

Date : 08/07/2025

TITLE REPORT

To,
NAABHIJ PROJECT REALTY THREE LLP,
having its registered office at First Floor, 42A,
Impression House, G. D. Ambekar Marg, Wadala,
Mumbai 400031.

I. I HAVE PERUSED PHOTOCOPIES OF THE FOLLOWING DOCUMENTS:

1. Identification Report dated 11/07/2024 dated prepared by Mr. Akhay Gad, Consulting Engineer;
2. Certificate of Description bearing no.9057 drawn at folio no.112 overleaf of Book no.B-35 (Old) alongwith the Inscription Certificate bearing No. 17774 dated 30/12/1921 recorded at page 188 reverse of Book G-22 and Inscription No. 39757 dated 26/12/1945 drawn at page 190 reverse of Book G-44 in relation to the said property (Portuguese along with its translation);
3. Matriz Certificate bearing No. 600 enrolled in the Taluka Revenue Office of Salcete, Goa, along with its English Translation;
4. Public Deed of Sale and Discharge dated 28/11/1945, drawn before Francisco Xavier Roque da CFruz, Assistant Notary of the Judicial Division of Salcete, Goa, recorded at pages 40 reverse to 42 of the Notary Record Book No. 575, Serial No. 230 of the Notary of Salcete, Goa (In Portuguese along with its translation);



5. Marriage Certificate of Custodio Justiniano das Mercês Mascarenhas and Maria Aurora Especiosa Mascarenhas, extracted from the Marriage Register of the year, 1889 bearing No. 24 of the Church of Holy Cross-Verna, issued on 27/08/2024 by the Parish Priest of the said Church;
6. Baptism Certificate of s Maria Ludovina Mascarenhas, extracted from the Baptism Register of the year, 1896 bearing No. 123 of the Church of Holy Cross-Verna, issued on 27/08/2024 by the Parish Priest of the said Church;
7. Baptism Certificate of Roque Vicente Felix de Noronha alias Roque Vicente Felix Noronha, extracted from the Baptism Register of the year, 1926 bearing No. 47 of the Church of Holy Cross-Verna, issued on 27/08/2024 by the Parish Priest of the said Church;
8. Records and Proceeding of Inventory Proceeding bearing no. 19193/1980 disposed by the Court of the Civil Judge Senior Division at Margao on 10/02/1981 (In Portuguese along with its English translation)
9. Index of Land (Form III) and manual (handwritten) Survey Form I & XIV with respect to the property bearing 146/16 of Village Verna;
10. Award dated 29/05/1998 passed by the Deputy Collector & Sub-Divisional Officer, Margao-Goa, under Section 12 of the Land Acquisition Act, 1894, in Case No. LQN/5/1994;
11. Form IX in respect of Mutation Nos. 39275, 27884, 51853, 83602, 99278 and 55783;



12. Deed of Sale dated 29/08/2006 duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. 3933, recorded at pages 168 to 192 of Book No. I, Volume No. 2139 dated 15/09/2006;
13. Deed of Sale dated 15/11/2006 duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. 5120, recorded at pages 111 to 129 of Book No. I, Volume No. 2229 dated 29/11/2006;
14. Deed of Sale dated 18/09/2012 duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. MGO-BK1-05334-2012 recorded in Book I Document, CD No. MGOD63 dated 26/09/2012;
15. Deed of Sale dated 17/10/2012 duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. MGO-BK1-05692-2012 recorded in Book I Document, CD No. MGOD63 dated 18/10/2012;
16. Sanad bearing Ref No. COL/SAL/SG/CONV/93/2020/10950 dated 14/09/2021 issued by the Collector, Office of the South Goa District, Margao-Goa;
17. Records of the Special Inventory Proceedings bearing no.18/2018/III disposed of by the Court of the Civil Judge Senior Division at Margao, Goa, vide Final Order and Decree dated 8/05/2019;
18. Birth Certificate dated 23/08/2024 of Roque Vicente Felix de Noronha, issued by the Directorate of Planning, Statistics and Evaluation;



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19. Death Certificate dated 20/05/2023 of Roque Vicente Felix de Noronha, issued by the Registrar of Births and Deaths, Office of the Village Panchayat of Verna-Goa, Government of Goa;
 20. Burial Certificate of Roque Vicente Felix de Noronha, extracted from the Death Register of the year, 2010 bearing No. 30 of the Church of Holy Cross-Verna, issued on 20/05/2023 by the Parish Priest of the said Church;
 21. Deed of Sale dated 26/05/2020 duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. MGO-1-1495-2020 recorded in Book I Document dated 5/06/2020;
 22. Special Power of Attorney dated 23/04/2018 executed before Adv. Melvina M. D. Laura Fernandes, Notary, Salcete, Goa;
 23. Power of Attorney dated 21/02/2018 executed before Yeni Kantorosinski, Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-24459, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
 24. Power of Attorney dated 22/02/2018 executed before Amber Wielgorecki, Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-24629, adjudicated by the Additional Collector,



- South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
25. Power of Attorney dated 20/02/2018 executed, before John B. Wood, Jr., Notary Public, State of Florida, United States of America, apostilled on 28/02/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-23661, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899
26. Power of Attorney dated 20/02/2018 executed before Blondell Ezell., Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-24627, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
27. Power of Attorney dated 22/02/2018 executed before Jevard Seck., Notary Public, Australian Capital Territory, apostilled on 23/02/2018 by the Department of Foreign Affairs and Trade Canberra, Australia, bearing No. CHCH-UN-4884, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
28. Power of Attorney dated 19/02/2018 executed before Janita L. Burkhardt., Notary Public, State of Indiana, Miami County, United States of America, apostilled on 26/02/2018 by the Indiana Secretary of State, United States



- of America, bearing No. A2017-0226100142, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899 and
29. Power of Attorney dated 20/02/2018 executed before Joanne K. Manser., Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, under No. 2018-24626, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899.
30. Declaration dated 29/07/2024 executed by before Michelle S Britt, Notary Public, State of Indiana, Carroll County, United States of America;
31. Declaration dated 31/07/2024 executed before Sue Strasser, Notary Public, State of Florida, United States of America
32. Declaration dated 1/08/2024 executed before Annmarie Tringo, Notary Public, State of Florida, United States of America and
33. Declaration dated 7/08/2024 executed before Phyllis Argyros, Notary Public, State of Florida, United States of America;
34. Divergence Certificate bearing No. REV/0823/058/02-3560 dated 30/06/2023 of Celina Noronha, issued by the Joint Mamlatdar- I, Salcete, Goa;
35. Zoning Information dated 22/08/2023 bearing reference no. TPM/4926/Zon Infn/Verna/146/16/2023/4551 issued by the Town



Planner, Town and Country Planning Department, South Goa District

Office, Government of Goa, Margao-Goa

36. Nil Encumbrance Certificate bearing NEC/2/2023/4277 dated 23/08/2023, issued by the Office of the Sub-Registrar of Salcete at Margao, Goa,;
37. Nil Encumbrance Certificate bearing NEC/2/2024/1436 dated 1st July, 2024, issued by the Office of the Sub-Registrar of Salcete at Margao, Goa;
38. Deed of Sale dated 13/09/2024 duly registered with the office of the Sub-Registrar of Salcete, Goa under no.MGO-4851-2024 dated 3/10/2024;
39. Special Power of Attorney dated 19/05/2023 executed before Surexa P. Lotlecar, Notary Margao, Salcete, Goa, bearing Registration No. 5515 dated 19/05/2023;
40. Survey Form I & XIV dated 10/06/2024, 28/08/2024 and 7/10/2024 of the property bearing Survey No. 146/16 of Village Verna;
41. Order dated 28/10/2024 passed in Case No.PCSSAL10-24-385/618 by the office of the Inspector of Survey and Land Records, Salcete-Goa;
42. Survey Forms I and XIV dated 29/10/2024 and 3/02/2025 of the property bearing Survey no.146/16-H of Village Verna;
43. Antenuptial Agreement dated 11/08/2020 drawn before Special Notary of the Judicial Division of Salcete, Margao, Goa, recorded at pages 102v to 103v of Deed Book No. 1677;



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44. Nil Encumbrance Certificate bearing NEC/2/2025/330 dated 4/02/2025,
issued by the Office of the Sub-Registrar of Salcete at Margao, Goa;
45. Land Zoning Information bearing Ref No. TPM/8716/zon-
info/Verna/146/16-H/2025/927 dated 06/02/2025 issued by the Town
Planner, Town and Country Planning Department, South Goa District
Office, Government of Goa, Margao-Goa;
46. Deed of Sale dated 17/02/2025 duly registered with the Sub-Registrar of
Salcete, Margao,- Goa, under No. MGO-1-1057-2025 recorded in Book I
Document dated 25/02/2025
47. Possession Certificate dated 27/01/2010 issued the Deputy Collector &
Sub-Divisional Officer, Margao-Goa;
48. Public Notice dated 6/10/2024 had been issued by the Advocate of the
NAABHIJ PROJECT REALTY THREE LLP;
49. Survey Form I & XIV dated 03/06/2025 of the property bearing Survey
no.146/16-H of Village Verna
50. Survey Plan of the property bearing Survey No. 146/16-H of Village
Verna;
51. Nil Encumbrance Certificate bearing NEC/2/2025/1445 dated
23/06/2025, issued by the Office of the Sub-Registrar of Salcete at
Margao, Goa;



52. Recent Survey Forms I & XIV of the properties bearing Survey Nos.

146/16, 146/16-A to 146/E, 146/16-E-1 to 146/16-E-12, 146/16-G and
146/16-H.

II. DESCRIPTION OF THE PROPERTY:

SCHEDULE

All that immovable property known as “**VODDLEM BHATT**” or
“**AMBLAR**”, totally admeasuring an area of 8,130 sq.mts., situated in the Village
of Verna, within the Village Panchayat of Verna, Taluka and Registration Sub-
District of Salcete, District of South-Goa, State of Goa, bearing Survey
No.146/16-H and bounded as under:

On the East: By the public road (proposed 10m wide Regional Plan road);
On the West: By the properties bearing survey nos.149/17 and 149/18 of
Village Verna;
On the North: By the property bearing survey nos.146/15-A and 146/15;
On the South: By the property bearing survey nos.146/17.

The aforesaid property bearing Survey No. 146/16-H is hereinafter referred
to as the “**SAID PROPERTY**”.

III. TRACING OF PARTIES TITLE:

1. The **SAID PROPERTY** originally formed part of a larger property known
by the same name as that of the **SAID PROPERTY** which larger property



was surveyed under No. 146/16 of Village Verna and prior to its partition, totally admeasured an area of 26,950 sq.mts..

The aforesaid larger property bearing Survey No. 146/16 which aggregately admeasured an area of 26,950 sq.mts. is hereinafter referred to as the "**SAID LARGER PROPERTY**".

2. I have been provided with an Identification Report dated 11/07/2024 dated prepared by Mr. Akhay Gad, Consulting Engineer. The said Identification report identifies the **SAID LARGER PROPERTY** as co-relating to the property registered in the office of the Land Registration Judicial Division of Salcete, Goa, under Description no.9057 drawn in Book B-35 (Old) and enrolled in the Taluaka Revenue Office of Salcete, Goa, under Matriz No. 600.
3. The **SAID LARGER PROPERTY** came to be registered in the Land Registration Office of Salcete, Goa, under the Description No. 9057 on 12/07/1978 and on the same day, it is found inscribed in the name of Custodio Justiniano das Mercês Mascarenhas, son of Francisco Xavier Mascarenhas.
4. I have been provided with the Inscription Certificate bearing No. 17774 dated 30/12/1921 recorded at page 188 reverse of Book G-22 in relation to the **SAID LARGER PROPERTY**, which inscription records that 5/8th of the **SAID LARGER PROPERTY** is inscribed in the name of one Rita

Augusta Genovina Mascarenhas having been allotted to her in the division drawn in the Orphanological Inventory proceedings of November, 1910, disposed of by the Court of Law of Judicial Division of Salcete. The said Inventory Proceedings were instituted upon the demise of said Custodio Justiniano das Mercês Mascarenhas and his wife from the first nuptials, said Matildes Augusta S. Ana Pinto.

5. I have been provided with a Matriz Certificate bearing No. 600 which records that 3/8th of the **SAID LARGER PROPERTY** belongs to Maria Aurora Especiosa Mascarenhas and the remaining 5/8th of the **SAID LARGER PROPERTY** belongs to said Rita Augusta Genoviva Mascarenhas.
6. I have been provided with a Public Deed of Sale and Discharge dated 28/11/1945, drawn before Francisco Xavier Roque da CFruz, Assistant Notary of the Judicial Division of Salcete, Goa, recorded at pages 40 reverse to 42 of the Notary Record Book No. 575, Serial No. 230 of the Notary of Salcete, Goa, which was executed between said Rita Augusta Genoviva Mascarenhas (spinster) as the "First Party" and one Maria Ludovina Mascarenhas alias Maria Ludovina Mascarenhas e Noronha and her husband, Santana Sebastiao De Noronha alias Santana S. Noronha alias Santana Noronha as the "Second Party". By virtue of the said Deed, the said Rita Augusta Genoviva Mascarenhas sold all her ownership, right, action and

possession in the aforesaid 5/8th of the **SAID LARGER PROPERTY** to the said Maria Ludovina Mascarenhas and said Santana Sebastiao De Noronha.

7. In pursuance of the aforesaid acquisition of title to the 5/8th part of the **SAID LARGER PROPERTY**, the name of said Maria Ludovina Mascarenhas came to inscribed in the Land Registration Office of Salcete, Goa, under the Inscription No. 39757 dated 26/12/1945 drawn at page 190 reverse of Book G-44.
8. There were three offices that maintained the property records during the Portuguese regime in the State of Goa. They are as follows:
 - a) Office of the Land Registration at the level of headquarters of each division where Civil Courts were functioning. These offices maintained the property records for civil purposes. These records were called as "**Registo Predial**" or "**Property Register**". Law governing the property registration was called as "**Codigo de Registo Predial**" (Code of Land Registration).
 - b) Survey Office, at the level of the head quarters of the district, for the purpose of maintaining the particulars of the property with mapping and area. The records were called as "**Cadastral records**". The cadastral survey was governed by the Decree No. 3602 dated 24/11/1917 and the Legislative Diploma No.764 dated 26/11/1934.



- c) Revenue Office, at Taluka Level, maintained the particulars of the land and the details of the collection of the revenue. These records were called as "Matriz". It was governed by the law called as "Regulamento Contribuicao Predial" (Regulation of Property Tax) or Codigo Matriz Predial.

However, the aforesaid old cadastral records and the matriz records bear no significance now as the same stand repealed by the Goa, Daman and Diu Land Revenue Code, 1968. The said Code received the assent of the President of India on 31/07/1969 and the Decree No. 3602 dated 24/11/1917, Legislative Diploma No.764 dated 26/11/1934 and Codigo Matriz Predial stood repealed by the coming into force of Section 201 of the Goa Land Revenue Code, 1968, with effect from 1/03/1971 vide Notification bearing No. RD/LND/57/71 dated 27/02/1971 published in the Official Gazette, Government of Goa, Series I, No. 49 dated 5/03/1971.

9. Inscription and Description Certificates are records maintained during the Portuguese Regime wherein the record of title was maintained. Portuguese Regime in Goa continued upto 1961 and post 1961, the Land Registration records are not updated. However, the said records are still recognized by the Courts and departments for the purpose of title to the property. In terms of the system then prevalent, every property had a description number which describes the property and a corresponding inscription number which

records the name of the owner of the same which document is referred to as Description & Inscription Certificate. Any property before its registration was to be identified with reference to the boundaries and once a number was assigned to it in **Book B**(called as “**Livro de Descricoes Prediaes**”), transaction had to be done with reference to that number and the entries of the transfer were made in **Book G**(called as “**Livro de Inscriptao Prediaes**” or “**Registo de Transmissoes**”) with cross reference to Book B and likewise, the encumbrances or hypothecation (mortgage) would be registered in Book C and the court attachment of the property or other obligations like payment of annual quit rent (foro) to the Comunidades in the Book F with cross reference to Book B.

10. In terms of the Portuguese Law which is still applicable in Goa and in terms of the principles of law laid down by the courts in Goa, the Inscription & Description Certificate (Land Registration Certificate) is a title document for all legal and practical purposes and therefore the same is a vital document for assessment of title to the property. The law governing the property registration was called as “Codigo de Registo Predial” (Code of Land Registration). Upon enactment of the Goa Land Revenue Code, 1968, the maintenance of records under the Code of Land Registration was ceased.

11. The Hon'ble High Court of Bombay at Goa in the case of *Josephine D'Costa V/s. Khushali Govind Naik Desai and other* reported at

Manu/MH/1303/2004 has observed that *"The Plaintiffs property has been inscribed in the names of Plaintiffs from 14th August, 1937. One of the main objects of the Code of Land Registration was to give publicity to the inherent rights to immovable properties. Article 953 of the Civil Code, 1860 provides that the inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality the transfer of possession in favour of a person in whose favour such inscription has been done. In otherwords, byvirtue of the aforesaid article, the Plaintiffs had in their favour evidence of the both of title and possession in respect of the property claimed by them against none proved by the Defendants."*

12. Article 953 of the Portuguese Civil Code provides as under: "The inscription in the registration of a title of conveyance without condition precedent, involves, irrespective of any other formality, the transfer of possession in favour of a person in whose favour such inscription has been done."

13. In the case of *Shri Narcinva Shivram Sinai Nadkarni & Ors. V/s Government of Goa [First Appeal No.177/2005 decided on 18/12/2011]*, whilst examining the entries in the Land Registration documents maintained in terms of Article 953 of the Portuguese Civil Code, 1867, the Hon'ble High Court of Bombay at Goa observed that the fact that the property of the party has been shown in the Land Registration document

not only confers on the party due title in respect of the property but also it shows that the party is in possession of the property in question.

14. Said Custodio Justiniano das Mercês Mascarenhas was also married to said Maria Aurora Especiosa Mascarenhas, is evident from the following records:

- a. Marriage Certificate of said Custodio Justiniano das Mercês Mascarenhas and said Maria Aurora Especiosa Mascarenhas, extracted from the Marriage Register of the year, 1889 bearing No. 24 of the Church of Holy Cross-Verna, issued on 27/08/2024 by the Parish Priest of the said Church;
- b. Baptism Certificate of said Maria Ludovina Mascarenhas, extracted from the Baptism Register of the year, 1896 bearing No. 123 of the Church of Holy Cross-Verna, issued on 27/08/2024 by the Parish Priest of the said Church. In the said Certificate, it is recorded that said Maria Ludovina Mascarenhas is the daughter of said Custodio Justiniano das Mercês Mascarenhas and said Maria Aurora Especiosa Mascarenhas and the paternal grandchild of said Francisco Xavier Mascarenhas and his wife, Anna Rita de Sacrafamilia de Gama and
- c. Baptism Certificate of one Roque Vicente Felix de Noronha alias Roque Vicente Felix Noronha alias Felix Noronha (son said Maria Ludovina Mascarenhas and said Santana Sebastiao De Noronha, extracted from the Baptism Register of the year, 1926 bearing No. 47 of the Church of Holy Cross-Verna, issued on 27/08/2024 by the Parish Priest of the said Church. The said certificate records that said Roque Vicente Felix de Noronha is the son of said Maria Ludovina Mascarenhas and said Santana Sebastiao De Noronha and the maternal grandchild of said Custodio Justiniano das Mercês Mascarenhas and said Maria Aurora Especiosa Mascarenhas.



15. The entire **SAID LARGER PROPERTY** came to be listed as an estate of late Maria Ludovina Mascarenhas and late Santana Sebastiao De Noronha, in the Inventory Proceedings No. 19193/80. The said Inventory Proceedings were instituted upon the demise of late Maria Ludovina Mascarenhas and late Santana Sebastiao De Noronha for the allotment of shares in their estate among their heirs.
16. The said Santana Sebastiao De Noronha expired on 22/03/1962 and the said Maria Ludovina Mascarenhas Noronha expired on 11/08/1963 as evident from their Death Certificates attached to the aforesaid Inventory Proceedings No. 19193/1980.
17. The aforesaid Inventory Proceedings bearing no. 19193/1980 were initiated in the Court of the Civil Judge Senior Division at Margao, Goa, by said Roque Vicente Felix de Noronha in order to partition the estate of his late parents, said Maria Ludovina Mascarenhas and said Santana Sebastiao De Noronha, wherein said Roque Vicente Felix Noronha was appointed as the Head of the Family.
18. On 28/04/1980, said Roque Vicente Felix Noronha filed his statement on oath in the aforesaid Inventory Proceedings bearing no. 19193/1980, declaring the heirship of late Maria Ludovina Mascarenhas and late Santana Sebastiao De Noronha. It has been stated therein that said Maria Ludovina Mascarenhas and said Santana Sebastiao De Noronha expired without any

Will or Gift or any other disposition of their last wish, leaving behind their two following sons as their universal heirs:

a. said Roque Vicente Felix de Noronha married to Maria Tereza Celina Da Costa alias Maria Tereza Celina Da Costa e Noronha alias Celina Noronha and

b. Pedrinho Noronha alias Peter Noronha married to Sophie de Souza.

13. In the list of properties filed in the aforesaid Inventory Proceedings bearing no. 19193/1980, the **SAID LARGER PROPERTY** bearing Description No. 9057 and Matriz No. 600 came to be listed as the only asset left by the aforesaid deceased. The said list of properties was finalized via the Description of Properties dated 29/06/1981. Proceedings of auction were held on 16/07/1981 and the said property was bided in the said auction proceedings by said Roque Vicente Felix Noronha. By way of the Chart of Partition drawn on 29/07/1981, the **SAID LARGER PROPERTY** was allotted to the said Roque Vicente Felix de Noronha being the successful bidder. It has been recorded therein that said Pedrinho Noronha alias Peter Noronha has been paid the owelty money. By virtue of the Final Order dated 10/02/1981, the said Chart of Partition was made absolute.

19. In pursuance of the aforesaid Final Order dated 10/02/1981 passed by the Court of the Civil Judge Senior Division at Margao, Goa, in the Inventory Proceedings bearing no. 19193/1980, said Roque Vicente Felix de Noronha

and his wife, said Celina Noronha, became the absolute owners of the **SAID LARGER PROPERTY**.

20. Upon the promulgation of survey under the Goa Land Revenue Code, 1968, in respect of Village Verna, the **SAID LARGER PROPERTY** came to be surveyed under No.146, Sub-Division No.16 of Village Verna, admeasuring 26,950 sq. mts.

21. In Index of Lands (Form III) with respect to the **SAID LARGER PROPERTY**, the name of said Celina Noronha came to be recorded as an "Occupant" by deleting the entry of one Jose Quadros which appeared in the Column of "Occupant". The said entry in the name of said Celina Noronha continued to figure in the promulgated manual (handwritten) Survey Form I & XIV of the **SAID LARGER PROPERTY**.

22. Vide an Award dated 29/05/1998 passed by the Deputy Collector & Sub-Divisional Officer, Margao-Goa, under Section 12 of the Land Acquisition Act, 1894, in Case No. LQN/5/1994, an area of 520 sq.mts. of the **SAID LARGER PROPERTY** has been acquired by the Government of Goa, for construction of a road from Ollebhat, Umborlim to Ambuler in Village Panchayat Verna of Salcete Taluka and an amount of Rs. 29.153/- had been received by said Celina Noronha as compensation. The said proceedings were contested by said Celina Noronha claiming a compensation of Rs.

52,00/- for the acquired portion of the **SAID PROPERTY** by producing evidence in support of her claim but the same was rejected.

23. By virtue of the Possession Certificate dated 27/01/2010 issued the Deputy Collector & Sub-Divisional Officer, Margao-Goa, under Section 16 of the Land Acquisition Act, 1894, the name of the Executive Engineer, Works Division VI (Roads), P.W.D. Fatorda Margao is found recorded in the Column of "occupant" of the **SAID LARGER PROPERTY** under the Mutation No. 39275.

24. Vide a Deed of Sale dated 29/08/2006, said Celina Noronha and her husband, said Roque Vicente Felix Noronha sold four distinct plots delineated as Plot A (admeasuring 2,553 sq.mts.), Plot B (admeasuring 4,000 sq.mts.), Plot C (admeasuring 4,000 sq.mts.) and Plot D (admeasuring 1,141 sq.mts.), collectively admeasuring an area of 11,694 sq.mts, forming a part of the **SAID LARGER PROPERTY**, all plots lying on the eastern side of the public road running in between the **SAID LARGER PROPERTY** from north to south, to 1. Valentine James Gasper, 2 Donald Joseph Pereira and 3. Ajay Jonathan Noronha. The said Deed is duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. 3933, recorded at pages 168 to 192 of Book No. I, Volume No. 2139 dated 15/09/2006. By way of the said Deed of Sale, Plot A and Plot D were sold to said Valentine James Gasper,



Plot B to said Donald Joseph Pereira and Plot C to said Ajay Jonathan Noronha.

25. The names of said Valentine James Gasper, said Donald Joseph Pereira and said Ajay Jonathan Noronha thereafter came to be mutated in the Survey Form I & XIV of the **SAID LARGER PROPERTY** under the Mutation No. 27884 as per Form IX dated 22/09/2007. The Plot C presently stands partitioned and surveyed under No. 146/16-B-admeasuring 4,000 sq.mts. recorded in the name of said Ajay Jonathan Noronha (Mutation No. 55149). The said partition was carried out as per order dated 13/06/2013 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/81/2010/II/3508.

26. Vide another Deed of Sale dated 15/11/2006, said Celina Noronha and her husband, said Roque Vicente Felix Noronha, sold a distinct portion of land admeasuring 5,000 sq.mts, lying on the eastern side of the public road running in between the **SAID LARGER PROPERTY** from north to south, forming a part of the **SAID LARGER PROPERTY**, to Gopa Kumar. The said Deed is duly registered with the Sub-Registrar of Salcete, Margao-Goa, under No. 5120, recorded at pages 111 to 129 of Book No. I, Volume No. 2229 dated 29/11/2006. The said plot was then partitioned as per order dated 14/06/2017 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/571/2013/I/7780 and has been allotted the

Survey No. 146/16-E. I have been provided with a Sanad bearing Ref No. COL/SAL/SG/CONV/93/2020/10950 dated 14/09/2021 issued by the Collector, Office of the South Goa District, Margao-Goa. The said Sanad was granted to said Gopa Kumar in relation to the permission to use the said property bearing Survey No. 146/16-E (admeasuring 4,442 sq.mts.) for residential purpose. The said survey no. 146/16-E was further sub-division into 13 sub-divisions, Survey Nos. 146/16-E, 146/16-E-1 to 146/16-E-12.

27. Vide a Deed of Sale dated 17/10/2012 duly registered with the Sub-Registrar of Salcete, Margao, Goa, under No. MGO-BK1-05692-2012 recorded in Book I Document, CD No. MGOD63 dated 18/10/2012, said Donald Joseph Pereira and his wife, Joanita D. Pereira, sold the Plot B admeasuring 4,000 sq.mts. (split into two equal plots, B1 and B2) forming part of the aforesaid Deed of Dale dated 29/08/2006, to one Antriksh Deepak Shah and one Rajiv Kumar Agarwal. The name of said Antriksh Deepak Shah and said Rajiv Kumar Agarwal thereafter came to be mutated in the Survey Form I & XIV of the **SAID LARGER PROPERTY** dated 10/06/2024 (continued in the one dated 28/08/2024) under the Mutation No. 51853 as per Form IX dated 26/08/2013. The said Plot was thereafter partitioned into various sub-divisions, being Survey Nos. 146/16-E which was partitioned as per the order dated 14/06/2017 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/571/2013/I/7780.



28. Vide a Deed of Sale dated 18/09/2012 duly registered with the Sub-Registrar of Salcete, Margao, Goa, under No. MGO-BK1-05334-2012 recorded in Book I Document, CD No. MGOD63 dated 26/09/2012, said Valentine James Gasper sold a distinct portion of land, admeasuring 308 sq.mts. forming part of the Plot A admeasuring 2,523 sq.mts. forming part of the aforesaid Deed of Dale dated 29/08/2006, to one Pedro Antonio Colaco. The name of said Pedro Antonio Colaco thereafter came to be mutated in the Survey Form I & XIV of the **SAID LARGER PROPERTY** dated 10/06/2024 (continued in the one dated 28/08/2024) under the Mutation No. 55783 as per Form IX dated 8/10/2013.

29. Vide a Deed of Sale dated 26/05/2020 duly registered with the Sub-Registrar of Salcete, Margao, Goa, under No. MGO-1-1495-2020 recorded in Book I Document, dated 5/06/2020, said Valentine James Gasper sold a distinct portion of land, admeasuring 486 sq.mts. forming part of the Plot A admeasuring 2,523 sq.mts. forming part of the aforesaid Deed of Dale dated 29/08/2006, to one William Colaco and his wife, Mrs. Blanche Fernandes. The name of said William Colaco and Blanche Fernandes thereafter came to be mutated in the Survey Form I & XIV of the **SAID LARGER PROPERTY** dated 10/06/2024 (continued in the one dated 28/08/2024) under the Mutation No. 83602 as per Form IX dated 27/11/2020.



30. Said William Colaco has a house existing in the remaining portion of the **SAID LARGER PROPERTY** which continues to be surveyed under No. 146/16. The said house bears House No. 112/2 as evident from the House Tax receipt bearing No. 65 recorded in Book No. 23 dated 10/04/2017 valid upto 31/03/2018, House Tax receipt bearing No. 4 recorded in Book No. 63 valid upto 31/03/2019, House Tax receipt bearing No. 55 recorded in Book No. 77 dated 4/10/2021 valid upto 31/03/2022 and House Tax receipt bearing No. 34 recorded in Book No. 95 dated 15/11/2024 valid upto 31/03/2025. The said house bears electricity connection bearing Meter No. SS12459759 as evident from the Electricity Bill bearing No. 10071778590 dated 11/11/2024.
31. Subsequent to the aforesaid land acquisition and the aforesaid sales, said Celina Noronha and said Roque Vicente Felix Noronha continued to remain in lawful and physical possession of the remaining portion of the **SAID LARGER PROPERTY**, as the absolute owner thereof.
32. Said Roque Vicente Felix Noronha expired on 29/06/2010, leaving behind his widow, said Celina Noronha as his half sharer/moiety holder and their following children as his universal heirs:
- i. Santana Alan Noronha married to Belina Vaz Noronha;
 - ii. Joyce Noronha married to Anthony Barrett;
 - iii. Alda Noronha Nimmo married to Gregory Joseph Nimmo;



- iv. Loretta Jacintha Noronha, spinster;
- v. Ludovina Rebello married to Valeriano Gabriel Milagres Rebello;
- vi. Lucia Maria Ward married to John Robert Ward and
- vii. Lorraine Noronha.

33. Upon the demise of said Roque Vicente Felix Noronha on 29/06/2010, his widow, said Celina Noronha initiated Special Inventory Proceedings bearing no.18/2018/III before the Court of the Civil Judge Senior Division at Margao, on 11/4/2018, in order to partition the estate of late Roque Vicente Felix Noronha, wherein said Celina Noronha was appointed as the Head of the Family.

34. As per the Declaration on Oath of the Head of the Family filed in the aforementioned Special Inventory Proceedings bearing no.18/2018/III, the said Roque Vicente Felix Noronha expired on 29/06/2010, without leaving any Will or any other disposition of his last wishes, leaving behind Celina Noronha as his moiety holder and as their universal heirs, their aforesaid said children, said Santana Alan Noronha, said Joyce Noronha, said Alda Noronha Nimmo, said Loretta Jacintha Noronha, said Ludovina Rebello, said Lucia Maria Ward and said Lorraine Noronha.

35. In the Initial List of Assets dated 22/02/2019 and Final List of Assets dated 29/03/2019 filed in the aforementioned Special Inventory Proceedings, the remaining portion of the **SAID LARGER PROPERTY**, admeasuring,



9,736 sq.mts was divided into three Plots, namely, (i) Plot No.1 admeasuring 1,606 sq.mts was listed as Item no.1; (2) 3.4 meter wide access road, was listed as Item no.2. and (3) Plot No.2 admeasuring 8,130 sq.mts. (which has been referred hereto as the **SAID PROPERTY**) adjoining the public road on the its western side, which road runs in between the **SAID LARGER PROPERTY** from north to south was listed as Item no.3.

36. Vide the Scheme of Partition dated 15/04/2019, Item No.1, 2 and 3 were allotted to said Celina Noronha. Vide Final Order and Decree dated 8/05/2019 passed in the aforementioned Special Inventory Proceedings, the Scheme of Partition dated 15/04/2019 was confirmed and made absolute.

37. By virtue of the aforesaid allotment, said Celina Noronha became the absolute owner in possession of the Plot 2 admeasuring 8,130 sq.mtss. as mentioned above (referred to herein as the **SAID PROPERTY**).

38. In the aforesaid Special Inventory Proceedings bearing no.18/2018/III, said Celina Noronha and she was represented therein by her duly Constituted Attorney, Mrs. Maria Teofania Barbara S. e. Menezes alias Maria Teofania Barbosa Sardinha by virtue of the Special Power of Attorney dated 23/04/2018 executed before Adv. Melvina M. D. Laura Fernandes, Notary, Salcete, Goa and said Celina Noronha has represented her children, said Santana Alan Noronha, said Joyce Noronha, said Alda Noronha Nimmo, said Loretta Jacintha Noronha, said Ludovina Rebello, said Lucia Maria Ward

and said Lorraine Noronha as their duly constituted Attorney. Their relevant Power of Attorneys are as follows:

- a) Power of Attorney dated 21/02/2018 executed by said Santana Alan Noronha, before Yeni Kantorosinski, Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-24459, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
- b) Power of Attorney dated 22/02/2018 executed by said Joyce Noronha, before Amber Wielgorecki, Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-24629, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
- c) Power of Attorney dated 20/02/2018 executed by said Alda Noronha Nimmo, before John B. Wood, Jr., Notary Public, State of Florida, United States of America, apostilled on 28/02/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-23661, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
- d) Power of Attorney dated 20/02/2018 executed by said Loretta Jacintha Noronha, before Blondell Ezell, Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, bearing No. 2018-24627, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;
- e) Power of Attorney dated 22/02/2018 executed by said Ludovina Rebello, before Jevard Seck., Notary Public, Australian Capital Territory, apostilled on 23/02/2018 by the Department of Foreign Affairs and Trade



Canberra, Australia, bearing No. CHCH-UN-4884, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899;

- f) Power of Attorney dated 19/02/2018 executed by said Lucia Maria Ward, before Janita L. Burkhardt., Notary Public, State of Indiana, Miami County, United States of America, apostilled on 26/02/2018 by the Indiana Secretary of State, United States of America, bearing No. A2017-0226100142, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899 and
- g) Power of Attorney dated 20/02/2018 executed by said Lorraine Noronha, before Joanne K. Manser., Notary Public, State of Florida, United States of America, apostilled on 1/03/2018 by the Secretary of State, State of Florida, United States of America, under No. 2018-24626, adjudicated by the Additional Collector, South – Goa, on 23/03/2018, under Section 32 of the Indian Stamp Act, 1899.

39. I have been provided with the Declarations executed by said Santana Alan Noronha, said Joyce Noronha, said Alda Noronha Nimmo, said Loretta Jacintha Noronha, said Ludovina Rebello, said Lucia Maria Ward and said Lorraine Noronha, stating that they do not wish to claim the owelty money payable to them by their mother, said Celina Noronha, as determined in the aforesaid Special Inventory Proceedings bearing no.18/2018/III and that they have no claim of any nature in respect of the **SAID PROPERTY** that has been allotted to said Celina Noronha in the said Inventory Proceedings and further, they have no objection for her to sell the **SAID PROPERTY** to any third party. The Declarations are as follows:



- A. Declaration dated 29/07/2024 executed by said Lucia Maria Ward, before Michelle S Britt, Notary Public, State of Indiana, Carroll County, United States of America;
- B. Declaration dated 31/07/2024 executed by said Joyce Noronha, said Alda Noronha Nimmo, said Loretta Jacintha Noronha and said Ludovina Rebello, before Sue Strassser, Notary Public, State of Florida, United States of America
- C. Declaration dated 1/08/2024 executed by said Santana Alan Noronha, before Annmarie Tringo, Notary Public, State of Florida, United States of America and
- D. Declaration dated 7/08/2024 executed by said Lorraine Noronha, before Phyllis Argyros, Notary Public, State of Florida, United States of America;
40. As per the Zoning Information dated 22/08/2023 bearing reference no. TPM/4926/Zon Infn/Verna/146/16/2023/4551 issued by the Town Planner, Town and Country Planning Department, South Goa District Office, Government of Goa, Margao-Goa, the aforesaid Plot 2 (**SAID PROPERTY**), admeasuring 8,130 sq.mts. has been earmarked as "Partly Settlement Zone (S3) having (VP-2) status with permissible FAR 60 and Partly Orchard Zone towards western side of the property", as per the Regional Plan for Goa 2021. The said information is said to valid for a period of three years from the date of the issue of the said letter or till the Regional Plan for Goa, 2021, is in force, whichever is earlier.



41. As per the Nil Encumbrance Certificate bearing NEC/2/2023/4277 dated 23/08/2023, issued by the Office of the Sub-Registrar of Salcete at Margao, Goa, it has been certified that there are no encumbrances affecting the aforesaid Plot 2, admeasuring 8,130 sq.mts. (referred to herein as the **SAID PROPERTY**), for the period of four years commencing from 7/05/2019 to 19/08/2023 as per the searches made in Book I and the indexes relating thereto.. Further, vide another Nil Encumbrance Certificate bearing NEC/2/2024/1436 dated 1st July, 2024, issued by the Office of the Sub-Registrar of Salcete at Margao, Goa, it has been certified that there are no encumbrances affecting the said Plot 2, admeasuring 8,130 sq.mts. (referred to herein as the **SAID PROPERTY**), period of four years commencing from 7/05/2019 to 19/08/2023 as per the searches made in Book I and the indexes relating thereto.
42. Vide a Deed of Sale dated 13/09/2024, executed by said Celina Noronha sold the aforesaid Plot 2 admeasuring 8130 sq.mts., delineated as "Plot K" (referred to herein as the **Said Property**) to **Kilburn Sherwin Shaw Rebello**. The Deed of Sale dated 13/09/2024 was duly registered with the office of the Sub-Registrar of Salcete, Goa under no.MGO-4851-2024 dated 3/10/2024. In the said Deed of Sale, said Celina Noronha is represented by her duly Constituted Attorney, Mrs. Justina Paes alias Maria Justina Sardinha, authorized vide the Special Power of Attorney dated 19/05/2023 executed



before Surexa P. Lotlecar, Notary Margao, Salcete, Goa, bearing Registration No. 5515 dated 19/05/2023.

43. In pursuance of the aforesaid acquisition of title to the **SAID PROPERTY** (Plot K), the name of said **Kilburn Sherwin Shaw Rebello** came to be mutated in the Survey Form I & XIV of the balance portion of the **SAID LARGER PROPERTY** (admeasuring 15,824 sq.mts.) dated 7/10/2024 as an "co-occupant" under the Mutation No.109566.

44. Thereafter, on 8/10/2024, the said **Kilburn Sherwin Shaw Rebello** initiated partition proceedings under Section 61 of the Goa Land Revenue Code, 1968, in the Court of Inspector of Surveys and Land Records of Salcete, Margao -Goa, to partition the aforesaid Plot K admeasuring 8,130 sq.mts. (referred to herein as the **SAID PROPERTY**). Pursuant to the Order dated 28/10/2024 passed in Case No.PCSSAL10-24-385/618 by the office of the Inspector of Survey and Land Records, Salcete-Goa, the Plot K admeasuring 8130 sq.mts. was partitioned and a new sub-division no.146/16-H of Village Verna was allotted to Plot K. The said partitioned portion, has been referred to herein as the **SAID PROPERTY**.

45. The name of the said **Kilburn Sherwin Shaw Rebello** came to be recorded in the Occupant's column of the Survey Form I and XIV dated 29/10/2024 with respect to the **SAID PROPERTY** bearing survey no.146/16-H of Village Verna under Mutation No. 110154. The said entry thereafter

continued in the Survey Forms I & XIV dated 03/02/2025 of the **SAID PROPERTY**.

46. The said **Kilburn Sherwin Shaw Rebello** is married to Gauri Pradeep Nabar under the absolute separation of assets as declared by virtue of the Antenuptial Agreement dated 11/08/2020 drawn before Special Notary of the Judicial Division of Salcete, Margao, Goa, recorded at pages 102v to 103v of Deed Book No. 1677 and such being the case, Gauri Pradeep Nabar is not entitled to any right, title and interest in the **SAID PROPERTY**.

47. As per therecent Nil Encumbrance Certificate bearing NEC/2/2025/330 dated 4/02/2025, issued by the Office of the Sub-Registrar of Salcete at Margao, Goa, it has been certified that there are no encumbrances found affecting the **SAID PROPERTY** for the period of 6 months commencing from 13/09/2024 to 3/02/2025 as per the searches made in Book I and the indexes relating thereto.

48. As per the recent Land Zoning Information bearing Ref No. TPM/8716/zon-info/Verna/146/16-H/2025/927 dated 06/02/2025 issued by the Town Planner, Town and Country Planning Department, South Goa District Office, Government of Goa, Margao-Goa, the **SAID PROPERTY**, as per the Regional Plan for Goa 2021, has been earmarked as "Settlement Zone (S3), village having VP-2 status with permissible FAR 60, small portion



in orchard zone towards Western side and affected by proposed 10.00m wide road towards Eastern side.”

49. Vide a Deed of Sale dated 17/02/2025 duly registered with the Sub-Registrar of Salcete, Margao,- Goa, said **Kilburn Sherwin Shaw Rebello** sold the **SAID PROPERTY** to **NAABHIJ PROJECT REALTY THREE LLP**. The said Deed is duly registered under No. MGO-1-1057-2025 recorded in Book I Document dated 25/02/2025.

50. A Public Notice dated 6/10/2024 had been issued by the Advocate of the Purchaser (**NAABHIJ PROJECT REALTY THREE LLP**), prior to the execution of the aforesaid Deed of Sale dated 17/02/2025. The said notice was issued in three newspapers, namely, “The Navhind Times” (English), oHeraldo (English) and Gomantak (Marathi) with respect to aforesaid sale of the **SAID PROPERTY** by said **Kilburn Sherwin Shaw Rebellob** wherein a period of fifteen days was scheduled for receiving objections from interested parties, if any, to the said sale.

51. In pursuance to the aforesaid acquisition to the title of the **SAID PROPERTY**, the name of **NAABHIJ PROJECT REALTY THREE LLP** came to be mutated in the Survey Form I & XIV dated 03/06/2025 of the **SAID PROPERTY** as an “occupant” under the Mutation No. 112257 by deleting the entry of said **Kilburn Sherwin Shaw Rebello** from the said survey record.



52. From the survey records of Village Verna, it appears that the **SAID**

LARGER PROPERTY presently stands partitioned into the following nineteen survey holdings;

- i. Survey No. 146/16- admeasuring 7,694 sq.mts. recorded in the name of Maria Tereza Celina Da Costa alias Maria Tereza Celina Da Costa e Noronha alias Celina Noronha, Valentine James Gasper (Mutation No. 27884), Donald Joseph Pereira (Mutation No. 27884), The Executive Engineer, Works Division VI (Roads), P.W.D. Fatorda Margao (Mutation No. 39275), Pedro Antonio Colaco (Mutation No. 55783), Antriksh Deepak Shah (Mutation No. 51853), Rajivkumar Rajesh Agarwal (Mutation No. 51583), William Colaco (Mutation No. 83602), Blanche Fernandes (Mutation No. 83602) and Robin D'Cruz (Mutation No. 99278);
- ii. Survey No. 146/16-A-admeasuring 1,141 sq.mts. belonging to Ajay Jonathan Noronha (Mutation No. 55132)– partitioned as per order dated 13/06/2013 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/80/2011/I/3414;
- iii. Survey No. 146/16-B-admeasuring 4,000 sq.mts. belonging to Ajay Jonathan Noronha (Mutation No. 55149) - partitioned as per order dated 13/06/2013 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/81/2010/II/3508;



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- iv. Survey No. 146/16-C- admeasuring 308 sq.mts. belonging to Jose Mario Rodrigues (Mutation No. 68678) – partitioned as per order dated 16/08/2016 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/84/15/III/9553;
- v. Survey No. 146/16-D-admeasuring 308 sq.mts. belonging to William Colaco (Mutation No. 68594) - partitioned as per order dated 16/08/2016 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/82/15/III/9552;
- vi. Survey No. 146/16-E-admeasuring 1,262sq.mts. belonging to Gopa Kumar and Prasad Shivaji Gawde (Mutation No. 71172) - partitioned as per order dated 14/06/2017 passed by the Dy. Collector & SDO, Margao in Partition case No. LRC/PART/Verna/571/2013/I/7780;
- vii. Survey No. 146/16-E-1-admeasuring 315 sq.mts. belonging to Manjunath Sangappa Gangawati (Mutation No. 99569)- partitioned as per the Order dated 21/06/2023 passed in case no. PISAL04-23-1131/1451;
- viii. Survey No. 146/16-E-2- admeasuring 359 sq.mts. belonging to Sitaram Vasant Naik and Monali Sitaram Naik (Mutation No. 102863) - partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1097/22/1523;



- ix. Survey No. 146/16-E-3- admeasuring 300 sq.mts. belonging to Sandip Vilas Patil and Jyoti Vilas Patil (Mutation No. 102883)- partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1101/22/15224;
- x. Survey No. 146/16-E-4- admeasuring 286 sq.mts. recorded in the name of Aleixo Fernandes (Mutation No. 102916) - partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1435/22/1521;
- xi. Survey No. 146/16-E-5- admeasuring 353 sq.mts. recorded in the name of Kala Ulhas Korgoankar(Mutation No. 102927)- partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1102/22/1518;
- xii. Survey No. 146/16-E-6- admeasuring 339 sq.mts. recorded in the name of Manjunath Vijaykumar Muragod(Mutation No. 102953)- partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1534/22/1519;
- xiii. Survey No. 146/16-E-7- admeasuring 324 sq.mts. recorded in the name of Bhalchandra Dattaram Sawant and Anusha Nandan Talaulikar



- (Mutation No. 102963)- partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1421/22/1517;
- xiv. Survey No. 146/16-E-8- admeasuring 310 sq.mts. recorded in the name of Valentino Maria Lobo (Mutation No. 102970) - partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1428/22/1520;
- xv. Survey No. 146/16-E-9- admeasuring 295 sq.mts. recorded in the name of Rosa Idalina Das Mercedes Sanches, Eric Francisco Gurjao and Heena Rocy Fernandes (Mutation No. 103018)- partitioned via the Order dated 27/04/2023 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No. 3/ISLR/PART/SAL/VER/1426/22/152;
- xvi. Survey No. 146/16-E-11- admeasuring 344 sq.mts.-recorded in the name of Marcelinho Marcos Faria (Mutation No. 113389)- partitioned via the Order dated 07/01/2025 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No.PCSSAL05-23-118/827;
- xvii. Survey No. 146/16-E-12 admeasuring 330 sq.mts. recorded in the name of Marcelinho Marcos Faria (Mutation No. 112562)- partitioned via the Order dated 07/01/2025 passed by the Inspector of Survey and Land Records, Salcete, Goa, in Case No.PCSSAL05-23-118/520;



- xviii. Survey No. 146/16-G- admeasuring 552 sq.mts. belonging to Jose Mario Rodrigues and Brenda Claudia Rodrigues (Mutation No. 94181 passed in Case No. 3/ISLR/PART/Sal/Ver/155/22/602 and
- xix. The **SAID PROPERTY** surveyed under No. 146/16-H recorded in the name of **NAABHIJ PROJECT REALTY THREE LLP**.

IV. Manual Form I & XIV, Form III and Form IX are Revenue Records prepared under the applicable Goa Land Revenue Code, 1968:

53. Under Section 105 of the Goa Land Revenue Code, a person reflected in Form I & XIV is presumed to be in possession of the property unless rebutted by cogent evidence in a Court of Law. The survey records were created in the year 1971 to 1975 and the entries are relatable to the said period of 1971 to 1975.

54. In the case of Diksha Holdings v/s. Sita Rama Naik reported in 1998(2) GLT 444, the Hon'ble High Court of Bombay at Goa, has held that "*upon promulgation of survey under the Goa Land Revenue Code, all the previous surveys ceased to exist and the presumption under Section 105 shall prevail*".

55. In the case of Shri Damodora Ranum PoroboLoundo versus Bhaskar R. Jalmi and others reported in 1990(2) GLT 407, the Hon'ble High Court of Bombay at Goa, has held as under:

"In fact, Section 105 of the Land Revenue Code provides that an entry in the Record of Rights and a certified entry in the register of mutation shall be presumed to be true until the



contrary is proved of a new entry is lawful substituted therefore. In other words, the presumption of correctness of the entries in the Record of Rights stands until duly rebutted or until the said entry is substituted by a fresh one."

56. The name of said Celina Noronha is found recorded in manual (handwritten) Survey Form I & XIV of the **SAID PROPERTY** as an "occupant". Thereafter, upon the sale of the **SAID PROPERTY**, the name of said **Kilburn Sherwin Shaw Rebello** came to be mutated in the Survey Form I & XIV of the balance portion of the **SAID LARGER PROPERTY** (admeasuring 15,824 sq.mts.) dated 7/10/2024 as an "co-occupant" under the Mutation No.109566. By virtue of the Order dated 28/10/2024 passed in Case No.PCSSAL10-24-385/618 by the office of the Inspector of Survey and Land Records, Salcete-Goa, the **SAID PROPERTY** came to be partitioned from the said remaining portion of the **SAID PROPERTY** and was allotted a separate survey no. 156/16-H and the name of the said **Kilburn Sherwin Shaw Rebello** came to be recorded in the Occupant's column of the Survey Form I and XIV dated 29/10/2024 with respect to the **SAID PROPERTY** bearing survey no.146/16-H of Village Verna under Mutation No. 110154. The said entry thereafter continued in the Survey Forms I & XIV dated 03/02/2025 of the **SAID PROPERTY**. Upon the acquisition of title to the **SAID PROPERTY**, the name of **NAABHIJ PROJECT REALTY THREE LLP** came to be mutated in the Survey Form I & XIV dated

03/06/2025 of the **SAID PROPERTY** as an "occupant" under the Mutation No. 112257.

57. As per Article 529 of the Portuguese Civil Code, 1867, when the possession of immovable property has lasted for a period of 30 years, prescription shall operate regardless of bad faith or lack of title. The said provision of law essentially means that the principle of prescription shall be in favour of the occupant even if the same has been occupied in absence of a legal title document.

58. In the case of *Shaikh Ibrahim Mamlekar reported in 2010(5) BCR 563*, the Hon'ble High Court of Bombay at Goa has considered the various provisions of Portuguese Civil Code including Article 529 and has concluded that in terms of Article 529, right of ownership is crystalized upon possession over 30 years regardless of bad faith or lack of title.

59. In the case of in the case of *Suraj Lamp Industries Pvt. Ltd. v. State of Haryana and Anr. (2012) 1 SCC 656* that "Registration of a document gives notice to the world that such a document has been executed". The said decision has been followed by the Hon'ble Supreme Court of India, in a recent case, *Uma devi and Ors. v. Anand Kumar and others (2025) 5 SCC198* wherein the Hon'ble Supreme Court of India reversed the order of the Hon'ble High Court of Punjab and Haryana thereby upholding dismissal of the partition suit filed after decades emphasizing that registered Deeds of

Sale constitute constructive notice from the date of the registration and in such cases, presumption under Section 3 of the Transfer of Property Act, 1882 comes into operation. The Hon'ble Apex Court observed that the revenue records supported the fact of a family partition in 1968. Significantly, the Hon'ble Apex Court emphasized the legal principle that registration of a document gives notice to the world as established in **Suraj Lamp Industries Pvt. Ltd. v. State of Haryana &Anr.** Applying this, the Hon'ble Apex Court held that it could be safely assumed that the predecessors of the plaintiffs had notice of the registered sale deeds executed in 1978 and had slept on their rights for 45 years and could not reignite them in 2023.

60. According to the aforesaid Section 3, a person is said to have notice of a fact, which he would have known, but for his "gross negligence" or "willful abstention from making an enquiry or search" does not know. In other words, constructive notice of facts are those facts which a person ought to have known, but because of gross negligence or willful abstention does not know it.

61. In the case of **Jayesh Dinesh Kadam and anr. v. Andrew David Fernandes (2024 SCC OnLine 2549)**, the Hon'ble High Court of Bombay has observed at para (15) of its Judgment dated 9/08/2024 that "Section 3 of the Transfer of Property Act, 1882 stipulates that the person is said to have notice of a fact when he actually knows or would have known it but for

willful abstention or gross negligence does not know it. In the present facts, filing of the suit after five decades by Plaintiff is a testimony to his willful abstention and gross negligence. However, the law in this regard is well settled. Registration of eight sale deeds between 1968 and 1970 and registration of the 2008 sale deed is a public notice to the world at large including the Plaintiff. The sale deeds have been followed by mutations in the revenue record which have a presumptive value which the Plaintiff has not challenged.”

62. The registration of the aforesaid Deed of Sale dated 29/08/2006 and Deed of Sale dated 15/11/2006 effected by said Roque Vicente Felix de Noronha and said Celina Noronha constitute a public notice to the world at age and the sale deeds have been following by mutation entries in the revenue record which have a presumptive value. I have been informed that none of the documents forming part of the said Title Report have been challenged wherein the title of said Roque Vicente Felix de Noronha and said Celina Noronha is in dispute.

63. The fact that there is no challenge to the aforesaid records till date obviates the possibility of any other claim and further endorses the fact that there is no other claimant to the **SAID LARGER PROPERTY/SAID PROPERTY.**

64. In light of above and applying the aforesaid principles of law as laid down in the aforesaid cases, considering the fact that the aforesaid Public Deed of

Sale and Discharge dated 28/11/1945, Inventory Proceedings No. 19193/80 which concluded on 10/02/1981 and the promulgated survey records of the **SAID LARGER PROPERTY** in the name of said Celina Noronha which were then followed by the Deed of Sale dated 29/08/2006 and Deed of Sale dated 15/11/2006) as mentioned above, in favour of the subsequent transferees followed by the mutation entries in the name of said transferees and the aforesaid partitions affected of the **SAID LARGER PROPERTY** resulting into its nineteen sub-divisions as mentioned above, Special Inventory Proceedings bearing no.18/2018/III disposed of by the Court of the Civil Judge Senior Division at Margao, Goa, vide Final Order and Decree dated 8/05/2019, have remained unchallenged and the survey records correspond to the devolution of title and are consistent with the ownership of **NAABHIJ PROJECT REALTY THREE LLP**, I am of the opinion that **NAABHIJ PROJECT REALTY THREE LLP** is the absolute owner of the **SAID PROPERTY SUBJECT TO THE Letter from the Advocates of NAABHIJ PROJECT REALTY THREE LLP** that no claims and/or objections and/or notice and/or letters and/or any written correspondence were received by them in response to the said public notice.

V. In addition to above, I have to make the following observations:

65. No tenants are presently reflected in the survey records of the **SAID PROPERTY** and there are no entries found recorded in the column of "Other Rights" in the survey records of the **SAID PROPERTY**.



66. The Urban Ceiling Act is not applicable to the State of Goa.

67. No NOC is furnished from the Forest Department to establish that the
SAID PROPERTY is not identified as a Forest Land.

VI. EVIDENCE OF POSSESSION:-

68. The Survey Form I & XIV dated 03/06/2025 of the **SAID PROPERTY** bearing Survey No. 146/16-H of Village Verna issued by the Department of Survey, Government of Goa reflects the entry of **NAABHIJ PROJECT REALTY THREE LLP** as an "occupant" under the Mutation No. 112257 which establishes the ownership of **NAABHIJ PROJECT REALTY THREE LLP** to the **SAID PROPERTY**.

VII. ENCUMBRANCE ON PROPERTY:-

1. 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**. As per the recent Nil Encumbrance Certificate bearing NEC/2/2025/1445 dated 23/06/2025, issued by the Office of the Sub-Registrar of Salcete at Margao, Goa, it has been certified that there are no encumbrances found affecting the **SAID PROPERTY** for the period of one year, 3 months commencing from 17/02/2025 till 19/06/2025 as per the searches made in Book I and the indexes relating thereto.



CERTIFICATE

From the documents produced from my scrutiny, I hereby certify that **NAABHIJ PROJECT REALTY THREE LLP** is the absolute owner of the **SAID PROPERTY SUBJECT TO THE Letter from the Advocates of NAABHIJ PROJECT REALTY THREE LLP** that no claims and/or objections and/or notice and/or letters and/or any written correspondence were received by them in response to the said public notice.

➤ General Qualifications and Assumptions

- This report on title is prepared solely on the basis of documents furnished to me as more particularly set out at 'I' above.
- For the purpose of issuing this report on title:
 - (a) I have not carried out a negative search in respect of litigations in relation to the **SAID PROPERTY**.
 - (b) I have taken the title documents under which title said Maria Ludovina Mascarenhas and said Santana Sebastiao De Noronha acquired title to **SAID LARGER PROPERTY** which then devolved upon said Roque Vicente Felix de Noronha and said Celina Noronha by way of the Inventory Proceedings No. 19193/80 concluded on 10/02/1981 followed by the mutation entries in the survey records of the **SAID LARGER PROPERTY**, as the root of the title to the land.
- 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, asset out at 'I' 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;
- (c) that all the documents relating to the **SAID ENTIRE PROPERTY/SAID LARGER PROPERTY/SAID PROPERTY** 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 ENTIRE PROPERTY/SAID LARGER PROPERTY/SAID PROPERTY** are the same persons.
- The accuracy of this report on title necessarily depends on the 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 assumed 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.

- This report on title is confined to the **SAID PROPERTY** only.
- The search conducted at the Office of the Sub-Registrar of Salcete, Margao - Goa is subject to non-availability of certain records and certain land registration records being torn at the concerned Sub-Registrar's Office.
- The availability/existence of the access to the **SAID PROPERTY** is not within the scope of this report.
- 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:-Panaji-Goa.

Date:- 08/07/2025



(ADV. SHIVAN S. DESAI)