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1st March 2024

REPORT

I have been requested by Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira, son of Ciriaco Pereira, aged 58 years, businessman, proprietor of Cirma Construct Co., having Office at 221/E, Casa Del Sol, Beach Street, Pacheco waddo, Majorda, Salcete, Goa, to give my opinion as to the title in respect of the property bearing Survey No. 125/6-A of Arossim Village of Mormugao Taluka, admeasuring 3320 sq. mts.;

I have been informed that the said property is part of two properties known as "DACLEAM CONDESSA" also known as "DAKLE CODDEN", which are described in the Land Registration Office of Salcete, under No.45501, and 45504 of Book B No.118 (New Series),

- I) For the said purpose the following documents were handed over to me:
 - a) Records of Orphanological Inventory Proceedings instituted in the Judicial Court of Salcete, First Office,

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by Remigia das Dores Gonsalves on the death of her husband, Estanislau Santana dos Remedios Saldanha, which also include records of proceedings on the death of the said Remigia das Dores Gonsalves,

- b) Records of Orphanological Inventory Proceedings instituted in the Court of the Judicial Division of Quepem, by Ascanio da Costa Martins on the death of his wife, Amelia Saldanha da Costa Martins,
- c) Land Registration Certificates bearing Nos. 45501, and 45504 of Book B No.118 New Series, along with the relevant inscription and translation,
- d) Deed of Sale dated 24/8/1971, registered before the Sub-Registrar of Mormugao, under Registration No.252 at pages 330 to 333 of Book No.I, dated 9/9/1971,
- e) Deed of Succession dated 29/4/2003, drawn before the Notary Ex-Officio and Sub Registrar of

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Salcete, Margao, at pages 80 overleaf of Deed Book No.1447,

- f) Records of Inventory Proceedings No.3/97/A filed by Marlene Costa Martins on the death of her husband, Antonio Jose Emilio Tiburcio Estanislau da Costa Martins,
- g) Deed of Family Partition dated 2/06/2021, registered in the Office of Sub-Registrar of Mormugao, at Vasco under registration No.MOR-1-851-2021, Book-1-Document, dated 04-Jun-2021,
- h) Deed of Pre-nuptial Contract drawn before the Notary Ex-Officio of Salcete, Margao on 12/11/2015, recorded at page 6 to 7 overleaf of Deed Book No.1617,
- i) Agreement for Development & Sale dated 24/03/2022, registered before the Sub-Registrar of Mormugao, at Vasco, under Registration No.MOR-1-506-2022, dated 28-Mar-2022,

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- j) Form I and XIV of Survey No. 125/6-A of Arossim Village,
- k) Survey Plan of Survey No. 125/6-A of Arossim Village,
- l) Sanad of Conversion bearing Reference No.CAD2MOR10-22-219/102, dated 16/6/2023, issued by the Office of the Additional Collector-II, South Goa, Margao,
- m) Technical Clearance Order bearing Reference No.DH/6762/Arossim/125/6-A/970, dated 28/2/2023, issued by the Town and Country Planning Department, Vasco,
- n) Construction Licence bearing Reference No.VP/CAC/11/12/Const/2023-2024/525, dated 30/8/2023, issued by the Village Panchayat of Cansaulim-Arossim-Cuelim, along with approved Plans,

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- o) NOC bearing No. DHS/2023/DHS0901/00014/433 dated 24/3/2023, issued by the Directorate of Health Services, Primary Health Centre, Cansaulim,
- p) Addendum to the Agreement for Development & Sale dated 8/11/2023, executed before the Notary, Arthur M. Fernandes, at Vasco;
- II) Perusal of the documents:-
- (1) The document at Serial No.(a)- Records of Orphanological Inventory Proceedings instituted in the Judicial Court of Salcete, First Office, by Remigia das Dores Gonsalves on the death of her husband, Estanislau Santana dos Remedios Saldanha, which also include records of proceedings on the death of the said Remigia das Dores Gonsalves, establish the following:
- (i) That Estanislau Santana dos Remedios Saldanha expired without a Will leaving Remigia das Dores Gonsalves, as his widow and moiety holder and

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leaving as his universal heir, his daughter, Maria Amelia das Dores Saldanha,

- (ii) That under Item No.2 was described a rustic property known as "Daclem Condessa", situated at Arossim, bounded on the East with the land Condem, 3 parts of Antonio Francisco Teotonio da Costa, with the land of Santana Luis and Adelia Tereza Marcela Fernandes and children, on the West with the public road, on the North with the public road, on the North with the property of Antonio Remedios Dias and on the South with the property of the said Adelia and children and drain;
- (iii) That under Item No.3 was described a property known as "Daclem Condessa", situated at Arossim, bounded on the East with the public road, on the West with the property of Joao Brito Dias and brothers, and Henrique Xavier Saldanha, on the North with the property of Antonio Francisco Teotonio da Costa and on the South with another property of the Estate-Leaver;

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- (iv) That the said Item Nos.2 and 3 came to be allotted to Remigia das Dores Gonsalves, as confirmed by Judgment dated 18/12/1922;
- (v) That in the subsequent Inventory on the death of the said Remigia das Dores Gonsalves, the said above-referred Item Nos.2 and 3 including other properties belonging to Remigia das Dores Gonsalves came to be described, and were allotted to her sole and universal heir, Maria allotted to her sole and universal heir, Maria Amelia das Dores Saldanha, as confirmed by the Judgment dated 7/5/1939;
- (2) The document at Serial No.(b)- Records of Orphanological Inventory Proceedings instituted in the Court of the Judicial Division of Quepem, by Ascanio da Costa Martins on the death of his wife, Amelia Saldanha da Costa Martins, establish the following:
 - (i) That Amelia Saldanha da Costa Martins also known as Maria Amelia Luiza Francisca das Dores Saldanha expired on 6th of June 1962, having

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been married to Ascanio da Costa Martins in the Regime of Separation of Assets and leaving two children, as the only heirs, namely, Filomena Maria Antonia Socorro da Costa Martins and Antonio Jose Emilio Tiburcio Estanislau da Costa Martins;

- (ii) That under Item No.2 was described a property known as "Daclem Condessa", situated at Arossim, bounded on the East with the property Condem, three additions of Antonio Francisco Teotonio da Costa, with the land of Santana Luis and Adelia Tereza Marcela Fernandes and children, on the West with the public pathway, on the North with the property of Antonio Remedios Dias and on the South with the property of the said Adelia and children and drain, which was stated to be inscribed in the Taluka Revenue Office under Matriz No.447 but not described in the Land Registration Office;

- (iii) That under Item No.3 was described a property known as "Daclem Condessa", situated at Arossim, bounded on the East with the public

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pathway, on the West with the property of Joao Brito Dias and brothers, and Henrique Xavier Saldanha, on the North with the property of Antonio Francisco Teotonio da Costa and on the South with the property of the heirs of Estanislau Santana dos Remedios Saldanha which was stated to be inscribed in the Taluka Revenue Office under Matriz No.455 but not described in the Land Registration Office;

(iv) That Item No.3 and half of Item No.2 came to be allotted to the heir, Filomena Maria Antonia Socorro da Costa Martins and half of the said Item No.2 came to be allotted to the heir, Antonio Jose Emilio Tiburcio Estanislau da Costa Martins, as confirmed by Judgment dated 1/10/1964;

(3) The documents at Serial No. (c) - Land Registration Certificate Nos. 45501 and 45504 of Book B No.118 of New Series, along with the relevant inscription, establish the following:

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- (i) That the property known as "Daclem Condessa", situated at Arossim, bounded on the East with the public road, on the West with the property of Joao Brito Dias and brothers, and Henrique Xavier Saldanha, on the North with the property of Antonio Francisco Teotonio da Costa and on the South with the property of the heirs of Estanislau Santana dos Remedios Saldanha, inscribed in the Taluka Revenue Office under Matriz No.455 is described under Land Registration No.45501 of Book B. No.118 New Series;
- (ii) that the property known as "Daclem Condessa", situated at Arossim, bounded on the East with the property Condem, three additions of Antonio Francisco Teotonio da Costa, with the land of Santana Luis and Adelia Tereza Marcela Fernandes and children, on the West with the public road, on the North with the property of Antonio Remedios Dias and on the South with the property of the said Adelia and children and drain, inscribed in the Taluka Revenue Office under Matriz No.447 is described under Land

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Registration No.45504 of Book B. No.118 New Series;

- (iii) The inscription No.49904 of Book G establishes that the property described in the Land Registration Office under No.45501 and half of the property described in the Land Registration Office under No. 45504, are inscribed in favour of Filomena Maria Antonia Socorro da Costa Martins, as they were allotted to her in the Orphanological Inventory Proceedings held on the death of her mother, Amelia Saldanha da Costa Martins;
- (4) The document at Serial No. (d) – Deed of Sale dated 24/8/1971, registered before the Sub-Registrar of Mormugao, under Registration No.252 at pages 330 to 333 of Book No.I, dated 9/9/1971 establishes that the said Filomena Maria Antonia Socorro da Costa Martins stating that she is the owner of the properties bearing Land Registration Nos.45501, and 45504, both of New Series and sold the same to her brother, Antonio da Costa Martins;

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- (5) The document at Serial No. (e) – Deed of Succession dated 29/4/2003, drawn before the Notary Ex-Officio and Sub Registrar of Salcete, Margao, at pages 80 overleaf of Deed Book No.1447, establishes that the Antonio Jose Emilio Tiburcio Estanislau da Costa Martins, alias Antonio Costa Martins has expired on 5/5/1996, leaving Marlene das Augustias Furtado as his widow and moiety holder and two children, as his only heirs, namely, Viren Antonio Ascanio Vila Nova Costa Martins and Vidette Maria Amalia Costa Martins;
- (6) The document at Serial No. (f) – Records of Inventory Proceedings No.3/97/A filed by Marlene Costa Martins on the death of her husband, Antonio Jose Emilio Tiburcio Estanislau da Costa Martins establishes the following:
- (i) That the Antonio Jose Emilio Tiburcio Estanislau da Costa Martins, alias Antonio Costa Martins has expired on 5/5/1996, leaving Marlene das Augustias Furtado e Costa Martins alias Marlene Costa Martins as his widow and moiety holder and

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two children, as his only heirs, namely, Viren Antonio Ascanio Vilanova Costa Martins and Vidette Maria Amalia Costa Martins;

- (ii) That under Item No.3 is enlisted the property known as "Daclem Condessa", described in the Land Registration Office under No.45504, enrolled in the Matriz under No.458 and surveyed under Survey No.125/6 of Arossim Village;
- (iii) That under Item No.7 is enlisted the property known as "Daclem Condessa", described in the Land Registration Office under No.45501, enrolled in the Matriz under No.455 and surveyed under Survey No.125/6 of Arossim Village;
- (iv) that vide Schedule of Partition dated 26/3/1997 the said Item Nos.3 and 7 are allotted in the share of 1/2 to the widow, Marlene das Augustias Furtado e Costa Martins alias Marlene Costa Martins, 1/4th to Viren Antonio Ascanio Vilanova Costa Martins and 1/4th to Vidette Maria Amalia Costa Martins, which Schedule of Partition is confirmed by Judgment dated 26/3/1997;

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(7) The documents at Serial Nos. (g) and (h) - Deed of Family Partition dated 2/06/2021, registered in the Office of the Sub-Registrar of Mormugao, at Vasco under registration No.MOR-2-851-2021, Book-1-Document, dated 04-Jun-2021, read with Deed of Pre-nuptial Contract drawn before the Notary Ex - Officio of Salcete, Margao on 12/11/2015, recorded at page 6 to 7 overleaf of Deed Book No.1617, establish that Mrs.. Marlene Costa Martins, widow, Mr. Viren A.A. Costa Martins, bachelor and Mrs. Vidette Costa Martins married under separation of assets, stating that they are the exclusive owners of the property known as "Daclem Condessa" also known as "Dakle Codden" bearing Survey No. 125/6 of Arossim Village, partitioned the same into three Plots, A,B and C; that by the said Deed, Plot A admeasuring 3320.65 of the said Survey No125/6 of Arossim Village, as shown on the Plan attached to the Deed came to be exclusively allotted to Marlene Costa Martins;

(8) The document at Serial No. (i) - Agreement for Development & Sale dated 24/03/2022, registered before the Sub-Registrar of Mormugao, at Vasco,

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under Registration No.MOR-1-506-2022, dated 28 – Mar-2022, establishes that Marlene Costa Martins stating that she is sole owner of Plot A of Survey No.125/6 of Arossim Village admeasuring 3320.65 sq. mts permitted Mr. Ignatius Anthony Joseph Barreto Pereira , alias Ignatius Tony Pereira to develop the same by constructing therein, commercial and residential units, agreed to be shared in the proportion of 40% by the said Marlene Costa Martins and 60% by Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira;

- (9) The Documents at Serial Nos.(j) and (k) - Form I and XIV and Survey Plan of the property bearing Survey No. 125/6-A of Arossim Village, establish that a separate Survey number has been allotted for the Plot A of Survey No.125/6 of Arossim Village, and shown to be known in the Survey Records as “DAKLE CODDEN” admeasuring 3320 sq. mts.;

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It also establishes that the Survey Holding is surveyed in the sole name of Mariene das Augustias Furtado e Costa Martins;

The Survey records also establish that there are no entries in the Tenant's Column or Other Right's Column of the Form I and XIV of the said Survey No.125/6-A of Arossim Village.

- (10) The documents at Serial Nos.(l), (m), (n) and (o)- Sanad of Conversion bearing Reference No.CAD2MOR10-22-219/102, dated 16/6/2023, issued by the Office of the Additional Collector-II, South Goa, Margao, Technical Clearance Order bearing Reference No.DH/6762/Arossim/125/6-A/970, dated 28/2/2023, issued by the Town and Country Planning Department, Vasco, Construction Licence bearing Reference No.VP/CAC/11/12/Const/2023-2024/525, dated 30/8/2023, issued by the Village Panchayat of Cansaulim-Arossim-Cuelim, along with the approved Plans and NOC bearing No. DHS/2023/DHS0901/O0014/433 dated ...17/-

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24/3/2023, issued by the Directorate of Health Services, Primary Health Centre, Cansaulim, establish that the said Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira has converted the property bearing Survey 125/6-A of Arossim Village to residential use, and obtained the necessary permissions from the Town and Country Planning Department, Village Panchayat of Cansaulim –Arossim-Cuelim, and the Health Centre to construct a Residential/Commercial building (Blocks A & B) and compound wall in the property bearing Survey No.125/6-A of Arossim Village as per the approved plans.

- (11) The document at Serial No.(p)- Addendum to the Agreement for Development & Sale dated 8/11/2023 executed before the Notary, Arthur M. Fernandes establishes that the said Addendum is executed in compliance of Clause 23 of the Agreement for Development & Sale dated 24/03/2022 to specify the distribution/allocation of the commercial and residential units as per

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approved plans between Marlene das Angustias Furtado e Costa Martins alias Marlene Costa Martins and Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira. The said Addendum specifies the residential and commercial Units in the project to be constructed in Survey No.125/6-A of Arossim Village agreed to be allocated to Marlene das Augustias Furtado e Costa Martins alias Marlene Costa Martins and the residential and commercial Units agreed to be allocated to Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira

III) Conclusion:

From the above documents, the following can be seen:-

- (a) That the property "DACLEAM CONDESA" bearing Land Registration No. 45501 and Matriz No.455 as well as the property known as "DACLEAM CONDESA" bearing Land Registration No. 45504 and Matriz No. 447, were originally owned by Estanislau Santana

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dos Remedios Saldanha and on his death the said properties came to be allotted to his widow, Remegia das Dores Gonsalves, by allotment in Inventory Proceedings;

(b) That on the death of the said Remegia das Dores Gonsalves, both the properties came to be allotted to her sole heir, Maria Amelia das Dores Saldanha in the subsequent Inventory Proceedings;

(c) That on the death of Maria Amelia das Dores Saldanha the property bearing Land Registration No.45501, and half share in the property bearing Land Registration No.45504 came to be allotted to the heir, Filomena Maria Antonia Socorro da Costa and half share to the property bearing Land Registration No.45504 came to be allotted to Antonio Jose Emilio Tiburcio Estanislau da Costa Martins;

(d) That the said property bearing Land Registration No.45501, and half share to the property bearing Land Registration No.45504

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are inscribed in the name of Filomena Maria Antonia Socorro da Costa in the Land Registration Records;

- (e) That by registered Deed of Sale, the said Filomena Maria Antonia Socorro da Costa sold the property bearing Land Registration No.45501 and the property bearing Land Registration No.45504 (will have to be read as half share) to her brother, Antonio Jose Emilio Tiburcio Estanislau da Costa Martins;
- (f) That the said Antonio Jose Emilio Tiburcio Estanislau da Costa Martins, alias Antonio Costa Martins, expired leaving Marlene Costa Martins as his widow and moiety holder and two children, namely, Viren Antonio Ascanio Costa Martins and Vidette Maria Amelia Costa Martins, as his only heirs as witnessed by Deed of Succession and Inventory Records;
- (g) That the said Marlene Costa Martins, Viren Antonio Ascanio Costa Martins and Vidette Maria Amelia Costa Martins, have partitioned

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the said property known as 'Daclem Condesa" and known in Survey as "Dakle Codden" which had come to be surveyed under Survey No.125/6 into three Plots, and by virtue of the same, Plot A admeasuring 3320.65 sq.mts. was came to be exclusively allotted to Marlene Costa Martins;

(h) that the said Plot A of Survey No.125/6 of Arossim Village has come to be separately surveyed under Survey No.125/6-A of Arossim Village;

(i) That by virtue of registered Agreement, the said Marlene Costa Martins has permitted Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira to Pereira to develop the Plot A of Survey No.125/6 of Arossim Village (Survey No.125/6-A of Arossim Village) admeasuring 3320.65sq.mts by constructing therein commercial and residential units, agreed to be shared in the proportion of 40% by the said Marlene das Angustias Furtado e

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Costa Martins alias Marlene Costa Martins and
60% by Mr. Ignatius Anthony Joseph Barreto
Pereira, alias Ignatius Tony Pereira;

(j) That Mr. Ignatius Anthony Joseph Barreto
Pereira, alias Ignatius Tony Pereira has
obtained the necessary permissions from the
statutory authorities to construct a
residential/commercial building (Block A and
B) and compound wall in the said property
bearing Survey No. 125/6-A of Arossim Village,

(k) That Marlene das Angustias Furtado e Costa
Martins alias Marlene Costa Martins and Mr.
Ignatius Anthony Joseph Barreto Pereira, alias
Ignatius Tony Pereira have agreed in writing
between themselves, as to which specific
residential and commercial premises are to be
allocated to each of them.

Thus in my opinion that:

i) Marlene das Angustias Furtado e Costa Martins
alias Marlene Costa Martins is the absolute

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and exclusive owner in possession of the property bearing under Survey No. 125/6-A of Arossim Village, and has legally permitted Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira to develop the same on the terms agreed between them.

(ii) Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira has obtained all the necessary permissions from the statutory authorities to construct a residential/ commercial building (Block A and B) and compound wall in the said property bearing Survey No. 125/6-A of Arossim Village.

(iii) There is an Agreement between Marlene das Angustias Furtado e Costa Martins alias Marlene Costa Martins and Mr. Ignatius Anthony Joseph Barreto Pereira, alias Ignatius Tony Pereira as to the allocation between themselves, of the residential and commercial premises in the building being constructed in the said property bearing Survey No. 125/6-A of Arossim Village.

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