

**CHETAN PALEKAR**  
**B.A.LL.B**

Office:Apna Bazaar,  
2<sup>nd</sup> floor,Shop no 26&32,  
Vasco Da Gama-Goa  
Mob:9850926240

---

Date: 18/8/2021

### TITLE REPORT

This title report is made at the request of Shri Kamla Prasad Yadav proprietor of M/s VENTURE BUILDING DREAMS having office at Alto Dabolim ,Dabolim Goa .

#### SUBJECT MATTER:

The subject matter of this titled report is property admeasuring 865 sq mts surveyed under survey no 61 sub division 1-D of Dabolim village and bounded as under:

on the North : survey no 61 sub division 1 of Dabolim village

on the South : by village Sancoale village

on the East : survey no 61 sub division 1-E of Dabolim village

on the West: survey no 61 sub division 1-F of Dabolim village

And property admeasuring 807sq mts surveyed under survey no 61 sub division 1-E of Dabolim and bounded as under:

on the North : survey no 61 sub division 1 of Dabolim village

on the South : by village Sancoale village.

on the East : survey no 61 sub division 1-F of Dabolim village

on the West: survey no 61 sub division 1-D of Dabolim village

both properties hereinafter referred to as the "Said Plots"



### DETAILED DESCRIPTION OF THE PROPERTY:

The abovementioned said plots forming part of the larger property admeasuring 67797 sq mts consisting of one plot identified as Plot N surveyed under survey no 61 sub division 1-BA of the village of Dabolim admeasuring an 8400 sq mts and other big plot 0-1 to 0-50 surveyed under survey no 61 sub division 1-A to 1-Z and 1-AA to 1-AZ of the village of Dabolim admeasuring an area of about 59397 sq mts and bounded as under:

On the North : by the plot identified under M surveyed under no 61/1-BB of Dabolim village

on the South : by the property under survey no 171 and 172 of Sancoale Village,

on the East : by proposed ODP road and the property under survey no 173 of Sancoale village ,

on the West: by the property under survey no 62 of Dabolim village

The said project of "SOLITUDE BLOCK A&B" is to be constructed on the said plots is hereinafter called "the said project land" and the entire property is called "the said property".

### DERIVATION OF TITLE:

The said entire property was acquired owned and possessed by late Shri Joaquim Eliterio Gomes and his wife late Anna Francisca Fonseca forming part of Two Aforaments admeasuring an area of 27337 sq mts and 30000 sq mts and



one encroachment (Usurpacoes) admeasuring an area of 60856 sq mts respectively in the following manner :

- (a) The first Aforamento of an area of 27337 sq mts was granted an emphyteusis (aforamento) to late Shri Joaquim Eleuterio Gomes of Velsao by the Comunidade of Sancoale as can be seen from the proceeding in file no 4 of 1922 of aforamento of comunidade of Sancoale and the definitive or final possession was handed over to the said late Shri Joaquim Eleuterio Gomes on 4/11/1932 and the possession and the ownership was confirmed as per the code of the Comunidade by the then Governor General on 17/2/1925 as certified by the "Escrivao" of the Comunidade.
- (b) The Second Aforamento of an area of 30000 sq mts was granted an emphyteusis (aforamento) to late Shri Joaquim Eleuterio Gomes of Velsao by the Comunidade of Sancoale as can be seen from the proceeding in file no 3 of 1922 of aforamento of comunidade of Sancoale and the definitive or final possession was handed over to the said late Shri Joaquim Eleuterio Gomes on 8/11/1932 and the possession and the ownership was confirmed as per the code of the Comunidade by the then Governor General on 12/6/1923 as certified by the "Escrivao" of the Comunidade.
- (c) One encroachment (Usurpacoes) admeasuring an area of 60856 sq mts which Usurpation occupation was regularized and legalized having paid the value of the encroachment as can be seen from the certificate being the copy from the registration of encroachment under no 105 in the name of the said late Shri Joaquim Eleuterio Gomes of Velsao by the Comunidade of Sancoale.





The late Shri Joaquim Eleuterio Gomes of Velsao became the owner in possession of the said entire property admeasuring an total area of 118194 sq mts which in course of time came to be Surveyed under survey no 61 sub division 1 of Dabolim village.

By Deed of Gift dated 6/11/1949 drawn at folio 31 overleaf onwards of the book of notes no 740 before the Notary Ex-officio of Salcete Shri Vishnu Sinai Priolkar the said late Shri Joaquim Eleuterio Gomes and his wife Smt Ana Francisca Fonseca gifted their entire property alongwith other parcels of the land to their childrens viz 1) Smt Rosa Clara Gomes 2) Smt Ana Maria Esmenia Gomes 3) Smt Basilia Gomes 4) Smt Ida Conceicao Gomes 5) Shri Paul Santan Gomes 6) Miss Barbara Gomes 7) Smt Ines Piedade Gomes and 8) Smt Joana Andreza Gomes .

subsequently the suit came to be filed by one of the legal heir namely Smt Ana Maria Esmenia Gomes against all the other legal heirs and successors under Regular Suit no 63/89 in the court of the Civil Judge Senior Division at Vasco Da Gama wherein all the legal heirs with respective spouses and their successors were made separate and independant owners of the different parcel and plots in terms of Decree dated 18/2/1992 passed interms of consent terms in the said suit.

All the legal heirs including the Barbara Gomes based on the aforesaid consent Decree moved application under no LRC/PART/15/92 before the Deputy collector for partition and vide order dated 7/12/93 Babara Gomes alongwith other became independent seperate owners of the holdings /parcels allotted to them.



The said entire property bearing survey no 61/1 consequent upon the aforesaid order came to re-identified under several alphabates and each of the children of said late Shri Joaquim Eleuterio Gomes and his wife became the absolute owner and possessors thereof and inter alia Babara Gomes became the absolute ,independent and exclusive owner of a land admeasuring 67797 sq mts identified as Plot N surveyed under survey no 61 sub division 1-BA of the village of Dabolim admeasuring an 8400 sq mts and plot 0-1 to 0-50 surveyed under survey no 61 sub division 1-A to 1-Z and 1 - AA to 1- AZ of the village of Dabolim admeasuring an area of about 59397 sq mts .

By virtue of Deed of Sale dated 23/9/1998 duly registered before the Sub registrar of Mormugao Taluka registered under no773 at pages 232 to 268 Book no I,Volume no 250 dated 8/12/1998 the Shri Davinder Singh have purchased the said property from Barbara Gomes thereby Shri Davinder Singh and his wife Smt Jyotsna Singh became absolute owners of the said property.

Thus Shri Davinder Singh and his wife Smt Jyotsna Singh has acquired clear and marketable title to the said plots comprising of two properties surveyed under survey no 61 sub division 1-D of Dabolim village admeasuring 865 sq mts admeasuring 865 sq mts and surveyed under survey no 61 sub division 1-E of Dabolim village property admeasuring 807sq mts , Shri Davinder Singh and his wife Smt Jyotsna Singh has allowed the said Shri Kamla Prasad Yadav proprietor of M/s VENTURE BUILDING DREAMS vide Agreement of Sale cum Development dated 4/8/2021 to develop the said plots by constructing building "SOLITUDE BLOCK A&B" and sell the premises in the said building to be constructed by the Promoter /Developer on the project land





and to enter into agreements with the prospective buyer of the premises in the said project.

The search carried out clearly brings out that the property under surveyed under survey no 61 sub division 1-D of Dabolim village and property surveyed under survey no 61 sub division 1-E of Dabolim village is free from any encumbrance. This fact is further confirmed by Nil certificate of Encumbrance on property issued by Sub Registrar of Mormugao confirming the said fact. The name of the Shri Davinder Singh and his wife Smt Jyotsna Singh stands duly recorded in survey records with respect to said plots and as per the Agreement of Development dated 3/9/2021 the said Kamla Prasad Yadav proprietor of VENTURE BUILDING DREAMS is now intending to set up a construction project building .

#### DOCUMENTS EXAMINED:

1. Copy of certificate under Land registration records 37854
2. Form I&XIV in respect of property under survey no 61 sub division 1-D of Dabolim village and under survey no 61 sub division 1-E of Dabolim village .
3. Survey Plan
4. File 4 of 1922 of Aformento of Commundidade of Sancoale
5. File 3 of 1922 of Aformento of Commundidade of Sancoale .
6. Certificate under no 105
7. Deed of Gift dated 6/11/1949.



8. Decree dated 18/2/1992 passed in the Regular civil suit no 63/89 by the Civil Judge Senior Division at Vasco
9. Order dated 7/12/93 passed in Partition proceeding under no LRC/PART/15/92 before the Dy Collector.
10. Deed of sale dated 23/9/1998
11. Agreement for sale and Development dated 4/8/2021 executed before the Sub Registrar of Mormugao.
12. Copy of Nil and Encumbrance Certificate.

#### LEGAL OPINION:

Subject to the documents produced for my perusal, I certify that, Shri Davinder Singh and his wife Smt Jyotsna Singh has clear and marketable title and free from encumbrance. The said Shri Davinder Singh and his wife Smt Jyotsna Singh has entered into an valid agreement for sale and Development in respect of the said plots with Kamla Prasad Yadav proprietor of M/S VENTURE BUILDING DREAMS and Kamla Prasad Yadav proprietor of M/S VENTURE BUILDING DREAMS shall be entitled to carry out development of the project Land and can also enter into agreement/s with prospective buyers of premises to be constructed in the project to be set up on the said plots.

Date: 18/8/2021  
Place: Vasco Goa



(Adv Chetan Palekar)

