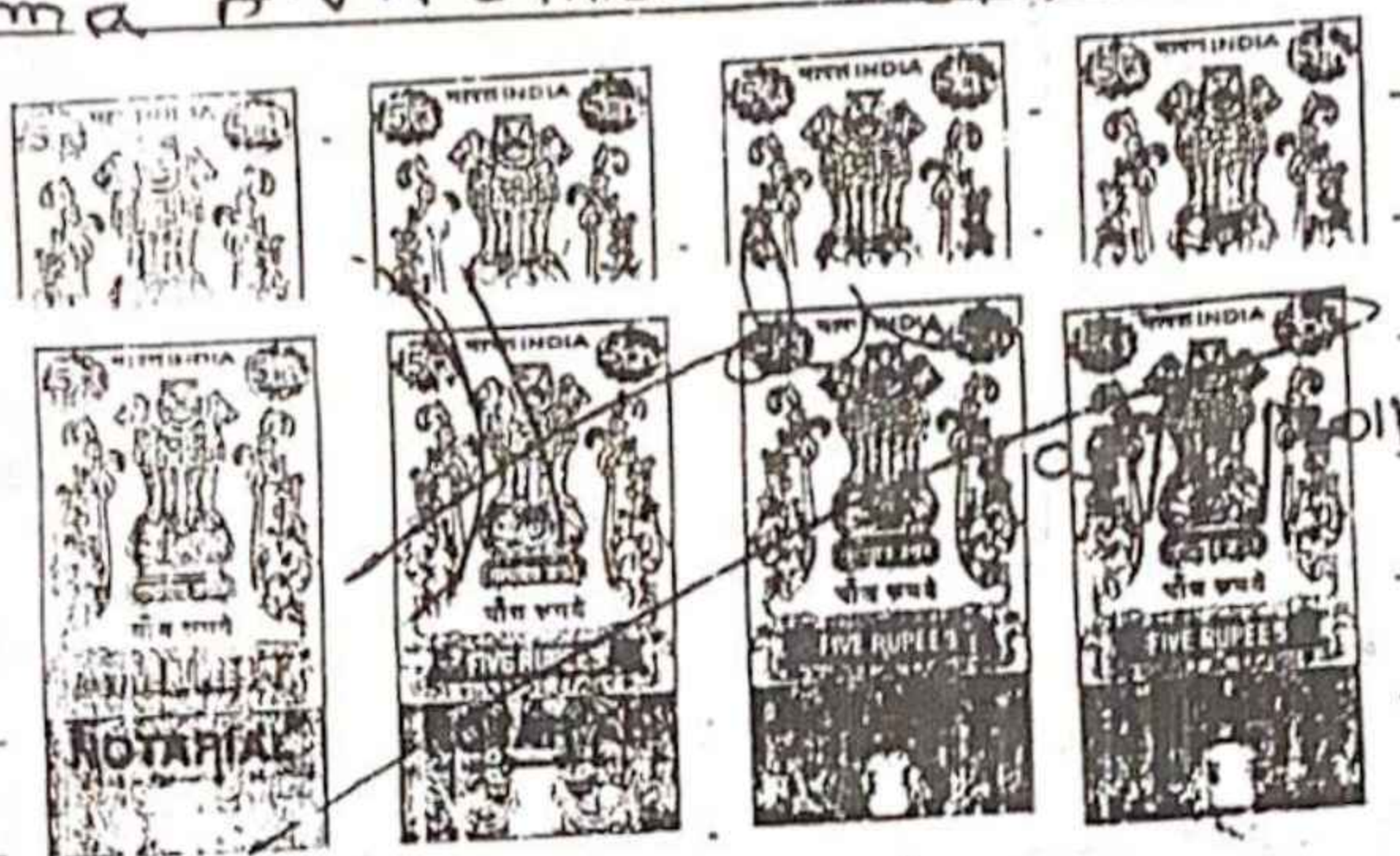
1. Shirley Fernandes ~~Adel~~
 2. Yoti R. Bagvadas ~~in~~
 3. Nivas. M. Shivshet ~~Adel~~
 4. Corinne Dorothy Mary Lobo ~~Lobo~~

Deed:- Rs. 20-00
 (2) Succession:- Rs. 35-00
 Sides:- Rs. 20-00
 Bk. Exp:- Rs. 05-00 (Rupees eighty only).
 Total - Rs. 80-00

SUB-REGISTRAR
 CANACONA

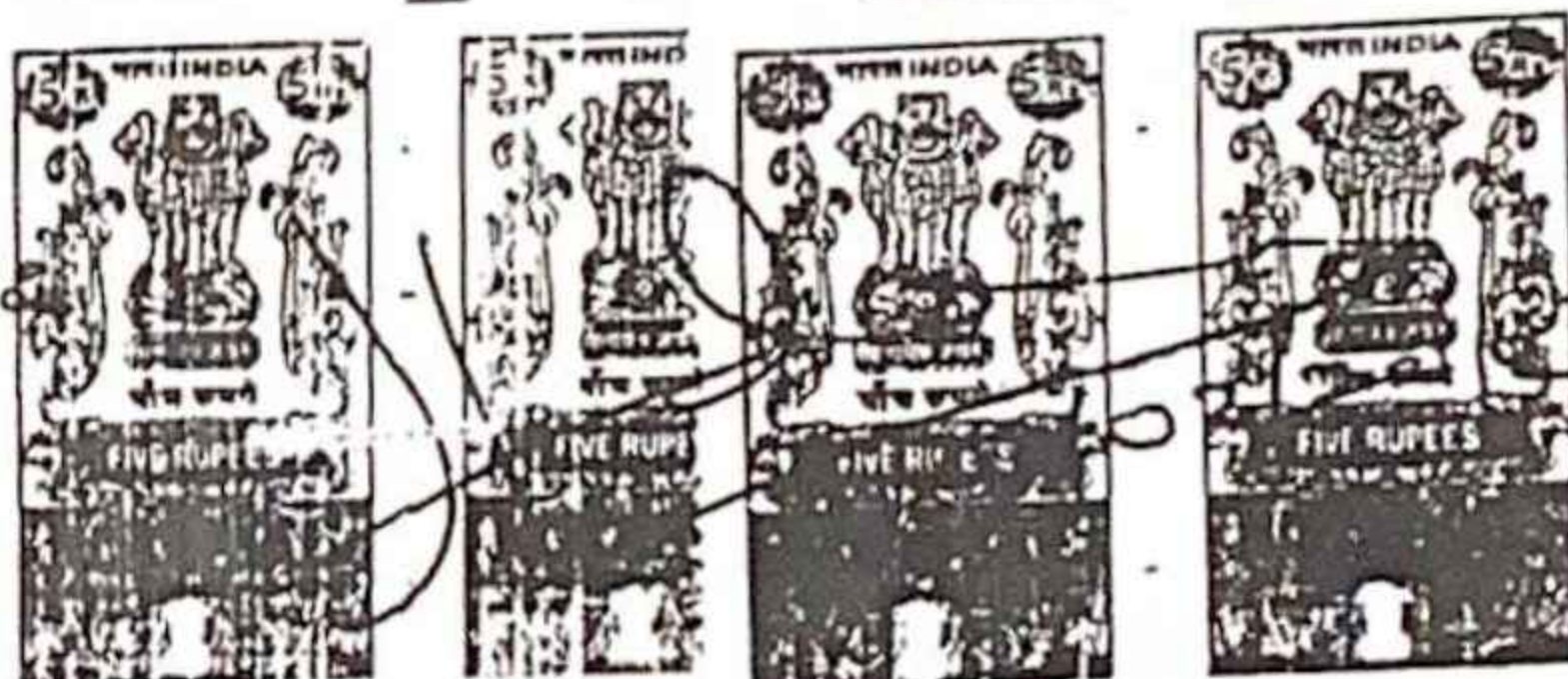


1. Melville Antao Hadao
 2. Cleodwyn Fernandes e/o
 Fatima A.V. Fernandes H/o



ENDORSEMENT

An extract of this Deed was published in the official Gazette, Series III, No. 38, page 1195, dated 22/12/2011, and there was no claim within the prescribed Time limit.
 Canacona, 03rd February 2012



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SUB-REGISTRAR
CANACONA

Book - 33
Pg - 25-27
(1+5=6)

No.

GOVERNMENT OF GOA
DIRECTORATE OF PLANNING, STATISTICS AND EVALUATION

Form No. 6
(See Rule 8)

Certificate of Death Issued under Section 12 of the
Registration of Births and Deaths Act, 1939

EX-OFFICIO

This is to certify that the following information has been taken from the original record

of which is in the Register for V. P. Oxel of
Taluka Bardes of District N. Goa of the State of Goa.
(local area)

Name: Elyreda Julia Gomes e Lobo

Sex: Female

Date of Death: 27/11/2007 Registration No.: 19/2007

Place of Death: Oxel Aradi Date of Registration: 28.11.2007

Name of Father/Husband: Pedrinho Francisco Belardino
Lobo

Signature of Issuing Authority
Registrar of Birth & Death
Oxel-Bardes-Goa

[Signature]
Chief Registrar
(Facsimile signature)

Date: 28/Nov/2007



Note.- In the case of death, no disclosure shall be made of particulars regarding the cause of death as entered in the Register. See proviso to sub-section 17(1).

Government of Goa
DIRECTORATE OF PLANNING, STATISTICS AND EVALUATION
FORM No. 10
(See Rule 9)

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Pg. 25-27

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SUB-REGISTRAR
CANACONA

CERTIFICATE OF DEATH

Issued under section 12 of the Registration
... of Births and Deaths
Issued under section 17 Act 1969.

This is to certify that the following information has been taken from the
original record of death which is in the register for V. P. Oxel of
(local area)

Taluka Bardag. District N. Goa of State of Goa.
Name Pedrinho Francisco Belarmino Lobo
Nationality Indian Present address Oxel, Bardag.
Sex Male Goa
Date of Death 15-6-1988 Registration No. 7/88
Place of Death Oxel Registration 15/6/1988
Name of Father Antonio M. R. Lobo
Name of Mother _____
Name of Husband _____

Signature of issuing authority

Chief Registrar

Facsimile Signature

Registrar of Birth & Death
Oxel-Bardag Goa.



Date 14-12-1993

This certificate shall be made of paper of the size of 10 cm x 15 cm as per the provisions of the Registration Act, 1969.

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CANACONA
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CERTIFICATE OF MARRIAGE

Extract from the Parochial Register of
St. Lawrence's Church, 284 Garden East, Karachi - 74550, Pakistan

Marriages of the Year 1951

No. 12

1	Date of Marriage	7TH OCTOBER 1951
2	Place of Marriage	ST. LAWRENCE'S CHURCH, KARACHI
3	The Bridegroom's Name	PETER FRANCIS BELARMINO
	His Surname	LOBO
	His Father's Name and Surname	ANTHONY MARIA RODRIGO LOBO
	His Mother's Name and Surname	DOLOROSA DOROTHY ARCANGELA LOBO
7	His Date of Birth or Age	17TH MARCH 1917
8	Date and Place of Baptism	16TH APRIL 1917, OXEL BARDEZ, GOA
9	His Nationality	PAKISTANI CHRISTIAN
10	His Residence	CATHOLIC COLONY NO.1, KARACHI
11	His Occupation	SALES EXECUTIVE
12	Whether Bachelor or Widower (whose?)	BACHELOR
13	The Bride's Name	ELFREDA JULIA
14	Her Surname	GOMES
15	Her Father's Name and Surname	BRAS SALVATOR GOMES
16	Her Mother's Name and Surname	CHRISTALINA GOMES
17	Her Date of Birth or Age	10TH DECEMBER 1927
18	Date and Place of Baptism	18TH DECEMBER 1927, ST. PATRICK'S KARACHI
19	Her Nationality	PAKISTANI CHRISTIAN
20	Her Residence	CINCINNATUS TOWN, KARACHI
21	Spinster or Widow (whose?)	SPINSTER
22	Banns Published where or Dispensed	ST. LAWRENCE'S and ST. PATRICK'S, KARACHI
23	Dispensation from Impediment	
24	Name and Surname of First Witness	
25	Domicile	
26	Name and Surname of Second Witness	
27	Domicile	
28	Minister	FR. A. MONIZ
29	Remarks	

For authenticity of Extract:

Date: 26TH FEBRUARY 1996



P. Caminho Mascarenhas

(FR. P. CANISTUS MASCARENHAS)

Parish Priest.

St. Lawrence Church

The Signature of Fr. Andrew Godinho
St. Lawrence's Church, Kaspachi, Panaji, Goa.
is hereby attested.
"Papa Patriarcal", Panaji 19/10/2011
Fr. A. Godinho
(FR. ANDREW GODINHO)
NOTARY

CERTIFICATE

This is to certify that the signature appearing on the enclosed Marriage certificate issued by Fr. Andrew Godinho, Notary attached to Papa Patriarcal, Panaji to whom I personally know.



NOTARY
V. J. GAYCAR
ADVOCATE & NOTARY
CANACONA
SOUTH GOA DISTRICT
STATE OF GOA (INDIA)

Regd. No. 8090/11

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7
SUB-REGISTRAR
CANACONA

क्रमांक
No. 117

गोंय सरकार
GOVERNMENT OF GOA

फॉर्म - 5
Form - 5



नियोजन, आंकडेवारी आनी मोलावणी संचालनालय
DIRECTORATE OF PLANNING, STATISTICS AND EVALUATION

Village Panchayat of Oxel

प्रमाणपत्र दिवपी थळाव्या संस्थेचे नांव Name of local body issuing certificate

जल्म प्रमाणपत्र
BIRTH CERTIFICATE

(जल्म आनी मृत्यू नोंदणी अधिनियम, १९६९ च्या कलम १२/२७ आनी गोंय जल्म आनी मृत्यू नोंदणी (दुरुस्ती) नेम, २००७ च्या नेम ८/१३ खाला जारी केला)

(Issued under Section 12/17 of the Registration of Births and Deaths Act, 1969 and Rule 8/13 of the Goa Registration of Births and Deaths (Amendment) Rules, 2007
(Name of State) (Year of notifying the revised rules)

अशें प्रमाणित करता की सकयल दिल्ली माहिती ही जल्माच्या मुळ लेखातल्यान घेतल्या जी गोंय राज्याच्या जिल्ह्याच्या तहसील/तालुक्याच्या (थळाव्या वाठार/ थळाव्या संस्थेत) रजिस्ट्रात नोंद आसा.

This is to certify that the following information has been taken from the original record of birth which is the register for (local area/local body) V. P. OXEL of tahsil/block Bardez of District N. Goa of State Goa.

नांव / Name: Corinne Dorothy Mary Lobo लिंग / Sex: Female

जल्म तारीख / Date of Birth: 03-10-1956 जल्म सुवात / Place of Birth: Karachi

आवयचे नांव / Name of Mother: Elfreda Julia Gomes E Lobo

बापायचे नांव / Name of Father: Peter Francis Belarmino Lobo

आज्याचे नांव (बापायवटेतल्यान) / Name of grandfather (father's side) Antonio Maria Rodrigo Lobo

आज्जेचे नांव (बापायवटेतल्यान) / Name of grandmother (father's side) Dolorosa Dorothy Arcangela Lobo

भुरग्याच्या जल्मावेळार पालकांचो पत्ता
Address of the parents at the time of birth of the child
Karachi.

पालकांचो कायमचो पत्ता
Permanent address of parents

H.No. 191/3 Aradi Oxel
St. John Bardez Goa

नोंदणी क्रमांक / Registration No. 01/2011 नोंदणी तारीख / Date of Registration 28/06/2011

शेरो (कसलोय आसल्यार) / Remarks (if any)

जारी करपाची तारीख / Date of issue 28/06/2011

प्राधिकार्याचो सय / Signature of the issuing authority

प्राधिकार्याचो पत्ता / Address of the issuing authority

Oxel - Bardez - Goa

"Ensure registration of every birth and death / प्रत्येक जल्म आनी मृत्यूची नोंदणी केल्या जाय / सुनिश्चि करत"

मुख्य अधिकारी / Chief Registrar

प्रतिरूप सय / Facsimile Signature

(All the entries should be in ENGLISH only) / सगळ्यो नोंदी फकत इंग्लीश भाशेनच करच्यो
Note: Information as to 'Permanent Address' and 'Present Address' reflected above were not recorded prior to 30-05-2008.

Certificate of Marriage No. 4177

Receipt No. 78/10



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SUB-REGISTRAR
CANACONA

Civil Registration Services of Goa

Ajun S. Shetye

Civil Registrar

(Name and designation of the issuing authority)

Bardez

I do hereby certify that on page No. against entry No. 602/1978

Searched by: of the Marriage Registration book for the year Nineteen hundred and Seventy eight is registered the marriage of Gregorio Valentino
Clara lobo

native from Oxel residing at Oxel

legitimate son of Domingos Vitorino lobo

and of Maria Ana Boaventura Joana Vitoria lobo

Conferred by:

to Corinne Dorothy Mary lobo

native from Karachi

(P.T.O.)

Belarmina lobo _____ and of Elfrida Julia lobo
solemnized on _____ 21st day of May
of the year Nineteen hundred and seventy eight
in the church of orel

Paid fee of Rupees ten only

Civil Registration Office OF Barder, 06 Th June of the year
two thousand and Eleven



In numerals

Govt. Ptg. Press, Panaji-Goa—1115/20,000—11/2010.

The Civil Registrar

(Anun - S. shetye)
CIVIL REGISTRAR

— CUM —

SUB-REGISTRAR
BARDER



ग्राम पंचायत ओशेल

बारदेस - गोवा.



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2872272
Village Panchayat Oxel
Bardez - Goa.

9
SUB-REGISTRAR
CANACONA

Ref. No.: VP/Oxe'

Date:

No. VP/Oxel/CERT/2011-12/ 1139

DATE: 27-10-2011

CERTIFICATE

This is to certify that Smt. Corrine Dorothy Mary Lobo, wife of shri. Gregorio V. C. Lobo residing at Aradi Oxel Bardez Goa.

Further to certify that applicants deceased father Pedrinho Francisco Belarmino Lobo, Peter Francisco Belarmino Lobo, Peter Francis Belarmino Lobo was one and the same person. AND the applicants mother Elfrieda Julia Gomes, Elfrieda Julia Gomes e Lobo, Elfrida Julia Lobo was one and the same person.

This certificate is issued at the request of the applicant Corrine Dorothy Mary Lobo, based on the affidavit and document submitted to this office which is further required by her to for the purpose of obtaining Divergence certificate from concern Dept./office. for producing before the Sub-Registrar for executing succession deed.



SARANCH
Village Panchayat Oxel

SUB-REGISTRAR
CANACONA



Superintendent

Lab No. 86

28

... 1 ...

Special Civil Suit No. 31/2007/A



Received on : 07.07.2007
Registered on: 07.07.2007
Decided on : 07.02.2014

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION AT BICHOLIM

Special Civil Suit No. 31/2007/A

1. Mrs. Elfreda Julia Lobo - Deleted

2. Mrs. Corrinne Lobo,

3. Mr. Gregory Lobo,
All majors, r/o. H. No. E 191/3,
Aradi, Oxel,
Bardez, Goa.

... Plaintiffs

V e r s u s

1. Annie Pereira,

2. Antonio Salvador Pereira,

3. Cristopher Pereira,

4. Estella Pereira,

5. Lily Pereira,

Superintendent

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... 2 ...

Special Civil Suit No. 31/2007/A

6. Fatima Perelra,

7. Filipe Pereira

All the above mentioned
are residents of
Querem Vaddo, Thivim,
Bardez, Goa.
House nos. not known.

7.(a) Amanda Pereira,

(b) Leslie Pereira,

(c) Eric Pereira,

(d) Georgina Pereira,

(e) Marian Pereira

All R/o Flat No. 17,
Vishram Gricha,
Rachana Shistha,
NYDT - 1008,
Nana Peth Pune- 2.

8. Chandrakant Ramchandra Pednekar,
Resident of, Auchitvaddo, Thivim,
Bardez, Goa,
House No. not known.

Legal heirs of deceased defendant no.8:

8(a) Geetanjali Gajanan Kanolkar,

8(b) Gajanan Kanolkar,
Both r/o Auchit wado,
Thivim - Goa,

8(c) Sangeeta Sanjay Parvatkar,

8(d) Sanjay Parvatkar,
Both r/o. Volvado, Pilerne,
Bardez - Goa,



Superintendent

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... 3 ... Special Civil Suit No. 31/2007/A

8(e) Sanjana Sanjiv Kerkar,
8(f) Sanjiv Kerkar,
Both R/o. Saligao, Bardez - Goa,

8(g) Sushant Chandrakant Pednekar,
R/o/ Auchut wado, Thivim Goa.

9. Sushila Chandrakant Pednekar,
W/o. Chandrakant Pednekar,
R/o. Auchitvaddo,
Thivim, Bardez - Goa.

.... Defendants.

DECREE

This is a suit for Declaration, filed by above named plaintiffs against the above named defendants praying for the following reliefs:

- a) That the plaintiffs be declared as the owners in possession of the suit property bearing survey no. 338/1 of Tivim.
- b) That the names of the above mentioned persons in the occupants column of the survey records be declared as erroneous.



(81)

... 4 ...

Special Civil Suit No. 31/2007/A

This suit coming on this day for final disposal before Smt. Kalpana V. Gavas, Ad-hoc Civil Judge Senior Division, at Bicholim, in the presence of Advocate Mr. S. Lobo for the plaintiffs, Defendant no. 1 expired, Defendant nos. 2, 3, 5, 6 and legal heirs of Defendant nos. 8 and 9 are absent. Defendant no.4 absent and Defendants nos. 7 proceeds exparte. It is ordered that this suit stand decreed with costs, taking into consideration the consent terms declaring the plaintiffs as owners in possession of the suit property bearing survey no. 338/1 of Thivim and the names of the persons shown in the occupants column of the survey records are declared as erroneous.

BILL OF COST

Sr No.	Particulars	Plaintiffs		Defendants.
		Rs.	Ps.	Rs.
1	Stamps for Plaint		75=00	00=00
2	Process fees		175=00	00=00
3	Stamp for Power		5=00	19=00
4	Stamp for Exhibits		56=00	22=00
5	Pleader's fee.		1650=00	00=00
	Total.		1961=00	41=00



Superintendent

(32)

... 5 ... Special Civil Suit No. 31/2007/A

Given under my hand and the seal of the court on this 7th day of February, 2014.



Prepared by:

U.D.C.

(Kalpana V. Gavas)

Civil Judge Senior Division Bicholim.

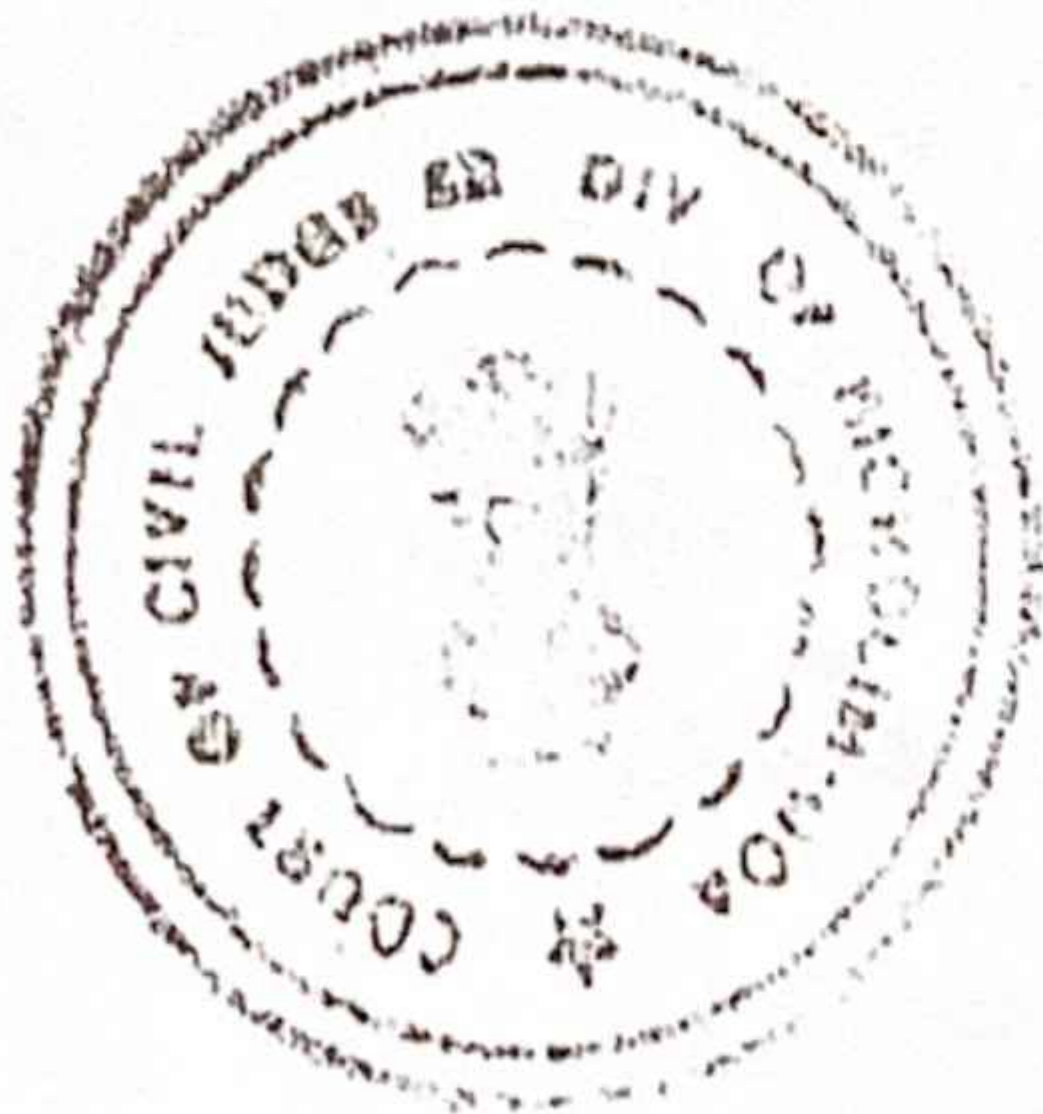
Checked by:

Head Clerk.

Advocate for the plaintiff :-

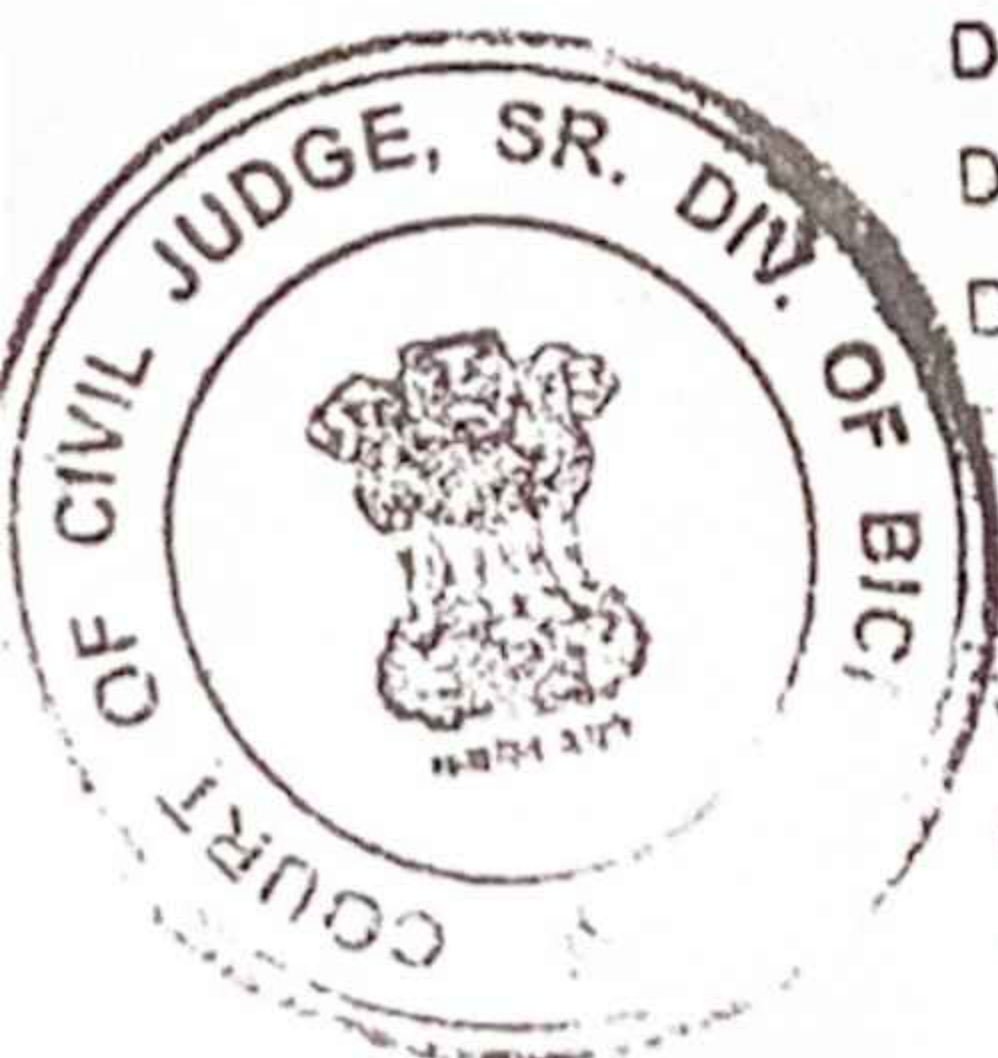
Advocate for defendants:-

\$B/-



checked with the
original

V.D.E.



Xerox CERTIFIED COPY for Records.
Date on which copy applied for 10/2/14.
Date on which application completed 10/2/14.
Date given for taking delivery 12/2/14.
Date on which copy was ready 12/2/14.
Date on which copy delivered 10/3/14.
Copying and comparing fees, etc. Rs. 20/-
are paid in Nazir Section of this Court under Receipt.
No. 218420 date 10/2/14
224061 10/3/14



Superintendent

16.10.2007 A.85

Special Civil Suit No. 31/2007/A

Received on : 07.07.2007
Registered on: 07.07.2007
Decided on : 07.02.2014
Duration: Ys. Ms. Ds.

6 7 -

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION AT BICHOLIM
(Before Smt. Kalpana V. Gavas, Civil Judge, Senior Division,
'A' Court, Bicholim.)

Special Civil Suit No. 31/2007/A

1. Mrs. Elfreda Julia Lobo - Deleted
2. Mrs. Corrinne Lobo,
3. Mr. Gregory Lobo,
All majors, r/o. H. No. E 191/3,
Aradi, Oxel,
Bardez, Goa.

... Plaintiffs

V e r s u s

1. Annie Pereira, ✓
2. Antonio Sallvador Pereira, ✓
3. Cristopher Pereira, ✓

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4. Estella Pereira,

5. Lily Pereira,

6. Fatima Pereira,

7. Filipe Pereira

All the above mentioned
are residents of
Querem Vaddo, Thivim,
Bardez, Goa.
House nos. not known.

7.(a) Amanda Pereira, ✓

(b) Leslie Pereira,

(c) Eric Pereira,

(d) Georgina Pereira,

(e) Marian Pereira

All R/o Flat No. 17,
Vishram Gricha,
Rachana Shistha,
MYDT - 1008,
Nana Peth Pune- 2.

8. Chandrakant Ramchandra Pednekar, ✓
Resident of, Auchitvaddo, Thivim,
Bardez, Goa,
House No. not known.

Legal heirs of deceased defendant no.8:

8(a) Geetanjali Gajanan Kanolkar,

8(b) Gajanan Kanolkar,
Both r/o Auchit wado,
Thivim - Goa,

8(c) Sangeeta Sanjay Parvatkar,

8(d) Sanjay Parvatkar,
Both r/o. Volvado, Pilerne,
Bardez - Goa,

8(e) Sanjana Sanjiv Kerkar,

8(f) Sanjiv Kerkar,
Both R/o. Saligao, Bardez - Goa,



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8(g) Sushant Chandrakant Pednekar,
R/o/ Auchut wado, Thivim Goa.

9. Sushila Chandrakant Pednekar,
W/o. Chandrakant Pednekar,
R/o. Auchitvaddo,
Thivim, Bardez - Goa.

.... Defendants.

Plaintiffs represented by Ld. Advocate Mr. S. Lobo at the time of hearings, arguments and at the time of the Judgment.

Defendant no. 1 expired.

Defendant nos.2, 3, 5, 6 and legal heirs of defendant nos. 8 and 9 are absent.

Defendant no.4 absent.

Defendant nos. 7 proceeds exparte.

JUDGMENT

(Delivered on this 7th day of the month of February, of the year 2014.)

1. This is a suit for declaration.

2. It is the case of the plaintiffs that there exists a property situated in Auchit Wado, of Thivim known as "CUMBIOCHO SORVO" OR "SORVENTIL XIR" within the limits of Village Panchayat of Thivim, Taluka and Sub-District of Bardez, District of North Goa, which property is described in the Land Registration Office under No. 15260 at page 114 of Book B 39 new, not enrolled in the Taluka Revenue Office and is bounded on the East by Village road, West by property of

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Casmiro Pereira and Querobina D'souza, on the North by property of the Comunidade of Thivim reserved for road and Santana De Souza alias Cambli and on the South by the property of Paulo Sebastiao Pereira. That the above mentioned property is surveyed for Records of Rights under survey no. 338/1 of village Thivim and corresponds on the East by road, on West by property bearing survey no. 344/2, on North by property bearing survey nos. 344/1, 339/8 and 9 and Comunidade way and on the South by properties bearing survey nos. 344/4 and 338/3, which is the suit property.

3. The suit property originally belonged to Anna Maria Heroína Pinto of Thivim. The suit property was subject matter of Inventory Proceedings on the death of the said Anna Maria Heroína Pinto and is found inscribed in favour of Pedrinho Francisco Belarmino Lobo, on the death of the said Anna Maria Heroína Pinto, by virtue of Inscription no. 11098 at page 123 of Book No. G 15. The said Pedrinho Francisco Belarmino Lobo is deceased. The said Pedrinho Francisco Belarmino Lobo died leaving behind the plaintiff no.1 as his widow, half sharer and moiety holder and the plaintiff no.2 married to plaintiff no.3 as her sole and universal heirs. The plaintiffs are therefore the owners in possession of the said property.



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4. The plaintiffs were however surprised to find the names of (a) Luis Xavier Pereira (b) Diogo Xavier Pereira (c) Filipe Pereira and (d) Chandrakant Ramchandra Pednekar recorded as the occupants of the suit property in its survey records. That defendant no.1 is the wife of the said Luis Xavier Pereira who is deceased and defendant nos. 2, 3 and 4 are his heirs. That defendant nos. 5, 6, and 7 are the heirs of the said Diogo Xavier Pereira who is deceased. The plaintiffs are therefore entitled to get the names of the persons mentioned herein above deleted from the survey records.



5. On the other hand, the defendant nos. 1, 2, 3, 5 and 6 have filed their written statement stating that the plaintiffs have no locus standi to file the suit as they are not the legal heirs nor they have any right to the property mentioned above nor possession over the same. The names of the defendants appear in survey records for last more than 40 years and these defendants are owners in possession of the suit property for centuries through themselves and their ancestors. The names of these defendants appear in Form I & XIV and prior to that, they appear in Form 3 and 9. The possession of these defendants is continuous for more than 100 years. It is really shocking to see the entry of the name of the defendant no.8 in the survey form of the said property which he claims to have purchased from the above

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mentioned Mr. Antonio Caetano Fernandes and his wife Mrs. Graciana Fernandes alias Gracy Fernandes whose names were never found appearing in the survey form. The names of the ancestors of these defendants have been appearing in survey forms i.e., (1) Luis Xavier Pereira (2) Diogo Xavier Pereira and (3) Filipe Pereira.

6. Defendant no.1 is the mother of the defendant nos. 2 and 3 and Luis Xavier Pereira was the deceased husband of defendant no.1 and father of defendant nos. 2 and 3. Diogo Pereira is the deceased father of Lily Pereira and Fatima Pereira i.e., defendant nos. 5 and 6. That the deceased Filipe Pereira who is the defendant no.7 in the present suit is the ancestor of these defendants. The Expert Surveyor of the defendants opined that survey no. 338/1 and the property described under no. 15260 are two different separate and independent properties and in no way inter linked with each other.

7. So also the defendant no.8 has filed the written statement stating that the plaintiffs have suppressed material facts from this Court with ulterior motives. The plaintiffs have approached the Court with unclean hands and are misleading, misrepresenting the facts to grab the property. The suit of the plaintiffs is hit by delay and laches and hence the same may be dismissed. The plaintiffs have no locus

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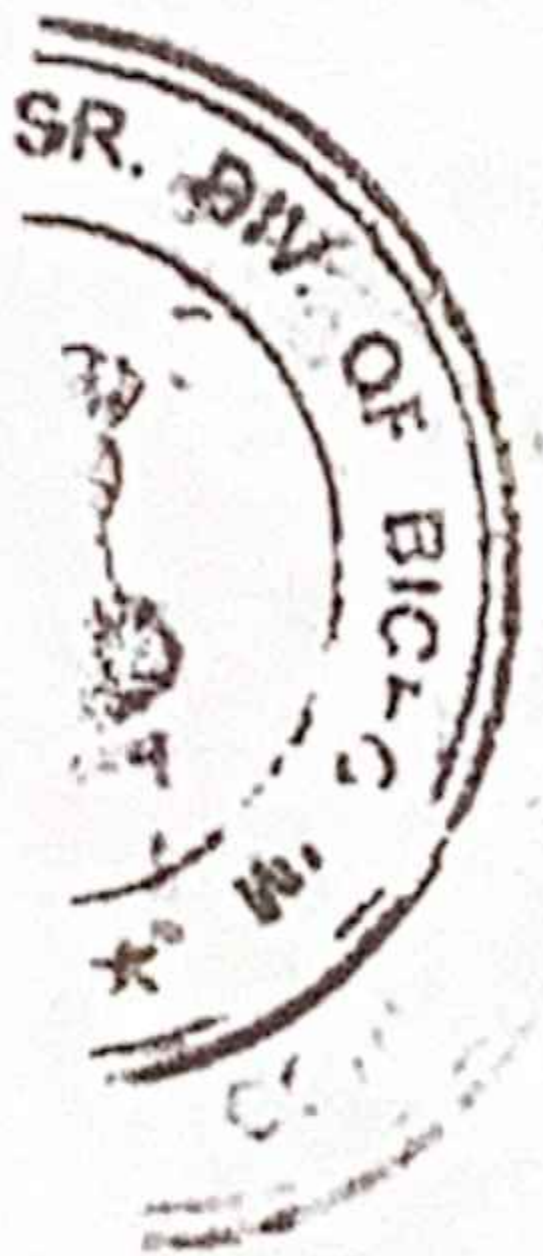


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standl to file the present suit. This defendant is in possession of part of the suit property admeasuring 1250 square meters by virtue of Deed of Sale dated 25.2.1986 and the same was purchased form Shri Antonio Caetano Fernandes and Smt. Graciana Fernandes alias Gracy Fernandes and the same is registered before the Sub-Registrar of Bicholim registered under no.92, Book No.I, Vol. no. 104, at pages 10 to 14 dated 4.3.1987. The Deed of Sale makes a mention that the piece of immovable property has been jointly surveyed along with the other plots of Luis Xavier Pereira, Diogo Xavier Pereira and Filipe Pereira under one survey number 338/1 of Thivim village. The defendant has further in accordance with the procedure of law has completed the mutation proceedings and has got his name entered in Form I & XIV of survey no. 338/1. The Plan and the Report prepared by the Surveyor is bad and fabricated as the same is prepared without proper investigation and without knowledge.



8. This defendant has also filed counter claim and it is his case that the written statement and the contents thereof are deemed to have been in corporate herein for effects of law and facts. He is now the owner in possession of an area of 1250 square meters by virtue of Deed of Sale dated 25.2.1986 and the same was purchased from Shri Antonio Caetano Fernandes and Smt. Graciana Fernandes alias Gracy

Fernandes and the same is registered before the Sub Registrar of Bicholim registered under no. 92, Book No.1, Vol. No. 104, at pages 10 to 14 dated 4.3.1987. The Deed of Sale makes a mention that the piece of immovable property had been jointly surveyed along with the other plots of Luis Xavier Pereira, Diogo Xavier Pereira and Filipe Pereira under one survey number 338/1 of Thivim village and the said property is bounded on the East by the Village Panchayat road, West by landed property called Gaunchem batt, South by landed property of Casmiro Filipe Pereira, and North by landed property belonging to Luis Xavier and others. The defendant is in possession of part of the suit property since than i.e., from the year 1986 till date. This defendant has engaged services of Surveyor who has prepared the Plan in accordance with the Sale Deed dated 25.2.1986 which clearly shows the part of suit property which this defendant is in physical possession. It is therefore prayed that the defendant no.8 may kindly be declared as the absolute owner in physical possession of the part of the suit property admeasuring 1250 square meters of survey no. 338/1 of village Thivim Bardez Goa.

9. In the written statement to the counter claim the plaintiffs have stated that it is denied that the defendant is now the owner in possession of an area of 1250 square meters of the



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suit property. It is denied that the defendant has purchased the said part of the suit property by a Sale Deed executed on 25.2.1986 from Antonio Caetano Fernandes and Graciana Fernandes alias Gracy Fernandes. It is denied that the said Antonio Caetano Fernandes and Gracy Fernandes had any right to the suit property. It is denied that the said person could have sold any part of the suit property. The mutation was carried out without notice to the plaintiffs and therefore, a nullity.

10. The defendant no.9 filed his written statement adopting the written statement of the defendant no.8 along with the counter claim. The defendant no.8 had purchased the part of the property by way of Deed of Sale dated 25.2.1986 and the same was purchased from Shri Antonio Caetano Fernandes and Smt. Graciana Fernandes alias Gracy Fernandes and the same is registered before the Sub-Registrar of Bicholim registered under no.92 Book no.1, Vol. no.104, at pages 10 to 14 dated 4.3.1987. Smt. Graciana Fernandes was allotted the said property by way of the inventory proceedings upon the death of her parents. That this defendant had applied for certified copies of the Inventory proceedings but since they have not been obtained at present the defendant no.9 shall produce the same by seeking leave of the Court at later stage. The property



admeasuring 1250 sq. mts., belongs to the defendant nos. 8 and defendant no.9 and after his death to their legal representatives.

11. In support of his case the plaintiff has examined PW1 Gregory Lobo and produced on record his affidavit in evidence at exhibit 71-C. He has also produced on record the certified copies of the Inscription and Description of the property at exhibit 72-C colly, Form no. I & XIV in respect of the suit property bearing survey no. 338/1 at exhibit 73-C, Order dated 9.7.2004 of the Dy. Collector/ SDO Mapusa Sub Division Mapusa at exhibit 74-C, Certificate of Death of Francisco Lobo dated 3.7.2007 at exhibit 75-C, Marriage Certificate of Gregorio Lobo dated 10.2.2007 at exhibit 76-C, Notarized copy of Deed of Succession dated 5.12.2011 along with annexure namely form nos. 6 and 10, Certificate of Marriage of Peter Lobo, Birth Certificate of Corrine, marriage certificate of Gregorio Lobo and Certificate issued by the Village Panchayat of Oxel dated 27.10.2011 at exhibit 77-C colly and Two survey Plan of survey no. 338/1 of Thivim at exhibit 78-C. Plaintiff examined one Mr. Luis Franco as PW2 through Commissioner who has filed his affidavit-in-evidence at exhibit C-81 and thereafter the plaintiffs closed their case. The defendants did not examine any witness in defence.





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12.Arguments were heard.

13.Based upon the pleadings of both the parties, the following
Issues are framed and my findings thereon are as under:

Issues	Findings
1 Whether the plaintiffs prove that the property described under no 15260 at page 114 of Book B-29 B- new, corresponds to the property surveyed under survey no.338/1 of village Thivim ?	... In the affirmative
2 Whether the plaintiffs prove that they are the owners of the suit property ?	... In the affirmative
3 Whether the plaintiffs prove that the names of the defendants wrongly appear in the survey records of the suit property ?	...In the affirmative
4 Whether the defendants prove that the plaintiffs have no locus standi to file the suit ?	... In the negative.
5 Whether the defendant no.8 proves that he is owner of portion of the suit property	... In the negative.
6 What relief ? want Order ?	As per the Order



REASONS

Issue nos. 1 and 2: Both these issues are taken up together for common discussions as they are interrelated with each other.

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14. On perusal of the records and considering the arguments it is seen that this is a suit for declaration filed by the plaintiffs with the prayer that they are declared as owners in possession of the suit property bearing survey no. 338/1 and the names of the persons reflected in the occupants column of the said survey records be declared as erroneous. It is the case of the plaintiffs that the said property bearing no. 38/1 of Village Thivim is situated in Auchit Wado of Thivim, known as "CUMBIOCHO SORVO or SORVENTIL XIR" and is within the limits of Village Panchayat of Thivim and is described in the Land Registration Office under no. 15260 and is bounded on the East by village road, on the West by property of Casmiro Pereira and Querobina D'Souza on the North by property of Comunidade of Thivim reserved for road and Santana De Souza alias Cambli and on the South by the property of Paulo Sebastiao Pereira.



15. It is also the case of the plaintiffs that the said property is surveyed under survey no. 338/1 and corresponds to the boundaries on the east by road, on the West by property bearing survey no. 344/2, on the North by property bearing survey nos. 344/1, 339/8 and 9 and Comunidade way and on the South by properties bearing survey no. 344/4 and 338/3. It is the case of the plaintiffs that the said property which is a suit property originally belong to Ana Maria



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Heroina Pinto of Thivim, and it was subject matter of the Inventory Proceedings on the death of Ana Maria Heroína Pinto and it was inscribed in favour of Pedrinho Francisco Belarmino Lobo on the death of said Ana Maria Heroína Pinto by virtue of Inscription no. 11098 at page 123 of Book no. G 15, The said Pedrinho Francisco Lobo is deceased.

16. The plaintiffs examined Gregory Lobo as PW1 and produced the Inscription and Description of the suit property on record to prove his case that the name of Pedrinho Francisco Lobo is found inscribed in the said documents pertaining to the suit property. He has also produced the documents of description of the properties showing that the property is described in the name of the said Pedrinho Lobo whereby the boundaries of the property is given in the said document which shows that the suit property bearing survey no. 338/1 corresponds to the said boundaries. It is the case of the plaintiffs that the said Pedrinho Lobo died leaving behind the plaintiff no.1 as his wife, half sharer and moiety holder and plaintiff no. married to plaintiff no.3 as his sole and universal heirs and therefore they are, the owners in possession of the suit property.

17. In support of their said case, the plaintiffs through PV produced the Certificate of Death of Francisco Lobo dated



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3.7.2007, Marriage Certificate of Gregory Lobo dated 10.2.2007, Deed of Succession dated 5.12.2011 alongwith form nos. 6 and 10, Certificate of Marriage of Peter Lobo, Birth Certificate of Corrine, Marriage Certificate of Gregorio Lobo and Certificate issued by the Village Panchayat of Oxel dated 27.10.2011 which shows genuineness in the claim of the plaintiffs that they are the legal heirs of said Pedrinho Lobo in whose name the inscription and description of the suit property is standing in the Inscription and Description Certificate.

18. In the Written statement it is the case of the defendant no.8 that the plaintiffs have no locus standi to file the present suit and the suit is based on false and fabricated facts in order to harass the defendants. He has denied that the said Pedrinho Francisco Lobo died leaving behind the plaintiffs as the legal heirs. It is the case of the said defendant that he is in possession of part of the suit property from the year 1986 till date and his name is entered in form no. I & XIV in the column as per procedure of law. It is also the case of the said defendant that the piece of immovable property has been jointly surveyed along with other plots of Luis Pereira, Diogo Pereira and Filipe Pereira under one survey number. He has also filed the counter claim whereby the relief prayed by him is to declare him as the absolute owner in physical

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possession of the part of the suit property admeasuring 1250 sq. mrts. However, the plaintiffs in the written statement to the said counter claim has denied the claim made by the defendant no.8.

19. It is also seen that the written statement has been filed by the defendant nos. 1, 2, 3, 5 and 6 and in that it is their case that the plaintiffs have no locus standi to file the suit. That they are not the legal heirs nor do they have any right to the property and that they are not in possession of the suit property. Their names appear in survey records for last more than 40 years and they are the owners in possession of the suit property for centuries through themselves and their ancestors. Their names appear in the form I & XIV and prior to that, they appear in Form nos.3 and 9 and their possession is continuous for more than 100 years. The entry of the name of the defendant no.8 is patent and erroneous entry. He has no right of whatsoever to the suit property. The expert Surveyor appointed by them opined that the survey no. 338/1 and the property described under no. 15260 are two different, separate and independent properties and in no way are interlinked with each other and therefore, the suit to be dismissed with costs.



20. The defendant no.9 has also filed his written statement denying the case of the plaintiffs and it is her case that the defendant no.8 has purchased the part of the suit property by way of Deed of Sale dated 25.2.1986 and the same was purchased from Shri Antonio Caetano Fernandes and Smt Graciana Fernandes alias Gracy Fernandes and Graciana Fernandes was allotted the said property by way of Inventory Proceedings upon the death of her parents. The property admeasuring 1250 sq. mts., belonging to the defendant nos. 8 and 9 and after their death, to their legal representatives. However, it is seen that the plaintiffs have produced the Inscription and Description of the property to show that the property is inscribed and described in the name of Pedrinho Lobo. They have also produced the documentary evidence on record to show that they are the successors of said Pedrinho Lobo.



21. The plaintiffs have also claimed that the Inventory Proceedings took place on the death of the original owner, Anna Maria Heroína Pinto and that the said document shows that the suit property as the subject matter of the said Inventory Proceedings. However it is seen that the said document is not produced by the plaintiffs but the Inscription and Description of the property has mentioned about the Inventory Proceedings held on account of the death of Ana



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Maria Heroína Pinto, when it is the case of the plaintiffs that they are the owners in possession of the suit property and although the defendants have denied about the said claim of the plaintiffs in their respective written statements, they did not produce any evidence as against the claim of the plaintiffs. The defendant nos. 2, 3, 5, 6 and 8 and 9 through their legal representatives although took part in the proceedings, did not show anything contrary to the evidence of PW1 by cross examining him, so also did not produce their defence evidence. The other defendants also did not take part in the proceedings and produce any defence evidence.



22. There is also the evidence of PW2 recorded through the Commissioner on record. He has also stated in his affidavit-in evidence that his services were engaged by Mrs. Corrine Lobo and her husband of Oxel Bardez, Goa, in order to identify the survey numbers of their ancestral properties situated at Thivim, Bardez, Goa and accordingly he visited the site and identified the property which corresponds to property known as "CUMBIOCHO SORVO" OR "SORVENTIL XIR" described under description no. 15260 and found that the said property at loco which corresponds to the property presently surveyed under survey no. 338/1 situated at Auchit Wado, Thivim, Bardez, Goa. He has also produced the survey Report and the Plan dated 20.6.2007, incorporating the said

contents in support of the case of the plaintiffs. This Surveyor was also not cross examined by the defendant nos. 1, 3, 5 and 6 and the legal heirs of the defendant nos. 8 and 9 and others are proceedings ex-parte. Therefore, it confirms that the survey no. 338/1 which is the subject matter of this suit corresponds to the property known as "CUMBIOCHO SORVO" OR "SORVENTIL XIR" described under description no. 15260. There is nothing on record produced by the defendants to shake the evidence of either PW1 or PW2.

23. It is also seen that in the course of the hearings the plaintiff nos. 2, 3 defendant nos. 2, 3, 4, 5, 6, 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and 9 filed the consent terms and it is also seen that in the said consent terms, the above parties admitted that the suit property surveyed under nos. 338/1 measuring 5425 sq. mts., belonging to the plaintiffs and their predecessors in title have admitted and acknowledged that the defendants in the suit property have no right of whatsoever nature in the suit property. They have also admitted that the defendant no.8 claimed right to a portion of the suit property on the basis of the Sale Deed dated 25.2.1986 and defendant no.9 is the wife of late defendant no.8 and defendant nos.8(a), 8(c), 8(e), 8(g) are the sole and universal legal heirs of the defendant no.8 and defendant nos. 8(b), 8(d) and 8(f) are the spouses of



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defendant nos. 8(a), 8(c) and 8(e) respectively. They have also admitted that Sale Deed dated 25.2.1986 is not a valid Sale Deed. Defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and 9 also stated that they are the only claimants to the estate of the late defendant no.8, and they further indemnify the plaintiffs against any claims made by any other person purporting to be entitled to the estate of the late defendant no.8, and also indemnify the plaintiffs against any losses which they may incur due to such claims. They have also admitted that the Sale Deed dated 25.2.1986 found registered before the Sub Registrar of Bicholim is required to be canceled. All the parties also admitted that names of Luis Xavier Pereira and Diogo Xavier Pereira who are the predecessor in title of the late defendant nos. 1 and defendant no.2 to 6 have been erroneously entered in the survey records of the suit property and the defendant nos. 2 to 6 admit and acknowledge that the suit property belongs to the plaintiffs and their predecessors in title and therefore they surrender all their claims over the suit property and admit the plaintiffs and their predecessors in title to be the exclusive owners in possession of the suit property.



24. The defendant nos. 2 to 4 also stated that they are the sole and universal heirs of the late defendant no. 1 and besides them there are no other claimants to the estate of the late

defendant no.1 and they indemnify the plaintiffs against any claim made by any other person purporting to be entitled to the estate of late defendant no.1 and they also indemnify the plaintiffs against any losses which they may incur due to such claims. The defendant nos. 2 to 4 also have admitted that the names of the predecessors have been erroneously recorded in the occupants column of the suit property bearing survey no. 338/1, and that they have absolutely no objection for the deletion of the name of their predecessor from the occupants column and for inclusion of the name of the plaintiff nos. 2 and 3 in the occupants column.

25. It is also the case of the defendant nos.5 and 6 that they are the sole and universal heirs of Diogo Xavier Pereira and they indemnify the plaintiffs against any claims made by any other person, purporting to be entitled to the estate of Diogo Pereira and also indemnify the plaintiffs against any losses which they may incur due to such claims. They have also stated that the name of their predecessor have been erroneously recorded in the occupants column and they have absolutely no objection for deletion of the said name from the occupants column and for the inclusion of the name of the plaintiff nos. 2 and 3 in the occupants column of form no. I & XIV of the suit property.



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26. It was also agreed between the parties that the defendant nos. 2 to 6 to be paid sum of Rs. 7 lacs by the plaintiffs on the date of delivery and the amount has been reflected in the cheques issued towards such payment is as per the request and desire of the defendant nos. 2 to 6 and in case any dispute arises, would be resolved by defendant nos. 2 to 6 and it is also agreed by the parties that the plaintiffs shall hand over the cheques nos. 000020, 000021, 000022 and 000023, all dated 13.11.2013 to defendant nos. 2 to 6 on the date of decree and in the said consent terms it has been also agreed by the plaintiff and defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and 9 that in lieu of defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and 9 thereby surrender all claims over the suit property and in order to put an end to litigation, the said defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and 9 are allotted a portion of the suit property admeasuring 800 sq. mts., shown under letter "B" in the Plan annexed in the consent terms and the said portion of 800 sq. mts., shall be exclusively owned and possessed by the said defendants with the plaintiffs having no claim of the property.

27. The said portion is bounded on the North by survey no. 338/1 and on the South by the property surveyed under



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survey no. 338/2 of village Thivim, on the East by public road and on the West by property surveyed under survey no. 338/1 of village Thivim. The parties also admit that the plaintiffs are the exclusive owners in possession and remaining portion of the suit property admeasuring 4625 sq. mts., marked under letter "A" in the Plan annexed to the consent terms, which property is bounded on the North by properties survey under survey nos. 344/1, 339/8, 339/9 of village Thivim, South by the properties survey under survey nos. 344/4 and 338/3 of village Thivim, on the East by a public road and West by property surveyed under survey no. 344/2 of village Thivim.

28. It is the case of the said parties that they admit and acknowledge that the plaintiffs are exclusive owners in possession of the portion of the suit property admeasuring 4625 sq. mts., which is marked under letter "A" in the said plan and the defendant nos. 2 to 6 and defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and defendant no. 9 declare that they have absolutely no right of whatsoever nature including the possessory claims over the said portion. The defendant nos. 2 to 6 have also declared that they have absolutely no right title of whatsoever nature in the portion of the suit property admeasuring 800 sq. mts., which is marked under letter "B" in the said Plan. It is also the case of

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the defendant nos. 2 to 6 that the said portion of 800 sq. mts., shall be exclusively owned and possessed by the defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and defendant no.9 and that the said parties shall not interfere in any manner whatsoever, in any part of the suit property other than what is declared in the consent terms as theirs.

29. It is also the case of the defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and defendant no.9 that they have no objection for deletion of the name of Chandrakant Ramchandra Pednekar which was included in the occupants column on the basis of Sale Deed dated 25.2.1986 which they have declared to be null and void and the plaintiffs and the defendant nos. 2 to 6 have no objection for the inclusion of the names of defendant nos. 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and defendant no.9 in the occupants column of the property bearing survey no. 338/1 of Village Thivim to the extent of 800 sq. mts. The said defendants also have no objection for the inclusion of the names of the plaintiff nos. 2 and 3 or names of their predecessor in title in the occupants column of Form No. I & XIV pertaining to the suit property. The said parties also consented and gave No Objection for carrying out the necessary mutation proceedings in order to include the names of the plaintiff nos. 2 and 3 or the names of their predecessors in title in the said occupants column of



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the said form no. I & XIV and for the deletion of the names of Luis Xavier Pereira, Diogo Xavier Pereira and Chandrakant Ramchandra Pednekar from the occupants column of the said Form no. I & XIV, as well as from all Other Records of Rights wherein the said names may be appearing. The defendant nos. 2, 3, 4, 5, 6, 8(a), 8(b), 8(c), 8(d), 8(e), 8(f), 8(g) and 9 also gave their consent and No Objection for the plaintiffs to partition and separate the property admeasuring 4625 sq. mts., and which is marked under letter "A" in the Plan annexed to the consent terms, from the property totally admeasuring 800 sq. mts., which is marked under letter "B". The said parties also stated that they have no other claim against each other than those expressed in the consent terms and they also stated that they have No Objection for registering the decree before the office of the Sub-Registrar.

... 30. All the said parties thereby submitted that they have No Objection to grant the decree as per the consent terms. However, it is seen that some of the parties have proceeded ex parte and accordingly the evidence was recorded on merits of this case, whereby PW1 has produced his evidence in support of his claim of title and ownership in possession of the suit property, whereby the other defendants did not produce any evidence to show anything contrary to the evidence brought on record by the plaintiffs. Most of the



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defendants have signed the consent terms filed by them along with the plaintiffs and therefore, I find that the plaintiffs have succeeded in proving the issue nos. 1 and 2 and the same has to be answered in the affirmative.

Issue no.3:

31. The plaintiffs have examined PW1 in support of their case and produced on record the various documents in the form of Deed and Birth Certificates confirming their claims that the suit properties belongs to their ancestors and they are the Successors of their ancestors having the right and title to the suit properties. Nothing contrary has been produced by any of the defendants. The plaintiffs have also produced on record Form I & XIV, Survey Report dated 10.6.2007, Order dated 9.7.2014 of the Dy. Collector/SDO Mapusa Sub Division, Mapusa and Survey Plan on record in support of their claim as owners in possession of the suit property. PW2 is the Surveyor examined by the plaintiffs, who has also stated in his affidavit-in-evidence that he visited the site and identified the suit property and the property known as "CUMBIOCHO SORVO" OR "SORVENTIL XIR" described under the description no. 15260 corresponds to the property presently surveyed under survey no. 338/1.



Superintendent

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32. This witness was not examined by the defendants who are taking part in the proceedings inspite of giving opportunity to them, therefore, the fact that the suit property corresponds with the property known as "CUMBIOCHO SORVO" OR "SORVENTIL XIR" is confirmed through the evidence of this witness. There is Surveyor's Report also which shows that the suit property "CUMBIOCHO SORVO" OR "SORVENTIL XIR" is corresponding to the Plot presently surveyed under new survey no. 338/1 of Thivim village of Bardez Taluka. The form no. I & XIV shows the entries of the names of the defendants however the defendants who have taken part in the proceedings have already placed on record the consent terms and also did not cross examine the witnesses inspite of opportunity given to them. Some of the defendants are proceeding exparte and therefore, the case of the plaintiffs that the names of the said defendants are wrongly appearing in the survey records of the suit property is proved and hence issue no.3 is answered in the affirmative.

Issue nos: 4 and 5:

33. The defendants inspite of giving opportunity to them did not lead any defence evidence, but it is seen that most of the defendants have signed the consent terms admitting that they have arrived into settlement with the plaintiffs. The



Sub. Comdant

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defendants who are proceeding ex-parte are not the party to the consent terms since they have not taken part in the proceedings a contrary inference has to be drawn amongst them as held in AIR 1999 SC 1441, Vidhyadhar Vs.

Manikrao and another. There is no evidence at all produced by the defendants to prove issue nos. 4 and 5 and therefore, they are answered in the negative.

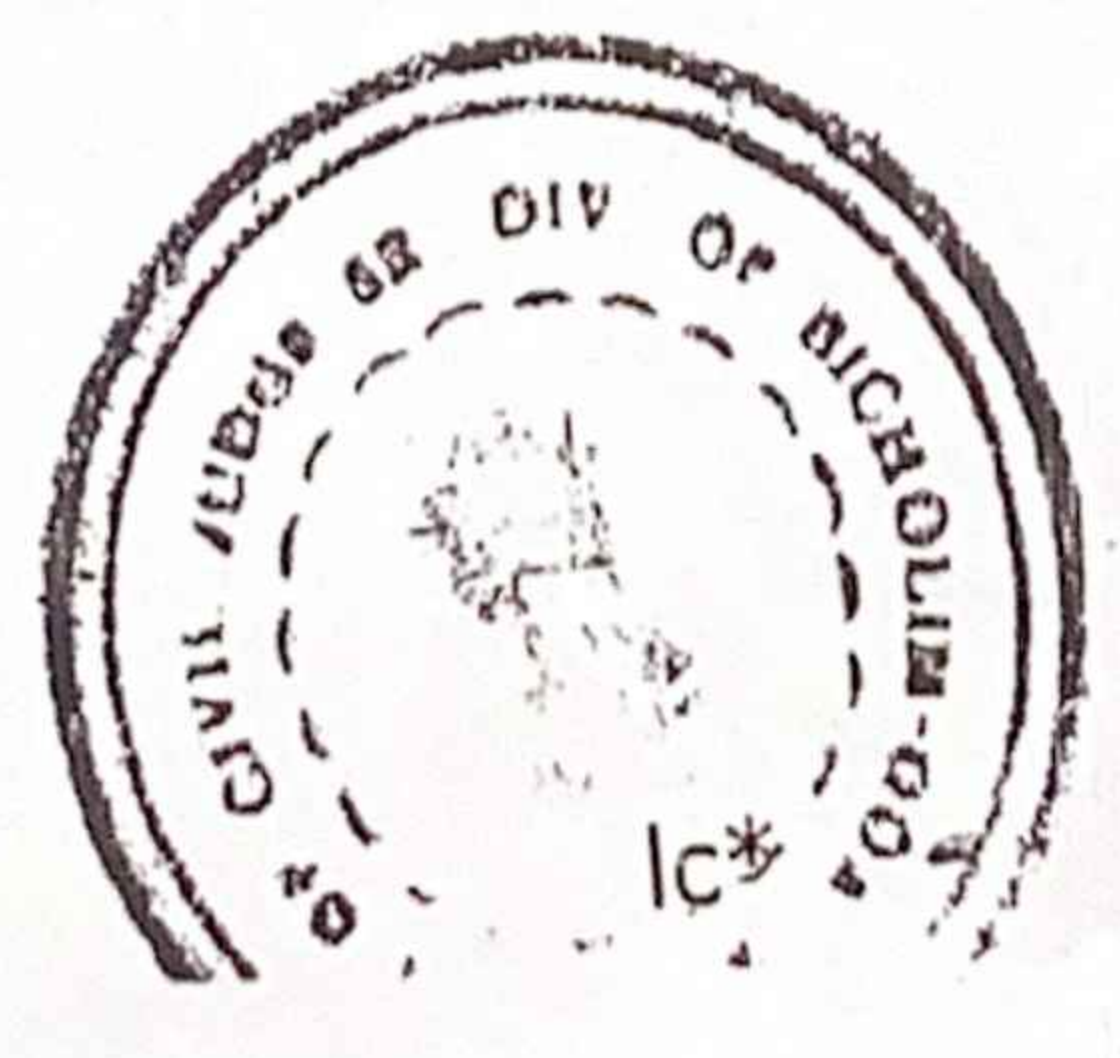
34. In the circumstances and for the reasons discussed above, I pass the following:

ORDER

This suit stand decreed with costs, taking into consideration the consent terms declaring the plaintiffs as owners in possession of the suit property bearing survey no. 338/1 of Thivim and the names of the persons shown in the occupants column of the survey records are declared as erroneous.

Decree shall be drawn up accordingly.

Pronounced in the Open Court.



Kavus
7-2-2014
(**Kalpna V. Gavas**)
Adhoc Civil Judge, Senior Division
Bicholim.

*checked in the
original*