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TITLE REPORT

To,
VIANAAR INFRA LLP,
378, MMM Road, Amritsar,
Punjab - 143001.

I. I have pursued the photocopies of the following documents:

- a) Survey Records Form I & XIV bearing Survey No. 10 Sub-Division No. 4 of Village Marra, Bardez - Goa.
- b) Registo de Agrimensor
- c) Auto de Demarcacao
- d) Manual Form I & XIV
- e) Form IX
- f) Form III



- g) Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa – Goa
- h) Deed of Sale dated 03/06/1977 registered in the Office under Registration No. 432 of Book No. I, Volume No. 116 dated 23/06/1977
- i) Inventory Proceedings bearing No. 9/2002/B filed before the Court of the Civil Judge Senior Division at Panaji – Goa
- j) Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at Panaji – Goa
- k) Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji – Goa



- l) Deed of Succession and Qualification of Heirs
dated 01/02/2022
- m) Deed of Succession and Qualification of Heirs
dated 07/03/2022
- n) Deed of Sale dated 22/04/2022 registered before
Sub-Registrar of Bardez, Mapusa – Goa under
Registration No. BRZ-1-1880-2022 dated
27/04/2022
- o) Deed of Sale dated 22/04/2022 registered before
Sub-Registrar of Bardez, Mapusa – Goa under
Registration No. BRZ-1-1899-2022 dated
27/04/2022
- p) Old Cadastral Survey Plan
- q) Survey Plan



r) Nil Encumbrance Certificate dated 16/05/2022
bearing No. 1130/2022

s) Nil Encumbrance Certificate dated 26/05/2022
bearing No. 1251/2022

II. **DESCRIPTION OF THE PROPERTY:**

SCHEDULE I

ALL THAT property known as "**CULCORNEACHY NOMOS**" or "**APYNAICAHY NOMOS**", situated in the Ward Marra of Village Pilerne, within the limits of Village Panchayat of Pilerne, Taluka and Registration Sub-District Bardez, District North Goa in the State of Goa, which property is not described in the Land Registration Office and enrolled in the Taluka Revenue Office of Bardez under Matriz No. 552 and surveyed under Old Cadastral Survey No. 1356 and presently surveyed under Survey No. **10/4** of the Village **Marra**, admeasuring an area **5,000 sq. mts.** and the same is bounded as under:-



- North :- By the property bearing Survey No. 9/20 of Village Marra;
- South :- By the property bearing Survey No. 14/2, 14/8, 14/7-A, 14/7-B and Road of Village Marra;
- East :- By the property bearing Survey Nos. 10/5, 10/6, 10/10, 10/11, 10/14 and Road of Village Marra;
- West :- By the property bearing Survey Nos. 10/3, 10/2, 10/1, 10/13 and Survey No. 13/4 and 13/15 of Village Marra;

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

SCHEDULE II

ALL THAT distinct and independent portion of referred to as "Plot B" admeasuring an area of **2722 sq. mts.** forming part of the said property described in Schedule I above and the said plot B is bounded as under:-



- North :- By the part property bearing Plot A of Survey No. 10/4 of Village Marra;
- South :- By the property bearing Survey No. 14/7-A, 14/7-B, 14/8 of Village Marra and partly by Marra Village Road;
- East :- By the property bearing Survey Nos. 10/14 of Village Marra;
- West :- By the property bearing Survey Nos. 10/13 and Survey No. 13/4 and 13/15 of Village Marra;

This property shall hereinafter referred to as the **SAID PLOT 'B'**.

SCHEDULE III

ALL THAT distinct and independent portion of referred to as "Plot A" admeasuring an area of **2278 sq. mts.** forming part of the said property described in Schedule I above and the said plot A is bounded as under:-



- North :- By the property bearing Survey No. 10/3 of Village Marra;
- South :- By internal 5 mts. wide road part of the property bearing Plot B of Survey No. 10/4 of Village Marra;
- East :- By the property bearing Survey No. 10/5 and 10/11 of Village Marra;
- West :- By the property bearing Survey Nos. 10/3, 10/2 and 10/1 of Village Marra;

This property shall hereinafter referred to as the **SAID PLOT 'A'**.

III. TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** is neither described nor inscribed in the Land Registration Records. **Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained. Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration**



records are not updated. However the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevailant, every property had a description number which describes the property and a corresponding inscription number which records the name of the owner of the same which document is referred to as Description & Inscription Certificate. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property.

2. Registo Do Agrimensor and Cadastral Survey Records (Auto de Demarcacao) reveals that the **SAID**



PROPERTY bearing old Cadastral Survey No. **1356** originally belonged to Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco.

3. Super Imposition Report dated 14/01/2022 issued by S. A. Dhuri, Architect & Govt. Approved Valuer, Mapusa – Goa establishes that the **SAID PROPERTY** bearing old Cadastral Survey No. **1356** and Survey No. **10/4** of Village **Marra**, Bardez – Goa is almost same.

4. *The Correspondence Certificate issued by Directorate of Settlement and Land Records would establish the co-relation between the old cadastral survey record and the present Goa Settlement records and assists in identifying the property for the purpose of due diligence.*



5. **Registo Do Agrimensor** and Cadastral Survey Records are land records which were promulgated during the Portuguese Regime under theCodigo De Registo Rules. Under the said Rules, the said Registo Do Agrimensor and Cadastral Survey Records were prepared on the basis of Ownership of the property and not just on the basis of possession. Although the said Registo is not a document of title, the same is indicative of the ownership status at the time of the survey and in the absence of Description and Inscription Certificate can be considered for the purpose of devolution of ownership.
6. Vide Deed of Sale dated 03/06/1977 registered in the Office under Registration No. 432 of Book No. I, Volume No. 116 dated 23/06/1977, (1) Filomena Soares, (2) Maria Berta Elvidia Filomena Joaquina Ribeiro alias Berta Ribeiro and (3) Ana Ida Josefina De Anunciacao Ribeiro e Menezes, all three



daughters of Joao Francisco Ribeiro sold the SAID PROPERTY in favour of Assuncao Roque Menino Barreto.

7. The said Deed of Sale dated 03/06/1977 registered in the Office under Registration No. 432 of Book No. I, Volume No. 116 dated 23/06/1977 was executed by the three daughters of Joao Francisco Ribeiro namely, 1) Filomena Soares, (2) Maria Berta Elvidia Filomena Joaquina Ribeiro alias Berta Ribeiro and (3) Ana Ida Josefina De Anunciacao Ribeiro e Menezes and the SAID PROPERTY was originally registered in the name of Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco in Registo Do Agrimensor and Cadastral Survey Records (Auto de Demarcacao) however the said Jose Xavier Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco was not made party to the said

**Deed of Sale dated 03/06/1977 registered in the
Office under Registration No. 432 of Book No. I,
Volume No. 116 dated 23/06/1977**

8. Inventory Proceedings bearing No. 9/2002/B filed before the Court of the Civil Judge Senior Division at Panaji – Goa reveals THAT the said Assumpcao Roque Menino Barreto passed away on 06/01/1993 and the said Maria Carmelina Fernandes passed away on 15/06/1990 leaving behind their following legal heirs:

- (a) Mr. Sebastiao Barreto married to Mrs. Maria Ubaldina De Almeida e Barreto
- (b) Mr. Pedro Paulo Barreto married to Mrs. Monica Barreto
- (c) Mr. Cirilo Sebastiao Barreto married to Mrs. Sarika Barreto
- (d) Mr. Ludovico V. N. Sebastiao Barreto married to Mrs. Ruby Barreto



- (e) Mr. Egypsy Barreto married to Mrs. Vera Barreto
- (f) Mrs. Ofelia Pereira married to Mr. Jose Pereira
- (g) Mrs. Robertina Barreto e Almeida married to Mr. Pedro Luis Joaquim Almeida

9. Upon the death of the said Assumpcao Roque Menino Barreto and Maria Carmelina Fernandes, Inventory Proceedings bearing No. 9/2002/B was initiated before the Court of the Civil Judge Senior Division at Panaji - Goa by the said Mr. Sebastiao Barreto and the **SAID PROPERTY** was listed in TWO PLOTS as PLOT admeasuring **905 sq. mts.** at **Item No. VIII** and PLOT admeasuring **4095 sq. mts.** at **Item No. IX** in the LIST OF ASSETS.

10. Vide Consent Terms dated 19/01/2013 filed in Inventory Proceedings bearing No. 9/2002/B before the Court of the Civil Judge Senior Division at

Panaji - Goa, all the parties calculated the total share holding of each one and agreed to the following allotment :

- (i) The Interested Party, Mr. Sebastiao Barreto and his wife, Mrs. Maria Ubaldina De Almeida e Barreto being entitled to 1/7th share in the estate and thereby allotted the Item No. VIII i.e. PLOT admeasuring **905 sq. mts.** forming part of the **SAID PROPERTY** mentioned therein
- (ii) The other Interested Parties namely, Mr. Pedro Paulo Barreto and his wife, Mrs. Monica Barreto; Mr. Cirilo Sebastiao Barreto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Rosina Barreto; Mr. Egypty Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida being jointly entitled to the remaining 6/7th share in the estate in equal



shares and thereby allotted the Item Nos. I to VII and IX (i.e. PLOT admeasuring **4095 sq. mts.** forming part of the **SAID PROPERTY**) and X mentioned therein in equal shares.

11. Vide Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji – Goa, the said Consent Terms dated 19/01/2013 was confirmed and made absolute for all legal purposes wherein the said Mr. Sebastiao Barreto and his wife, Mrs. Maria Ubaldina De Almeida e Barreto became absolute owners of the PLOT admeasuring **905 sq. mts.** forming part of the **SAID PROPERTY** and the said Mr. Pedro Paulo Barreto and his wife, Mrs. Monica Barreto; Mr. Cirilo Sebastiao Barreto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Rosina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her



husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida became absolute owners of the PLOT admeasuring **4095 sq. mts.** forming part of the **SAID PROPERTY.**

12. Deed of Succession and Qualification of Heirs dated 01/02/2022 reveals that the said Mr. Pedro Paulo Barreto alias Pedro Paulo Barreto passed away on 09/02/2014 leaving behind his widow and moiety holder, the said Mrs. Maria Monica Raposo alias Monica Barreto and his two sons, namely, Mr. Melroy Menino Barreto and Mr. Joel Carlisto Barreto as his sole and universal legal heirs.

13. Deed of Succession and Qualification of Heirs dated 07/03/2022 reveals that the said Mr. Sebastiao Barreto alias Sebasteao Barreto passed away on 09/11/2020 leaving behind his widow and moiety holder, the said Mrs. Maria Ubaldina De Almeida e



Barreto and as his sole and universal legal heir and without any issues but leaving behind his brothers and sister.

14. Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1880-2022 dated 27/04/2022, the said Mrs. Maria Monica Raposo alias Monica Barreto, Mr. Melroy Menino Barreto and his wife, Mrs. Alvita Rhea Correia, Mr. Joel Carlisto Barreto, Mr. Cirilo Sebastiao Barreto alias Cirilo Sebastiao Baretto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Ruby Baretto alias Rozina Barreto; Mr. Egypsy Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida AND Mrs. Maria Ubaldina De Almeida e Barreto sold Plot B admeasuring an area of **2722 sq. mts.** forming

part of the said property in favour of Vianaar Infra
LLP

15. Vide Deed of Sale dated 22/04/2022 registered before Sub-Registrar of Bardez, Mapusa – Goa under Registration No. BRZ-1-1899-2022 dated 27/04/2022, the said Mrs. Maria Monica Raposo alias Monica Barreto, Mr. Melroy Menino Barreto and his wife, Mrs. Alvita Rhea Correia, Mr. Joel Carlito Barreto, Mr. Cirilo Sebastiao Barreto alias Cirilo Sebastiao Baretto and his wife, Mrs. Sarika Barreto; Mr. Ludovico V. N. Sebastiao Barreto and his wife, Mrs. Ruby Baretto alias Rozina Barreto; Mr. Egypty Barreto and his wife, Mrs. Vera Barreto; Mrs. Ofelia Pereira and her husband, Mr. Jose Pereira and Mrs. Robertina Barreto e Almeida and her husband, Mr. Pedro Luis Joaquim Almeida AND Mrs. Maria Ubaldina De Almeida e Barreto sold Plot A admeasuring an area of **2278 sq. mts.** forming



part of the said property in favour of Vianaar Infra
LLP

16. **Manual Form I & XIV, Form IX AND Form III** are
Revenue Records prepared under the applicable Goa
Land Revenue Code

Manual Form I & XIV, Form IX AND Form III:

in respect of the **SAID PROPERTY** bearing Survey
No. **10/4** of Village **Marra**, Bardez – Goa clearly
shows the name of Ana Ida Josefina de Annunciacao
Ribeiro Menezes in the Occupants Column and after
deleting the said name, the name of Assuncao Roque
Menino Barreto was added in the Occupants
Column.

17. In light of above, considering the fact that the
Registo Do Agrimensor, Auto de Demarcacao,
Manual Form I & XIV, Form IX, Form III, Super
Imposition Report dated 14/01/2022 issued by S. A.
Dhuri, Architect & Govt. Approved Valuer, Mapusa--

Goa, Deed of Sale dated 03/06/1977, Consent Terms dated 19/01/2013 and Order dated 21/03/2013 passed in the Inventory Proceedings bearing No. 9/2002/B by the Court of the Civil Judge Senior Division at Panaji - Goa, Deed of Succession and Qualification of Heirs dated 01/02/2022, Deed of Succession and Qualification of Heirs dated 07/03/2022, Deed of Sale dated 22/04/2022 and Deed of Sale dated 22/04/2022 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 opinion that **VIANAAR INFRA LLP** has clear and marketable title in respect of the **SAID PROPERTY** subject to the following:

- (i) Publication of Public Notice inviting objections from the general public, if any
- (ii) Observation made at Para 7 above.



(iii) Production of Land Use Zoning
Certificate

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 has been furnished to establish that the **SAID PROPERTY** are converted from agricultural to non-agricultural purposes.
4. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** are not identified as a Forest Land



V. EVIDENCE OF POSSESSION:-

The **SAID PROPERTY** admeasuring an area **5000 sq. mts.**, surveyed under Survey No. **10/4** of Village **Marra** reflect the names of Assuncao Roque Menino Barreto, Maria Ubaldina de Almeida e Barreto, Sebastiao Barreto, Monica Barreto, Cirilio Sebastiao Barreto, Sarita Barreto, Ludovico Barreto, Rubu Barreto, Egypsy Barreto, Vera Barreto, Ofelia Pereira, Jose Pereira, Robertina Barreto e Almeida and Pedro Luis Joaquim Almeida in Form I & XIV issued by the Department of Survey, Government of Goa. **However it is advisable to carry out mutation proceedings and the name of the present owner i.e. Vianaar Infra LLP be added in the survey records.**

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 16/05/2022 bearing No. 1130/2022 in respect of Plot B admeasuring an area of **2722 sq. mts.** forming part of the said property and Nil Encumbrance Certificate dated 26/05/2022 bearing No. 1251/2022 in respect of the Plot A admeasuring an area of **2278 sq. mts.** forming part 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 INFRA LLP** has clear and marketable title in respect of the **SAID PROPERTY** subject to the following:

- (i) Publication of Public Notice inviting objections from the general public, if any
- (ii) Observation made at Para 7 and Para V above.
- (iii) Production of Land Use Zoning Certificate



➤ **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:
 - (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 Ribeiro alias Jose Xavier Filomeno da Santa Catarina Ribeiro, son of Joao Francisco 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;
- (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 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.



- The availability/existence of the access to the **SAID PROPERTY** is not within the scope of this report
- 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:- 11/06/2022



(Adv. Shivan S. Desai)