

Witness present and duly sworn on 12-09-2022.

Cross examination in-chief by Sri. YAM Advocate for defendant No.1 to 3 :-

It is true that I was working as a Car driver, prior to the execution of release deed dated 25-04-2007. It is true that I was driving car as a taxi driver on hire basis. As on the date of execution of the release deed, I was not paying income tax. It is false to suggest that my earning was sufficient only for my livelihood. I have studied up to 9th standard. It is false to suggest that my wife has studied up to 7th standard. Witness volunteers that his wife has completed B.A., It is false to suggest that as on the date of execution of the release deed, my income was sufficient for my family and there was no savings. Witness volunteers that his wife was earning.

Q: Can you say when did you get married ?

A: I got married on 11-06-2000.

My wife was doing the work of cartridge refilling. She was employed under somebody else and getting an income of Rs.3,500/- per month. As on the date of execution of release deed, my wife was getting salary of Rs.3,500/- per month.

Q: Did you and your wife had any saving bank account in the bank ?

A: My wife did not have the saving bank account. Witness volunteers that he has the account in his name.

Q: Did your bank account shows the savings made by you ?

A: No.

As on the date of execution of the release deed, I had a savings around Rs.1.00 to 1.50 lakhs. I had kept the said amount in my house. It is true that my father Jayaramashetty, my brothers Rajendra, Dorairaju, Gajendra and Ramesh were working at Binny mills, Bangalore. It is true that my brother Ravi was working at a workshop. It is true that except my marriage all my brothers were married during the life time of my father. It is true that after the marriage of my brothers and sisters, they were living separately along with their respective families. It is false to suggest that my father borrowed loan for the performance of the marriage of my sisters. It is false to suggest that my father had to incur hand loans to maintain the expenditures of the big family. It is false to suggest that my elder brother Rajendra had taken the responsibilities of repaying the debt incurred by my father

during his life time for performing the marriage of my sisters.

It is true that my father expired on 08-10-1994. It is false to suggest that after the death of my father, my elder brother Rajendra had cleared the debts incurred by my father. It is true that A-Schedule property is the self acquired property of my father. It is false to suggest that all my sisters, my brothers and including me have released out right in respect of A-Schedule property on considering the sacrifice made by our elder brother Rajendra. It is true that I have not stated in the plaint nor in my affidavit in lieu of examination in chief that I had the savings and my wife was working as a cartridge re-filler and getting an income. It is false to suggest that my sisters and my brothers have not asked any amount from my elder brother Rajendra for the execution of the release deed.

Q: Your brothers and sisters have not asked any amount towards the execution of the release deed from you or Rajendra. What do you say ?

A: My sisters have asked the amount towards the execution of the release deed. Witness volunteers that his elder brother Rajendra has paid the amount of Rs.1,80,000/- each to his brothers. Witness further says

he has paid the amount of Rs.1,80,000/- each to his sisters.

Q: Can you say how was the amount of Rs.1,80,000/- was paid to each of the sisters ?

A: I have paid Rs.1,00,000/- on the date of the execution and still liable to pay Rs.80,000/- to each of my sisters.

It is true that if the amount of Rs.1,00,000/- is calculated to each of my sisters and the same would be around Rs.4,00,000/-.

Q: Can you say how did you arrange Rs.4,00,000/- ?

A: I had pledged gold ornaments to get the amount of Rs.4,00,000/-.

I had pledged the gold ornaments at Janatha Traders, Pawn broker. I do not have any document to show that the gold ornaments are pledged for availing the loan of Rs.4,00,000/-. I have the document to show that I had the gold around 15 sovereign. I can produce the document to that effect. It is false to suggest that as on the date of execution of the release deed, I did not have the capacity to pay Rs.4,00,000/- and my wife was not a earning member in the family. It is false to suggest that my

sisters and my brothers never asked for any amount for releasing their rights in my favour and my elder brother Rajendra. It is true that myself, my brothers and my sisters have executed the release deed with an intention to release our rights in the A-Schedule property in favour of my elder brother Rajendra. It is true that as on the date of the execution of the release deed, myself, my brothers and my sisters have released our rights by executing the release deed in favour of Rajendra without any force, coercion and out of our own free will.

It is false to suggest that there was no objection raised in respect of the execution of the release deed after execution. Witness volunteers that his brothers have not raised objections but his sisters have raised the objections. During the life time of my brother Rajendra or after his death, my sisters have not raised any objections in regard to the execution of the release deed. I do not know there is a recital in the release deed containing that the releasor i.e. my sisters and my brothers have not taken any money to release their rights.

I do not know to read and write English language. I do not know the content of the plaint and the affidavit which is in the English language. It is false to suggest that

the Advocate by name K. Sathish has explained the content of the release deed and thereafter myself, my sisters and my brothers have affixed our signatures to the release deed. I have not issued any notice to my brothers and sisters that I was unaware of the content of the release deed. It is true that as on the date of the execution of the release deed, there was a sheet house measuring to an extent of 400 Sq.ft.

My wife can read and write English language. I was not accompanied by my wife to execute the release deed.

Q: Did you show the release deed to your wife ?

A: I was not given the copy of the release deed.

I did not ask for the copy of the released deed. Witness volunteers that there was a galata and due to which the copy was not furnished to him.

Q Can you say why did the galata took place ?

A: My sisters had differences on financial aspect.

Further cross examination is deferred on request.

(Typed to my dictation in open Court)

R.O.I. & A.C.

(Nerale Veerabhadraiah Bhavani)
V ACC & SJ, Bengaluru.