

# **NIKHIL D. PAI**

## ***Advocate***

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Ref: TR/KBCL/18/2022

Date: 05<sup>th</sup> November 2022

### **TITLE REPORT**

At the instance of Mr. Kevin J A Braganza, Partner of M/S COMFORT LIVINGS, I proceed to scrutinize the documents placed in my hands, for my scrutiny and opinion in respect of the property surveyed under no. 85/19 of Village Verla Survey Records, which is within the limits of village panchayat of Verla-Canca, Sub District of Bardez Taluka, District of North Goa, State of Goa and admeasuring 2150 sq. mts., shall herein be referred to as **“THE SAID PROPERTY”** and the same is currently Owned by Walter D’Souza, son of Archibaldo John Joseph Martin D’Souza.

### **SCHEDULE - I**

All that immovable property known as **“SIRANIM” or “SIRO” or “BODK SHIR”**, situated at Village Verla, which is within the limits of village panchayat of Verla-Canca, Sub District of Bardez Taluka, District of North Goa, State of Goa and is surveyed under no. 85/19 of village Verla Survey Records and totally admeasuring 2150 sq. mts. The said property is described in the Land Registration office of Bardez under no. 11609 of Book B-30 (New), and not enrolled in the Taluka Revenue Office. **“THE SAID PROPERTY”** is bounded as under:



**North:** by survey no. 85/9 & 18;

**South:** by survey no. 85/21;

**East:** by road beyond which lies survey no. 94/20(part) and 20/B;

**West:** by survey no. 85/16.

**DOCUMENTS INSPECTED & SCRUTINIZED WITH RESPECT TO**

**SCHEDULE – I PROPERTY**

- 1) Extract of the Description Certificate of property described under no. 11609 of Book B – 30 (New).
- 2) Certified translated copy of the inscription certificate bearing Nos. 7549 Book G - 11.
- 3) Extract of Deed of Sale dated 4<sup>th</sup> March, 1909 of Book No.107, page 63 in the Notary of Judicial Division Caridade Frias.
- 4) Certified translated copy of mortgage inscription bearing No. 6940 of Book C-18.
- 5) Certified translated copy of Deed of Discharge and Release dated 23/11/1934.
- 6) Certified translated copy of Deed of Mortgage dated 25/01/1916 executed before Notary Caridade Frias.
- 7) Certified translated copy of mortgage inscription bearing No. 6951 of Book C-18.
- 8) Certified translated copy of mortgage inscription bearing No. 6962 of Book C-18.



- 9) Certified translated copy of mortgage inscription bearing No. 6974 of Book C-18.
- 10) Certified translated copy of Inscription bearing no. 10362 of Book F-12.
- 11) Certified translated copy of mortgage inscription bearing No. 7565 of Book C-19.
- 12) Certified translated copy of mortgage inscription bearing No. 7698 of Book C-19.
- 13) Letter from Francisco Vitorino Do Rosario e Souza 8<sup>th</sup> November 1943
- 14) Old cadastral survey plan of survey no. 954 of Village Verla.
- 15) Registo do Agrimensor with respect to old cadastral survey no. 954 of Village Verla
- 16) Corresponding certificate bearing no. 9(02)-115/DSLRL-2020 issued by the Superintendent of Survey and Land Records.
- 17) Manual Form I & XIV with respect to **“THE SAID PROPERTY”**
- 18) Certified copy of the Inventory Proceedings, bearing Inventory File No. 178/2018/C
- 19) Computerized Form I & XIV with respect to **“THE SAID PROPERTY”**
- 20) Survey plan.
- 21) Technical clearance order bearing Ref. No. TPB/6966/VERLA/TCP-2021/5609 dated 26/11/2021.
- 22) Construction license bearing no. VPVC/CONST.LIC.NO 14/2021-22/1882 dated 25/02/2022.

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- 23) Conversion Sanad issued by the Additional Collector – III, North Goa District bearing no. 4/146/CNV/AC-III/2021/64 dated 21/01/2021.

### **BRIEF FACTS OF THE CASE**

**“THE SAID PROPERTY”** is described in the Land Registration Office of Bardez under no. 11609 of Book B-30(New) and corresponds to old cadastral survey no. 954 of Village Verla, as at column 17 of the Registo do Agrimensor clearly states that the property bearing old cadastral no. 954 be described in the Land Registration Office under no. 11609 of Book B – 30 New. It is further stated that the Director of Survey and Land Records through its Superintendent has issued a Corresponding Certificate bearing no. 9(02)-115/DSLRL-2020 and states that old cadastral survey no. 954 of Village Verla corresponds to survey no. 85/19.

**“THE SAID PROPERTY”** described under No 11609 of Book B-30 (New) Bardez along with many other properties was originally owned and inscribed in favour of Antonio Joao Mascarenhas, under inscription No 7549 of Book G-11 as the same was purchased by him from Miguel Jose Fernandes and his wife Maria Clotildes Pinto by virtue of Deed of Sale dated 26<sup>th</sup> December 1904.

By virtue of the Deed of Sale dated 4<sup>th</sup> March 1909 of Book No.107, at page 63 in the Notary of Judicial Division, Caridade Frias, the said Antonio Joao Mascarenhas along with his wife sold **“THE SAID PROPERTY”** described under No 11609 along with many other properties to Martina Aleixinha Arcangela Pinto, at that time who was a spinster. The said Martina Aleixinha



Arcangela Pinto thereafter married Walter Joao Manuel Da Conceicao De Souza.

In the marginal notes with respect to description no. 11609 of Book B-30 (New) the mortgage inscription bearing no. 6940 of Book C-18 wherein “THE SAID PROPERTY” was mortgaged to and inscribed in favour of Amaro Anastasio Victor D’Souza. By Deed of Discharge and Release dated 23/11/1934 drawn at folio 54 onwards of Book 108, the permanent mortgage inscription no. 6940 was cancelled.

The mortgage inscription bearing no. 6951 of Book C-18 reveals that there was a provisional inscription in favour of Minguel Joao Claro De Souza Proenca and a mortgage inscription bearing no. 6962 of Book C-18 reveals that there was a provisional inscription in favour of Francisco Vitorino Do Rosario e Souza. Both the inscriptions, bearing nos. 6951 & 6962, were made pursuant to a single Deed of Mortgage dated 25/01/1916. The Mortgage Inscription bearing no. 7565 of Book C-19 is a repetition of inscription no. 6951 of Book C-18 and mortgage inscription no. 7698 of Book C-19 is a repetition of mortgage inscription 6962 of Book C-18. Therefore, it appears to be a clerical error on the part of registering Officer. By Declaration dated 8<sup>th</sup> November 1943, the said Francisco Vitorino Do Rosario e Souza declares that he has been paid his dues, however, the mortgage Inscription in favour of Francisco Vitorino Do Rosario e Souza is not cancelled or a deed of Release is not executed.

The provisional mortgage inscription bearing no. 6974 in favour of Maria Clotildes Pinto is pursuant to a Deed dated 17/02/1914. Pursuant to the Mortgage inscription, the said Maria Clotildes Pinto filed for execution and



consequently her name was inscribed under No 10362 of Book F12. Since the possession of the **“THE SAID PROPERTY”** had always been with the said Archibaldo John Joseph Martin D’Souza alias Martin D’Souza Pinto and his wife Maria Aida D’Souza, Archibaldo being the son of late Martina Aleixinha Arcangela Pinto and Walter Joao Manuel Da Conceicao De Souza and father of the current owner Walter Emmanuel Xavier D’Souza and has continued to be with the said Walter E X D’Souza till date without any obstruction and interference from anyone whomsoever. The records of right in Form I&XIV reveals the name of Martin D’Souza Pinto as the occupant in possession of the said property. Hence it can be inferred that there must have been a settlement with respect to the dues and a document for the same had either not been executed or the same is misplaced. Also, the Survey Records in Form I&XIV don’t reveal any encumbrances or other rights.

In view of the mortgage inscriptions in favour of Minguel Joao Claro De Souza Proenca and considering that, even if the said mortgagees may have not been settled, the right in **“THE SAID PROPERTY”**, **due** to sufficient lapse of time, has been prescribed unto the owners through their predecessors and the execution of the said mortgagees are barred by limitation.

At the time of promulgation of survey records, the name of Martin D’Souza Pinto was confirmed in Form I & XIV with respect to **“THE SAID PROPERTY”**.

Inventory Proceedings were initiated on the demise of Martina Aleixinha Arcangela Pinto and her husband Walter Joao Manuel Da Conceicao De Souza, in the Court of Civil Judge, Senior Division at Mapusa, being Inventory File NO. 178/2018/C and **“THE SAID PROPERTY”** was taken at Item no. 6. By



Judgment & Order dated 27/07/2018, “**THE SAID PROPERTY**” taken at Item no. 6 was allotted to their grandson viz; Walter Emanuel Xavier De Souza married to Cecilia D’Souza.

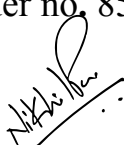
Pursuant to the Inventory order of Allotment, the said Walter Emanuel Xavier De Souza got his name mutated in the survey records at Form I & XIV and has been in peaceful ownership and possession without any obstruction and interference from anyone whomsoever.

The office of the Senior Town Planner Mapusa – Goa has issued technical clearance order bearing Ref. No. TPB/6966/VERLA/TCP-2021/5609 dated 26/11/2021 for the construction of a residential project and the compound wall.

Pursuant to the technical clearance order passed by the Senior Town Planner, the Village Panchayat of Verla – Canca has issued a construction license for the said residential project and the same bears License no. VPVC/CONST.LIC.NO 14/2021-22/1882 dated 25/02/2022.

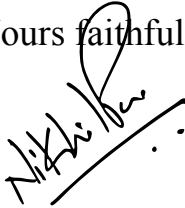
- 24) The Additional Collector – III, North Goa at Mapusa after conducting the due inquiry with the respective departments such as the Office of the Mamlatdar of Bardez at Mapusa, Forest Department and Town and Country Planning Department, was pleased to issue conversion sanad thereby converting the said property from agricultural to non-agricultural and the same bears No. 4/146/CNV/AC-III/2021/64 dated 21/01/2021.

In view of the facts mentioned hereinabove, I certify that the title of MR. WALTER EMMANUEL XAVIER D’SOUZA and his wife, both having equal shares since governed by the Regime of Communion of Assets, with respect to “**THE SAID PROPERTY**”, surveyed under no. 85/19 of Village Verla Survey Records, which is



within the limits of the Village Panchayat of Verla-Canca, Sub District of Bardez Taluka, District of North Goa, State of Goa and admeasuring 2150 sq. mts. and the same along with the residential project approved therein are clear and marketable.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Nikhil Deelip Pai', written over a horizontal line.

Nikhil Deelip Pai

Bar Council Registration No. MAH/2232/2009

Advocate Code (High Court of Bombay at Goa) No. 220