

NINAD G. KAMAT

ADVOCATE

Chambers: A-14, 6th Floor, 'Silvio Heights', Opp. St. Inez Govt. Quarters, St. Inez - Tonca Road, Panaji, Goa.

TITLE CERTIFICATE

This Title Certificate is drawn up at the request of Mr. SHAIKH KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', with office at FF-7, Velho Trade Centre, opposite Municipal Market, Panaji-Goa, in respect of the 'subject property' as described hereunder, which is the Plot - 'D' carved out of the larger property known as "DUAS PARTES DO PALMAR" or "FIRGUENCHEM BATA" or "PARYENKARACHI XIR" or "PANJEKARAJI XIR", bearing Sy. No. 20/3-F of village Chimbél, situated at Chimbél, Goa, and is based upon the documents provided for scrutiny.

DESCRIPTION OF THE ENTIRE PROPERTY :

ALL THAT LARGER PROPERTY known as "DUAS PARTES DO PALMAR" or "FIRGUENCHEM BATA" Or "PARYENKARACHI XIR" or "PANJEKARAJI XIR", as a whole bearing Maritz no. 415 and 416, described as a whole under number 10334 at folio 105, Book B-27 (New) in Land Registration Office of Ilhas, Goa and major portion whereof is surveyed under Survey No. 20/3 of village Chimbél, Tiswadi Taluka, North Goa District, admeasuring 11502 square meters and bounded as follows :

On The North: By survey no 16

On The South: By Public Road

On The West : By Survey Nos. 20/2, 20/5, 20/6



On The East : By Survey No. 20/4

The abovesaid larger property shall hereinafter be referred to as the "said larger property".

DESCRIPTION OF THE SAID PLOT - 'D' / SUBJECT PROPERTY:

ALL THAT SAID PLOT - D as partitioned, bearing independent Sy. No. 20/3-F of Chimbel, admeasuring an area of 1917 sq. mts., and which forms a part of the larger property described hereinabove, which is bounded as under:

On the North :By Plot E of Said Property;

On the South :By part of Survey No. 20/3;

On the West : By Survey Nos. 20/8, 20/9 & 20/11;

On the East : By eight meter wide road of Survey No. 20/3.

The said Plot D shall hereinafter be referred to as the "said Plot D"/
"subject property":

A. DOCUMENTS PRODUCED FOR SCRUTINY :

1. Form I and XIV dt. 02/07/2014 of Sy. No. 20/3 of village Chimbel.
2. Form I and XIV dt. 13/11/2019, 29/12/2022 and 13/06/2024 of Sy. No. 20/3-F of village Chimbel.
3. Sy. Plan dt. 14/11/2019, 30/12/2022 & 01/03/2023 of Sy. No. 20/3 including Sy. No. 20/3-F of village Chimbel.
4. Extract of Deed of Distribution extracted from the Orphanological Inventory Proceedings instituted upon demise of said Jose Manuel



Santana Goes before Civil Court of Judicial Division of Ilhas, Goa and Order dated 18/04/1918, the Comarca Court.

5. Misc. Inscription No. 11570 at fls. 198 r of Book G-19 in Land Registration Office of Ilhas, Goa
6. Description No. 10334 at folio 105, Book B-27 (New) in Land Registration Office of Ilhas, Goa
7. Deed of Succession dt.19/03/2012 recorded at page 74 of Notarial Book Deed /Wills No. 591 of Notary-Ex-Officio of Quepem
8. Deed of Succession & Qualification of Heirs dt.22/10/2010 recorded in Notarial Book No. 703 at Page 931 onwards of Notary-Ex-Officio of Ilhas, Panaji.
9. Will dt. 24/01/1996 executed before Notary Public -Ex-Officio, Ilhas, Panaji.
10. Death Certificate of Benedicta Carolina Pereira Goes
11. Matriz Certificates Nos. 415 & 416 issued by Mamlatdar of Tiswadi.
12. Court Order dt. 09/03/2011 in CMA No. 24/2011/A (Port) to partition / sell share of minor Christopher A. Goes, son of late Cipriano S. Goes.
13. Court Order dt. 07/05/2011 in CMA No. 48/2011/A to partition / sell share of minor, Chris Goes, son of Hilda Abreo



14. Deed of Partition dated 25/06/2012 registered under No PNJ-BK1-01711-2012, dated 25/06/2012, duly registered in the office of the Sub-Registrar of Ilhas.
15. Agreement dt. 10/03/2008 with Verner Velho by some owners.
16. Sale Deed dt. 1st December 2014, registered under Book I, Document Registration Number – PNJ-BKI-02713-2014 CD Number PNJD37 on 05/12/2014, before Sub-Registrar of Ilhas.
17. NOC dt. 31/07/2018 GPPDA issued NOC to register deed
18. Deed of Sale dt. 03rd September 2018, registered under Book I, Document Registration Number – PNJ-BKI-02576-2018 CD Number PNJD68 on 10/09/2018, before Sub-Registrar of Ilhas.
19. Sanad dt. 17/08/2023 bearing No. RB/CNV/TIS/AC-II/14/2023/2904 issued by Additional Collector –II, Panaji.
20. Zoning Certificate issued by Town & Country Planning Dept. dt. 02/12/2021 bearing No. TIS/1/2/ZON/Chim/2120/TCP-2021/2059
21. Nil Encumbrance Certificate No. NEC/4/2023/1029 for the period 01/12/2014 to 02/09/2018 (Online)
22. Nil Encumbrance Certificate No. NEC/4/2023/1027 for the period 03/09/2018 to 07/07/2023 (Online)
23. Public Notice dt. 19/04/2023 issued by the undersigned on Navhind Times of 26/04/2023.



24. Sale Deed dated 07/12/2023 registered in the Office of Sub-Registrar of Ilhas under No. PNJ-1-3352-2023 on 13/12/2023.
25. Sanad under no. RB/CNV/TIS/AC-II/14/2023/2904 dated 17-08-2024, for conversion of Survey no. 20/3-F of Chimbel.
26. Construction License issued from the Village Panchayat of Chimbel vide Construction License No. VP/CHIM/2024-2025/CONST/LIC/04/307, dt. 7/6/2024, for the construction of the residential building/Villas in the SAID PROPERTY.
27. Approved plans of the buildings / development duly approved by Town & Country Planning Department, Patto- Panaji- Goa under Ref. No. TIS/10733/CHI/TCP/2024/232 dated 21/03/2024.
28. Primary Health Centre, Chimbel - Goa - No Objection Certificate for the said Property under Certificate Ref. No. DHS092400992 dated 04-04-2024.
29. The Asst. Engineer, Elect.- Sub-Division-III (R) Bambolim-Goa - No Objection Certificate for the said Property under Certificate Ref. No. AE/SD-III (R) BML/Tech-40/23-24/36 dated 05-04-2024.

B. TRACING THE TITLE :

A scrutiny of the above documents reveals as under :

The documents reveal that there exists at Chimbel, Tiswadi, Goa, a property known as “DUAS PARTES DO PALMAR” or “FIRGUENCHEM BATA” or as “PARYENKARACHI XIR” or also as “PANJEKARAJI XIR”, bearing Matriz no. 415 and 416 described under the number 10334 at Folio 105 book B-27 (new) in the Land Registration



Office of Ilhas Goa, which is presently surveyed under the survey number 9/2 and 20/3 of village Chimbel Tiswadi, Goa, North Goa District, admeasuring 4,980 sq.mts and 14,215 sq mts respectively, hereinafter referred to as the "said entire property".

A major part of the said entire property is found to be independently surveyed under Survey No. 20/3 of Chimbel, referred to as the "said larger property", described hereinabove.

The said entire property earlier belonged to Jose Manuel Santana Goes and his wife, Maria Antonio Pereira.

From Deed of Distribution extracted from the Orphanological Inventory Proceedings instituted upon demise of said Jose Manuel Santana Goes before Civil Court of Judicial Division of Ilhas, Goa, it is noted that the said Jose Manuel Santana Goes expired on 12/08/1916, leaving behind - his wife, the said Maria Antonio Pereira and his children, namely, (a) Mr. Antonio Maria Goes, his son, married to Mrs. Maria Santana Fernandes, (b) Mr. Hipolito Francisco Goes, his son, married to Mrs. Augusta Menina De Melo, (c) Mrs. Maria Conceicao Goes, his daughter, married to Mr. Cristovam Francisco Xavier Pereira, the former predeceased deceased leaving their only son Caetano Simao Pereira and (d) Joao Santana Goes, his son, a bachelor.

By virtue of the Order dated 18/04/1918, the Comarca Court allotted the said entire property described under number 10334 at folio 105, Book B-27 (New) in Land Registration Office of Ilhas, Goa, to his son, said Antonio Maria Goes, and confirmed the possession in favour of said Antonio Maria Goes by application dated 19/02/1921.

The said entire property was thereafter inscribed in the name of the said Antonio Maria Goes in book of Miscellaneous Inscription on 15/01/1921.



A perusal of the Matriz Certificates Nos. 415 & 416 issued by Mamlatdar of Tiswadi, reflects the name of Antonio Maria Gois.

The Deed of Succession dt. 19/03/2012 executed before Notary Public Ex-Officio of Quepem, certifies that the said Antonio Maria Goes and his wife, said Maria Santana Fernandes expired, leaving behind their two sons (A) Joao Romano Goes married to Maria de Graça Ferrao and (B) Jose Manuel Santana Goes married to Maria Carolina Goes alias Benedita Carolina Pereira e Goes

The said Jose Manuel Santana Goes and his wife, Maria Carolina Goes alias Benedita Carolina Pereira Goes expired without any issue.

Said Maria Carolina Goes alias Benedita Carolina Pereira e Goes by her Will dated 24/01/1996 bequeathed her share in the said property to her nephew, Cypriano Santana Goes.

The said Joao Romano Goes and Maria da Graça Ferrao upon their death, left behind their following children : (A) Antonio Ciriaco Alvares Goes, survived by his widow Mrs. Altina Lawrence e Goes and their two children, Ms. Tanya goes married to Sebastiao Fernandes and Ms. Wenzie Luzia Goes, (B) Mr. Jose Cipriano Goes, survived by his widow, Mrs Maria Ana Joaquina Regalada Rosario e Goes, and their two daughters, Ms. Gina Graca Goes and Ms. Maria Glenda Goes, (C) Mr. Belarmino Quintino Agnelo Goes survived by his widow, Mrs. Angela Filomena Fernandes e Goes and son, Mr. Romano Gifford Cipriano Goes, (D) Cypriano Santana Goes, survived by his widow, Mrs. Jamsy Isabela Ermelinda Barreto e Goes and his daughter, Carol Mercy Goes and son, Christopher Anthony Goes (E) Mr. Eustaquio Vincente Salvador Goes married to Mrs. Hilda Goes, since deceased through her sons, Damian Goes and Chris Goes, (F) Mrs. Irene Filomena Goes e Fernandes married



to Robert Fernandes since deceased, by their children, Ms. Pearl Fernandes, Ms. Alisha Fernandes (G) Mrs. Maria Christina Doroteia Goes and her husband Micaelino de Silva as their legal heirs.

The said Maria Christina Doroteia Goes and her husband, Micaelino De Silva expired without any issue.

Even though the said Cypriano alias Cipriano Santana Goes was entitled to half share of the said property as a testamentary beneficiary of Smt. Benedita consequent to the bequest made in the said Will dated 24/01/1996, it was amicably decided within the family to partition the said property in equal shares.

Mrs. Jansy Isabel Ermelinda Berraeto e Goes, in her capacity as widow of Cipriano Santana Goes and as 'Curador'/ guardian of her minor son, Christopher Anthony Goes, applied for permission to sell/partition to the Hon' Court of Civil Judge, Senior Division, Panaji, who by virtue of Order dt. 09/03/2011 passed in Civil Misc. Application Mo. 24/11/A (Port) granted permission to enter into deed of Partition and / or sell/transfer share of minor Christopher A. Goes, son of late Cipriano S. Goes.

Similarly, Mr. Eustaquio Vincente Salvador Goes, widower of Mrs. Hilda Goes, since deceased, was granted permission to partition/ sell as Curador / guardian for their minor son, Chris Goes, under Order dt. 07/05/2011 passed in Civil Misc. Application No. 48/2011/A (Port).

By virtue of the Deed of Partition dated 25/06/2012 registered under No PNJ-BK1-01711-2012, dated 25/06/2012, duly registered in the office of the Sub-Registrar of Ilhas, all the above mentioned descendants / heirs of the said Antonio Maria Goes and said Maria Santana Fernandes, partitioned amongst themselves the said property bearing Survey No.



20/3 of village Chimbél, admeasuring an area of 14,215 sq. mts., by making 6 equal Plots identified under letters 'A' to 'F', thereby utilizing an area of 11502 sq. mts, while the balance area was utilized for road, and area left considering the dwelling houses of the mundkars.

The PLOT A admeasuring 1917 sq.mts was allotted to Mrs Angela Filomena Fernandes e Goes widow of Belarmino Quintino Agnelo Goes and son Mr. Romano Gifford Ciprian Goes.

The PLOT B admeasuring 1917 sq.mts was allotted to Mrs. Altina Lawrence e Goes, widow of Antonio Ciriaco Alvares Goes and their two children, Ms. Tanya Goes married to Sebastiao Fernandes and Ms. Wenzie Luzia Goes

The PLOT C admeasuring 1917 sq. mts was allotted in his life-time to late Jose Cipriano Goes married to Maria Ana Joaquina Regalada Rosario e Goes.

The PLOT D admeasuring 1917 sq.mts was allotted to Mrs. Jamsy Isabel Ermelinda Berraeto e Goes widow of Cypriano Santana Goes and his daughter, Carol Mercy Goes and son, Christopher Anthony Goes.

The PLOT E admeasuring 1917 sq.mts was allotted to Mr. Eustaquio Vincent Salvador Goes married to Mrs. Hilda Goes, since deceased through her sons Mr. Damian Goes and Chris Goes

The PLOT F admeasuring 1917 sq.mts was allotted to Mrs Irene Filomena Goes Fernandes, widow of late Robert Fernandes and their children Ms. Pearl Fernandes and Ms. Alisha Fernandes.

In view of the said Deed of Partition, the said Mrs. Jamsy Isabel Ermelinda Berreto e Goes, widow of Cypriano Santana Goes and his



daughter, Carol Mercy Goes and his son, Christopher Anthony Goes, became the joint owners of the said Plot D, and were in possession thereof.

However, the said Cypriano Santana Goes, in his life-time alongwith his wife, the said Mrs. Jamsy Isabel Ermelinda Berreto e Goes, amongst others had entered into an Agreement dt. 10/03/2008 with one Mr. Verner Aleixo Velho, and inter alia agreed to sell the said Plot D unto him.

By virtue of Sale Deed dt. 1st December 2014, registered under Book I, Document Registration Number – PNJ-BKI-02713-2014 CD Number PNJD37 on 05/12/2014, before Sub-Registrar of Ilhas, said Mrs. Jamsy Isabel Ermelinda Berreto e Goes, widow of Cypriano Santana Goes and his daughter, Carol Mercy Goes and his son, Christopher Anthony Goes, as vendors, with said Mr. Verner Aleixo Velho and his wife, Mrs. Rachita Gupta e Velho, as Confirming Parties, have sold the said Plot D admeasuring an area of 1917 sq. mts, to the following :

- (i) Shri. KASTURARAM BHATI son of Fusaji Bhati, resident of Vhoddlem Bhat, Taleigao, lhas, Goa
- (ii) Shri. DHANRAJ BHATI alias Dhan Raj, son of Fusaji Bhati, resident of Vhoddlem Bhat, Taleigao, lhas, Goa.
- (iii) SHRI DINESH KUMAR RATHI alias DINESH KUMAR MADANLAL RATHI alias DINESH RATHI, son of Shri Madan Lal Rathi,
- (iv) SHRI MUKESH KUMAR alias MUKESH KUMAR RATHI alias MUKESH RATHI, son of Shri Madan Lal Rathi, both residents of Amaral Wado, Taleigao, lhas, Goa.

Thereafter, vide Deed of Sale dt. 03rd September 2018, registered under Book I, Document Registration Number – PNJ-BKI-02576-



2018 CD Number PNJD68 on 10/09/2018, before Sub-Registrar of Ilhas, said Shri. KASTURARAM BHATI alongwith his wife, Smt. Fency Devi K Bhati and Shri. DHANRAJ BHATI alias Dhan Raj alongwith his wife, Smt. Gangadevi Bhati alias Ganga Devi, sold their undivided shares to the other co-owners, namely SHRI DINESH KUMAR RATHI alias DINESH KUMAR MADANLAL RATHI alias DINESH RATHI, and SHRI MUKESH KUMAR alias MUKESH KUMAR RATHI alias MUKESH RATHI.

The partition of said Plot D was applied for in the land survey records and a new Sy. No. 20/3-F of Chimbel stands allotted to the Plot – Plot D.

The Mr. Dinesh Kumar Rathi alias Dinesh Kumar Madanlal Rathi alias Dinesh Rathi, and his wife; Mrs. Rekha Rathi alias Rekha Dinesh Rathi, Mr. Mukesh Kumar alias Mukesh Kumar Rathi alias Mukesh Rathi, and his wife, Mrs. Kamala Rathi alias Kamla Devi Rathi, vide Sale Deed dated 07/12/2023 registered in the Office of Sub-Registrar of Ilhas under No. PNJ-1-3352-2023 on 13/12/2023, sold the said property to 'M/s Usman Enterprises', of which Mr. SHAIKH KUTBODDIN, is the Sole Proprietor, with office at FF-7 , Velho Trade Centre, opposite Municipal Market, Panaji-Goa.

C. TITLE :

In view of the said registered Sale Deed dt. 1st December 2014, the said Deed of Sale dt. 03rd September 2018, and the said Sale Deed dated 07/12/2023, and the foregoing flow, the title of the said subject property presently vests in the said Mr. SHAIKH KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', with office at FF-7 , Velho Trade Centre, opposite Municipal Market, Panaji-Goa.



In connection with investigation of title of the said previous owners, DINESH KUMAR RATHI alias DINESH KUMAR MADANLAL RATHI alias DINESH RATHI, and said MUKESH KUMAR alias MUKESH KUMAR RATHI alias MUKESH RATHI, the undersigned had issued a Public Notice dt. 19/04/2023 in Navhind Times of 26/04/2023, calling for claims / objections. However, till date no objections / claims pertaining to said Plot D were received.

D. POSSESSION :

Upon partition of the said Plot D through partition proceedings before the Deputy Collector & S.D.O, Panaji, the said Plot D has been allotted new Sy. No. 20/3-F of Chimbhel also referred to as the "said Plot D".

The names of the said MUKESH KUMAR RATHI alias MUKESH RATHI and SHRI DINESH KUMAR RATHI alias DINESH RATHI, were previously found reflected as 'Occupants' of the said new holding bearing Sy. No. 20/3-F of Chimbhel corresponding to the said Plot D.

The Sy. Form of subject property dt. 13/06/2024 discloses the name of 'Usman Enterprises', Sole Proprietary business of Mr. SHAIKH KUTBODDIN, thereby giving rise to statutory presumption of his title and possession.

The said SHRI DINESH KUMAR RATHI alias DINESH KUMAR MADANLAL RATHI alias DINESH RATHI, had applied for Sanad for Non-Agricultural use, which has been granted by Addl. Collector-II, North, Panaji, under Sanad dt. 17th August 2023, which further establishes their possession of the said Plot D.

In terms of the said Sale Deed dated 07/12/2023, the possession of subject property has been delivered to the said Mr. SHAIKH



KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', with office at FF-7 , Velho Trade Centre, opposite Municipal Market, Panaji-Goa.

As per information given by Mr. SHAIKH KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', it is proposed to construct upon the subject property a complex of residential building with 12 flats and 6 villas, named as "Keynaz Harmony".

The said Mr. SHAIKH KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', has accordingly applied for an obtained construction licence from Village Panchayat of Chimbél, approval of construction plans from the Town & Country Planning Department, and other NOCs from competent authorities, which also disclose his possession.

It is clear that pursuant to the said, Mr. SHAIKH KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', with office at FF-7, Velho Trade Centre, opposite Municipal Market, Panaji-Goa, married to Mrs. Shaikh Nazimabi, are owners in physical possession.

OPINION :

In view of the foregoing discussion, and strictly on the basis of scrutiny of documents provided, which are enlisted above, I certify that in view of the foregoing flow, the title of the said subject property and its possession vests in the said Mr. SHAIKH KUTBODDIN, Sole Proprietor, 'M/s Usman Enterprises', with office at FF-7 , Velho Trade Centre, opposite Municipal Market, Panaji-Goa, and his wife, Mrs. Shaikh Nazimabi, and that they have a clear, valid and marketable title to the said property.

Panaji,

29th June 2024



Ninad G. Kamat,
Advocate