

CERTIFICATE OF TITLE

1. This concerns the investigation of title, in respect of the following property.

SCHEDULE OF PROPERTY


ALL that immovable property known as "PEDRO BHYAT", situated at Anjuna, TalukaBardez, District North Goa, located with the Panchayat limits of Anjuna, Bardez-Goa and is presently surveyed under Survey No. 540/13 admeasuring 2375 square meters and the same is bounded as under:-

ON THE EAST	By the property surveyed under No. 540/14 of Anjuna Village;
ON THE WEST	By the property surveyed under No. 540/2 of Anjuna Village;
ON THE NORTH	By the property surveyed under No. 540/3 of Anjuna Village; and
ON THE SOUTH	By Public Road.

2. Following documents have been furnished scrutiny of title of said property:-

- (a) Copy of the Planta (Old Cadastral Plan) depicting Old Cadastral No. 1635;
- (b) Copy of the Inscription & Description records;
- (c) Copy of translation of the Register maintained in respect of property No. 1635 in the Old Cadastral Plan ;

- (d) Copy of translation of the Surveyors Register maintained in respect of property No. 1635 in the Old Cadastral Plan ;
  - (e) Copy of Inventory Proceedings No. 389/2010/A;
  - (f) Copy of Registered Deed of Gratuitous Relinquishment dated 16/4/2018 by Sr. Lucia D'Cunha;
  - (g) Power of attorney dated 7/7/2017 by Sr. Lucia D'Cunha in favour of Mr. Miguel Francisco D'Souza;
  - (h) Copy of Plann I & XIV Survey No. 540/13 of Anjuna village, Bardez-Goa;
  - (i) Copy of survey plan of Survey No. 540/13 of Anjuna village, Bardez-Goa;
  - (j) Certificate of NIL encumbrance dated 5/3/2018 issued by Sub-Registrar of Mapusa, Bardez Goa in respect of the said property.
3. Perusal of above documents reveals that the said property was originally inscribed in the name of one Maria Rosalina Fernandes, wife of Mr. Francisco Maria Lopes de Cunha under Inscription No. 11274 of Book G-16, Folio 99 of Registry of Inscriptions of Transmission. The said property was purchased by said Maria Rosalina Fernandes vide Deed of Sale dated 22/1/1912 registered in the Books of Notary of Judicial Division of Bardez, Mr. Caridade Frias, having purchased from Mr. Jacob Conceicao D'Souza and his wife Mr. Albertina Albestina Georgiana de Braganza e Souza and Helena Izabel Silvester, widow of Jose Xavier Baptista de Conceicao e Souza, for a consideration of Rs.200/-.
4. The said property is described in Book B-42 at Page 49 (reverse) of Land Registration Record of Bardez as under:

  
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ADVOCATE  
16/17, 4TH FLOOR,  
VRINDAVAN CHAMBERS  
PATTO PANAJI, GOA

**"DESCRIPTION NO. 16212**

*Rustic property of coconut grove denominated "BENDEACHY NOMOXIM" also known as "PEDRU BATTA", situated in Village and Parish of Anjuna, property which is also known as part or Adicao/Plot, is one of the Eighth Adicao/Plot or Sixteenth Adicao/Plot into which ..... (illegible) two out of forty eight parts of the property of the same denomination which is separated from others and forms one separate and independent property, bounded on East by property of heirs of Sebastiao Marano de Souza, on West by that of the heirs of Joao Luiz Fernandes, on the North by that of seller Jacob Conceicao de Souza, and on South by Public Road. "*

5. Perusal of Old Cadastral Plan along with the corresponding Register Entries also reveals that Plot No. 1635 was registered in the name of Maria Rosalina Fernandes.
6. Further perusal of Form I & XIV pertaining Survey No. 540/13 reveals the property name tallies with the name of the property mentioned in the Description Records.
7. In view of all these documents, the title of Maria Rosalina Fernandes is clearly established. Comparison of the Old Cadastral Plan of property bearing No. 1635 and the latest Survey Plan reveal that the properties are one and the same. However, a formal Correspondence Certificate may be obtained from the Directorate of Settlement and Land Revenue, inter alia certifying that the property bearing Old Cadastral Number 1635 and the property surveyed under No. 540/13 are one and the same.

  
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8. Upon death of said Rosie Fernandes alias Maria Rosalina Fernandes and her husband Francisco Mario Lopes da Cunha, an Inventory Proceedings No. 389/2010/A was instituted in the Court of Civil Judge, Senior Division of Bardez, at Mapusa.
9. Perusal of statement on oath by Mr. Peter D'Cunha in his capacity as Cabeça de Casal appointed by the Court reveals that said Maria Rosalina Fernandes and her husband Francisco Mario Lopes da Cunha were survived by their son Assumption Isidor Bernardo D'Cunha also known as Bernardo Isidoro Assumption Lopes de Cunha, married to Mrs. Bevinda Aramita de Cunha alias Bevinda Aramita Mascarenhas e D'Cunha alias Beabinda Aramita Mascarenhas e Cunha. Said Assumption Isidor Bernardo D'Cunha died on 10/10/1910 and said Bevinda Aramita D'Cunha died on 10/3/1993 and they were survived by the following legal heirs:-
- (a) Francis D'Cunha, son of late Assumption Isidor Bernardo D'Cunha (died on 16/8/2005);
  - (b) Mrs. Maria D'Souza e D'Cunha, widow of late Francis D'Cunha;
    - (i) Mr. Savio D'Cunha, son of late Francis D'Cunha;
    - (ii) Mrs. Hazel D'Cunha, wife of Savio D Cunha;
    - (iii) Mrs. Rosalyn D'Cunha, daughter of late Francis D'Cunha;
    - (iv) Mr. Thomas Fernandes, husband of Rosalina D'Cunha;
  - (c) Mr. Peter D'Cunha, son of late Assumption Isidor Bernardo D'Cunha;
  - (d) Mrs. Alcina D'Souza, wife of Peter D'Cunha;
  - (e) Mr. Victor A. D'Cunha, son of late Assumption Isidor Bernardo D'Cunha, who died on 17/7/1992;
  - (f) Mrs. Fatima Noronha e D'Cunha, widow of Victor A. D'Cunha;
    - (i) Mr. Vernon D'Cunha, son of late Victor A. D'Cunha;
    - (ii) Mrs. Cynthia D'Cunha, wife of Mr. Vernon D'Cunha;

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- (iii) Mrs Perpetual D'CunhaFernandes, daughter of late Mr. Victor A. D'Cunha;
- (iv) Mr. Edward Fernandes, husband of Mrs. Perpetual D'CunhaFernandes;
- (g) Sr. Lucia D'Cunha, daughter of late Assumption Isidor Bernardo D'Cunha;
- (h) Ms Jacinta D'Cunha, spinster, daughter of late Assumption Isidor Bernardo D'Cunha;

10. The said property in the Final Chart of Allotment has been valued at Rs.5,000/- and all the parties stated above are allotted respective shares in the property. Thus, the parties have duly acquired the right, title and interest in the said property, as co-owners in proportion stated and described in the Final Chart of Allotment made in Inventory Proceedings No. 389/2010/A. The said Final Chart of Allotment is marked as "EXHIBIT 30" in the Inventory Proceedings and has been finalised vide Final Order dated 23/1/2014.

11. Sr. Lucia D'Cunha vide Registered Deed of Gratuitous Relinquishment dated 16/4/2018 executed through her duly constituted Attorney Mr. Miguel Francisco D'Souza relinquished all her right title and interest in the said property in favour of other co-owners.

12. Perusal of Form I & XIV reveals that names of all surviving legal heirs are incorporated in Form I & XIV. Further, there is no entry in the tenants column and therefore, the property appears to be exclusively in possession of the owners. However, a portion of the property to an extent of 11 square meters is acquired by the Government of Goa (PWD) and therefore, the area available as per the Revenue Records is 2364 square meters.

  
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13. Certificate of NIL encumbrance dated 5/3/2018 issued by Sub-Registrar of Mapusa, Bardez Goa in respect of the said property proves that the said property is not subjected to any encumbrances.

14. I therefore certify the title of following parties to the said property:

- (a) Mrs. Maria D'Souza e D'Cunha, widow of late Francis D'Cunha;
- (b) Mr. Savio D'Cunha, son of late Francis D'Cunha;
- (c) Mrs. Hazel D'Cunha, wife of Savio D'Cunha;
- (d) Mrs. Rosalyn D'Cunha, daughter of late Francis D'Cunha;
- (e) Mr. Thomas Fernandes, husband of Rosalina D'Cunha;
- (f) Mr. Peter D'Cunha, son of late Assumption Isidor Bernardo D'Cunha;
- (g) Mrs. Alcina D'Souza, wife of Peter D'Cunha;
- (h) Mrs. Fatima Noronha e D'Cunha, widow of Victor A. D'Cunha;
- (i) Mr. Vernon D'Cunha, son of late Victor A. D'Cunha;
- (j) Mrs. Cynthia D'Cunha, wife of Mr. Vernon D'Cunha;
- (k) Mrs Perpetual D'CunhaFernandes, daughter of late Mr. Victor A. D'Cunha;
- (l) Mr. Edward Fernandes, husband of Mrs. Perpetual D'CunhaFernandes;
- (m) Ms Jacinta D'Cunha, spinster, daughter of late Assumption Isidor Bernardo D'Cunha;

Place: Panaji Goa

Date: 20/4/2018



ADV. NIKHIL VAZE

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