



IN THE COURT OF VII ADDITIONAL DISTRICT AND SESSIONS

JUDGE, TUMKUR.

LAC(APPL).No.140/2022

DEPOSITION OF A.W. -01

DULY SWORN ON: 06-12-2023.

**CROSS-EXAMINATION BY SRI.M.B.N. FOR SRI.S.R. THE
COUNSEL FOR RESPONDENTS:**

4. In the year 2010 respondent has acquired land for Hemavathi Channel Project. I am not aware to suggest that in the year 2005 land was acquired and not in the year 2010. It is true to suggest that in my appeal memorandum I have stated that 11 guntas of land was acquired. It is true to suggest that before the trial court in my affidavit I have stated that 7 guntas of land was acquired. It is true to suggest that the trial court has enhanced the compensation in respect of 7 guntas of land acquired on the basis of my oral and documentary evidence.

5. It is true to suggest that on the basis of my reference petition LAC vide LAC.No.484/2010 was registered before the Gubbi court. It is true to suggest that in that case trial court was passed the judgment on 04.06.2016. It is true to suggest that after passing the judgment I have served the copy of the judgment



before SLAO and demanded for release of enhanced amount. It is true to suggest that as SLAO has not released enhanced amount, I have filed execution petition before the trial court. As per the enhancement of compensation by the trial court I have received Rs.8 lakhs as compensation. To the suggestion that after passing the judgment and till receiving of enhanced compensation you have no impediment to file appeal for further enhancement, witness deposed that he is not aware of the said fact. It is true to suggest that being satisfied with the enhancement I have received the compensation by furnishing the affidavit before the trial court. I am not aware to suggest that while receiving the compensation from the trial court I have not reserved liberty to file appeal and I have not stated that compensation is received with protest subject to filing of appeal. It is true to suggest that in between 2016 to 2019 there was no covid-19 pandemic. To the suggestion that you have no impediment to file the appeal immediately after passing the judgment, witness deposed that he was waiting till receiving of the compensation.

6. To the suggestion that on the basis of the existing market value at the time of acquisition the respondent has given adequate



compensation, witness deposed that lesser compensation is given. It is true to suggest that I have not produced any documents to show that compensation awarded and enhanced is inadequate with that of market value. It is false to suggest that I have not assigned any valid and acceptable reasons in my affidavit to condone the delay. It is false to suggest that now with the wrong advice I have filed this appeal to make unlawful gain. It is false to suggest that appeal and application are not maintainable with the facts and circumstances of the case.

RE-EXAMINATION:NIL

(Computerized to my dictation in the Open Court as deposed by the Witness)

R.O.I & A.C.,

**VII Addl. District & Sessions Judge,
Tumkur.**