

TITLE REPORT

To,

MAHA SEER HOTELS AND RESORTS PVT. LTD

Office at No. 2 Kasturba Gandhi Marg,
New Delhi 110 001

1. I have perused the photocopies of the following documents:
 - 1.1. Survey records and Form I & XIV for Survey Nos. **210/1, 211/2, 212/1,** and **212/1-A** of Village Mandrem, Pernem - Goa.
 - 1.2. From III, Form IX and Manual Form I & XIV.
 - 1.3. Inventory Proceedings bearing number 239/1963/R, before the Court of Civil Judge Senior Division at Mapusa Goa.
 - 1.4. Will dated 28/12/1970 recorded at Folio 96 to 98 of Book No. 81.
 - 1.5. Deed of Partition dated 06/05/1975 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 242 of Book I at Volume No. 3 at pages 2227 to 237 dated 08/05/1975.
 - 1.6. Order dated 21/02/1986 passed by the Court of Civil Judge Senior Division at Mapusa Goa in Inventory Proceedings No. 42/1976.
 - 1.7. Deed of Sale dated 23/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 100 of Book I at Volume No. XXVI dated 30/04/1992.
 - 1.8. Deed of Sale dated 23/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 100 of Book I at Volume No. XXVI dated 30/04/1992.
 - 1.9. Deed of Sale dated 16/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 99 of Book I at Volume No. XXVI dated 30/04/1992.



- 1.10. Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004.
- 1.11. Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005.
- 1.12. Deed of Sale dated 22/05/1990 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 102 of Book I at Volume No. XV dated 25/06/1990.
- 1.13. Deed of Sale dated 22/02/2006 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 60 of Book I at Volume No. 185 dated 28/02/2006
- 1.14. Deed of Sale dated 26/05/2006 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 222 of Book I at Volume No. 195 dated 14/04/2006.
- 1.15. Deed of Sale dated 18/06/2021 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. PNM-1-199-2021 of Book I dated 24/06/2021.
- 1.16. Order dated 09/07/2013 passed by Deputy Collector & SDO, Pernem Sub-Division, Pernem, Goa in Case No. 5/73/Part/Land/2013/660.
- 1.17. Letter dated 25/07/2013 issued by the Directorate of Settlement & Land Records, Panaji-Goa.
- 1.18. Joint Development Agreement dated 08/09/2023 executed between and between Maha Seer Hotels and Resorts Private Limited and Vianaar Retreats Private Limited, notarised before Ms. Madhumita Avadhut Nayak Salatry having serial number 3771/2023.
- 1.19. Joint Development Agreement dated 08/09/2023 executed between and between Maha Seer Hotels and Resorts Private Limited and



Vianaar Retreats Private Limited, notarised before Ms. Madhumita Avadhut Nayak Salatry having serial number 3769/2023.

- 1.20. Documents and annexures pertaining to First Appeal No. 71/2016 pending before the High Court of Bombay at Goa.
- 1.21. Documents and annexures pertaining to RCS. No. 4/2024 pending in the court of Civil Judge Junior Division, at Pernem, Goa.

2. DESCRIPTION OF THE PROPERTY:

- 2.1. **ALL THAT** part and parcel of agricultural property known as "**SACRI BOROD**", situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa which property as a whole is described in Land Registration Office of Bardez under No. 23832 at folio 138 of Book No. B-61 and is enrolled in the Taluka Revenue Office of Pernem under Matriz No. 6 and surveyed under Survey Nos. 210/1, 211/2, 212/1 and 212/1-A of ward Ashvem, Mandrem Village and is bounded as follows:

On the North: By property surveyed under Survey No. 219/0, 206/0, 208/0, 209/0 and part of 201/0.

One the South: By property surveyed under Survey No. 215/2, 213/1-D, 213/1, 213/1-E, 213/1-A, 213/1-F, 213/1-G and 213/1-H and Govt WRD Nallah.

On the East: By property surveyed under Survey No. 201/0 and 211/1.

On the West: By property surveyed under Survey No. 210/1-A PART, 211/2-A-1, 211/2-A, 211/2-A-2 and part by Arabian Sea.

This property shall hereinafter be referred to as the "**SAID ENTIRE PROPERTY**".



2.2. **ALL THAT** part and parcel of agricultural property bearing survey number 210/1, admeasuring 78,202.50 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa and is bounded as follows:

On the North: By the properties bearing survey numbers 219/0, 206/0, 208/0, 209/0, and part of 201/0;

One the South: By the properties bearing survey numbers 211/2, 210/1-B;

On the East: By the property bearing survey number 201/0; and

On the West: By the property bearing survey number 210/1-A.

This property shall hereinafter be referred to as the said "**FIRST PROPERTY.**"

2.3. **ALL THAT** part and parcel of agricultural property bearing survey number 211/2, admeasuring 56,448.50 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa and is bounded as follows:

On the North: By the property bearing survey numbers 210/1 & Part of 210/1-A;

One the South: By the property bearing survey number 212/1-A;

On the East: By Govt WRD Nallah and survey number 211/1; and

On the West: By the property bearing survey number 211/2-A-1.

This property shall hereinafter be referred to as the "**SECOND PROPERTY.**"

- 2.4. **ALL THAT** part and parcel of agricultural property bearing survey number 212/1, admeasuring 26,564 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa and is bounded as follows:

On the North: By the properties bearing survey numbers 211/2-A-2, 211/2-A-1, and 211/2-A;

On the South: By Govt. WRD Nallah and the properties bearing survey numbers 215/2, 213/1-D and 213/1;

On the East: By property bearing survey number 212/1-A; and

On the West: By Arabian sea.

This property shall hereinafter be referred to as the "**THIRD PROPERTY.**"

- 2.5. **ALL THAT** part and parcel of agricultural property bearing survey number 212/1-A, admeasuring 66,871 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa and is bounded as follows:

On the North: By the property bearing survey number 211/2;

On the South: By the properties bearing survey numbers 213/1, 213/1-E, 213/1-A, 213/1-F, 213/1-G, 213/1-H;

On the East: By property bearing survey number 213/1-H; and

On the West: By property bearing survey number 212/1.

This property shall hereinafter be referred to as the "**FOURTH PROPERTY.**"

3. **TRACING OF PARTIES TITLE:**

- 3.4. Deed of Partition dated 06/05/1975 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 242 of Book I at Volume No. 3 at pages 2227 to 237 dated 08/05/1975 (such deed herein after referred to as the “**Deed of Partition dated 06/05/1975**”) reveals that the **SAID ENTIRE PROPERTY** was allotted in the Inventory Proceedings No. 239/63 to, (i) Jose Luis Pinto De Carvalho, (ii) Gilberto Pinto De Carvalho and his wife Anne Filomena Distina Pereira, and (iii) Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes.
- 3.5. Vide said Deed of Partition dated 06/05/1975, the **SAID ENTIRE PROPERTY**, was partitioned in plots, in the following manner:
- 3.5.1. The said **FIRST PROPERTY** having survey number 210/1, admeasuring 78,202.50 sq. mts, situated at Ashvem, Mandrem Village, was partitioned as follows: (i) Plot I admeasuring 26,240 square meters, allotted to Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes, (ii) Plot J admeasuring 52,480 square meters allotted to the said Jose Luis Pinto De Carvalho.
- 3.5.2. The said **SECOND PROPERTY** having survey number 211/2, admeasuring 56,448.50 sq. mts, situated at Ashvem, Mandrem Village, was partitioned as follows: (i) Plot F admeasuring 9,078 square meters, allotted Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes, (ii) Plot G admeasuring 53,094 Jose Luis Pinto De Carvalho.
- 3.5.3. The said **THIRD PROPERTY** having survey number 212/1, admeasuring 26,564 sq. mts, situated at Ashvem, Mandrem Village, was partitioned as follows: Plot A admeasuring 5,890 square meters, allotted Gilberto Pinto De Carvalho and his wife Anne Philomena Distina Pereira, (ii) Plot B admeasuring 5,890 square meters allotted to Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes, and (iii) part of Plot C admeasuring 14,784 square meters, allotted to Jose Luis Pinto De Carvalho.



- 3.5.4. The said **FOURTH PROPERTY** having survey number 212/1-A, admeasuring 66, 871 sq. mts, situated at Ashvem, Mandrem Village, was partitioned as follows: Plot C admeasuring 31,934 square meters, allotted to Jose Luis Pinto De Carvalho, (ii) Plot D admeasuring 34,937 square meters allotted to Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes.
- 3.5.5. Area admeasuring 934 square meters in the **THIRD PROPERTY**, whereupon stands a house and well is excluded from the above portion allotted to the above-mentioned parties and was to be enjoyed in common and jointly possessed by the three parties.
- 3.6. On account of the demise of the said Jose Luis Pinto De Carvalho, Inventory Proceedings bearing number 42/1976 were instituted before the Court of Civil Judge Senior Division at Mapusa, Goa (such proceedings hereinafter referred to as, "**Inventory Proceedings 42/1976**"). In the said Inventory Proceedings 42/1976, vide order dated 21/02/1986, passed by the Court of Civil Judge Senior Division at Mapusa, Goa, Jose Luis Pinto De Carvalho's share in the **SAID ENTIRE PROPERTY**, was allotted in the following manner:
- 3.6.1. Mario Vasco George was allotted by way of auction, (i) part of the property situated in **FIRST PROPERTY** (survey number 210/1), i.e. Plot J admeasuring 52,480 square meters, (ii) part of the property situated in **SECOND PROPERTY** (survey number 211/2), i.e. Plot G admeasuring 53094 square meters, and (iii) part of the part of the property situated in, (a) **SECOND PROPERTY** (survey number 211/2) and, (b) **THIRD PROPERTY** (survey number 212/1 and 212/1-A), i.e. Plot C admeasuring 46,717 square meters.
- 3.6.2. Lirio Savio Pinto De Carvalho and Brigida Malucha Pinto Carvalho were allotted in equal proportion part of the property situated in the **THIRD PROPERTY** (survey number 212/1), Plot A admeasuring 5,890 square meters.



3.7. SAID FIRST PROPERTY:

- 3.7.1. Vide Deed of Sale dated 23/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 100 of Book I at Volume No. XXVI dated 30/04/1992, Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes sold Plot I admeasuring 26,240 square meters, in the property surveyed under survey no. 210 in the said **FIRST PROPERTY** in favour of M/s. Indana International Ltd.
- 3.7.2. Vide Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, M/s Gomantak Eximis Limited (formerly M/s Indana international Limited) sold the said Plot I admeasuring 26,240 square meters, in the property surveyed under survey no. 210/1, in the said **FIRST PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.7.3. Vide Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, Mario Vasco George and his wife Silvia Afonso e George sold Plot J admeasuring 52,480 square meters, in the property surveyed under survey no. 210/1, in the said **FIRST PROPERTY**, in favour of M/s Maha Seer Hotels and Resorts Private Limited.
- 3.7.4. Vide Deed of Sale dated 18/06/2021 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. PNM-1-199-2021 of Book I dated 24/06/2021, Maha Seer Hotels and Resorts Private Limited sold part of the property forming part of the **FIRST PROPERTY**, bearing survey number 210/1 to Raoul Bajaj.
- 3.8. In view of above, the said M/s. Maha Seer Hotels and Resorts Private Limited. can be said to be the owner of the said **FIRST PROPERTY** bearing survey number 210/1, admeasuring 78,202.50 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat



of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa.

3.9. Vide Joint Development Agreement dated 08/09/2023 executed between and between Maha Seer Hotels and Resorts Private Limited and Vianaar Retreats Private Limited, notarised before Ms. Madhumita Avadhut Nayak Salatry having serial number 3769/2023, Maha Seer Hotels and Resorts Private Limited created development rights in the said **FIRST PROPERTY**.

3.10. In light of above, considering the fact that, (i) Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, (ii) Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, and (iii) Deed of Sale dated 18/06/2021 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. PNM-1-199-2021 of Book I dated 24/06/2021, and survey records in respect of the said **FIRST PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **M/S MAHA SEER HOTELS AND RESORTS PRIVATE LIMITED** can be said to be the owner of the said **FIRST PROPERTY** bearing survey number 210/1, admeasuring 78,202.50 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following :

- i. The publication of public notice inviting objections from the public, if any;
- ii. Observations in paragraph 3.9 above and paragraph 7 below.



3.11. **SAID SECOND PROPERTY:**

- 3.11.1. Vide Deed of Sale dated 23/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 100 of Book I at Volume No. XXVI dated 30/04/1992, Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes sold Plot F admeasuring 9,078 square meters, in the property surveyed under survey no. 211/2 in the said **SECOND PROPERTY** in favour of M/s. Indana International Ltd.
- 3.11.2. Vide Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, M/s Gomantak Eximis Limited (formerly M/s Indana international Limited) sold the Plot F admeasuring 9,078 square meters, in the property surveyed under survey no. 211/2, in the said **SECOND PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.11.3. Vide Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, Mario Vasco George and his wife Silvia Afonso e George sold Plot G admeasuring 53,094 square meters, in the property surveyed under survey no. 211/2, in the said **SECOND PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.11.4. Vide Deed of Sale dated 18/06/2021 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. PNM-1-199-2021 of Book I dated 24/06/2021, Maha Seer Hotels and Resorts Private Limited sold part of the property forming part of the **SECOND PROPERTY**, bearing survey number 211/2 to Raoul Bajaj.
- 3.12. In view of above, the said M/s. Maha Seer Hotels and Resorts Private Limited. can be said to be the owner of the said **SECOND PROPERTY** bearing survey number 211/2, admeasuring 56,448.50 sq. mts, situated

at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa.

- 3.13. Vide Joint Development Agreement dated 08/09/2023 executed between and between Maha Seer Hotels and Resorts Private Limited and Vianaar Retreats Private Limited, notarised before Ms. Madhumita Avadhut Nayak Salatry having serial number 3769/2023, Maha Seer Hotels and Resorts Private Limited created development rights in the said **SECOND PROPERTY**.
- 3.14. Vide Joint Development Agreement dated 08/09/2023 executed between and between Maha Seer Hotels and Resorts Private Limited and Vianaar Retreats Private Limited, notarised before Ms. Madhumita Avadhut Nayak Salatry having serial number 3771/2023, Maha Seer Hotels and Resorts Private Limited created development rights in the said **SECOND PROPERTY**.
- 3.15. In light of above, considering the fact that, (i) Vide Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, (ii) Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, (iii) Vide Deed of Sale dated 18/06/2021 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. PNM-1-199-2021 of Book I dated 24/06/2021, and survey records in respect of the said **SECOND PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **M/S MAHA SEER HOTELS AND RESORTS PRIVATE LIMITED** can be said to be the owner of the said **SECOND PROPERTY** bearing survey number 211/2, admeasuring 56,448.50 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following :

- i. The publication of public notice inviting objections from the public, if any;
- ii. Observations in paragraph 3.13, 3.14 above and paragraph 7 below.

3.16. SAID THIRD PROPERTY:

- 3.16.1. Vide Deed of Sale dated 22/05/1990 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 102 of Book I at Volume No. XV dated 25/06/1990, Lirio Savio Pinto De Carvalho and Brigida Malucha Pinto Carvalho sold said Plot A admeasuring 5890 square meters surveyed under survey no. 212/1 in the said **THIRD PROPERTY** in favour of M/s. Foremost Industries (India) Ltd.
- 3.16.2. Vide Deed of Sale dated 22/02/2006 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 60 of Book I at Volume No. 185 dated 28/02/2006, Foremost Industries India Limited sold said Plot A admeasuring 5890 square meters surveyed under survey no. 212/1 in the said **THIRD PROPERTY** in favour of Sandeep Natwarlal Kotecha.
- 3.16.3. Vide Deed of Sale dated 26/05/2006 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 222 of Book I at Volume No. 195 dated 14/04/2006, Sandeep Natwarlal Kotecha sold said Plot A admeasuring 5,890 square meters surveyed under survey no. 212/1 in the said **THIRD PROPERTY** in favour of M/s Maha Seer Hotels & Resorts Private Limited.
- 3.16.4. Vide Deed of Sale dated 16/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 99 of Book I at Volume No. XXVI dated 30/04/1992, Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes sold Plot B admeasuring 5,890 square meters, in the property surveyed



under survey no. 212/1 in the said **THIRD PROPERTY** in favour of M/s. Indana International Ltd.

- 3.16.5. Vide Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, M/s Gomantak Eximis Limited (formerly M/s Indana international Limited) sold the Plot B admeasuring 5,890 square meters, in the property surveyed under survey no. 212/1, in the said **THIRD PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.16.6. Vide Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, Mario Vasco George and his wife Silvia Afonso e George sold Plot C admeasuring 46,717 square meters, in the property surveyed under survey no. 212/1, in the said **THIRD PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.16.7. Vide order dated 09/07/2013 passed by Deputy Collector & SDO, Pernem Sub-Division, Pernem, Goa in Case No. 5/73/Part/Land/2013/660 and letter dated 25/07/2013 issued by the Directorate of Settlement & Land Records, Panaji-Goa, property bearing survey number 212/0 was partitioned and a new survey number 212/1-A was formed.
- 3.16.8. Consequent to the above, (i) Plot A admeasuring 5890 square meters, (ii) Plot B admeasuring 5,890 square meters, and part of Plot C admeasuring 14,784, collectively admeasuring 26,564, now lie and form part of the **THIRD PROPERTY**, bearing survey number 212/1.
- 3.17. In view of above, the said M/s. Maha Seer Hotels and Resorts Private Limited. can be said to be the owner of the said **THIRD PROPERTY** bearing survey 212/1, admeasuring 26,564 sq. mts, situated at Asvem, Mandrem Village, within the limits of the Village Panchayat of

Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa.

3.18. In light of above, considering the fact that, (i) Deed of Sale dated 26/05/2006 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 222 of Book I at Volume No. 195 dated 14/04/2006, (ii) Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, and (iii) Vide Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, and survey records in respect of the said **THIRD PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **M/S MAHA SEER HOTELS AND RESORTS PRIVATE LIMITED** can be said to be the owner of the said **THIRD PROPERTY** bearing survey 212/1, admeasuring 26,564 sq. mts, situated at Asvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following :

- i. The publication of public notice inviting objections from the public, if any;
- ii. Observations in paragraph 6 below.

3.19. **SAID FOURTH PROPERTY:**

3.19.1. Vide Deed of Sale dated 23/04/1992 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 100 of Book I at Volume No. XXVI dated 30/04/1992, Rui Tulsidas Pinto De Carvalho and his wife Filomena Fernandes sold Plot D admeasuring 34,937 square meters, in the property surveyed under survey no. 211/2 in the said **FOURTH PROPERTY** in favour of M/s. Indana International Ltd.

- 3.19.2. Vide Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, M/s Gomantak Eximis Limited (formerly M/s Indana international Limited) sold the Plot D admeasuring 34,937 square meters, in the property surveyed under survey no. 212/1, in the said **FOURTH PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.19.3. Vide Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, Mario Vasco George and his wife Silvia Afonso e George sold Plot C admeasuring 46,717 square meters, in the property surveyed under survey no. 212/1, in the said **FOURTH PROPERTY**, in favour of Maha Seer Hotels and Resorts Private Limited.
- 3.19.4. Vide order dated 09/07/2013 passed by Deputy Collector & SDO, Pernem Sub-Division, Pernem, Goa in Case No. 5/73/Part/Land/2013/660 and letter dated 25/07/2013 issued by the Directorate of Settlement & Land Records, Panaji-Goa, property bearing survey number 212/0 was partitioned and a new survey number 212/1-A was formed.
- 3.19.5. Consequent to the above, (i) Plot D admeasuring 34,937 square meters, and (ii) part of Plot C admeasuring 31,934, both collectively admeasuring 66,870, now lie and form part of the **FOURTH PROPERTY**, bearing survey number 212/1-A.
- 3.20. In view of above, the said M/s. Maha Seer Hotels and Resorts Private Limited. can be said to be the owner of the said 212/1-A, admeasuring 66,871 sq. mts, situated at Asvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa.
- 3.21. Vide Joint Development Agreement dated 08/09/2023 executed between and between Maha Seer Hotels and Resorts Private Limited and Vianaar Retreats Private Limited, notarised before Ms. Madhumita



Avadhut Nayak Salatry having serial number 3769/2023, Maha Seer Hotels and Resorts Private Limited created development rights in the said **FOURTH PROPERTY**.

3.22. In light of above, considering the fact that, (i) Deed of Sale dated 01/12/2005 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 441 of Book I at Volume No. 179 dated 08/12/2005, and (iii) Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem, Pernem – Goa under Registration No. 246 of Book I at Volume No. 150 dated 31/08/2004, and survey records in respect of the said **FOURTH PROPERTY** have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **M/S MAHA SEER HOTELS AND RESORTS PRIVATE LIMITED** can be said to be the owner of the said **FOURTH PROPERTY** bearing survey 212/1-A, admeasuring 66,871 sq. mts, situated at Asvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following:

- i. The publication of public notice inviting objections from the public, if any;
- ii. Observations in paragraph 3.21 above and paragraph 7 below.

4. **MANUAL FORM I & XIV, FORM IX AND FORM III:**

- 4.1. These are Revenue Records prepared under the applicable Goa Land Revenue Code. Form IX, in respect the said (i) **FIRST PROPERTY**, (ii) **SECOND PROPERTY**, and (iii) **THIRD PROPERTY**, clearly shows the name of, Mahaseer Hotels and Resorts Private Limited, as occupant in the occupants column. The said Manual Form I & XIV is consistent with the devolution of ownership.
- 4.2. 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.

- 4.3. 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*".
- 4.4. 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."

- 4.5. As per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted 30 (thirty) years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a legal title document. Applying the same principle to the

said (i) **FIRST PROPERTY**, (ii) **SECOND PROPERTY**, (iii) **THIRD PROPERTY**, and (iv) **FOURTH PROPERTY**, the records disclose that Mahaseer Hotels and Resorts Private Limited and prior to them its predecessor in title have been in peaceful possession of the (i) **FIRST PROPERTY**, (ii) **SECOND PROPERTY**, (iii) **THIRD PROPERTY**, and (iv) **FOURTH PROPERTY** since 1963.

5. **IN ADDITION TO THE ABOVE, I HAVE TO MAKE THE FOLLOWING OBSERVATIONS:**

- 5.1. No tenants/Mundkars are reflected in the survey records of the said **FIRST PROPERTY**, the said **SECOND PROPERTY**, the said **THIRD PROPERTY** and the said **FOURTH PROPERTY**.
- 5.2. The Urban Ceiling Act is not applicable to the State of Goa.
- 5.3. Vide, conversion sanad dated 10/02/2010 bearing reference number: RB/CNV/PER/02/2007/ permission has been granted to use the the plot registered under survey number 210/1 (Part), 211/2 (Part) and 212/0 (Part) for the purpose of residential use.

6. **EVIDENCE OF POSSESSION: -**

- 6.1. The said **FIRST PROPERTY** bearing Survey No. 210/1 of Village Mandrem, Pernem - Goa reflects the name of Maha Seer Hotels and Resorts Private Limited in Form I & XIV issued by the Department of Survey, Government of Goa.
- 6.2. The said **SECOND PROPERTY** bearing Survey No. 211/2 of Village Mandrem, Pernem - Goa reflects the name of Maha Seer Hotels and Resorts Private Limited in Form I & XIV issued by the Department of Survey, Government of Goa.
- 6.3. The said **THIRD PROPERTY** bearing Survey No. 212/1 of Village Mandrem, Pernem - Goa reflects the name of Maha Seer Hotels and Resorts Private Limited in Form I & XIV issued by the Department of Survey, Government of Goa.

- 6.4. The said **FOURTH PROPERTY** bearing Survey No. 212/1-A of Village Mandrem, Pernem - Goa reflects the name of Maha Seer Hotels and Resorts Private Limited in Form I & XIV issued by the Department of Survey, Government of Goa.

7. **LITIGATION ON PROPERTY:**

- 7.1. Vide Regular Civil Suit bearing number 04/2024, one Michael Ferns has challenged the validity of documents mentioned at serial no. 1 above, including, (i) Deed of Sale dated 25/08/2004 registered before Sub-Registrar of Pernem - Goa under Registration No. 246 in Book No. 1 Vol. No. 150 on 31/08/2004, (ii) Deed of Sale dated 23/04/1992 registered before Sub-Registrar of Pernem - Goa under Registration No. 100 in Book No. 1 Vol. No. 26 on 30/04/1992. (referred to in the plaint as Sale Deed - II), (iii) Inventory Proceedings No. 32/1937 with Order dated 19/07/1939, (iv) Inventory Proceedings No. 239/1963 with Order, (v) Deed of Partition dated 06/05/1975 registered before Sub-Registrar of Pernem - Goa under Registration No. 242 in Book No. 1 Vol. No. 3 on 08/05/1975, (vi) Inventory Proceedings No. 42/1976, and (vii) Public Will dated 28/12/1970 at pages 96 onwards of Book of Wills No. 81 in the Office of Ex-Officio Motary of Bardez at Mapusa. The said Regular Civil Suit bearing number 04/2024 is presently pending before the Civil Judge Senior Division at Pernem, Goa.
- 7.2. First Appeal 71/2016 reveals that the one of the heirs of Jose Luis Pinto de Carvalho, namely Virgilo Gilberto Pinto De Carvalho and his wife Christina Chandracore Gilbert Pinto filed SCS No. 26/2012 before the Court of Civil Judge Senior Division at Mapusa Goa on the ground that they have undivided right in the **SAID ENTIRE PROPERTY**. Vide order dated 30/03/2016 the suit was dismissed. The said order dated 30/03/2016 was challenged before the Hon'ble High Court of Bombay at Goa in First Appeal 71/2016. Vide order dated 05/02/2021, the Hon'ble High Court of Bombay at Goa dismissed the said First Appeal 71/2016 on the ground of non-prosecution. Presently Virgilo Gilberto Pinto De Carvalho and his wife Christina Chandracore Gilbert Pinto have filed a restoration application bearing number MCA No. 2160/2022(f) seeking



restoration of the First Appeal 71/2016 before the Hon'ble High Court of Bombay at Goa. Vide order dated 12/12/2023 the Hon'ble High Court of Bombay at Goa was pleased to issue notice pertaining to the said restoration application.

6. **ENCUMBRANCE ON PROPERTY: -**

I have taken search in the Office of the Sub-Registrar of Pernem, Pernem - Goa and have not found any registered mortgages in respect of said **FIRST PROPERTY**, the said **SECOND PROPERTY**, the said **THIRD PROPERTY** and the said **FOURTH PROPERTY**. NIL Encumbrance Certificate dated 07/04/2021 bearing number:956/2021 in respect of the said **FIRST PROPERTY**, NIL Encumbrance Certificate dated 07/06/2021 bearing number: 972, in respect of the said **SECOND PROPERTY**, NIL Encumbrance Certificate dated 07/06/2021 bearing number: 968 in respect of the said **THIRD PROPERTY**, are furnished to establish there is no encumbrance.



CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **MAHA SEER HOTELS AND RESORTS PRIVATE LIMITED** has a clear and marketable title in respect of:

1. **FIRST PROPERTY** bearing survey number 210/1, admeasuring 78,202 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following :
 - i. The publication of public notice inviting objections from the public, if any;
 - ii. Observations in paragraph 3.9 above and paragraph 7 above.
2. **SECOND PROPERTY** bearing survey number 211/2, admeasuring 56,448.50 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following :
 - i. The publication of public notice inviting objections from the public, if any;
 - ii. Observations in paragraph 3.13, 3.14 above and paragraph 7 above.
3. **THIRD PROPERTY** bearing survey 212/1, admeasuring 26,564 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following :
 - i. The publication of public notice inviting objections from the public, if any;



- ii. Observations in paragraph 7 below.
4. **FOURTH PROPERTY** bearing survey 212/1-A, admeasuring 66,781 sq. mts, situated at Ashvem, Mandrem Village, within the limits of the Village Panchayat of Mandrem, Pernem Taluka, Sub-District of Pernem, District of North Goa, State of Goa, **SUBJECT** to the following:
- i. The publication of public notice inviting objections from the public, if any;
 - ii. Observations in paragraph 3.21 above and paragraph 6 below.
5. **GENERAL QUALIFICATIONS AND ASSUMPTIONS**
- i. This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'clause 1 above.
 - ii. For the purpose of issuing this report on title, I have not carried out a negative search in respect of litigations (a) in relation to the said **FIRST PROPERTY**, (b) said **SECOND PROPERTY**, (c) said **THIRD PROPERTY**; and (d) said **FOURTH PROPERTY**;
 - iii. 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 Clause 1 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 **FIRST PROPERTY**, said **SECOND PROPERTY**, said **THIRD PROPERTY**, and said **FOURTH PROPERTY**, 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 **FIRST PROPERTY**, said **SECOND PROPERTY**, said **THIRD PROPERTY**, and said **FOURTH PROPERTY**; and
 - f. that names of persons spelt differently in different documents in respect of the said **FIRST PROPERTY**, said **SECOND PROPERTY**, said **THIRD PROPERTY**, and said **FOURTH PROPERTY** are the same person.
- iv. 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.
- v. This report on title is confined to the **FIRST PROPERTY**, said **SECOND PROPERTY**, said **THIRD PROPERTY**, and said **FOURTH PROPERTY** only.
- vi. The search conducted at the Office of the Sub-Registrar of Mapusa, Pernem - Goa is subject to non-availability of certain records and certain land registration records being torn at the concerned Sub-Registrar's Office.
- vii. The availability/existence of the access to the **FIRST PROPERTY**, said **SECOND PROPERTY**, said **THIRD**

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PROPERTY, and said **FOURTH PROPERTY** is not within the scope of this report.

- viii. 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:- 15/09/2024



Adv. Shivan Desai