

Prakash Prabhudessai

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ADVOCATE

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SEARCH REPORT & CERTIFICATE OF TITLE

This Report and Certificate is issued at the request of R. N. TALAK & DEVELOPERS, which is a sole proprietary firm having its office at Ground Floor, "Aashiyana", Comba, Margao, Goa, through its sole Proprietor Shri. Rajendra Narayan Talak in respect of the land described herein below:-

1. NAME OF THE LAND:-

All that distinct and separated part of the land identified as Plot No. 29 of the erstwhile bigger land denominated "PALMAR BERNARDO FRANCISCO DA COSTA" or "NAICALEM-PRIMEIRA ADICAO" or "PRIMEIRO LOTE (100/218)".

2. LOCATION OF LAND:-

This land is located in the ward Aquem Alto of the city of Margao falling under the jurisdiction of Margao Municipal Council, Taluka of Salcete in South Goa District of Goa State.

3. AREA OF THE LAND:-

The area of this land is 2,402 square metres or thereabout

4. LAND REGISTRATION DESCRIPTION NUMBER:-

The entire land of which this Plot forms a distinct and separated part, is described in the Land Registration Office of Salcete under No. 42543 of New Series of the Land Registration Office of Salcete Judicial Division.

5. MATRIZ (ERSTWHILE PORTUGUESE REVENUE ROLL) NUMBER:-

This land is a distinct and separated part of the bigger land enrolled under Matriz No. 96 of Aquem Alto at Margao.



6. SURVEY NUMBER:-

This Plot No. 29 forms the northern portion of the land presently surveyed by City Survey of Margao under Chalta No. 100 of P. T. Sheet No. 201, the southern part whereof comprises of Plot No. 27 of Mr. S. V. Pikle. The area of this Plot No. 29 is marked by red coloured boundaries in the Survey Plan of Chalta No. 100 of P. T. Sheet No. 201 annexed hereto and the copy of the Sub-Division Plan of the erstwhile entire property is also annexed hereto wherein this Plot is shown as Lote No. 29.

7. BOUNDARIES OF THE LAND:-

East:- By Plot No. 27 of the same bigger property sold by Sociedade Costa e Companhia Pvt. Ltd. to Smt. Mukta Shantarama Pikale, forming part of Chalta No. 100 of P. T. Sheet No. 201 of Margao City Survey, besides which lie the property of Datta Sakaram Gaundalkar bearing Chalta No. 3 of P. T. Sheet No. 201 of City Survey of Margao and property of Surendra Padiyar and Madhukar Dessai bearing Chalta No. 5 of P. T. Sheet No. 201 of City Survey of Margao;

West:- By Plot No. 31 of the bigger property sold by Sociedade Costa e Companhia Pvt. Ltd., which is adjacent to the road passing from Aquem Alto to Monte Hill, which Plot No. 31 is presently surveyed under Chalta No. 99 of P. T. Sheet No. 201, in which there lie buildings of Yashodhana Co-operative Housing Society Ltd.;

North:- By land of the Comunidade of Margao bearing Chalta



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No. 1 of P. T. Sheet No. 226 of Margao City Survey; and

South:- By the 8 metres wide road kept as an access road.

8. DOCUMENTS PERUSED:-

- (a) Certificate dated 12.04.2021 of Description No. 42543 of Book B No. 110 of New Series, along with all the Inscriptions recorded against it, issued by the Land Registrar-cum-Sub-Registrar of Salcete;
- (b) Certified Copy dated 30.09.2020 of the records of Matriz No. 96 of Aquem Alto, Margao, issued by the Mamlatdar of Salcete and Head of Taluka Revenue Office of Margao;
- (c) Certified Copy dated 19.10.2020 of Survey Plan of Chalta No. 100 of P. T. Sheet No. 201 of Margao city issued by Inspector of Survey & Land Records of Salcete at Margao;
- (d) Certified Copy dated 24.02.2021 of Form B of Chalta No. 100 of P. T. Sheet No. 201 of Margao city issued by Inspector of Survey & Land Records of Salcete at Margao;
- (e) Certified Copy dated 10.07.2020 of the Deed of Sale-cum-Mortgage dated 12.04.1977 duly registered in the Office of the Sub-Registrar of Salcete under No. 1159 at pages 336 to 345 of Book No. I, Volume No. 182 on 29.10.1977;
- (f) Certified Copy dated 03.02.2021 of the Deed of Declaration of Succession drawn on 07.07.2004 by Notary Public Ex-Officio of Salcete at Folios No. 26 (overleaf) onwards of his Notarial Deed Book No. 1465;
- (g) Copy of Certificate of Incorporation of Costa and Company Private Limited dated 25.06.1965 issued by Ex-Officio Registrar of Companies for the Union Territories of Goa, Daman & Diu;



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- (h) Deed of Re-conveyance of Simple Mortgage dated 05.10.2020 duly registered in the Office of the Sub-Registrar of Salcete under No. MGO-1-2637-2020 on 09.10.2020;
- (i) Deed of Sale dated 16.11.2020 duly registered with the Sub-Registrar of Salcete under No. MGO-1-3119 on 16.11.2020;
- (j) Nil Certificate of Encumbrance No. 1327 of the year 2020 dated 15.10.2020 issued by Sub-Registrar of Salcete from 09.10.2020 to 13.10.2020; and
- (k) Nil Certificate of Encumbrance No. 1519 of the year 2020 dated 19.11.2020 issued by Sub-Registrar of Salcete from 01.11.2020 to 18.11.2020.

9. SCRUTINY OF DOCUMENTS:-

- (a) The Certificate of Land Registration mentioned at para 8(a) hereinabove shows that the entire property of which this land forms a distinct and separated part, is not inscribed in favour of any person, but such Description Number 42543 of Book B No. 110 of New Series, was recorded in Book C on account of mortgage of the entire property executed by the Company of Sociedade Costa e Companhia Limitada, which is an Institution constituted under the erstwhile Portuguese Commercial Code, which was, after liberation of Goa, was registered under The Companies Act, 1956 under the name and style "Costa and Company Pvt. Ltd." with the Registrar of Companies at Panaji, Goa, under No. 45/G of 1965-66, in favour of Portuguese Financial Institution by name Caixa Economica de Goa for security of certain amount along with interest etc.;
- (b) Such an Inscription is recorded in the Portuguese Register of Mortgages maintained by the Land Registrar of Salcete on 05.12.1952 under Inscription No. 21188 of Book C No. 54 at page 172.



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However, vide the marginal remark against the said Inscription No. 21188 of Book C No. 54, there is a remark of the Land Registrar dated 27.04.1962 that such an Inscription of Mortgage stands cancelled;

- (c) Further, from the same Certificate at para 8(a), it can be seen that the said property was again mortgaged by the said Sociedade Costa e Companhia Limitada in favour of the said Caixa Economica de Goa for security of certain amount along with interest, etc. and such mortgage has been inscribed in Book C 55 at page 65 overleaf recorded on 24.09.1953. However, it can be further seen that under the marginal remark of the Land Registrar against the said Inscription of Mortgage dated 27.04.1962, the said Inscription stands cancelled;
- (d) It can be further seen from the said Certificate at para 8(a) that under Inscription No. 22634 recorded at page 49 overleaf of Book C No. 58 on 15.09.1961 the said property was provisionally inscribed in favour of another Portuguese Financial Institution of Junta de Commercio Externo of State of India, on account of mortgage executed in favour of the said Institution by Sociedade of Costa e Companhia Limitada. However, against such Inscription in Book C No. 58, there is a handwritten remark of the Land Registrar that such provisional Inscription is affected by "Caducidade", which means barred by limitation;
- (e) It can be further seen from the Notes below the Description No. 42543 of Book B No. 110 of New Series dated 14.01.1964, 12.02.1965, 25.01.1966, 13.01.1969, 29.03.1971, 04.11.1971, 04.11.1971, 04.11.1971, 21.07.1948 and 05.12.1952, which show that various plots of this property are sold and are separately described in Book B under Description Nos. 44821 of Book B No. 116, 45279 of Book B No. 118, 45622 of Book B No. 119, 46107 of Book B No. 120, 46210 of Book B No. 120, 46265 of Book B No.



120, 46266 of Book No. 120, 46267 of Book B No. 120, 46268 of Book B No. 120, 42543 of Book B No. 110, all of New Series and recorded in the name of the concerned purchasers under Inscriptions of Transmission No. 48810 of Book G No. 58, 49547 of Book G No. 59, 50066 of Book G No. 60, 50887 of Book G No. 62, 51203 of Book G No. 62, 51329 of Book G No. 62, 51330 of Book G No. 62, 51331 of Book G No. 62, 51332 of Book G No. 62 and 41812 of Book G No. 47;

- (f) Certificate issued by the Land Registrar and mentioned at para 8(b) hereinabove shows that the said parts of the entire property described under the abovementioned separate Description numbers, are recorded in favour of respective purchasers in the Books of inscription of Transmission, on account of the sale made in their favour by the said Sociedade de Costa e Companhia Limitada;
- (g) Therefore, although there is no Inscription of Transmission in favour of said Sociedade de Costa e Companhia Limitada in respect of the above said entire property bearing Description No. 42543 of Book B No. 110 of New Series, which Inscription was optional under the Portuguese law of Land Registration. However, from the Inscriptions in C Book bearing No. 21188 dated 05.12.1952, No. 21393 dated 24.09.1953 and No. 22634 dated 15.09.1961 of the Land Registration Office of Salcete, it is seen that Sociedade de Costa e Companhia Limited, had mortgaged the entire property bearing Description No. 42543 in favour of the Government organisation of Caixa Economica de Goa or Junta do Commercio Externo for obtaining loans. Which encumbrances stand cleared. The very fact that from 05.12.1952 to 15.09.1961 the said Sociedade de Costa e Companhia Limitada had been mortgaging the entire property and such mortgages are registered in the Land Registration Office of Salcete, clearly establishes that the owner of the said entire property is the said



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Sociedade de Costa e Companhia Limitada, now named as Costa and Company Pvt. Ltd.;

- (h) The said Certificate of Land Registration mentioned at para 8(a) hereinabove, in its various notes shows that parts of the same property have been sold and inscribed in the names of various purchasers;
- (i) The document of Matriz mentioned at para 8(b) herein above, shows that this land is enrolled under the name "Naicalem-1^a Adicao" and the ownership of the same is shown as that of (1) Jeronimo Constancio Socrates de Costa of Margao, (2) Cesar Antonio Henrique Salimo Miranda of Aquem (1/6), (3) Domingos Remedio Vas of Margao (114/3192), (4) Joaquim Aleixo Apolonario Vas of Navelim (1064/3192), (5) Joao Xavier Esperito Gomes of Cavorim (1/32), (6) Ana Clarina Fernandes (1/59), (7) Voicunta Ananta Bandodcar of Margao (1/76), (8) Constantino Gomes of Margao (1/59), (9) Pedro Caetano Miranda of Davorlim, (10) Xavier Souza of Aquem (46373/47171), (11) Ramira Fatima Helena Serrao of Aquem (1/276) and (12) Gregorina Rosalina Gracias of Cavellossim (1/28). It can, therefore, be seen that one member of Costa family is the owner of the part of the said entire land. However, Matriz records are the Land Revenue records prepared by the erstwhile Portuguese regime for collection of land tax and such a record neither confer nor take away the title of the concerned property. This is clearly established by Bombay High Court in its Judgement reported in 1995(1) Bom. C. R. 588;
- (j) The Deed of Sale-cum-Mortgage dated 12.04.1977 mentioned at para 8(e) herein above, shows that this plot of land is sold by Sociedade Costa e Compania Private Limited to Smt. Vijayalaxmi Vinayak Kamat, who was a widow of late Vinayak Venkatesh Kamat,



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with the confirmation of Smt. Mukta Shantaram Pikle with whom said Sociedade had an Agreement;

- (k) It can be seen from the said Deed of Sale-cum-Mortgage dated 12.04.1977, that, on the said sale, the said Smt. Vijayalaxmi Vinayak Kamat paid only part of the price consideration, leaving in balance of Rs. 28,700/- for the security of payment whereof along with interest thereon, the said Smt. Vijayalaxmi Vinayak Kamat mortgaged in favour of the said Sociedade Costa e Companhia Private Limited by way of Simple Mortgage;
- (l) The document mentioned at para 8(f) herein above, shows that the said Smt. Vijayalaxmi Vinayak Kamat expired on 13.09.1993 leaving behind her, her exclusive and universal heirs namely Smt. Vinaya Rajiv Shinkre nee Vinaya Vinayak Kamat married to Shri. Rajiv Mukund Shinkre, Shri. Venkatesh Vinayak Kamat married to Smt. Nandini Venkatesh Kamat nee Nandini Ranganath Kamat and Smt. Vidya Baiju Kamat Parthan nee Vidya Vinayak Kamat married to Shri. Baiju Parthan;
- (m) The document mentioned in para 8(g) herein above, shows that the said mortgagee by name Sociedade Costa e Companhia Private Limited is now known as Costa and Company Private Limited;
- (n) The document mentioned in para 8(h) herein above, shows that all the abovementioned heirs of late Smt. Vijayalaxmi Vinayak Kamat paid to the said Costa and Company Private Limited the amount of Rs.15,00,000/- and got the said Mortgage created by Smt. Vijayalaxmi Vinayak Kamat re-conveyed in their names;
- (o) The document mentioned at para 8(i) herein above, shows that all the above said heirs of Smt. Vijayalaxmi Vinayak Kamat have sold to R. N. Talak & Developers, a sole proprietorship firm of Mr. Rajendra Narayan Talak, this plot of land;



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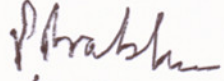
- (p) The two Nil Certificates of Encumbrances mentioned at paras 8(j) and 8(k) herein above, show that there are no encumbrances as against this land;
- (q) The Certified Copy of the Survey Plan mentioned in para 8(c) herein above, shows this land along with Plot No. 27 of the abovementioned entire property are commonly surveyed under Chalta No. 100 of P. T. Sheet No. 201; and
- (r) The Certified Copy of Form B mentioned in para 8(e) herein above, shows that the said Chalta No. 100 of P. T. Sheet No. 201 is recorded in the name of none and that the Survey records thereof are provisional and not finalised.

10. CONCLUSION:-

In view of the scrutiny of the above mentioned documents and searches made in the office of Sub-Registrar of Salcete, I have to Report and Certify as under:-

- (a) That the land mentioned in para 1 herein above, is presently owned by R. N. Talak & Developers, which is a sole proprietorship firm of Mr. Rajiv Narayan Talak; and
- (b) That the title and possession of R. N. Talak & Developers in respect of the said land, is free, clear and marketable.

Margao, Goa, dated 24th August, 2021.


(Prakash Prabhudessai)
Advocate

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