

**VISHWESH A. KAMAT,**

*Advocate*

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Date: 30.05.2023

**CERTIFICATE OF TITLE**

THIS CERTIFICATE OF TITLE is issued at the request of  
**M/S.MODELS LEISURE VENTURES,** a Partnership Firm  
registered under the Indian Partnership Act 1932, having  
its Office at 7<sup>th</sup> Floor, Karim Mansion, St. Inez, Panaji,  
Goa, represented herein by its Partners **MRS.NATALINA  
ESTELA VAZ, MR.DIOGO NATHAN VAZ AND MRS.DANIRA ISABEL  
VAZ,** with respect to the property described herein below:

**(M/S.MODELS LEISURE VENTURES has** purchased the below  
mentioned property vide Deed of Sale dated 9.4.2019, duly  
registered with the Office of the Sub-Registrar of Ilhas,  
Panaji, Goa, at Book - 1 Document, Registration Number -  
PNJ-1-852-2019 registered on 06-May-2019).

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1. DESCRIPTION OF THE PROPERTY:

ALL THAT property known as "DONDREM" situated at Taleigao Village, within the Jurisdiction of Taleigao Village Panchayat, Taluka and Sub District of Ilhas, North Goa District of State of Goa, of which property, one half being the southern half of the said property 'DONDREM' is found described independently in the Land Registration Office under No. 15817 at folio 185v of Book B-41 and enrolled in the Taluka Revenue Office under Matriz No.959 and presently surveyed under Survey No.54 sub division 4 of Village Taleigao having an area of 1515 sq.mts, along with a house shown in the survey plan but completely demolished at the loco and without house number, and bounded as follows:

On the North : by the northern half of the SAID PROPERTY earlier described under no. 15816, now by land surveyed under no. 54/1 of village Taleigao,

On the South : by the property of the heirs of Vital Francisco Paulo de Mendonsa now surveyed under no. 54/5 of village Taleigao,

On the East : by the remaining part of the property of the same name belonging to

  
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Simaruti Parab now surveyed under no. 54/3,  
and 54/6 now sold in plots.

On the West : By the Public Road.

(For brevity sake, the property described  
above is herein after referred to as "**the  
Said Plot**".)

2. DOCUMENTS EXAMINED:


- (a) Certificate of Registration of Partnership  
issued on 04.02.2021 issued by Registrar of  
Firms, Panaji, Ilhas.
- (b) Description Certificate no. 15816 at pages  
185 of Book No. B-41(new) for the entire  
property 'Dondrem'.
- (c) Description Certificate bearing No. 15817  
at pages 185v of Book B-41 (new) of the Said  
Plot.
- (d) Inscription certificate no. 15363 in Book  
F-23 at pages 186.
- (e) Final Chart of Allotment in Orphanological  
Inventory No: 1392/1947/C from the Court of  
Civil Judge Senior Division at Panaji.

  
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- (f) Taluka Revenue Certificate (Matriz) No. 959.
- (g) Deed of Exchange dated 9.5.1973 registered in the Office of the Sub-Registrar of Ilhas on 2.6.1973 under no. 325 at pages 375 to 382 in Book No. 1 vol No. 74.
- (h) Death Certificate of Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho Benjamim Francisco Lourdes Viegas.
- (i) Agreement dated 3.7.1990 with Mr. A. J. Braganza alias Antush Braganza.
- (j) Order Dated 9.7.1991 of the Dy. Collector and SDO, Panaji in Case No: LRC/MISC/8/1991.
- (k) Award dated 10.10.2017 passed by Mr. N. A. Brito (Retired High Court Judge).
- (l) Consent Terms dated 13.3.2019 in the Arbitration Application No. 1/2018.
- (m) Final Order dated 14.3.2019 passed by the Hon'ble Principal District Judge, North Goa, Panaji, in Arbitration Application No. 1/2018.
- (n) Deed of Succession dated 5.4.2019 registered in the Book No. 740 of Folio 16 to 17v drawn before the Civil Registrar cum Sub Registrar and Special Notary Ex-Officio of Ilhas, Tiswadi, Panaji.

  
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- (o) Sale deed dated 9.4.2019, duly registered with the Office of the Sub-Registrar of Ilhas, Panaji, Goa, at Book - 1 Document, Registration Number - PNJ-1-852-2019 registered on 06-May-2019, in favour of **M/S. MODELS LEISURE VENTURES**, a Partnership Firm registered under the Indian Partnership Act 1932, having its Office at 7<sup>th</sup> Floor, Karim Mansion, St.Inez, Panaji, Goa.
- (p) Survey Plan of the Said Plot.
- (q) Form I & XIV dated 06.01.2020 (both computerized extract) of the Said Plot.
- (r) Handwritten form I & XIV of the Said Plot.
- (s) Development Permission by NGPDA ref No.NGPDA/236/TAL/734/2019 dated 20/12/2019 for construction of residential building compound wall and swimming pool.
- (t) SANAD dated 21/01/2020 for the purpose of residential use.
- (u) NOC from Electricity department sub division IV, Taleigao Goa Ref No.SDO/SD-IV/TLG/19-20/Tech-10/1105 dated 22/01/2020.
- (v) NOC form Directorate of Health Services Primary Health Centre, Chimbél Goa ref No.PHC/Chimbél/NOC-Const./2019-20/1711 dated

  
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06/02/2020 for proposed construction of residential building compound wall and swimming pool.

(w) NOC from Directorate of Fire and Emergency Services File No.DFES/FP/HB/19-20/716 dates 07/02/2020 for construction of the proposed residential cum commercial building.

(x) Construction License Ref No.VP/TLG/CONST/LIC./65/2019-2020/3849 dated 27/02/2020 for proposed construction of residential building compound wall and swimming pool.

(y) Renewal of Development Permission by NGPDA ref No.NGPDA/55/TLG/22-23/2588/2022 dated 26/12/2022 for construction of residential building compound wall and swimming pool.

(z) Construction License Ref No.VP/TLG/CONST/LIC./51/2022-2023/3792 dated 22/02/2023 for renewal of development permission for construction of residential building, compound wall and swimming pool.

(aa) Approved Plan as per the permissions granted by the authorities with endorsement of various authorities.



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(bb) Sale Deed dated 16.01.2023 with Mr. A. J. Braganza, transferring apartments bearing Nos. 2/SI-2 and 2/SE-2 on the sixth and seventh floor of the building no. 2 in the project Models Avalon as per the consent terms and final order in Arbitration Application No. 1/2018.

(cc) Zoning Certificate dated 25.5.2023 issued by North Goa Planning & Development Authority, under Ref. No. NGPDA/Zon/Inf/Tlg/694/2023.

(dd) Nil Encumbrance certificate under Certificate No. NEC/2023/85 with receipt bearing no. 2023-24/4/647.

**3. DESCRIPTION OF DOCUMENTS AND TRACING OF TITLE:**

(a) Certificate of Registration of Partnership issued on 04.02.2021 issued by Registrar of Firms, Panaji, Ilhas, shows that the original partnership was between Mr. Peter Vaz and his wife, Mrs. Natalina Vaz, and Miss Danira Isabel Vaz was added as the Partner w. e. f 28.11.2020, and after death of Mr. Peter Vaz, Mr. Diogo Nathan Vaz was added w.e.f. 27.1.2021.

  
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- (b) As per the Description Certificate No. 15816 at page 185 of Book B-41 (new), gives description of the entire property 'Dondrem' consisting of both, the Southern half and the northern half.
- (c) As per the Description Certificate under No. 15817 at page 185v of Book B-41 (new), one half being the southern half of the said property 'DONDREM', is separately described which is the Said Plot.
- (d) As per the Inscription Certificate No. 15363 in Book F-23, at page 186, the property under description no. 15817 at page 185v of Book B-41 (new) is found inscribed in the name of Gregorio Jose Santana Viegas of Taleigao.
- (e) As per the Orphanological Inventory Proceedings instituted in the Second Office of the Civil Court of Ilhas, bearing No. 1392/47/C after the demise of Gregorio Jose Santana Viegas, the Said Property 'DONDREM' was described under Item No. 11, and as per the final chart of allotment was allotted in equal proportion to his two sons, Emerico



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Minguel Jose Viegas & Aleixinho Benjamin Francisco Lourdes Viegas.

- (f) As per the Matriz Certificate No. 959, name of Gregorio Jose Santana Viegas is found struck off and names of Emerico Minguel Jose Viegas & Aleixinho Benjamin Lourdes Viegas of Taleigao is found recorded.
- (g) After the allotment in the said Orphanological Inventory Proceedings, by a Deed of Exchange dated 9.5.1973, registered with the Sub-Registrar of Ilhas on 2.6.1973 under no. 325 at pages 375 to 382 in Book No. 1. Vol No. 74, executed between Mr. Emerico Minguel Jose Viegas and his wife, Lilia Viegas on One Part, and Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho Benjamim Francisco Lourdes Viegas and his wife, Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas, on other part, whereby, Mr. Emerico Minguel Jose Viegas and his wife, Lilia Viegas exchanged their entire undivided half share in the said Plot which was described under Item No. 11 in the said inventory i.e. the southern half of the

  
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property described under no. 15817, with Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho Benjamim Francisco Lourdes Viegas and his wife, Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas.

By virtue of the said Deed of Exchange, Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho Benjamim Francisco Lourdes Viegas and his wife, Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas, became the absolute owners in possession of the Said Plot, 'Dondrem' described under no. 15817 at page 185v of Book B-41 (new).

Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho Benjamim Francisco Lourdes Viegas and his wife, Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas, were married under the regime of Community/communion of Property/Assets.

(h) Death Certificate of Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho



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Benjamim Francisco Lourdes Viegas shows that he expired on 16.2.1976.

- (i) Mrs. Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas and her sons i.e. Mr. Alfred William Viegas alias Alfredo William Viegas alias William Alfred Viegas and Mr. Michael Melwyn Viegas, as the Vendors, entered in to an Agreement dated 3.7.1990 with one Mr. A. J. Braganza alias Antush Braganza, as the Purchaser, for a consideration which consideration was payable partly in money and partly in kind i.e. built up area.
- (j) Mr. A. J. Braganza filed an application under Section 103 of the Goa, Daman, & Diu Land Revenue Code to the Deputy Collector & Sub Divisional Officer, Panaji Sub Division, Panaji, which case was registered under Case No. LRC/MISC/8/1991, for the purpose of correction of survey records, namely, the area pertaining to the Said Property, and the Hon'ble Dy. Collector and the SDO by an order dated 9.7.1991 granted the application for correction thereby correcting the area from 1393 sq. mtrs. to 1515 sq mtrs., as the



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plot admeasures 1515 sq.mts. on site, which application was granted by order dated 09.07.1991, and the area was corrected from 1393 sq. mtrs. to 1515 sq mtrs.

- (k) As per the Award dated 10.10.2017 passed by Mr. N. A. Brito (Retired High Court Judge), following order was passed:

"37. The Claimant is entitled to succeed in terms of prayers (a), (b) and (c) of the Statement of Claim dated 8/4/2008. The Claimant is also entitled for a permanent injunction in terms of prayer (d) (i) to (d) (v) of the said Statement of Claim. The Respondents are not entitled to any reliefs. The Respondents are hereby restrained from treating the said Agreement as terminated or obstructing the Claimant or his agents from entering into the suit property and carrying out the construction of the buildings thereon or preventing the Claimant from exercising the powers conferred on him under the said power of attorney or entering into any agreement in respect of the said property with third parties or disturbing the Claimant's possession of the said



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property. The claims made by the Respondents in their Statement of Defence are hereby rejected. The Interim Order dated 8/11/94 of the Learned Civil Judge, Senior Division, Panaji, deserves to be vacated, so also any other order, if any, placing restraint upon the Claimant from proceeding with the construction in the property. The time of 18 months to hand over the flats to the Respondents will now be computed from the time the documents are handed over to the Claimant, in case the Claimant really needs them, and from the time the family of the said Xavier is evicted from the property by the Respondents. The Claimant is held entitled to costs of Rs.50,000/- to be paid by the Respondents."

- (1) Pursuant to the said Award dated 10.10.2017, consent terms dated 13.3.2019 came to be filed in Arbitration Case No. 1 of 2018, before the Principal District and Session Judge, North Goa, at Panaji, between the parties, i.e. Mrs. Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas, Maria Fatima Rita de Sousa,



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and her children (i) Mr. Jason Benjamin Viegas (ii) Ms. Jenifer Viena Viegas, (iii) Mr. Joshua Xavier Conception Viegas, and (iv) Mr. Jonathan Jesus Viegas, Mr. Michael Melwyn Viegas and Mrs. Socorinha Barreto, by which consent terms it was agreed to transfer the Said Plot admeasuring an area of 1515 sq. mtrs. for development to the M/S Models Leisure Ventures, and that the Applicants in the said Arbitration Proceedings shall compensate Mr. A. J. Braganza by allotting to him Apartments bearing Nos. 2/SI-2 and 2/SE-2 on the sixth and seventh floor respectively, having super built up area of 260 sq. mtrs. in the project of the M/S Models Leisure Ventures ,by name 'Models Avalon' at Taleigao as per the agreement enclosed to the Said Consent Terms dated 13/03/2019, and that the said Mr. A. J. Braganza shall withdraw all the cases filed against Mrs. Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas and 8 others, that the Power of Attorney dated 3.7.1990 and the agreement dated 3.7.1990 shall stand



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terminated in view of the compensation paid to Mr. A. J. Braganza as per the consent terms, that the award dated 10.10.2017 passed by the Sole Arbitrator, Mr. N. A. Brito shall stand set aside and modified in terms of the consent terms between the parties, and that in view of the compensation paid to the said Mr. A. J. Braganza towards full and final settlement of all his claim as stated in the consent terms, the Applicants shall have full liberty and absolute right to deal with the Said Property with any other party of his choice without reference to the said Mr. A. J. Braganza.

- (m) The said Consent Terms were accepted by the Hon'ble Principal District Judge, North Goa, Panaji, and passed a final order dated 14/03/2019, thus disposing of the said Arbitration Application No. 1/2018 in the terms of the said Consent Terms filed and accepted by all the parties to the said Arbitration Proceedings.
- (n) That upon the death of late Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias

  
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Alexinho Benjamim Francisco Lourdes Viegas and Mrs. Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas, Deed of Succession was drawn on 05/04/2019, registered under Book No. 740 at Folio 16 to 17v was drawn before the Civil Registrar cum Sub Registrar and Special Notary Ex-Officio in the said Judicial Division, with Notarial Office situated at Panaji, Goa and Mrs. Maria Fatima Rita de Sousa, and her children (i) Mr. Jason Benjamin Viegas (ii) Ms. Jenifer Viena Viegas, (iii) Mr. Joshua Xavier Conception Viegas, and (iv) Mr. Jonathan Jesus Viegas, Mr. Michael Melwyn Viegas and Mrs. Socorinha Barreto were declared to be the sole and universal heirs of late Mr. Aleixinho Benjamim Francisco Lourdes Viegas alias Alexinho Benjamim Francisco Lourdes Viegas and Mrs. Maria Arcangela Vaz alias Maria Arcangela Vaz e Viegas alias Maria Arcangela Vas.

- (o) That Mrs. Maria Fatima Rita de Sousa (Vendor No. 1), and her children (i) Mr. Jason Benjamin Viegas (ii) Ms. Jenifer Viena



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Viegas, (iii) Mr. Joshua Xavier Conception Viegas, and (iv) Mr. Jonathan Jesus Viegas, (Vendor Nos. 2 to 5), Mr. Michael Melwyn Viegas (Vendor No. 6) and Mrs. Socorinha Barreto (Vendor No. 7), sold the Said Plot to M/S Models Leisure Ventures, as the Purchaser, which deed of Sale is dated 9.4.2019, duly registered with the Office of the Sub-Registrar of Ilhas, Panaji, Goa, at Book - 1 Document, Registration Number - PNJ-1-852-2019 registered on 06-May-2019.

Thus M/S Models Leisure Ventures acquired full ownership rights, title, interest and possession of the Said Property.

- (p) The Survey Plan of the Said Plot shows that there is a house and a well in the Said Plot and the Said Plot.
- (q) After execution and registration of the Deed of Sale dated 9.4.2019, M/S Models Leisure Ventures applied for mutation of the Said Property as per the provisions of the Goa Land Revenue Code, and got its name recorded in the Occupant's Column of the Form I & XIV of the Said Property by deleting the



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previous name of Maria Arcangela Vaz. No names found recorded in the 'Name of the Tenant' column, and 'other rights' column.

- (r) Handwritten form I & XIV of the Said Plot shows the name of Maria Arcangela Vaz in the Occupants' column. No names found recorded in the 'Name of the Tenant' column, and 'other rights' column.
- (s) As per the Development Permission by NGPDA ref No. NGPDA/236/TAL/734/2019 dated 20/12/2019 for construction of residential building compound wall and swimming pool, permission is granted for construction of residential building, compound wall and a swimming pool.
- (t) SANAD dated 21/01/2020 for the purpose of residential use issued by the office of the Collector, North Goa District, under ref no. RB/CNV/TIS/AC-1/07/2019, shows that the property has been converted from agricultural use to non-agricultural use. The said Sanad has a plan attached wherein the area converted has been delineated.
- (u) NOC from Electricity department sub division IV, Taleigao Goa Ref No.SDO/SD-IV/TLG/19-



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20/Tech-10/1105 dated 22/01/2020, shows that the said department has given NOC for construction of residential building in the said Plot.

(v) NOC form Directorate of Health Services Primary Health Centre, Chimbhel Goa ref No.PHC/Chimbhel/NOC-Const./2019-20/1711 dated 06/02/2020 for proposed construction of residential building compound wall and swimming pool shows that the said department has given NOC for construction in the said Plot.

(w) NOC from Directorate of Fire and Emergency Services File No.DFES/FP/HB/19-20/716 dated 07/02/2020 for construction of the proposed residential cum commercial building, has given NOC for the residential building.

(x) Construction License Ref  
No.VP/TLG/CONST/LIC./65/2019-2020/3849 dated  
27/02/2020 for proposed construction of  
residential building compound wall and  
swimming pool gives license for constructing  
as per the details mentioned in the said  
license.



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- (y) Renewal of Development Permission by NGPDA ref No. NGPDA/55/TLG/22-23/2588/2022 dated 26/12/2022 for construction of residential building compound wall and swimming pool grants renewal of the construction license granted earlier under ref No. NGPDA/236/TAL/734/2019 dated 20/12/2019, with zoning as 'Special Residential "SPR", zoning ODP 2028.
- (z) Construction License Ref No. VP/TLG/CONST/LIC./51/2022-2023/3792 dated 22/02/2023 for renewal of development permission for construction of residential building, compound wall and swimming pool, grants renewal based on Renewal of Development Permission by NGPDA ref No. NGPDA/55/TLG/22-23/2588/2022 dated 26/12/2022, by superseding the earlier license under ref. no. No.VP/TLG/CONST/LIC./65/2019-2020/3849 dated 27/02/2020.
- (aa) Approved Plan as per the permissions granted by the authorities with endorsement of various authorities.

  
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- (bb) Sale Deed dated 16.01.2023 with Mr. A. J. Braganza, transferring apartments bearing Nos. 2/SI-2 and 2/SE-2 on the sixth and seventh floor of the building no. 2 in the project Models Avalon as per the consent terms and final order in Arbitration Application No. 1/2018, shows compliance of the consent terms filed in Arbitration Application No. 1/2018.
- (cc) Zoning Certificate dated 25.5.2023 issued by North Goa Planning & Development Authority, under Ref. No. NGPDA/Zon/Inf/Tlg/694/2023, shows that the said Plot is earmarked as 'Special Residential (SPR)' and permissible Far is 200 as per final ODP 2028.
- (dd) Nil Encumbrance certificate under Certificate No. NEC/2023/85 with receipt bearing no. 2023-24/4/647, shows that there are no encumbrances on the said Plot.


#### 4. OPINION:

After examining the above documents and tracing of title, my observation is as follows:



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That **M/S. MODELS LEISURE VENTURES** have good and clear title for the Said Plot, and they are legally competent to enter into any MOU, Agreement, Deed of Sale or any other transaction against payment of consideration with respect to the Said Plot, and/or develop and carry out construction in the Said Plot in terms of the approved plan, the development permissions and construction license granted by the various Authorities.

  
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Adv. Vishwesh A. Kamat