

TITLE REPORT

To,
MR. SAMARTH BAJAJ,

1. I have perused the photocopies of the following documents:
 - 1.1. Survey Records Form I & XIV bearing Survey No. 42 Sub-Division No. 7 of Village Parra, Baredz – Goa;
 - 1.2. Survey Records Form I & XIV bearing Survey No. 42 Sub-Division No. 8 of Village Parra, Baredz – Goa;
 - 1.3. Deed of Purchase and Sale 15/03/1924 entered into by and between Manuel Francisco Inacio Julio Alvares and Jose Nicolau Alvares;
 - 1.4. Inscription Certificate (bearing number 18793 at folio 9 of G 25);
 - 1.5. Deed dated 25/01/1929 by and between Mrs. Esmeralda Lobo, Antonio Assuncao Alvares, Rita Deudita de Souzal, Crescencio Urbano Alvares on the one side, and Manoel Francisco Alvares and Mrs. Rosa Maria de Souza on the other side;
 - 1.6. Inventory Proceedings No. 63/2025/A initiated before the Court of the Senior Civil Judge 'A' Court at Mapusa – Goa;
 - 1.7. Manual Form I & XIV;
 - 1.8. Form III;

1.9. Form IX; and

1.10. Survey Plan.

2. DESCRIPTION OF THE PROPERTY:

SCHEDULE I

All that immovable property known as '**ARADDY XIR**' alias '**ARADI**', admeasuring 900 sq. mtrs, situated in the ward Aradi, surveyed under Survey No. 42/7, of village Parra, within the limits of the Village Panchayat of Parra, Taluka Bardez, District of North Goa, State of Goa, originally found described as part of a larger property in the Land Registration office of Bardez under Number 25779, in the Livro de Descrições Prediais B66, Folio 129V, but not found enrolled in the Taluka Revenue office, bounded as under:

On the East :- Partly by Public Road and partly by the chapel of Santa Cruz.

On the West :- By property surveyed under Survey No. 42/6.

On the North :- Partly by property surveyed under Survey No. 42/4 and by Property surveyed under Survey No. 42/5.

On the South :- By Property surveyed under Survey No. 42/8.

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

SCHEDULE II

All that immovable property known as '**ARADDY XIR**' alias '**ARADI**', admeasuring 975 sq. mtrs, situated in the ward Aradi, surveyed under Survey No. 42/8, of village Parra, within the limits of the Village Panchayat of Parra, Taluka Bardez, District of North Goa, State of Goa, found described in the Land Registration office

of Bardez under Number 25781, in the Livro de Descrições Prediaes B66, Folio 130V, but not found enrolled in the Taluka Revenue office, bounded as under:

On the East :- By Public Road.

On the West :- By Public Road.

On the North :- Partly by property surveyed under Survey No. 42/6 and partly by Property surveyed under Survey No. 42/7.

On the South :- By Property surveyed under Survey No. 42/9.

This property shall hereinafter be referred to as the **SAID SECOND PROPERTY**. The **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** shall hereinafter collectively referred to as the **SAID PROPERTIES**.

3. TRACING OF PARTIES TITLE:

- 3.1. Deed of Sale and Purchase dated 15/03/1924 reveals that Manuel Francisco Alvares purchased the **SAID SECOND PROPERTY** known as “**ARADY XIR OITERAL**”, bounded on the east by the public road which leads to the church; to the west by (property) of heirs of Jeronimo Gabriel Alvares and Sanatan Caridade Alvares jpto the back-yard of Natalina Mascarenhas, to the north by (property) of heirs of Urbano Alvares and others; and to the south by (property) of heirs Antonio Simao Alvares, from Jose Niclau Alvares.

3.2. The **SAID SECOND PROPERTY** is described under Description No. 25781 of Book B 66, at folio 130, and inscribed on **29th March 1924** under No. 18793 of Book G 25, at folio 9 in favour of Manuel Francisco Alvares alias Inacio Julio Alvares. The said Inscription Certificate reveals that the **SAID SECOND PROPERTY** along with other properties mentioned therein was purchased by the said Manuel Francisco Alvares alias Inacio Julio Alvares for the price of 400 rupees from Jose Nicolau Alvares, bachelor, proprietor from Parra vide Deed dated 15th March 1924.

3.2.1. **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.

- 3.2.2. *The Hon'ble High Court of Bombay at Goa in the case of **Jossephine D'Costa V/s. Khushali Govind Naik Desai** and other reported at Manu/MH/1303/2004 has observed that "The Plaintiffs property has been inscribed in the names of Plaintiffs from 14th August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality the transfer of possession in favour of a person in whose favour such inscription has been done. In other words, by virtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of tittle and possession in respect of the property claimed by them against none proved by the Defendants,"*
- 3.3. Deed of exchange dated 25/01/1929 reveals that Mrs. Esmeralda Lobo with her sons Antonio Assuncao Alvares and his spouse Rita Deudita de Souza and Crescencio Urbano Alvares, bachelor both landowners, all residing in Parra, exchanged in favour of Manoel Francisco Alvares and his spouse Mrs. Rosa Maria de Souza, the **SAID FIRST PROPERTY** known as "**ARADDY XIR**" bounded towards the east by the village road, on the west by the one of the heris of Agnelo Paula Alvres, on the north by the heirs of Gaspar Agostino de Souza (Camoto), and on the south by Manoel Franciso Alvares.

- 3.4. The Cadastral Plan and Registor de Agremensor, Auto de demarcation, in the instant case the same is not available as per the information furnished, however, the non-existence of the said plans have no bearing on the title as much the said documents are not title documents and are basically in the nature of survey records during the Portuguese regime. In the instant case there is an inscription and description record which is in the nature of an ownership document under the Portuguese Civil Code and such documents precedence over the cadastral records.
- 3.5. Inventory Proceedings No. 63/2005/A initiated before the Court of the Senior Civil Judge 'A' Court at Mapusa - Goa reveals as under :
- 3.5.1. That the said Mr. Manuel Francisco Alvares passed away in the year 30/03/1942 and his wife, Mrs. Rosa Maria De Souza passed away on 05/12/1933 leaving behind their sole and universal legal heir, their only son namely, Geronimo Gabriel Eleuterio Alvares alias Jeronimo Gabriel E. Alvares or Jeronimo Gabriel Alvares or Jeronio Gabriel Eleuterio Alvares or Jeronio Gabriel E. Alvares or Jeronio Gabriel Alvares or Joron Gabrial Alvares or Jeron Gabrial Alvares or Jerome Alvares or Gabriel Alvares or Jeronimo G. Eleuterio or Jerome Gabriel Alvares or Jeronimo G Elentherius married to Mrs. Lavinia Arcela Estefania Alvares alias Arcela Laviaia Estifania Alavares or Arcela Lavinia Alvares or Arcela Alvares or Lavinia Arcela Estefania Pinto or Arcela Lavinia Estefania Pinto or Arcela Lavina E. Alvares.

- 3.5.2. That the said Geronimo Gabriel Eleuterio Alvares, expired on 26/11/1978, intestate without leaving any will or any other disposition of his last wish, leaving behind the said Lavinia Arcela Estefania Alvares, as his widow and half sharer and his three sons as his only and universal heirs namely: (a) Felix Anthony Hilaric Alvares alias Felix Alvares or Felix Abthony Alvares, who was a bachelor, (b) Angelo Clifford Saturnino Alvares alias Clifford Saturnino Alvares or Clifford S. Alvares or C. S. Alvares, who was married to Mrs. Carlotta Maria Ooisa Alvares alias Charoltte Maria Alvares or Charlotte Alvares or Charlotte M. Alvares or C. M. Alvares or Carlotta Maria Loisa Dias or Charlotte Maria Dias and (c) Mr. Cyril Olympio Alvares alias Cyril Alvares, who was married to Yvonne Carol Jane Alvares alias Yvonne Carol Alvares or Yvonne C. Alvares Yvonne Alvares or Yvonne Carol Jane Sequeira.
- 3.5.3. The **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** were listed at item number 3 and item number 9 respectively. Upon the demise of the said Manuel Francisco Alvares and wife Rosa Maria de Souza the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** devolved in to the household of the said Geonimo Gabriel Eleuterio Alvareas and his widow Lavinia Arcela Estefania Alvares. The **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**, were divided into two equal parts, such that the half share of the deceased Geronimo Gabriel Eleuterio Alvares was separated from his widow Lavinia Arcela Estefania Alvares. The half share of the deceased Geronimo Gabriel Eleuterio Alvares

was then sub-divided into three equal parts, such that each these parts were allotted to each of the three sons of the deceased Geronimo Gabriel Eleuterio Alvares. To each of them thus accrued (a) Lavinia Arcela Estefania Alvares – $\frac{1}{2}$ share , (b) Felix Anthony Hilaric = $\frac{1}{6}$ th share, (c) Angelo Clifford Saturnino Alvares = $\frac{1}{6}$ th share, (d) Mr. Cyril Olympio Alvares = $\frac{1}{6}$ th share.

3.5.4. The said Felix Anthony Hilaric Alvares, expired on 10/11/2001, in the status of bachelor, intestate without leaving any will or any other disposition of his last wish, however leaving behind his ascendant, his mother, the Mrs Lavinia Arcela Estefania Alvares, as his only and universal heir. Therefore, the $\frac{1}{6}$ th share of the said Felix Anthony Hilaric Alvares devolved by inheritance to his mother, Lavinia Arcela Estefania Alvares. Consequently the total share of Lavinia Arcela Estefania Alvares in the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY** = her $\frac{1}{2}$ share plus her sons $\frac{1}{6}$ th share which thus equaled to $\frac{2}{3}$ rd share in the **SAID FIRST PROPERTY** and the **SAID SECOND PROPERTY**.

3.5.5. The said Angelo Clifford Saturnino Alvares expired on 10/10/1994 intestate without leaving any will or any other disposition of his last wish, left behind Mrs. Carlotta Maria Louisa Alvares as his wido and half sharer and his 2 (two) sons as his only and universal heirs, namely: (a) Mr. Gavin Joseph Alvares alias Gavin J. Alvares or Gavin Alvares or G. J. Alvares, who was then a bachelor and (b) Mr. Neil Charles Alvares alias Neil C. Alvares or N. C. Alvares or Neil Charles, who is bachelor. As

such the $\frac{1}{6}$ th share that devolved unto the said Angelo Clifford Saturnino Alvares was first divided into two equal parts so that one part was apportioned towards the half share of his widow Mrs. Carlotta Maria Louisa Alvares and the other part was allotted towards his two sons, Mr. Gavin Joseph Alvares and Mr. Neil Charles Alvares. To each of them thus accrued (a) Carlotta Maria Louisa Alvares = $\frac{1}{12}$ th share, (b) Gavin Joseph Alvares = $\frac{1}{24}$ th share, (c) Neil Charles Alvares = $\frac{1}{24}$ th share.

- 3.5.6. The said Mr. Gavin Joseph Alvares has thereafter married Mrs. Flavia Thomas Pinto under the regime of general communion of assets.
- 3.5.7. The said Yvonne Carol Jane Alvares, the spouse of Cyril Olympio Alvares expired on 14/11/2006, intestate without leaving any will or any other disposition of her last wish, left behind the said Cyril Olympio Alvares, as her widower and half sharer and her 2 (two) daughters, as her only and universal heiresses namely: (a) Mrs. Shirley Andrea Maria Fernandes, who is married to Mr. Anthony Francis Savio Fernandes, and (b) Mrs. Jean Sandra Dixon, who is married to Mr. Nigel Jude Dixon. As such $\frac{1}{6}$ th share of the said Cyril Olympio Alvares was divided into two equal parts so that one part was apportioned towards his own half share and so that the other part was reckoned as the half share of the deceased wife Yvonne Carol Jane Alvares which was allotted in equal share to the 2 (two) daughters. To each of them thus accrued (a) Cyril Olympio Alvares = $\frac{1}{12}$ th share , (b)

Shirley Andrea Maria Fernandes = 1/24th share, (c) Jean Sandra Dixon = 1/24th share.

- 3.5.8. Vide Order dated 21/04/2022 passed in the said Inventory Proceedings No. 63/2025/A by the Court of the Senior Civil Judge 'A' Court at Mapusa - Goa, the Chart of Allotment was confirmed wherein the **SAID FIRST PROPERTY** listed at Item No. 3 and the **SAID SECOND PROPERTY** listed at Item No. 9 were allotted in favour of the said (i) Mrs. Lavinia Arceal Estefania Alvares and (ii) Carlotta Maria Louisa Alvares, (iii) Gavin Joseph Alvares, (iv) Niel Charles Alvares, (v) Cyril Olympio Alvares, (vi) Shirley Andrea Maria Fernandes, (v) Jean Sandra Dixon.
- 3.6. As per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted 30 years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a legal title document. Applying the same principle to the SAID FIRST PROPERTY and SAID SECOND PROPERTY, the records disclose the said (a) Felix Anthony Hilaric Alvares alias Felix Alvares or Felix Abthony Alvares, who was a bachelor, (b) Angelo Clifford Saturnino Alvares alias Clifford Saturnino Alvares or Clifford S. Alvares or C. S. Alvares, who was married to Mrs. Carlotta Maria Ooisa Alvares alias Charoltte Maria Alvares or Charlotte Alvares or Charlotte M. Alvares or C. M. Alvares or Carlotta Maria Loisa Dias or Charlotte Maria Dias and (c) Mr. Cyril Olympio Alvares alias Cyril Alvares, who was married to Yvonne Carol Jane Alvares alias Yvonne Carol Alvares or Yvonne C.

Alvares Yvonne Alvares or Yvonne Carol Jane Sequeira have been in peaceful possession of the said first property since 1978 and the subsequent Order dated 21/04/2022 passed in the said Inventory Proceedings No. 63/2025/A by the Court of the Senior Civil Judge 'A' Court at Mapusa - Goa, the Chart of Allotment was confirmed wherein the **SAID FIRST PROPERTY** listed at Item No. 3 and the **SAID SECOND PROPERTY** listed at Item No. 9 were allotted in favour of the said (i) Mrs. Lavinia Arceal Estefania Alvares and (ii) Carlotta Maria Louisa Alvares, (iii) Gavin Joseph Alvares, (iv) Niel Charles Alvares, (v) Cyril Olympio Alvares, (vi) Shirley Andrea Maria Fernandes, (v) Jean Sandra Dixon.

- 3.7. The said Mrs. Lavinia Arcela Estefania Alvares passed away on 27/May/2010 and therefore her lifetime usufructuary right thus stood extinguished in favour of (i) Carlotta Maria Louisa Alvares, (ii) Gavin Joseph Alvares, (iii) Niel Charles Alvares, (iv) Cyril Olympio Alvares, (v) Shirley Andrea Maria Fernandes, and (vi) Jean Sandra Dixon. The succession of Mrs. Lavinia Arcela Estefania Alvares stands established from the Inventory Proceedings No. 63/2025/A which corresponds with the names mentioned hereinabove.

4. **Manual Form I & XIV, Form IX AND Form III:** These are Revenue Records prepared under the applicable Goa Land Revenue Code. In respect of the **SAID FIRST PROPERTY** bearing Survey No. 42/7 of Village Parra, Bardez – Goa and the **SAID SECOND PROPERTY** bearing Survey No. 42/8 of Village Parra, Bardez – Goa clearly shows the name of Jeronio Gabriel Alvares as occupant in the Occupants column. The said Manual Form I & XIV is consistent with the devolution of ownership.

5. Under Section 105 of the Goa Land Revenue Code, entry reflected in Form I & XIV is presumed to be true unless substituted by an appropriate proceeding in terms of law. In view of the same, there is presumption of possession in favour of a person reflected in Form I & XIV rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.
6. In the case of *Diksha Holdings V/s Sita Rama Naik* reported in 1998(2) GLT 444, the Hon'ble High Court of Bombay at Goa has held that *"upon promulgation of survey under the Goa Land Revenue Code, all the previous surveys ceased to exist and the presumption under Section 105 shall prevail"*.
7. In the case of Shri. Damodara Ranum Porobo Loundo versus Shri Bhaskar R. Jalmi and others, reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa has held as under:

"In fact, Section 105 of the Land Revenue Code provides that an entry in the Record of Rights and a certified entry in the register of mutation shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefore. In other words, the presumption of correctness of the entries in the Record of Rights stands until duly rebutted or until the said entry is substituted by a fresh one."

"Therefore, affidavit evidence has got only prima facie value and does not constitute sufficient and conclusive proof to disprove and rebut a presumption that arises by law in respect of the entries made in the Record of Rights after due inquiry."

8. In light of above, considering the fact that the, (a) Deed of Purchase and Sale dated 15/03/1924, (b) Inscription Description Certificate, (c) Manual Form I & XIV, (d) Form III, (e) Form IX, (f) Deed dated 25/01/1929, (g) Order dated 31/08/2009 passed in Inventory Proceeding bearing No. 63/2005 by the Court of the Civil Judge, Senior Division at Mapusa, and (f) the Survey Records in respect of the “**SAID PROPERTIES**” have remained unchallenged and the survey records corresponds to the devolution of title and are consistent with the ownership of the present owners, I am of the opinion that **(a) MRS. CARLOTTA MARIA LOUISA ALVARES** alias **CHARLOTTE MARIA ALVARES**, **(b) MR. NEIL ALVARES** alias **NEIL CHARLES ALVARES**, **(c) MR. GAVIN JOSEPH ALVARES**, **(d) MRS. FLAVIA THOMAS PINTO**, **(e) MRS. SHIRLEY ANDREA MARIA FERNANDES**, **(d) MR. ANTHONY FRANCIS SAVIO FERNANDES**, **(f) MRS. JEAN SANDRA DIXON** alias **JEAN SANDRA MARISE ALVARES**, **(g) MR. NIGEL JUDE DIXON** has a clear and marketable title in respect of the **SAID PROPERTIES** SUBJECT to the following:

8.1. Inspection of originals of the documents mentioned in Serial No. 1 above;

8.2. Production of the following documents:

8.2.1. Nil Encumbrance Certificate; and

8.2.2. Updated Zoning Certificate

8.3. Observations made at Serial No. 3.3 above.

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

- 9.1. No tenants/mundkars are reflected in the survey records of the **SAID PROPERTIES**.
- 9.2. The Urban Ceiling Act is not applicable to the State of Goa.
- 9.3. No Conversion Sanad has been furnished to establish that the **SAID PROPERTIES** are converted from agricultural to non-agricultural purposes.
- 9.4. No NOC is furnished from the Forest Department to establish that the **SAID PROPERTIES** are not identified as a Forest Land

10. EVIDENCE OF POSSESSION:-

The **SAID FIRST PROPERTY** bearing Survey No. 42/7 of Village Parra, Bardez - Goa and the **SAID SECOND PROPERTY** bearing Survey No. 42/8 of Village Parra, Bardez - Goa reflect the names of Carlotta Maria Louisa Alvares alias Charlotte Maria Alvres, Gavin Joseph Alvares, Neil Charles Alvares, Cyril Olympio Alvares, Shirley Andrea Maria Fernandes, Anthony Francis Savia Fernandes, Jeam Sandra Dioxon, and Nigel Jude Dixon in Form I & XIV issued by the Department of Survey, Government of Goa.

11. 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 PROPERTIES**. No **NIL Encumbrance Certificate** in respect of the **SAID PROPERTIES** are furnished to establish that there is no encumbrance. However updated **Nil Encumbrance Certificate** needs to be furnished in respect of the **SAID PROPERTIES**.

CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **(a) MRS. CARLOTTA MARIA LOUISA ALVARES** alias **CHARLOTTE MARIA ALVARES**, **(b) MR. NEIL ALVARES** alias **NEIL CHARLES ALVARES**, **(c) MR. GAVIN JOSEPH ALVARES**, **(d) MRS. FLAVIA THOMAS PINTO**, **(e) MRS. SHIRLEY ANDREA MARIA FERNANDES**, **(d) MR. ANTHONY FRANCIS SAVIO FERNANDES**, **(f) MRS. JEAN SANDRA DIXON** alias **JEAN SANDRA MARISE ALVARES**, **(g) MR. NIGEL JUDE DIXON** has a clear and marketable title in respect of the **SAID PROPERTIES** SUBJECT to the following.

- i. Inspection of originals of the documents mentioned at Serial No. 1 above;
- ii. Production of the following documents:
 - a. Nil Encumbrance Certificate; and
 - b. Updated Zoning Certificate
- iii. Observations made at Serial No. 3.3 above.

12. General Qualifications and Assumptions:

- 12.1. This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at Serial No. 1 above.
- 12.2. For the purpose of issuing this report on title:
 - 12.2.1. I have not carried out a negative search in respect of litigations in relation to the **SAID PROPERTIES**.

- 12.3. For the purpose of issuing this report on title, I have assumed:
- 12.3.1. 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;
 - 12.3.2. 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;
 - 12.3.3. that all the documents relating to the **SAID PROPERTIES** and furnished to me have been validly executed and delivered by the parties to them;
 - 12.3.4. that all documents are within the capacity and powers of each party and have been validly authorized by each party;
 - 12.3.5. that there are no pending litigations in respect of the **SAID PROPERTIES**; and
 - 12.3.6. that names of persons spelt differently in different documents in respect of the **SAID PROPERTIES** are the same person.
- 12.4. 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.

- 12.5. This report on title is confined to the **SAID PROPERTIES** only.
- 12.6. 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.
- 12.7. The availability/existence of the access to the **SAID PROPERTIES** is not within the scope of this report.
- 12.8. 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:- 16/09/2023

(**Adv. Shivan S. Desai**)