WITNESS RECALLED AND DULY SWORN ON 20/11/2015

FURTHER EXAMINATION-IN-CHIEF BY SRI.VBS ADVOCATE FOR PLAINTIFF:-

I have filed my affidavit evidence by way of examination-in-chief before this Court. It bears my signature. The contents of the same are true and correct. In support of my contention, I have produced the original GPA executed by 2nd plaintiff in favour of 1st plaintiff on 1.10.2013 and the same is marked as Ex.P.1. I have produced the certified copy of the General Power of Attorney executed by 2nd plaintiff in favour of the deceased 1st defendant and the same is marked as Ex.P.2. I am not in possession of original Partition Deed dt.26/2/1960 and the same was in the possession of one of my uncle by name G. Raghavan, who died 2 months back, as such, I have produced the certified copy of the Partition Deed and the same is marked as Ex.P.3 and I have produced the typed copy of Ex.P.3 for the sake of convenience. I have produced the certified copy of the Sale deed dt.8.2.1972, which has been executed by G. Parthasarathy and others in favour of one Sri. Ramaswamy Naidu in respect of land in Survey No.33 of Yelachenahalli village and the same is marked as Ex.P.4. I have produced the certified copy of the Sale deed dt. 11.12.1986 , which has been executed by Sri. Bopanna in favour of 3rd defendant in respect of C schedule property and the same is marked as Ex.P.5. I have produced the typed copy of Ex.P.5 for the sake of convenience. I have produced 2 RTC extract pertaining to 'C' schedule property , which are now marked as Ex.P.6 and Ex.P.7 and I have also produced 2 MR extracts pertaining to same property and those 2 documents are marked as Ex.P.8 and Ex.P.9. I have produced the original GPA executed by 3rd defendant in favour of deceased 1st defendant on 3.9.1970, which has been revoked on 7.5.2010 and the same is marked as Ex.P.10. I have produced the income tax returns of my father (G. Parthasarathy) for the assessment year 2001-02, 2002-03 and for the assessment year 2010-2011, which are now marked as Ex.P.11 and Ex.P.13. I have produced 3 Acknowledgements issued by income tax department for the year 2008, 2009 and for the year 2011, which are marked as Ex.P.14, Ex.P.15 and Ex.P.16 respectively. I have produced the Bank account ledger extract of 3rd defendant issued by the State Bank of Mysore, Bangalore-1 and the same is marked as Ex.P.17. I have produced the Ledger extract pertaining to the current account of M/s. KSG Farm and Nursery issued by State Bank of Mysore, Bangalore and the same is marked as Ex.P.18. I have produced 5 certificates issued by State Bank of Mysore, Chamarajpet, Bangalore and all those 5 certificates are marked as Ex.P.19, Ex.P.20, Ex.P.21 and Ex.P.23. I have produced the certified copy of the Writ petition.No.20904/2012 and Write appeal No. 3961/2012, which are marked as Ex.P.24 and Ex.P.25. I have produced the original letter written by 3rd defendant to me on 18.3.1975 and the same is marked as Ex.P.26 (contains 4 pages). I have produced the Acknowledgement issued by 3rd defendant , acknowledging the receipt of some amount from my father (deceased 1st defendant) and the same is marked as Ex.P.27. Ex.P.27 is marked subject to objection raised by 3rd defendant Counsel on the point of relevancy. I have produced the pamphlet published by my father, on behalf of M/s. G. Parthasarathy and son and the same is marked as Ex.P.28. Ex.P.28 is marked subject to objection raised by 3rd defendant Counsel on the point of relevancy. I have produced the counter foil of Panjab National Bank pertaining to Pay Order for Rs. 1,50,000/- and the same is marked as Ex.P.29. Ex.P.29 is marked subject to objection raised by 3rd defendant Counsel on the point of relevancy. I have produced the Death certificate of my grand father namely Sri. K.S. Gopalaswamy Iyengar and the same is marked as Ex.P.30. I have produced the Death certificate of my grand father namely Sri. K.R. Sreenivasa Iyengar and the same is marked as Ex.P.31. I have produced the Estate Duty certificate issued in favour of my father and the same is marked as Ex.P.32. I have produced the pamphlet of M/s.KSG Form & Nursery and one photograph and these 2 documents are marked as Ex.P.33 and Ex.P.34. I have produced the Award certificate issued by Agri-Horticultural society, Delhi in favour of my father and the same is marked as Ex.P.35. I have produced the medal given to my father by the aforesaid society and the same is marked as Ex.P.35(a). I have produced ' Agriculture Today' magazine issued in the month of February 2002 containing information about the Farm house maintained by my father and the same is marked as ExP.36. The relevant page covering the information pertaining to the Farm house maintained by my father is marked as Ex.P.36(a). I have produced ‘ Agriculture Today’ magazine issued in the month of April to 1999 containing information about the Farm house maintained by my father and the same is marked as ExP.37. The relevant page covering the information pertaining to the Farm house maintained by my father is marked as Ex.P.37(a). I have produced ‘ Front Line’ magazine issued in the month of April 1999 containing information about the Farm house maintained by my father and the same is marked as ExP.38. The relevant page covering the information pertaining to the Farm house maintained by my father is marked as Ex.P.38(a).

Learned Counsel representing 3rd defendant has insisting the court to mark the documents produced by the 3rd defendant at the instance of plaintiff, has contemplated u/s. 163 of the Indian Evidence Act., Accordingly, court has directed the plaintiff Counsel to mark those documents which ahs produced by the 3rd defendant in pursuance of the direction given by the court. Plaintiffs’ Counsel has submitted that plaintiffs are reluctant to mark those documents. At this stage, court is of the opinion that it is not fair on the part of court to insist the plaintiff to mark the documents, which plaintiffs do not intended to mark.

Cross-examination on behalf of LR’s of deceased 1st defendant:-

Lr's of deceased 1st defendant is absent. Hence, it is treated that LR's of 1st defendant have no cross-examination against PW-1.

Cross-examination on behalf of 2nd defendant:-

During the pendency of the proceedings, 2nd defendant has been transposed as 2nd plaintiff.

Cross-examination on behalf of 3rd defendant by Sri. RS advocate:-

Sri. RS advocate prays time for cross-examination. Prayer is allowed for cross-examination of this witness.

(Typed to my dictation in the open Court.)

R.O.I. & A.C.,

(A. GURUMURTHY)
XV Addl. City Civil & Sessions Judge, Bangalore.