

TITLE REPORT

- I. I have perused the photocopies of the following documents:
- a) Survey Records Form I & XIV bearing Survey No. 146/9 of Village Assagao, Bardez - Goa.
 - b) Registo Do Agrimensor
 - c) Manual Form I & XIV
 - d) Deed of Relinquishment dated 19/10/1978
 - e) Inventory Proceedings bearing No. 324/92/A instituted before Civil Judge Senior Division at Mapusa
 - f) Order dated 29/04/1995 passed in Inventory Proceedings bearing No. 324/92/A by Civil Judge Senior Division at Mapusa
 - g) Deed of Sale and Conveyance dated 06/05/2011 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-BK1-02288-2011, CD No. BRZD170 dated 09/05/2011
 - h) Judgement and Decree dated 22/07/2011 passed by Civil Judge Senior Division, 'C' Court at Mapusa – Goa in Special Civil Suit No. 34/1996/A (old) in Regular Civil Suit No. 478/2000/C (new)

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- i) Deed of Sale dated 11/02/2016 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-BK1-00681-2016, CD No. BRZD777 dated 12/02/2016
- j) Deed of Rectification dated 15/02/2017 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-BK1-00625-2017, CD No. BRZD785 dated 03/03/2017
- k) Deed of Sale dated 13/02/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-1-373-2019 dated 13/02/2019

Permissions :

- l) Land Use Zoning Certificate dated 03/11/2011 issued by Town and Country Planning Department, Mapusa – Goa.
- m) Technical Clearance Order dated 01/02/2019 bearing No. TPB/4601/Assagao/TCP-19/875 issued by Senior Town Planner, Mapusa – Goa
- n) Correspondence Certificate dated 09/03/2019 bearing Ref. No. Cores/Cert/25/2018-19 issued by G. P. Aroskar, Architectural Designer RCC Consultant, Values & Land Surveyor, Mapusa – Goa.

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- o) NIL Encumbrance Certificate dated
13/02/2019 bearing No. 360/2019
- p) Cadastral Survey Plan
- q) Survey Plan

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

ALL THAT property known as **“TALE”** and **“TOLLEM”**, admeasuring an area of **5500 sq. mts.**, presently surveyed under Survey No. **146/9** of Village of **Assagao**, within the limits of Village Panchayat of Assagao of the Taluka of Bardez, Sub District of North Goa in the State of Goa, having old cadastral Survey No. 687, not found to be described in the Land Registration Office of Bardez nor enrolled in the Taluka Revenue Office of Bardez and bounded as under:-

East :- By the water drain;

West :- By Road;

North :- By the property bearing Survey No. 146/8 of Village Assagao;

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South :- By the property bearing Survey No. 148/14
and 146/10 of Village Assagao;

This property shall hereinafter referred to as the **SAID
PROPERTY**

TRACING OF PARTIES TITLE:

1. The **said Property** is neither described or inscribed in the Land Registration Records. However Registo do Agrimensor and Land Survey Record reveals that the **said Property** bearing old Cadastral Survey No. **687** originally belonged to Jose Xavier de Natividade Fernandes son of Marcos Avelino Fernandes and of Penelope Honorina Esmenia Pinto.
2. Correspondence Certificate dated 09/03/2019 bearing Ref. No. Cores/Cert/25/2018-19 issued by G. P. Aroskar, Architectural Designer RCC Consultant, Values & Land Surveyor, Mapusa – Goa reveals that the **said Property** bearing old Cadastral Survey No. **687** corresponds to survey No. **146/9** of Village Assagao, Bardez – Goa.

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3. The said Mr. Natividade Fernandes alias Jose Xavier de Natividade Fernandes was married to Mrs. Grasmilda Dometia Silveira e Fernandes alias Gragmila Fernandes and both expired on 25/10/1970 and 15/01/1974 respectively leaving behind their following legal heirs :

- (i) Mr. Avelino Fernandes alias Jose Avelino Joaquim Fernandes,
- (ii) Jose Bento Fernandes married to Maria Expectacao Lucrecia Monteiro Fernandes
- (iii) Ana Clara Ismenia Fernandes Nazare married to Lamartin Nazare.
- iv. Smt. Deolinda Fernandes Moraes married to Mr. Gelasio Moraes
- v. Ezilda Fernandes Silveira married to Caetano Antonio Silveira
- vi. Jose Fausto Fernandes married to Margarete Fernandes alias Margarida Fernandes

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4. Vide Deed of Relinquishment dated 19/10/1978, the said Jose Bento Fernandes and his wife, Maria Expectacao Lucrecia Monteiro Fernandes and Ana Clara Ismenia Fernandes Nazare and her husband, Lamartin Nazare relinquished their rights in the estate left by their parents/parents-in-law.
5. Upon the death of the said Natividade Fernandes alias Jose Xavier de Natividade Fernandes and Mrs. Grasmilda Dometia Silveira e Fernandes alias Gragmila Fernandes, Inventory Proceedings bearing No. 324/92/A were instituted before Civil Judge Senior Division at Mapusa and the said property was listed at ITEM NO. 31 in the Additional List of Assets.
6. Vide Order dated 29/04/1995 passed in Inventory Proceedings bearing No. 324/92/A by Civil Judge Senior Division at Mapusa, the said property at Item No. 31 was allotted to Smt. Deolinda Fernandes Moraes and her husband, Mr. Gelasio Moraes.

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7. Vide Deed of Sale and Conveyance dated 06/05/2011 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-BK1-02288-2011, CD No. BRZD170 dated 09/05/2011, the said Smt. Deolinda Fernandes Moraes alias Deolinda Moraes alias Deolinda Morais and her husband, Mr. Gelasio Moraes sold the SAID PROPERTY in favour of Mr. Gajanan Balkrishna Vernekar

8. Vide Deed of Sale dated 11/02/2016 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-BK1-00681-2016, CD No. BRZD777 dated 12/02/2016, the said Mr. Gajanan Balkrishna Vernekar along with his Wife, Mrs. Dhanashree Gajanan Vernekar sold the SAID PROPERTY in favour of Mr. Kavinash K. Harmalkar and Mr. Rajesh Manohar Parab.

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9. The said Deed of Sale dated 11/02/2016 was duly rectified vide Deed of Rectification dated 15/02/2017 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-BK1-00625-2017, CD No. BRZD785 dated 03/03/2017 with respect to erroneous entry regarding consideration amount.
10. Vide Deed of Sale dated 13/02/2019 registered before Sub-Registrar of Mapusa, Bardez – Goa under Registration No. BRZ-1-373-2019 dated 13/02/2019, the said Mr. Kavinash K. Harmalkar along with his wife, Mrs. Sangeeta Kavinash Harmalkar and Mr. Rajesh Manohar Parab along with his wife, Mrs. Ujwala Rajesh Parab sold the SAID PROPERTY in favour of Vianaar Heritage Development Pvt. Ltd.
11. Vide Deed of Sale dated 13/02/2019, the said Vianaar Heritage Development Pvt. Ltd. became absolute owner in possession of the SAID PROPERTY

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12. Vide Technical Clearance Order dated 01/02/2019 bearing No. TPB/4601/Assagao/TCP-19/875 issued by Senior Town Planner, Mapusa – Goa, approval for construction of Residential Villas (8 Nos.) and Swimming Pool in the said PROPERTY has been obtained.

13. In light of above, considering the fact that the Deed of Relinquishment dated 19/10/1978, Order dated 29/04/1995 passed in Inventory Proceedings bearing No. 324/92/A by Civil Judge Senior Division at Mapusa, Deed of Sale and Conveyance dated 06/05/2011, Deed of Sale dated 11/02/2016 read with Deed of Rectification dated 15/02/2017 and Deed of Sale dated 13/02/2019 and the Survey Records in respect of the SAID PROPERTY have remained unchallenged and the survey records corresponds to the devolution of title and is consistent with the ownership of the present owners, I am of the

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opinion that **VIANAAR HERITAGE DEVELOPMENT PVT. LTD.** have clear and marketable title in respect of the **SAID PROPERTY** subject to the following :

- i. Publication of Public Notice inviting objection from the general public prior to any sale

IV. In addition to above, I have to make the following observations:

1. No tenants/Mundkars are reflected in the survey records of the **SAID PROPERTY**.
2. The Urban Ceiling Act is not applicable to the State of Goa.
3. No Conversion Sanad in respect of the SAID PROPERTY is furnished to establish that the said property is converted from agricultural to non-agricultural purposes.

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4. Land Use Zoning Certificate dated 03/11/2011 issued by Town and Country Planning Department, Mapusa – Goa has been furnished which reveals that the Said Property falls in “Settlement Zone” as per Regional Plan for Goa 2021.

V. EVIDENCE OF POSSESSION:-

The **SAID PROPERTY** bearing Survey No. 146/9 reflects the names of Kavinash K. Harmalkar and Rajesh Manohar Parab in Form I & XIV issued by the Department of Survey, Government of Goa which needs to be deleted and the name of Vianaar Heritage Development Pvt. Ltd. need to be incorporated.

VI. ENCUMBRANCE ON PROPERTY:-

I have taken search in the Office of the Sub-Registrar of Mapusa, Bardez - Goa and have not found any registered mortgages in respect of the **said Property**. NIL Encumbrance Certificate dated

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13/02/2019 bearing No. 360/2019 in respect of the
said Property is furnished to establish that there is
no encumbrance.

CERTIFICATE

From the documents produced from my scrutiny, I
hereby certify that **VIANAAR HERITAGE DEVELOPMENT
PVT. LTD.** have clear and marketable title in respect of
the **said Property** subject to the following:

- i. Publication of Public Notice inviting
objection from the general public prior to
any sale

➤ **General Qualifications and Assumptions**

- This report on title is prepared solely on the basis
of documents furnished to me as more particularly
set out at 'I' above.
- For the purpose of issuing this report on title:

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- (a) I have not carried out a negative search in respect of litigations (i) in relation to the **said Property** and/or (ii) against the larger property;
 - (b) I have not inspected the originals of the title documents produced for scrutiny referred to above; and
 - (c) I have taken the title documents under which Jose Xavier de Natividade Fernandes son of Marcos Avelino Fernandes and of Penelope Honorina Esmenia Pinto acquired the Land as the root of title.
- For the purpose of issuing this report on title, I have assumed:
 - (a) the legal capacity of all natural persons, the genuineness of all signatures, the conformity to original documents of all documents of title submitted to me, asset out at 'I' above, as photocopies or scanned copies and the authenticity of the originals of such documents;

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- (b) that the documents of title set out in the report above have not been modified in any manner and are valid, subsisting and remain in force;
- (c) that all the documents relating to the **said Property** and furnished to me have been validly executed and delivered by the parties to them;
- (d) that all documents are within the capacity and powers of each party and have been validly authorized by each party;
- (e) that there are no pending litigations in respect of the **said Property**; and
- (f) that names of persons spelt differently in different documents in respect of the **said Property** are the same person;
- The accuracy of this report on title necessarily depends on the documents furnished to me and the information provided to me during the course of my discussions, being true, complete and accurate and which I have assumed to be the case. I therefore disclaim any responsibility for any misinformation or incorrect or incomplete information arising out

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of the documents, responses and other information
furnished to me.

- This report on title is confined to the **said Property** only.
- The search conducted at the Office of the Sub-Registrar of Mapusa, Bardez - Goa is subject to non-availability of certain records and certain land registration records being torn at the concerned Sub-Registrar's Office.
- 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:- 14/03/2019

(Adv. Shivan S. Desai)

