

ADV. N. R. SAWANT

(B.Sc.LL.B)

Advocate

Office: - Near S.B.I. Bank, Pernem Branch
Opp. to Mahadev Temple
Pernem Goa - 403 512.

Mob. No.9423821280

Ref. No.:

Date: 07/02/2023

: 1 :

TITLE REPORT

1. Document Produced by : 1. MR. AMOL VADIYAR, son of Mr. Marutirao Vadiyar, major of aged, married, business, holding Adhaar Card No. _____ and PAN Card No. _____ Mob. No. _____ Indian National and resident of Plot No. 9, RSN 1505/2, Behind New Palace, Mala, Kolhapur, Maharashtra.
2. MS. DASHMI GAWDE, wife of Mr. Sonu K. Gawde, major of aged, married, holding Adhaar Card No. _____ and PAN Card No. _____, Indian National and resident of H.No. 456, Gawdewada, Corgao, Pernem, Goa.
2. Document Examined : 1. Record of right Form I & XIV of property Survey under No. 108/1 of village Corgao in Pernem Taluka state of Goa.
2. Survey plan of property Survey under No. 108/1 of village Corgao in Pernem Taluka state of Goa.
3. Manual Copy of Form I & XIV of Survey No. 108/1 of Corgao

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4. Form III and IV of Survey No. 108/1 of Corgao.
5. Form IX of Khata number 109 of Alex Jeron Carvalho.
6. Zoning Certificate of property Survey No. 108/1 of Corgao
7. Certified copy of Deed of Succession executed before the Office of Civil Registrar cum SUB Registrar and Notary Ex Officio at Pernem Goa, in the Notary Book of Deed bearing No.14, at pages 2 to 3 dated on 06/08/2009
8. Certified copy of Deed of Sale dated 29/06/2017 is duly registered before the Office of the Civil Registrar cum sub Registrar of Pernem at Pernem under Book 1, Document, registration no. PNM-BK1-00437-2017, CD No. PNMD13 on 29/06/2017.
9. Certified copy of Agreement for Development and Sale dated 09/03/2021 is duly registered before the Office of the Civil Registrar cum sub Registrar of Pernem at Pernem under Book 1,

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Document, registration no. PNM-1-82-2021 on 11/03/2021.

10. Certified copy of Agreement for Development and Sale dated 14/10/2021 is duly registered before the Office of the Civil Registrar cum sub Registrar of Pernem at Pernem under Book 1, Document, registration no. PNM-1-375-2021 on 18/10/2021.

11. Technical Clearance Order dt.14/03/2022

12. Construction Licence from Panchayat dt.19/04/2022.

3. Documents Collected from Offices:
1. The Office of the Inspector of Land Settlement and land records at Pernem.
 2. The Office of the Civil Registrar cum sub Registrar of Pernem at Pernem
 3. The office of the Deputy Town & Country Planning, Pernem - Goa.
 4. The Mamlatdar/ Taluka Revenue office at Pernem.
 5. The office of Village Panchayat Corgao, Corgao Pernem - Goa
 6. The Office of the Talathi, Pernem Goa.

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4. Description of : THAT present report is asked by the party with respect to immovable property surveyed under Survey No. 108, Sub-division No.1, admeasuring a total area of 9225 sq. mtrs, situated at Mainwada, Corgao, within the limits of the Village Panchayat of Corgao, Pernem Taluka, District of Pernem, North Goa, State of Goa, neither described and registered in the Land Registration office not found enrolled in the Matriz records of Pernem, which is herein after referred as said property and presently is bounded as follows;
- On the East: by property bearing under S. No. 108/2;
- On the West: By property bearing under S. No. 116/2 and 3;
- On the North: By property bearing under S.No. 108/2 and 110;
- On the South: By property bearing under S. No. 108/4, 5 and 6.
5. Flow of Title : I have examined the documents mentioned at para (2) above, from the documents examined and the searches carried out and the information received, it

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transpires that the said property along with other properties were originally belonged and owned Ales Jeron Carvalho alias Alex Jeron Carvalho alias Alesh Carval Alias Alex Jeron Carvalho alias Alex Carvalho alias Aleixo Carvalho alias Alex Jeronimo Carvalho.

AND WHEREAS the name of Ales Jeron Carvalho alias Alex Jeron Carvalho alias Alesh Carval Alias Alex Jeron Carvalho alias Alex Carvalho alias Aleixo Carvalho alias Alex Jeronimo Carvalho name is duly recorded in Form IX of the "SAID PROPERTY" at serial no. 109 and the entry has been recorded and registered in the year 06/01/1971.

AND WHEREAS the name of said Ales Jeron Carvalho alias Alex Jeron Carvalho alias Alesh Carval Alias Alex Jeron Carvalho alias Alex Carvalho alias Aleixo Carvalho alias Alex Jeronimo Carvalho is also found inscribed in Form III, which is the Index of Land, Form IV and Form I and XIV for the Village Corgao, Pernem Goa, pertaining to the SAID PROPERTY, which further substantiate the ownership and possessory right of the Ales Jeron Carvalho alias Alex Jeron Carvalho alias Alesh Carval Alias Alex Jeron

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: 6 :

Carvalho alias Alex Carvalho alias Aleixo Carvalho alias Alex Jeronimo Carvalho in and over the SAID PROPERTY.

AND WHEREAS the said Ales Jeron Carvalo alias Alex Jeron Carvalo alias Alesh Carval Alias Alex Jeron Carvalho alias Alex Carvalho alias Aleixo Carvalho alias Alex Jeronimo Carvalho, was married to Mrs. Rosaria Rodrigues @ Rozaria @ Rosaria.

AND WHEREAS further the said Ales Jeron Carvalo alias Alex Jeron Carvalo alias Alesh Carval Alias Alex Jeron Carvalho alias Alex Carvalho alias Aleixo Carvalho alias Alex Jeronimo Carvalho expired on 28/04/1994 leaving behind his wife as the half sharer and moiety holder MRS. ROSARIA RODRIGUES @ ROZARIA @ ROSARIA and children 1. MR. LUIS BASILIO CARVALHO @ LUIS ALEX CARVALHO @ LUIS A. CARVALHO, son of late Alex J. Carvalho, married to MRS. BENEDITA CARVALHO @ BENEDITA L. CARVALHO; 2. MR. THOMAS ALEX CARVALHO @ THOMAS JEROME CARVALHO, son of late Alex J. Carvalho, married to MRS. ELFREGINA THOMAS CARVALHO; 3. MR.

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GERALD CARVALHO @ GERALD ALEX CARVALHO, son of late Alex J. Carvalho married to MRS. AZBA G. CARVALHO @ AZBA ZAHOOOR BHURE, 4. MRS. JOAQUINA A. FERNANDES @ JOAQUINA ASSIS FERNANDES @ JOAQUINA FERNANDES, daughter of Alex Carvalho and widow of Mr. Asis Fernandes, and her son MR. JOHN BOSCO A. FERNANDES @ JOHN BOSCO ASSIS FERNANDES @ JOHN BOSCO FERNANDES; 5. MRS. ESMERALDA B @ E SMARALDA BAPTIST MASCARENHAS @ ESAMARALDA MASCARENHAS, daughter of Alex J. Carvalho married to MR. BAPTIST MASCARENHAS @ MATEUS GEROIMO MASCARENHAS @ MATEUS BAPTIST MASCARENHAS; 6. MRS. ZEBELINA A. CARVALHO @ ZEBELINA JEICIENTO BRITTO @ JEBELINE BRITTO, as his sole and universal heirs.

AND WHEREAS upon the death of late Ales Jeron Carvalo @ Alex Jeron Carvalo @ Alesh Carval @ Alex Jeron Carvalho @ Alex Carvalho @ Aleixo Carvalho @ Alex Jeronimo Carvalho, a Deed of Succession was executed before the Office of Civil Registrar cum Sub-Registrar and Notary Ex-Officio at Pernem Goa, in the NOTARY Book of Deed bearing no. 14, at

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pages 2 to 3 dated on 06/08/2009 and the same was also published in the Official Gazette, Series III no. 21 on 20/08/2009, where in it was declared that the above heirs are the sole and universal heirs of the late Ales Jeron Carvalo @ Alex Jeron Carvalo @ Alesh Carval @ Alex Joron Carvalho @ Alex Carvalho @ Aleixo Carvalho @ Alex Jeronimo Carvalho.

AND WHEREAS in this manner they, the said above heirs having acquired the right in the SAID PROPERTY along with other properties in village Corgao by virtue of the above mentioned document become the absolute owners in possession of the SAID PROPERTY, have entered into quiet and peaceful possession and ownership thereof and have continued to be in its quiet and peaceful enjoyment, performing various possessory acts, as the rightful owner thereof, without any opposition, objection, obstruction, interference, interruption, let or hindrance from anybody whomsoever.

AND WHEREAS thereafter said MRS. ROSARIA RODRIGUES @ ROZARIA @ ROSARIA and her

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children 1. MR. LUIS BASILIO CARVALHO @ LUIS ALEX CARVALHO @ LUIS A. CARVALHO, son of late Alex J. Carvalho, married to MRS. BENEDITA CARVALHO @ BENEDITA L. CARVALHO; 2. MR. THOMAS ALEX CARVALHO @ THOMAS JEROME CARVALHO, son of late Alex J. Carvalho, married to MRS. ELFREGINA THOMAS CARVALHO; 3. MR. GERALD CARVALHO @ GERALD ALEX CARVALHO, son of late Alex J. Carvalho married to MRS. AZBA G. CARVALHO @ AZBA ZAHOR BHURE, 4. MRS. JOAQUINA A. FERNANDES @ JOAQUINA ASSIS FERNANDES @ JOAQUINA FERNANDES, daughter of Alex Carvalho and widow of Mr. Asis Fernandes, and her son MR. JOHN BOSCO A. FERNANDES @ JOHN BOSCO ASSIS FERNANDES @ JOHN BOSCO FERNANDES; 5. MRS. ESMERALDA B @ E SMARALDA BAPTIST MASCARENHAS @ ESAMARALDA MASCARENHAS, daughter of Alex J. Carvalho married to MR. BAPTIST MASCARENHAS @ MATEUS GEROIMO MASCARENHAS @ MATEUS BAPTIST MASCARENHAS; 6. MRS. ZEBELINA A. CARVALHO @ ZEBELINA JEICIENTO BRITTO @ JEBELINE BRITTO sold an area admeasuring 4000 to Mr. Sham Phadte @ Shyam Fadte, vide Deed of

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Sale dated 29/06/2017 is duly registered before the Office of the Civil Registrar cum sub Registrar of Pernem at Pernem under Book 1, Document, registration no. PNM-BK1-00437-2017, CD No. PNMD13 on 29/06/2017, and which is more particularly described as under;

SCHEDULE

ALL THAT SAID PLOT admeasuring area of 4000 Sq.mtrs out of total area of 9225 sq. mtrs from the said property presently surveyed under Survey No. 108/1 of Village Corgao and situated at Village Corgao, within jurisdiction of Village Panchayat of Corgao, Taluka Pernem, Sub-District, Pernem, District Goa, State of Goa, which is neither inscribed nor described in the Land Registration office of Bardez, at Mapusa nor enrolled in the Land Revenue Office of Pernem, which is more particularly shown and delineated in red lines in plan annexed to the said sale deed and is bounded as follows;

On North: By property bearing under S. No. 108/2;

On the South: By partly 6.00 mtrs wide road and partly by property bearing under S. No.116/6;

On East: by property bearing under S. No. 108/2;

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On West: By property bearing under S. No. 108/1.

AND WHEREAS in-furtherance of above sale the share of MRS. ROSARIA RODRIGUES @ ROZARIA @ ROSARIA and her children 1. MR. LUIS BASILIO CARVALHO @ LUIS ALEX CARVALHO @ LUIS A. CARVALHO, son of late Alex J. Carvalho, married to MRS. BENEDITA CARVALHO @ BENEDITA L. CARVALHO; 2. MR. THOMAS ALEX CARVALHO @ THOMAS JEROME CARVALHO, son of late Alex J. Carvalho, married to MRS. ELFREGINA THOMAS CARVALHO; 3. MR. GERALD CARVALHO @ GERALD ALEX CARVALHO, son of late Alex J. Carvalho married to MRS. AZBA G. CARVALHO @ AZBA ZAHOR BHURE, 4. MRS. JOAQUINA A. FERNANDES @ JOAQUINA ASSIS FERNANDES @ JOAQUINA FERNANDES, daughter of Alex Carvalho and widow of Mr. Asis Fernandes, and her son MR. JOHN BOSCO A. FERNANDES @ JOHN BOSCO ASSIS FERNANDES @ JOHN BOSCO FERNANDES; 5. MRS. ESMERALDA B @ E SMARALDA BAPTIST MASCARENHAS @ ESAMARALDA MASCARENHAS, daughter of Alex J. Carvalho married to MR. BAPTIST MASCARENHAS @ MATEUS GEROIMO

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MASCARENHAS @ MATEUS BAPTIST
MASCARENHAS; 6. MRS. ZEBELINA A. CARVALHO
@ ZEBELINA JEICIENTO BRITTO @ JEBELINE
BRITTO reduces to balance area of the said property
which calculated out to be 5225 Sq.mtrs in the said
property.

SCHEDULE

ALL THAT balance area admeasuring area of 5225
Sq.mtrs out of total area of 9225 sq. mtrs from the
said property presently surveyed under Survey No.
108/1 of Village Corgao and situated at Village
Corgao, within jurisdiction of Village Panchayat of
Corgao, Taluka Pernem, Sub-District, Pernem,
District Goa, State of Goa, which is neither
inscribed nor described in the Land Registration
office of Bardez, at Mapusa nor enrolled in the Land
Revenue Office of Pernem, which is more
particularly shown and delineated in red lines in
plan annexed to the said sale deed and is bounded
as follows;

On North: By property bearing under S. No. 108/2
and 110;

On South: By property bearing under S. No. 108/4
and 5;

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On East: By remaining portion of the property bearing under S. No. 108/1 having an area of 4000 sq. mtrs;

On West: By property bearing under S. No. 116/2 and 3.

AND WHEREAS in-furtherance of above documents, said MRS. ROSARIA RODRIGUES @ ROZARIA @ ROSARIA and her children 1. MR. LUIS BASILIO CARVALHO @ LUIS ALEX CARVALHO @ LUIS A. CARVALHO, son of late Alex J. Carvalho, married to MRS. BENEDITA CARVALHO @ BENEDITA L. CARVALHO; 2. MR. THOMAS ALEX CARVALHO @ THOMAS JEROME CARVALHO, son of late Alex J. Carvalho, married to MRS. ELFREGINA THOMAS CARVALHO; 3. MR. GERALD CARVALHO @ GERALD ALEX CARVALHO, son of late Alex J. Carvalho married to MRS. AZBA G. CARVALHO @ AZBA ZAHOUR BHURE, 4. MRS. JOAQUINA A. FERNANDES @ JOAQUINA ASSIS FERNANDES @ JOAQUINA FERNANDES, daughter of Alex Carvalho and widow of Mr. Asis Fernandes, and her son MR. JOHN BOSCO A. FERNANDES @ JOHN BOSCO ASSIS FERNANDES @ JOHN BOSCO FERNANDES;

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5. MRS. ESMERALDA B @ E SMARALDA BAPTIST MASCARENHAS @ ESAMARALDA MASCARENHAS, daughter of Alex J. Carvalho married to MR. BAPTIST MASCARENHAS @ MATEUS GEROIMO MASCARENHAS @ MATEUS BAPTIST MASCARENHAS; 6. MRS. ZEBELINA A. CARVALHO @ ZEBELINA JEICIENTO BRITTO @ JEBELINE BRITTO and Mr. Sham Phadte @ Shyam Fadte becomes the exclusive owners of the said property.

AND WHEREAS said above owners then also obtained Landuse/ Zonning Information on SAID PROPERTY from the office of the Dy. Town Planner, TCP office Pernem, dated 09/12/2021. And whereas in the said certificate it has been stated that said property is enmarked as "SETTLEMENT ZONE with VP-2 status FAR 60".

AND WHEREAS thereafter the above owners approached the Developers namely Mr. Amol Vadiyar and Mrs. Dashmi Gawde, with an offer that the DEVELOPERS to construct a building/ buildings/ complex/s, project in the said property wherein premises will be available for residential

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cum commercial use with necessary infrastructure. And that in consideration to said development the Developer will compensate Carvalho family by way of constructing a multi storied building contraction with 20 (Twenty) flats of 1 BHK having a carpet area of 30 sq. mtrs, each (30 sq. mtrs, x 20 rooms) having total carpet area of 600 sq. mtrs being the area corresponding to the market value of their share and for Mr. Sham Phadte @ Shyam Fadte by way of construction a multi storied building contraction with 28 (Twenty Eight) service apartment having a carpet area of 18 sq. mtrs, each (18 sq. mtrs x28) having total carpet area of 504 sq. mtrs, being the area corresponding to the market value of his share. And all the remaining built up area together with the said property shall belong to the DEVELOPERS, who shall be entitled to retain or disposed such constructed area/units to any person/s of the choice of the DEVELOPERS, which allotment to the owners shall hereinafter be referred as the CONSTRUCTED BUILD UP AREA and same to be delivered to the owners after obtaining the occupancy certificate to said construction work.

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AND WHEREAS in-furtherance of same, an Agreement for Development and Sale dated 09/03/2021 is duly registered before the Office of the Civil Registrar cum sub Registrar of Pernem at Pernem under Book 1, Document, registration no. PNM-1-82-2021 on 11/03/2021 with Carvalho family. And an Agreement for Development and Sale dated 14/10/2021 is duly registered before the Office of the Civil Registrar cum sub Registrar of Pernem at Pernem under Book 1, Document, registration no. PNM-1-375-2021 on 18/10/2021 with Mr. Sham Phadte @ Shyam Fadte and his wife on terms and conditioned mentioned therein in those agreements.

AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that in consideration of the constructed build up area, the Owners have permitted the DEVELOPERS to develop the entire said property.

AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that THE DEVELOPERS shall be irrevocably entitle to retain

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all the remaining balance of the upper built-up area and the additional and or increased FAR except the CONSTRUCTED BUILD UP AREA agreed to be given to the OWNERS and in respect of such super built-up area, the DEVELOPERS shall be free to deal with the same and in the regard the owners shall be entitled to enter in to firm commitments or agreement with its customers to dispose any of the premises contained in the said balance built-up area to any person/s of the choice of the DEVELOPERS for such consideration as may be fixed by the DEVELOPERS at their own discretion and for appropriate consideration received from such customers.

AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that the Owners have handed over to the DEVELOPERS the possession of the said property the purpose of development and construction building/buildings complex/s in the said property along with signing the said developments agreements.

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AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that the owners have grant permission to the DEVELOPERS to develop the said property and to obtain all other necessary No Objection Certificates, permissions and sanctions and extension, etc, and permissions for carrying out the Development works, including the construction license, for the purpose of the said development of the said property.

AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that as soon as the necessary permissions and licenses from the concerned authorities and departments for construction and development in the said property is approved and obtained by the DEVELOPERS, the Developers will commence the construction work for the proposed development in the said property.

AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that the owners specifically agrees and give their consent/NOC to bank or financial institution, for the DEVELOPERS or their nominees to secure loan

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from any bank or financial institution on the said property or any part thereof or over the built up area by mortgaging the said property and without making the owners liable for the same.

AND WHEREAS in said agreement it is agreed by and between the Owners and Developers that after completion of the said project, the DEVELOPERS and owners and/or his said nominee/s shall execute conveyance and all other necessary documents and papers to complete the title agreed to be conveyed in respect of the said property and/or in respect of the proportionate undivided right, title, interest and share in the said property and such conveyance shall be in favour of the DEVELOPERS or its nominee/s including a Co-operative Housing Society, a Limited Company or Association or in favour of the prospective acquirers/buyers of built up premise in the building that is proposed to be constructed in the SAID PROPERTY.

AND WHEREAS, in-furtherance of above developments agreements, the Developers then

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applied before all concern departments for various permission. And accordingly after complying the same, the Office of the Dy. Town Country Planner Town & Country Planning Department Pernem Taluka office issued Technical Clearance Order dt.14/03/2022 for carrying out the Amalgamation of Plots and proposed Construction of Residential building Blocks A & B, Villas and Swimming Pool in said property.

AND WHEREAS the Developer also complied with the requirement of NOC bearing No.DHS/2022/DHS0901/00050/491 dt.16/04/2022 from Primary Health Centre, Pernem Goa for proposed project of Construction of Residential building Blocks A & B, Villas and Swimming Pool in said property.

AND WHEREAS, thereafter the Village Panchayat of Corgoa has granted Construction licence vide No. VPC/Construction Licence/2022-23/81 dt. 19/04/2022 for construction of Residential building Blocks A & B, Villas and Swimming Pool in said property.

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AND WHEREAS, it is further revealed from the said Developers, that the Developers have appointed a structural Engineer for the preparation of the structural design and drawings of the buildings. And that the Developers have started the construction of the proposed project of Construction of Residential building Blocks A & B, Villas and Swimming Pool in said property.

6. Legal opinion :

After going through above documents, I have therefore to opine that said MRS. ROSARIA RODRIGUES @ ROZARIA @ ROSARIA and her children 1. MR. LUIS BASILIO CARVALHO @ LUIS ALEX CARVALHO @ LUIS A. CARVALHO, son of late Alex J. Carvalho, married to MRS. BENEDITA CARVALHO @ BENEDITA L. CARVALHO; 2. MR. THOMAS ALEX CARVALHO @ THOMAS JEROME CARVALHO, son of late Alex J. Carvalho, married to MRS. ELFREGINA THOMAS CARVALHO; 3. MR. GERALD CARVALHO @ GERALD ALEX CARVALHO, son of late Alex J. Carvalho married to MRS. AZBA G. CARVALHO @ AZBA ZAHOUR BHURE, 4. MRS. JOAQUINA A. FERNANDES @ JOAQUINA ASSIS FERNANDES @ JOAQUINA FERNANDES, daughter

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of Alex Carvalho and widow of Mr. Asis Fernandes, and her son MR. JOHN BOSCO A. FERNANDES @ JOHN BOSCO ASSIS FERNANDES @ JOHN BOSCO FERNANDES; 5. MRS. ESMERALDA B @ E SMARALDA BAPTIST MASCARENHAS @ ESAMARALDA MASCARENHAS, daughter of Alex J. Carvalho married to MR. BAPTIST MASCARENHAS @ MATEUS GEROIMO MASCARENHAS @ MATEUS BAPTIST MASCARENHAS; 6. MRS. ZEBELINA A. CARVALHO @ ZEBELINA JEICIENTO BRITTO @ JEBELINE BRITTO and Mr. Sham Phadte @ Shyam Fadte are exclusive owners of the said property and with full rights have sign those Agreement for Development and Sale agreement with the Developers of the said property.

And that further in-furtherance of said agreements, the Developers are in lawful possession of the said property and have full right to develop the said property after obtaining all requites permission.

And further also as per terms and conditions of those Developments agreements, the developers have right to opened the development plans for sale

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on ownership basis of built-up area to the prospective buyers.

And that further in-furtherance of said agreements, the Developers have full right to retain all the remaining balance of the upper built-up area and the additional and or increased FAR except the CONSTRUCTED BUILD UP AREA agreed to be given to the OWNERS and in respect of such super built-up area, the DEVELOPERS shall be free to deal with the same and in the regard the owners shall be entitled to enter in to firm commitments or agreement with its customers to dispose any of the premises contained in the said balance built-up area to any person/s of the choice of the DEVELOPERS for such consideration as may be fixed by the DEVELOPERS at their own discretion and for appropriate consideration received from such customers. And also to approach the bank or financial institution to secure loan from any bank or financial institution on the said property or any part thereof or over the built up area by mortgaging the said property and without making the owners liable for the same. And to execute a proper agreement or Deed and/or all other necessary documents and

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papers to complete the title agreed to be conveyed in respect of the said property and/or in respect of the proportionate undivided right, title, interest and share in the said property and such conveyance shall be in favour of the DEVELOPERS or its nominee/s including a Co-operative Housing Society, a Limited Company or Association or in favour of the prospective acquirers/buyers of built up premise in the building that is proposed to be constructed in the SAID PROPERTY and their title as the owners to the same is clean, clear and marketable. And have full authority and power to possessed, enjoy or disposed of the same under the law.

Place : Pernem - Goa.


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ADVOCATE
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