

Shivan S.Desai
ADVOCATE

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TITLE REPORT

To,

Avtara Homes Pvt. Ltd.,
Having Office at H. No. 63-B,
Road No. 41, Punjabi Bagh West,
Punjabi Bagh, S.O. West Delhi,
Delhi - 110026

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

- a) Survey Records Form I & XIV bearing Survey No. 481/1 of Village Calangute, Bardez - Goa.
- b) Survey Records Form I & XIV bearing Survey No. 481/1-A-1 of Village Calangute, Bardez - Goa
- c) Inscription and Description Certificate
- d) Deed of Sale dated 24/12/1999



- e) Deed of Sale dated 10/05/2005, registered under No. 1920 at pages 265 to 280 of Book No. I, Volume No. 1285 dated 17/05/2005 executed before Sub-Registrar of Mapusa, Bardez - Goa.
- f) Deed of Gift dated 29/05/2012, registered under No. BRZ-BK1-02702-2012, CD No. BRZD337 dated 25/06/2012 executed before Sub-Registrar of Mapusa, Bardez - Goa.
- g) Memorandum of Understanding dated 19/07/2013
- h) Deed of Sale registered before Sub-Registered of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-08456-2015, CD No. BRZD773 dated 27/10/2015



- i) Deed of Sale dated 28/08/2018, registered before Sub-Registered of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-03822-2018, CD No. BRZD802 dated 29/08/2018
- j) Certificate dated 02/06/2021
- k) Survey Plan

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE-I

ALL that property known as “BALGUEM NAVEM” consisting of Coconut Groove and being the 1st part of the four parts (adicoes) of the same, situated in the ward Naikavaddo of Village Calangute, within the jurisdiction of the Village Panchayat of Calangute in the Taluka and Sub-District of Bardez, District of North Goa in the State of Goa, originally admeasuring 7150 sq. mts. but presently admeasuring 6607.75 sq. mts. or thereabouts (with the exclusion of an area of



approximately 542 sq. mts. purchased by the Mundkars alongwith dwelling houses standing thereon) bearing Land Registration No. 10066 of Book B-26 (new) and enrolled in the Taluka Revenue Office of Bardez under No. 1318 of the second circumscription of Calangute and surveyed under Survey No. 481 sub-division No. 1 and bounded as under :-

Towards the North :- By the property bearing Survey No. 478/23 of Village Calangute belonging to Francisco Xavier Gonsalves and Christopher Gonsalves and property bearing Survey No. 478/3 belonging to Maria Isa Rosario P. D'Souza;

Towards the South :- By the property bearing Survey Nos. 482/13, 482/14 and 482/2 belonging to Flaviana Conceicao Fernandes;



Towards the East :- By the property bearing Survey
No. 481/2 of Village Calangute
belonging to Shridhar
Pandurang Sinai Caculo;

Towards the West :- By a nullah, beyond which lies
the property bearing Survey No.
480/16 of Village Calangute
belonging to Maria Ida Rosario
P. D'Souza;

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

SCHEDULE-II

ALL that property admeasuring **3295 sq. mts.**,
surveyed under **Survey No. 481 sub-division No. 1-A** of
Village **Calangute**, within the jurisdiction of the Village
Panchayat of Calangute in the Taluka and Sub-District
of Bardez, District of North Goa in the State of Goa



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forming part of the SAID PROPERTY more particularly described in SCHEDULE I hereinabove and bounded as under :-

Towards the North :- By the property bearing Survey No. 478/3 and 478/23 of Village Calangute;

Towards the South :- By the property bearing Survey Nos. 482/13, 482/14 and 482/2 of Village Calangute;

Towards the East :- By the property bearing Survey No. 481/2 of Village Calangute;

Towards the West :- By the property bearing Survey No. 481/1 & 481/1-B of Village Calangute;

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



SCHEDULE-III

ALL that property admeasuring 1045 sq. mts., surveyed under Survey No. 481 sub-division No. 1-A-1 of Village Calangute, within the jurisdiction of the Village Panchayat of Calangute in the Taluka and Sub-District of Bardez, District of North Goa in the State of Goa forming part of the SAID SMALLER PROPERTY more particularly described in SCHEDULE II hereinabove and bounded as under :-

- Towards the North :- By the property bearing Survey No. 478/3 of Village Calangute;
- Towards the South :- By the balance part of the same property bearing Survey No. 481/1-A of Village Calangute;
- Towards the East :- By the property bearing Survey No. 481/2 of Village Calangute and road;



Towards the West :- By the property bearing Survey
No. 481/1 & 481/1-B of Village
Calangute;

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

III. TRACING OF PARTIES TITLE:

1. The said entire property was originally described in Land Registration Certificate No. 10066 and inscribed under Inscription Certificate No. 40756 and 40757 in favour of Manuel Jose da Graca e Costa. The corresponding Inscription Certificates reveal that the said Manuel Jose da Graca e Costa acquired the said property vide Will dated 25/11/1939 drawn up by Guilherme Lobo, Notary of Taluka at page 30v of Book No. 24 from Maria Ana Eufemia Iria Mascarenhas e Lobo alias Maria Ana Eufemia Antonia Iria



Mascarenhas also known as Maria Ana Mascarenhas e Lobo, widow of Carlos Pedro Caitano Lobo by reserving, upto her death, the usufruct in favour of her daughter, Maria Margarida Isabel Lobo e Costa or Maria Isabel Margarida Lobo or Margarida Lodo da Costa.

2. The corresponding Inscription Certificates further reveal that upon the death of the said Maria Ana Eufemia Iria Mascarenhas e Lobo alias Maria Ana Eufemia Antonia Iria Mascarenhas also known as Maria Ana Mascarenhas e Lobo, widow of Carlos Pedro Caitano Lobo partition proceedings were initiated between Manuel Jose da Graca e Costa and his brother, Antonio Maria Carlos Jose da Graca e Costa and the said property was allotted to Manuel Jose da Graca e Costa in the said partition proceedings.



3. The corresponding Inscription Certificates further reveal that the other legal heirs of the said Maria Ana Eufemia Iria Mascarenhas e Lobo alias Maria Ana Eufemia Antonia Iria Mascarenhas also known as Maria Ana Mascarenhas e Lobo, widow of Carlos Pedro Caitano Lobo namely Ana Leopoldina Fernasia Lobo da Costa and her husband, Joao Francisco Araujo, Adriana Augusta da Graca e Costa and Ana Severina Sara de Graca e Costa alias Ana Severina Sarah da Graca e Costa relinquished all their rights in the said property in favour of inheritance which they had in the same in terms of Article 2029 of Civil Code. Inscription and Description certificate are records of ownership maintained by the Portuguese Government.



4. Thus the said Manuel Jose da Graca e Costa became owner in possession of the said property. The said Manuel Jose da Graca e Costa was married to Mrs. Avonne Reis Da Costa under Regime of Communion of Assets and by virtue of the same they both became owners of the said property.

5. Vide Deed of Sale dated 27/08/1965, the said Manuel Jose da Graca e Costa and his wife, Mrs. Avonne Reis Da Costa sold the said property along with other properties in favour of Mrs. France Yvonne Britto and her husband, Mr. Edmund Ela. **However the copy of the said Deed of Sale dated 27/08/1965 is not furnished or is illegible.**

6. Vide Deed of Sale dated 03/11/1979, the said Mrs. France Yvonne Britto and her husband, Mr. Edmund Flavian Britto sold the said



property along with other properties in favour of Mr. Willie Paul Barreto and his wife, Mrs. Loretta June Anne Edward Barreto.

7. Vide Deed of Sale dated 24/12/1999, the said Mr. Willie Barreto and his wife, June Barreto sold a plot of land admeasuring 250.25 sq. mts. out of the bigger property admeasuring 7150 sq. mts. in favour of Mrs. Mitra Uday Natekar as she was the mundkar of the house bearing No. E2/60 situated in the bigger property admeasuring 7150 sq. mts.
8. Deed of Sale dated 10/05/2005, reveals that Shri. Pandhari Xete Shirodkar as mundkar of the bigger property admeasuring 7150 sq. mts., purchased an area of 292 sq. mts. from the bigger property admeasuring 7150 sq. mts. from Mr. Willie Barreto and his wife, June Barreto by virtue of Order dated 05/12/1996



passed by the Joint Mamlatdar I of Bardez,
Mapusa - Goa in Case No. MND/SR-
16(I)CAL/35/96.

9. Vide Deed of Sale dated 10/05/2005,
registered under No. 1920 at pages 265 to 280
of Book No. I, Volume No. 1285 dated
17/05/2005 executed before Sub-Registrar of
Mapusa, Bardez - Goa, the said Mr. Willie
Barreto and his wife, June Barreto sold a
small stripe of land admeasuring 18 sq. mts.
from the bigger property admeasuring 7150
sq. mts. in favour of Mr. Pritam Pandhari Xete
Shirodkar.

10. Vide Deed of Gift dated 29/05/2012,
registered under No. BRZ-BK1-02702-2012,
CD No. BRZD337 dated 25/06/2012 executed
before Sub-Registrar of Mapusa, Bardez - Goa,
the said Mr. Willie Barreto and his wife, June



Barreto gifted the said property admeasuring 6607.75 sq. mts. in the following manner along with other properties in favour Mr. Rabindra Barreto, Mr. Willie Theodore Barreto and Ms. Karen Barreto.

“FOUR plots each admeasuring 1652 sq. mts. ---- with the North Eastern and North Western plots being allotted in favour of Donee No. 3 i.e. Ms. Karen Barreto; South Eastern plot being allotted in favour of Donee No. 2 i.e. Mr. Willie Theodore Barreto and South Western plots being allotted in favour of Donee No. 1 i.e. Mr. Rabindra Barreto.

11. By virtue of Deed of Gift dated 29/05/2012, the said Mr. Rabindra Barreto, Mr. Willie Theodore Barreto and Ms. Karen Barreto became owners in possession of the said property.



12. Vide Deed of Sale registered before Sub-Registered of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-08456-2015, CD No. BRZD773 dated 27/10/2015, the said Ms. Karen Barreto sold her two plots i.e. North Eastern and North Western plots totally admeasuring 3295 sq. mts. forming part of the SAID PROPERTY which plot is hereinafter referred to as the **SAID SMALLER PROPERTY** and more particularly described in **SCHEDULE II** hereinabove, in favour of M/s. Nirvair Developers Pvt. Ltd which Deed of Sale was signed by June Barreto alias Loretta June Barreto as Confirming Party and Mr. Willie Theodore Barreto and his wife, Mrs. Velanie Lisa Fernandes e Barreto and Mr. Rabindra Barreto and his wife, Mrs. Margaret Barreto as Consenting Party.



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13. Vide Deed of Sale dated 28/08/2018, registered before Sub-Registered of Bardez, Mapusa – Goa under Registration No. BRZ-BK1-03822-2018, CD No. BRZD802 dated 29/08/2018, Nirvair Developers LLP (formally known as Nirvair Developers Private Limited) represented by its Partners, Mr. Prashant Bajaj and Sanjeev Dhingra sold a PLOT, admeasuring 1045 sq. mts. forming part of the SAID SMALLER PROPERTY which plot is hereinafter referred to as the **SAID PLOT** and more particularly described in **SCHEDULE III** hereinabove, in favour of Colonnade Structures Private Limited.
14. The said name of Colonnade Structures Private Limited is changed to Avtara Homes Pvt. Ltd. which is clear from the Certificate dated 02/06/2021.



15. In light of above, considering the fact that the Inscription Description Certificate, Deed of Sale dated 27/08/1965, Deed of Sale dated 03/11/1979, Deed of Sale dated 24/12/1999, Deed of Sale dated 10/05/2005, Deed of Gift dated 29/05/2012, Deed of Sale dated 27/10/2015 and Deed of Sale dated 28/08/2018 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 owner and I am of the opinion that **AVTARA HOMES PVT. LTD.** has clear and marketable title in respect of the SAID PLOT, admeasuring 1045 sq. mts. subject to the following :

- i. Publication of Public Notice inviting objections from the general public, if any



- ii. Inspection of originals of Deed of Sale dated 28/08/2018, registered before Sub-Registered of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-03822-2018, CD No. BRZD802 dated 29/08/2018
- iii. Production of following documents:
- (a) Deed of Sale dated 27/08/1965
 - (b) Nil Encumbrance Certificate
 - (c) Zoning Certificate

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

1. No tenants 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 is converted



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from agricultural to non-agricultural purposes. However the Zoning Certificate reveals that the said property is zoned as partly agricultural and partly settlement.

4. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTY** is not identified as a Forest Land

V. EVIDENCE OF POSSESSION:-

The said PLOT admeasuring 1045 sq. mts. bearing Survey No. 481/1-A-1 reflects the name of Colonnade Structures Pvt. Ltd. in Form I & XIV issued by the Department of Survey, Government of Goa which establishes the ownership of the present owner in respect of the **said plot**.

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. No Nil Encumbrance Certificate in respect of the said property is furnished. **However it is necessary that updated Nil Encumbrance Certificates of the said property needs to be furnished prior to the execution of the sale deed.**

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **AVTARA HOMES PVT. LTD.** has clear and marketable title in respect of the SAID PLOT, admeasuring 1045 sq. mts. subject to the following :

- i. Publication of Public Notice inviting objections from the general public, if any
- ii. Inspection of originals of Deed of Sale dated 28/08/2018, registered before Sub-Registered of Bardez, Mapusa - Goa under Registration No. BRZ-BK1-03822-2018, CD No. BRZD802 dated 29/08/2018



iii. Production of following documents:

- (a) Deed of Sale dated 27/08/1965
- (b) Nil Encumbrance Certificate
- (c) 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; and
 - (b) I have taken the title documents under which Manuel Jose da Graca e Costa 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.



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- 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:- 01/09/2021



(Adv. Shivan S. Desai)