

**MILIND NAIK DESAI & ASSOCIATES**  
**ADVOCATES**

**Adv. Milind Naik Desai (M.Com. L.L.B.)**

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**TITLE SEARCH & LEGAL OPINION REPORT**

On behalf of the our client M/s S.R. Developers, a partnership firm, having its office at First Floor, Office no. 3, H no. 13/163/4, Dattprasad, Faira Baixa, Mapusa, Goa and in context to request for legal opinion on title of Immovable property known as “ CONDICHEA” also known as “ CONDICHEA GALUE” also known as “ CONDICHEM GALUM” , bearing survey no. 360 sub division no. 1B , situated in the Village Tivim, within the jurisdiction of Village Panchayat of Tivim, Taluka and Sub District of Bardez, State of Goa admeasuring an area of 1,233 sq.mts.(one thousand two hundred and thirty three ) , wherein their exist a old residential house bearing no.80, which property is found described in the Land Registration Office of Bicholim, under description no. 15366 at page 167 overleaf of Book B-39, Description No. 15367 at pages 168 overleaf of book B-39 and Description No. 15368 at pages 168 overleaf of Book B-39, not found enrolled in the Taluka Revenue Office of Bicholim, Goa. and bounded on to the East : by the property bearing survey no 360/1-A, onto West: by the road ; on to North : by road ; by the and on to South : by property bearing survey no. 361/1.

M/s. S. R. Developer is the partnership firm stand registered before the Registrar of Firm at Sub Registrar office , Mapusa bearing Registration no. BRZ-F99-2019 on 30.07.2019 and is represented by two partners namely 1. Shri. Chandrashekhar Benkar and 2. Mrs. Chetna C. Benkar .

Upon the request of said M/s. S. R. Developers did conducted the legal scrutiny and investigated the title and right of the of the owners namely **Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quadros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira** and right of development of said **S.R. Developers** to the said property mentioned in the schedule –II and conducted a reasonable investigation of title since inception and

conducted required and essential visits and inspection at the respective offices and submit my report as under :

### SCHEDULE - I

1.	Name and Address of Owner and Developer	Owners: <b>Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quadros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira</b> having assigned right in favor of the <b>S.R. Developers to purchase, develop and sell the said property.</b>
2	Address of the property under Project :	Landmark : Near Major Bakery , Thivim, Bardez-Goa.

### SCHEDULE -II

(Details of the property)

1	Plot no. / Land Revenue Survey number.	Survey no 360 and sub division 1 B.
2	Name of the property if any.	“ CONDICHEA” also known as “ CONDICHEA GALUE” also known as “ CONDICHEM GALUM”
3	Boundaries	East : by the property bearing survey no 360/1-A, onto West: by the road ; on to North : by road ; by the and on to South :by property bearing survey no. 361/1.
4	Nature/type of land /property/plot	Settlement Zone
5	Nature of building project	Building to be constructed as per approvals.
6	Name and style of building Project	“Shubh Kunj”

### SCHEDULE -III

1. Description of Documents submitted to us which are scrutinized & Verified :

Sr No.	Date of Documents	Name of Documents	Whether Original certified true copy/Photocopies
1		Form I & XIV	Original
2		Survey Plans of the property 360/1 and 360/1-B.	Original
3		Proceeding of Final Possession at pages 34,35 and 36 all dated 5.6.1941 recorded in the books of Registration of Orders of the Communidaded of Village Thivim at pages 78 to 79 and 77 overleaf to 78 and 76 overleaf to 77 respectively of the said book the aforamento being granted to Mr. Lourenco Manuel Lobo vide order of the Government dated 23.07.1937.	Photocopy
4		Land Registration Certificate issued by the Land Registrar of Bicholim on 19.02.1957 pertaining to the inscription no. 11418 at pages 191 of Book G-15, inscription no. 11419 at pages 191 overleaf of book G-15 and inscription no 11420 at pages 191 overleaf of book G-15; and description no. 15366 at pages 167 overleaf of book B-39 ; description no. 15367 at page 168 overleaf of bookB-39 and description no. 15368 at pages 168 of overleaf of book B-39.	photocopies

5		Deed of Gift of property dated 8.05.1985 duly registered in the office of the sub registrar of Bardez under serial no. 269/85 registration no. 585 from pages 45 to 48 of book no. I , volume no. 93 dated 27/12/1985.	Photocopy
6	07/05/2014	Inventory Proceedings bearing no. 57/SP/S/Inv/05/A of the court of the Civil Judge Enior Division "A" court at Bicholim, Goa , instituted upon the death of Mr. Paulo Miguel Pereira alias Paul M. Pereira alias paul Michael Pereira alias Paul Minguel Pereira, Mrs. Mary Josephine Pereira alais Mary Pereira alias Mary Lobo, Mr. Sebatian Francis Pereira alias Sebastian Pereira alias Sebastian Francis Victor Pereira alias Sebastian Francis Victor Pereira along with final Order dated 4.02.2008 passed thereon. The said Order dated 4.2.2008 has been duly registered in the office of the sub registrar of Bardez at Mapusa, Goa under Reg. No. 2826 from pages 43 to 64 of book no. I, volume No. 2616 dated 21.05.2008.	Photocopy
7		House Tax Receipt of the House bearing village Panchayat House no.80 and certificate from V.P. Thivim	photocopy
8	8.5.1985	Order passed in the partition proceeding bearing no 15/107/2016/part/land by the Court of the Deputy Collector and sub division Officer ,	photocopy

		Mapusa, Sub Divisional at Mapusa Goa	
9	17.12.2020	Agreement for sale cum Development between the owners and S. R. Developers bearing no. BRZ-1-3310-2020 dated 17.12.2020	photocopy
10	17.12.2020	Irrevocable Power of Attorney registered before Office of Sub Registrar of Bardez sign and executed by and between owners and in favor of Shekhar Benkar who is the partner of S.R. Developers.	photocopy
11	14.07.2022	Construction License from V.P. Tivim.	photocopy
12	28.03.2022	Construction license from the Town and Country Planning Department along with approved plan bearing no. TPB/6783/TIV/TCP-2022.	photocopy
13		Conversion Sanad	To be obtained
14	11.01.2005	Burial Certificate of Mary Josephine Pereira	Copy
15	11.01.2005	Marriage certificate of Sebastiao Francisco Victor Pereira and Maira Ema Rubil Pia Coutinho	Copy
16		Nil Encumbrance Certificate	To be obtained.

2. Details of searches and investigation and finding , after scrutiny of the documents as mentioned in the schedule no II and searches of various records viz. Revenue records and records available and possible reasonably in the concern sub registrar office and other offices are given as below:

1	Whether the property is freehold or leasehold?	Freehold
2	If Lease hold then tenure	N.A.
2.1	Name of Lessor	N.A.

2.2	Whether permission for sale is/was obtained by the seller? (Pl mentioned details of permission) Whether the same is required? Effects of not obtaining?	N.A.
2.3	Whether NOC for creation of mortgage obtained? Is it required? effects of Not obtaining	N.A.
2.4	Any other detrimental clause in the lease deed?	N.A.
3	How the present land owner acquired title over the property? Whether by Purchase/Gift/Inheritance/Partition/Release/Auction/Will/Allotment /etc?	by Inheritance i.e. vide order in the Inventory Proceedings and vide subsequent division of the original property in to two one portion is the subject property.
3.1	In case of purchase through sale deed: whether the seller is /was competent to sell?	N.A.
3.2	How the seller acquired the property	Inheritance of owner and agreement for construction , development cum sale with possession between owners and said S. R. Developer
3.3	Whether all the previous deed and link documents till date in the name of present landowner is available? If not available then what is the effect.	mostly available
3.4	Whether seller has transferred clear, legal, marketable and free from all encumbrances title in favor of the present owner?	Yes
4	Whether minor's interest is involved in the property ? if yes precautions to be taken	Not found and traced during search.
5	Have you searched all the relevant records in the sub registrar office? Whether any defect or adverse entry found which affect the title	Yes, no encumbrance is registered

	of the present owners?	
6	Have you verified all the current and previous deeds, chain document, link docs, and revenue records at least for 30 years period? (plz. Mention specifically whether any defect found which affect the title of the present owners? Whether same is found correct and title from person to person have been legally transferred till present owners?	Search is conducted and revenue documents are verified and the same specifically mentioned in tracing of title. No Defects were traced during verification and search which was conducted reasonably.
7	Whether you have verified the contents of Title Deed or title ? whether any defect is found in the same?	Yes , No defect is found on verification.
8	Are the chain of title deed are complete and genuine	yes
9	Whether title deed contain any restrictive clause in respect of free transfer	No.
10	Whether any acquisition proceeding is in progress in the area? Whether the same will affect the mortgage or transfer of title of units in favor of the prospective purchasers?	NA.
11	Whether property is mutated in the name of present land owners /transferor? & Where?	Yes
11.1	With Revenue Authority (mentioned the name of documents by which it is ascertain)	From I & XIV.
12	What is the nature of title of the present owner ie.. tenancy right, possessory right, mnor's right or any other type or right clarify.	Full ownership right
13	Have the provisions of the Indian registration Act and the Indian Stamps Act been complied	Agreement for sale , Development Cum Sale with possession dated 17.12.2020, entered between the owners and

		the said S. R Developers registered before the sub registrar office at Mapusa bearing registration no. BRZ-1-3310-2020 is properly stamped .
14	Whether chain of title is complete and ownership in the name of the present land owner is legal, clear, marketable and free from all encumbrances?	Ownership is legal, clear and marketable
15	In case of transferor is POA holder verify the genuineness of POA and extent of powers whether POA is properly executed /stamped /authenticated /enforceable as per the law of the place	Yes. Irrevocable POA is given to Mr. Chandrashekhar Benkar who is a partner of S.R. Developers and is genuine and executed before Sub Registrar of Bardez bearing registration no. BRZ-POA-registrar -55-2020 dated 17.12.2020. and the same is appropriately stamped and executed as required.
16.	Whether up-to-date diversion rent/tax/property tax/lease rent receipt and other govt. taxes are paid?	N.A.
17	Whether property can be mortgaged and whether mortgager have valid and legal right to mortgage the said property with the Bank?	Yes
18	Whether bank can enforce the mortgage against the lease hold mortgaged property in case of default?	N.A.
19	Whether provision of urban land ceiling act applicable/permission obtained ? of any restriction in transfer of title by the present landowner?	N.A.



20	Whether all the legal requirement /permissions /under various act/laws viz local laws, municipal laws, panchayat act, TCP Act, land laws, laws applicable for development of land and construction of building , building regulation, development control regulation etc. in order to develop the aforesaid project have been completed and complied.	To be filed (application can be perused)
22	Whether property belongs to HUF? If yes then whether major co-parcener have no objection /join in execution minor's share if any . rights of female members etc	No

### 3. HISTORY OF TITLE:

- a. I have Perused all the documents submitted and contends of the same furnished to me and it is traced that the Immovable property known as “ CONDICHEA” also known as “CONDICHEA GALUE” also known as “ CONDICHEM GALUM” , bearing survey no. 360 sub division no. 1B , situated in the Village Tivim, within the jurisdiction of Village Panchayat of Tivim, Taluka and Sub District of Bardez, State of Goa admeasuring an area of 1,233 sq.mts.(one thousand two hundred and thirty three ) , wherein their exist a old residential house bearing no.80, which property is found described in the Land Registration Office of Bicholim, under description no. 15366 at page 167 overleaf of Book B-39, Description No. 15367 at pages 168 overleaf of book B-39 and Description No. 15368 at pages 168 overleaf of Book B-39, not found enrolled in the Taluka Revenue Office of Bicholim, Goa. and bounded on to the East : by the property bearing survey no 360/1-A, onto West: by the road ; on to North: by road ; by the and on to South : by property bearing survey no. 361/1 was originally a bigger property and was identified and surveyed under under survey no 360, sub division no. 1 and was originally admeasuring an area of 3000 sq.mts consisting of residential house therein bearing house no. 80.

- b. Originally the property belong to the Comunidade of Tivim and as per the proceeding of final Possession at pages 34, 35, and 36 all dated 05.06.1941 recorded in the books of Registration of Orders of the Comunidade of Village Tivim at pages 78 to 79 and 77 overleaf to 78; and 76 overleaf to 77 respectively indicates that the property given under Final Possession is on aforesaid basis being granted to Mr. Lourenco Manuel Lobo vide order of the Government dated 23.07.1937.
- c. We would like to refer here the provision of Article 338 of the Code of Comunidades stipulates that the provisional delivery of the land granted as Emphyteusis cannot be considered in legal relations. However, the handing over of definitive possession confers on the Grantee the rights recognized under the Civil Law (Portuguese Civil Code). In view of the above, after definitive possession is granted in favour of the Grantee, the rights under the Civil Law crystallized in favour of the Grantee.
- d. Further it bears mentioning that the Code of Comunidades provides for a two step procedure for grant, which includes a provisional handing over of possession and subject to compliance with the condition of grant, definitive or final possession being handed over to the Grantee. In the instant case, there was definitive possession granted to the Grantee. The above document clearly establishes the definitive possession of the Said Property being granted in favour of Mr. Lourenco Manuel Lobo .
- e. Further it could be traced from Deed of Gift dated 8.5.1985 duly registered in the office of the Sub Registrar of Bardez under serial no. 269/85 , registration no. 585 from pages 45 to 48 of Book no. I , volume no. 93 dated 27.12.1985 , the donor namely Mary Josephine Pereira who is the daughter of the said Laurence Manuel Lobo and spouse of late Mr. Paul Minguel Pereira, who was the sole inheritor of the bigger property with ancestral house from her late father said Mr. Lourenco Manuel Lobo and had been in possession thereof for more than 30 years as on 8.5.1985 , did acquired the right to the bigger property not only as a heir but also by prescription and adverse possession and vide deed of gift dated 8<sup>th</sup> May , 1985 said Mary Josephine Pereira in the status of widow did gifted her right in the said bigger property and the house bearing no. 80 to her son namely Mr. Sebastian Francis Victor Pereira .

- f. The perusal of burial certificate of Mary Josephine Pereira it could be seen clearly that said Mary Josephine Pereira is daughter of Laurence Lobo and the widow of Paul Pereira and the link between the Laurence Lobo and said Mary Josephine Pereira could be traced clearly and to the document pertaining to the property.
- g. From the extract of house tax receipt and plinth of the house as shown in the Survey plan which is prepared and maintained by the survey department during the promulgation of survey records gives the clear impression that the house structure exist prior to 1971 and the house tax clearly shows the name of the owner occupier of the said house further reveals the fact that the property and the house therein is owned by the ancestors of the present owner.
- h. It is further revealed from the documents i.e. inventory proceeding no. 57 /2005/A of the court of Civil Judge , Senior Division " A" court at Bicholim , Goa., the said inventory proceeding no. 57/2005/A was instituted upon the deaths of Mr. Paulo Miguel Pereira , alias Paul M. Pereira , alias Paul Michael Pereira, alias Paul Minguel Pereira, Mrs. Mary Josephine Pereira alais Mary Pereira alais Mary Lobo and Mr. Sebastian Francis Pereira alias Sebastian Pereira alias Sebastian Francis Victor Pereira alais Sebastian Francis Victor Pereira and by consent of the interest parties to the said Inventory Proceeding sno 57/2005/A, the bigger property was amicable partitioned into two halves and the said Mrs Maria Ema Rubia Pia Coutinho de Quodros alias Maria Ema Rubia Pia Coutinho de Quodros e Pereira and Mr. Valentine Savio Paul Martins coutinho de Quodros E Pereira and Mr. Valentine Savio Paul Martin Coutinho de Quodros E Pereira were jointly allotted Plot B of the bigger property admeasuring an area of 1350 and the plot identified as plot A admeasuring an area of 1650 sq.mts., in the said inventory was being allotted to other owners Mr. Ferdinand Edwin Pereira and Mr. Margaret Pereira and as per the said amicable partition was further confirmed by final order dated 4.2.2008 passed in the inventor proceedings no 57/2005/A was duly registered in the office of the sub registrar office at Mapusa , Goa under no. 2826 from pages 43 to 64 of book no. I , volume no. 2616 dated 21.5.2008.
- i. Further said original property vide order dated 8.1.2018 passed by the Court of Dy. Collector and Sub Divisional Officer , Mapusa ,

sub division at Mapusa-Goa in the partition proceeding filed and subject plot property which was reduced to the present area is now bearing survey no 360/1B was allotted to the present owners and was allotted the present new survey number .

- j. The name of the said **Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quadros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira** is accordingly found recorded in form I & XIV being the legal owner and occupants of the afore said property bearing survey no 360/1-B and survey plan identifies correctly the boundaries of the said property .
- k. Said developer or purchaser found to have been entered into the Agreement for sale , development and sale dated 17.12.2020 duly registered before the Office of Sub Registrar of Bardez at Mapusa bearing registration no. BRZ-1-3310-2020 with said **Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quadros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira** who are competent to enter into the said agreement for sale as owners and have further also signed and have executed Irrevocable Power of Attorney dated 17.12.2020 again properly stamped and executed before the Office of Sub registrar of Bardez at Mapusa bearing registration no. BRZ-POA-Register-55-2020 and therefore said S.R Developer have legal contract and right in their favor to develop the said property as per the terms and condition mentioned therein.
- l. If one peruses the old manuel form I & XIV the name of Francis Lobo found appearing however no any title document support the name of Francis Lobo and the same may have been recorded during the promulgation of survey record post independence but all the relevant past records such as Inscription and further deeds and order of the Court clearly establish the possessory and perfect legal title in favor of the said **Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quadros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira** so also the house exist in the property further establish the house belong to Sebastian Pereira
- m. It could be traced that said property is falling in the settlement zone as per the Zoning certificate and confirmed by visiting the office of the Town and Country Planning Department.

- n. The Office of Town and Country planning Department issued a license for construction of a residential cum commercial building in the said property of a building vide letter dated 27.10.2021 bearing no. TPB/6783/TIV/TCP-2022 in the name of Owner Maria Ema Rubia Pia Coutinho de Quodros e Pereira.
- o. The Village Panchayat of Tivim found to have granted the construction in the said property via letter dated 14.07.2022 bearing no. VP/T/F/24/22-23 for construction of residential cum commercial building in the said property in favor of the owner.

#### **4. EVIDENCE OF POSSESSION:-**

The SAID PROPERTY bearing Survey No. 360, sub div. no. 1B, reflects the name of **Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quodros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira** 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 Property.

#### **5. 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 12.08.2022 bearing no. 1764 in respect of the SAID PROPERTY is furnished to establish that there is no encumbrance in the SAID PROPERTY.

#### **6. DOCUMENTS TO BE APPLIED , OBTAINED AND TO BE COMPLETED :**

1. Conversion Sanad

## CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that S. R DEVELOPERS and said owners **Maria Ema Rubia Pia Coutinho De Quodros alias Mrs. Maria Ema Rubia Pia Coutinho De Quadros E Pereira and Valentine Savio Paul Martin Coutinho De Quodros E Pereira** have a clear and marketable title in respect of the **SAID PROPERTY** survey no. 360 sub division no. 1B , situated in the Village Tivim, within the jurisdiction of Village Panchayat of Tivim, Taluka and Sub District of Bardez, State of Goa admeasuring an area of 1,233 sq.mts. **SUBJECT** to the following:

1. Publication of Public Notice inviting objections from the general public, if any
2. Production of updated Land Use Zoning Certificate/or sanad.
3. Upon Depositing the original or certified copies of the above listed title documents as available :


### **SUBJECT TO : General Qualification and Assumptions :**

- 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 as listed 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; documents furnished to me herein above.
  - (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;
- (g) The accuracy of this report on title necessarily depends on 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 assured 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.
- (h) This report on title is confined to the **SAID PROPERTY** only.
- (i) 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.
- (j) The road widening /set back from road and availability/existence of the access to the **SAID PROPERTY** is not within the scope of this report
- (k) 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: Mapusa-Goa  
Date:

  
MILIND MAHADEV NAIK DESAI  
ADVOCATE