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KAMALAKANT N. PAI

ADVOCATE

B.A. (HONS.), LL.B.

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CERTIFICATE OF TITLE
AND SEARCH REPORT Date _____

This certificate and report is given at the request of M/s. Pereira Real Estates in respect of the property described hereunder and after perusing the documents listed hereunder:

Description of the property:

ALL THAT Lote No.1 of the property known as SIRVODEM, formerly within Navelim village, now at ward Sirvodem, Margao, within the area of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, described in the Land Registration Office of Salcete under No.11138 at fls 199 of Book B 28 of new series, enrolled in the Land Revenue Office of Salcete under Matriz No.1252, which Lote No.1 is surveyed under Chalta Nos.87 to 98 of P.T.Sheet No.275 and Chalta Nos.7 and 8 of P.T.Sheet No.279, having an area of 3055 sq.mts and bounded on the east and west by property of Octaviano Diniz, on the north by property of Leandro Silva and on the south by public road.

Documents furnished and scrutinised:
(All in xerox copies)

1. Certificate of Inscription and Description dt.06th Janaury 2005 issued by Sub-Registrar cum Land Registrar of Salcete, Margao with English Translation;
 2. Records of Inventory Proceedings initiated in year 1951 in the Court of Judicial Division of Salcete, Margao initiated by Mrs. Antoneta Mendes on the death of Mr. Camilo Barreto with English Translation;
 3. Records of Civil Suit No.19/1967 from Court of the Civil Judge, Sr. Dvn, Margao by Smt, Antone-ta Mendes and her husband as Plaintiffs against Maria Balbina Barreto and others as Defendants with English translation;
 4. Survey records under Form D - Property Card with survey plan in respect of property under Chalta Nos.87 to 98 of P.T.Sheet No.275 and Chalta Nos.7 and 8 of P.T.Sheet No.279;
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5. Agreement for Sale cum Development dt. 9th January 2005 entered between Mr. Benjamin Sirvel Barreto and his wife Mrs. Thecla Maria C. Barreto and M/s. Pereira Real Estates;
6. Power of Attorney dt. 31st March 2016 executed by Mrs. Thecla C. Barreto;
7. Records and Proceedings of Inventory Proceedings No.166/2015/A from the Court of the Civil Judge, Sr. Dvn, Margao;
8. Certificate of Registration of Overseas Citizen of India (OCI) of Mrs. Thecla Maria C. Barreto;
9. Agreement of Sale and Development dt. 17th January 2005 between Mr. Henry Barreto and M/s. Pereira Real Estates;
10. Records and proceedings of Inventory Proceedings No.191/2014/III from the Court of the IIIrd Addl. Civil Judge, Sr. Dvn, Margao;
11. Deed of Ratification dt. 18th April 2016;
12. Power of Attorney dt. 18th April 2016
13. Agreement of Sale and Development dt. 14th April 2008 entered between Maria Augusta B. Barretto and others and M/s. Pereira Real Estates;
14. Powers of Attorney from Mrs. Maria Augusta Balbina Barreto and others in favour of Mr. Pio Pereira, Managing Partner of M/s. Pereira Real Estates;
15. Deed of Succession drawn on 17th April 2008 by Ex-Officio Notary of Salcete, Margao;
16. Certificates of Registration of Overseas Citizen of India (OCI) of Mrs. Xaviera Palha and Mr. Alfred Palha;
17. Deed of Sale dt. 08th August 2011 executed by Mr. Manuel Barreto in favour of M/s. Pereira Real Estates;
18. Agreement for Sale and Development dt. 18th November 2011 entered between Mrs. Simiola Barreto and others and M/s. Pereira Real Estates;

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19. Power of Attorney dt. 18th November 2011 from Simiola Barreto and others in favour of Mr, Pio Pereira, partner of M/s. Pereira Real Estates;

20. Deed of Succession drawn on 22nd January 2008 by Ex-Officio Notary of Salcete, Margao

21. Conversion sanad under No.COL/SG/CONV/49/2008/11191.

22. Development permission under order no.SGPDA/P/5538/251/16-17 dt. 11.05.2016 from South Goa Planning and Development Authority, Margao;

23. Construction Licence No.A/17/16-17 dt.14.06.2016 issued by Margao Municipal Council, Margao;

24. Nil Encumbrance certificate dt 4.7.2008.

SCRUTINY OF RECORDS:

From certificate of description it is clear that there exists a property, namely property known as SIRVODEM, formerly within Navelim village, now at ward Sirvodem, Margao, within the area of Margao Municipal Council, Taluka and Sub-District of Salcete, District of South Goa, State of Goa, which is described in the Land Registration Office of Salcete under No.11138 at fls 199 of Book B 28 of new series and enrolled in the Land Revenue Office of Salcete under Matriz No.1252 which is hereinafter referred to as the "entire property";

From certificate of Inscription read with the records of Inventory Proceedings No.3466/1951 it is clear that the said entire property originally belonged to Mr. Camilo Barreto on whose death Inventory Proceeding was initiated under Inventory Proceeding No.3466/1951 wherein the said entire property was allotted, namely half right to his wife Antonieta Mendes and half right to his children, Maria Balbina Barreto married to Filomeno Barreto, Jose Caetano Jorge Barreto, Mr. Benjamin Cirilo Barreto, Mr. Manuel Barreto and Mr. Henry Barreto;

From the records of the Civil Suit No.19/1967 it is clear that the said Mrs. Antonieta Mendes

married with second nuptials to Mr. Joaquim Santana da Costa and filed Civil Suit under No.19/1967 in the Court of the Civil Judge, Sr. Dvn, Margao for partition, whereby the said entire property was divided into two parts/plots/Lotes, whereby the Lote No.1, described in detail hereinabove was allotted to said Maria Balbina Barreto married to Filomeno Barreto, Mr. Jose Caetano Jorge Barreto, Mr. Benjamin Cirilo Barreto, Mr. Manuel Barreto and Mr. Henry Barreto jointly vide Judgement and Order dt. 19th January 1968;

From Deed of Succession drawn on 17th April 2008 it is clear that said Mr. Filomeno Barreto, husband of said Maria Augusta Balbina Barretto expired leaving behind said Mrs. Maria Augusta Barreto as moiety holder and (a) Mr. Prudy Barreto married to Mrs. Jolenta Isabel D'Souza, (b) Mrs. Xaveira Luiza Barreto married to Mr. Alfred Palha, (c) Mrs. Silvia Barreto married to Mr. Peter Fernandes as only heirs and successors.

From Agreement dt.14th April 2008 it is clear that said Mrs. Maria Augusta Barreto and heirs of said Mr. Filomeno Barreto and agreed to sell their one fifth share in the said property to M/s. Pereira Real Estates and pursuant to the said Agreement allowed the said purchaser to develop the said property by constructing building and dispose of the premises therein to their customers along with the proportionate share in land;

From Deed of Succession dt. 22nd January 2008 it is clear that said Mr. Jose Caetano Jorge Barreto expired leaving behind Mrs. Simiola Querobina Barreto as his wife and moiety holder and only daughter, Miss Valancy Antoneta Barretto as only heirs and successors.

From Agreement dt. 18th November 2011 it is clear that said Mrs, Simiola Barreto and her daughter agreed to sell their said one fifth share in said property to M/s. Pereira Real Estates and in pursuance to the said Agreement allowed the said purchaser to develop the said property by constructing building and dispose of the premises therein to their customers along with the proportionate share in land;

From Agreement dt. 17th Janaury 2005 it is clear that Mr. Henry Barreto, who was a bachelor entered

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into Agreement with said M/s. Pereira Real Estates to sell his one fifth share in said property and in pursuance to the said Agreement allowed the said purchaser to develop the said property by constructing building complex therein and dispose of the premises with proportionate share in land to their customers;

From Public Will read with records of Inventory Proceedings No.191/2014/III above referred to it is clear that the said Mr. Henry Barreto expired leaving behind Public will in favour of Mrs. Simiola Querobina Barreto and by virtue of Judgement and Order passed on 15th September 2015 in the Inventory Proceedings No.191/2014/III by the Court of IIIrd Addl. Civil Judge, Sr. Dvn, Margao said Mrs. Simiola Querobina became entitled for said one fifth share in said Mr. Henry Barreto and to bind by said Agreement entered by him with the said M/s. Pereira Real Estates;

The said Mr. Benjamin Barreto and his wife Mrs. Thecla Maria Barreto entered Agreement dt. 9th Janaury 2005 with M/s. Pereira Real Estates to sell their one fifth share in said property and in pursuance to the said Agreement allowed the said purchaser to develop the said property by constructing building complex therein and dispose of the premises with proportionate share in land to their customers;

From the records of said Inventory Proceedings No.166/2015/A it is clear that said Mr. Benjamin Barreto expired and by virtue of Judgement and Order passed on 29th February 2016 in the Inventory Proceedings No.166/2015/A by the Court of Civil Judge, Sr. Dvn, Margao said one fifth share was allotted to his wife said Mrs. Thecla Barreto and bind by said Agreement entered by her and her late husband with the said M/s. Pereira Real Estates;

From Deed of Sale dt. 08th August 2011 registered in the office of the Sub-Registrar of Salcete, Margao under No.MGO-BK1-04285-2011 dt. 08th August 2011, it is clear that said M/s. Pereira Real Estates purchased one fifth share of said Manuel Barreto and his wife in the said property;

From Powers of Attorneys executed by above owners it is clear that they have authorised the partner of M/s. Pereira Real Eststes to obtain all required

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permissions, licences, NOCs etc for said development of said property by constructing buildings complex and permitted to dispose of premises therein;

From conversion sanad, development permissions, approved plans, construction licence etc it is clear that a buildings complex can be constructed on said property.

Therefore in view of purchase of said one fifth right in said property and further having agreed to purchase remaining share with right to develop the said property by said M/s. Pereira Real Estates, they are entitled to develop the said property by constructing building complex therein and dispose of the premises therein to their customers;

From Nil encumbrance certificate it is clear that the said property is free from all encumbrances, charges, liens whatsoever.

CONCLUSION AND OPINION

In view of the above I have to certify and opine that -

a) M/s. Pereira Real Estates are co-owners and co-possessors of the said property described hereinabove and further entitled to develop the said property in view of agreements with other co-owners by constructing buildings complex therein and dispose of the premises therein alongwith the proportionate share in land;

b) M/s, Pereira Real Esstates and (a) Maria Agusta Balbina Barretto and (b) Mr. Prudy Barreto married to Mrs. Jolenta Isabel D'Souza, (c) Mrs. Xaveira Luiza Barreto married to Mr. Alfred Palha, (d) Mrs. Silvia Barreto married to Mr. Peter Fernandes, (e) Mrs. Simiola Querobina Barreto and her daughter Miss Valancy Antonieta Barreto and (f) Mrs. Thecla Barreto are sole owners and possessors of the said property and their title to the said property is free, clear and marketable;

c) the said property is free from all encumbrances, charges, liens and defects in title whatsoever;

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d) if any purchaser purchases any premises in said complex alongwith the proportionate share in land from said developer M/s. Pereira Real Estates he/she will acquire clear title to the same.

Margao,
1st July 2016

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Adv. Kamalakant Pai