Witness recalled and duly sworn on 11-2-2021

Further chief examination by Sri.BMR advocate for plaintiff:-

Now, I see the documents produced by the defendants as per the application filed by me under Order 11 Rule 14 on 27-2-2015.

Ex.P.39 is the Khatha extract for the period of 1982-1987 in respect of schedule 'A' property.

Ex.P.40 is the Khatha extract for the period of 1982-1987 in respect of schedule 'B' property.

Ex.P.41 is the Khatha certificate in respect of schedule 'A' property.

Ex.P.42 is the Khatha extract in respect of schedule 'A' property.

Ex.P.43 is the Khatha certificate in respect of schedule 'B' property.

Ex.P.44 is the Khatha extract in respect of schedule 'B' property.

Ex.P.45 is the property tax payment statement issued by BBMP in respect of schedule 'A' property for the period 200-2008.

Ex.P.46 is the Past property tax payment statement issued by BBMP in respect of 'A' schedule property for the period 2008-2014.

Ex.P.47 to Ex.P.65 are the Tax paid receipts (19 in nos.)

Further cross examination of PW-1 is deferred.

(Typed to my dictation in the open court.)

ROI & AC.,

(Jaishankar)
XV ACC&S Judge,
Bengaluru.

Witness recalled and duly sworn on 24-2-2021

Further cross examination by Sri. RS advocate for defendant No.3:-

It is true to suggest that my mother and her siblings have inherited a property by name Vedvilas at Tamilnadu. It is true to suggest that a partition took place between my mother and siblings and a portion was allotted to the share of my mother. The said partition took place around the year 2008. As on 2008, the value of the share allotted in the said property to my mother was around Rs. 24,00,000/-. My mother was a housewife. She had no personal income. Witness volunteers that she was working for the welfare of the joint family. It is true to suggest that all the properties and investments standing in the name of my mother were either given to her through my father and the property acquired by her in the partition. It is true to suggest that the items shown in item No.2 in the counter claim of defendant No.3 were standing in the name of my mother. Witness volunteers that most of them were standing in the name of my mother. It is true to suggest that the list of items shown in item No.1 of counter claim of defendant No.3 were given to my mother by my father. As per Ex.D.22, all 3930 shares of Hindustan Unilever Limited were standing in the name of my mother. Witness volunteers that my mother had invested the same. It is not true to suggest that my father had held 8100 shares in Hindustan Unilever Limited. The said shares were held by my mother. I was not aware of all the investments made by my mother. My father had told me about the same. It is true to suggest that apart from the above said investments, my mother had also made various investments. Since the said investments are made by my mother and since some of them are Stridhana of my mother and gift from my father, I did not include the same in the Plaint schedule. It is true to suggest that my mother died in the year 2018. It is not true to suggest that my mother died intestate and she did not leave any Will. I do not have educational qualification with regard to breeding of plants and developing new varieties of plants. Witness volunteers that it is a family business that we grew plants and elders have taught us.

Question :- Can you explain what is the contribution of my father in Science in respect of plant varieties and the patents ?

Answer:- My father was the main contributor and Mukund joined him later.

It is true to suggest that the document now shown to me is the Ordersheet in OS.No. 25060/2011. **It is marked as Ex.D.28.** My father gave instructions for publishing of the articles in Ex.P.36 to Ex.P.38. My father gave information jointly with Mukundan with regard to Ex.P.35 and Ex.P. 35(a). My father told me that Mukundan had also given information with regard to the same. My father and Mukundan gave instruction jointly for printing Ex.P.33 and Ex.P.34 (3 pictures) as it was a joint family business. Since my father and Mukundan were working together, I am saying that the instructions were given jointly. It is not true to suggest that Ex.P.32 to Ex.P.38 are created for the purpose of this case. My father has obtained permission from Registrar of Firms bequeathing and assigning his rights under patents. I have seen the said permission. I have no difficulty to produce the said permission. It is not true to suggest that no such permission is granted. I have documents to show that in the property tax extracts submitted to corporation authorities, it is mentioned as Hindu Undivided Family. I have no difficulty to produce the same. The said documents might be in my custody or in the custody of defendant No.5. It is not true to suggest that there are no such property tax extracts with respect to the suit schedule properties in which HUF is mentioned. I am not having income tax returns filed by my father in which he has indicated existence of HUF as stated by me in paras 22 and 23 of my affidavit. I can furnish PAN number PAN card with regard to the same. It is not true to suggest that my father has never filed any income tax returns under HUF and there is no such PAN number or PAN card. It is true to suggest that subsequent to submission of Ex.D.10 to SBM, stamp paper of Ex.D.11 has been purchased. It is true to suggest that Ex.D.12 – affidavit was given to SBM in support of my claim under Ex.D.10. Since the bank did not accept the Will as it was not probated, it is stated in Ex.D.12 that my father died intestate. Witness volunteers that we had given certified copy of the Will to the bank.

Further cross examination is deferred.

(Typed to my dictation in the open court.)

ROI & AC.,

(Jaishankar)
XV ACC&S Judge,
Bengaluru.

Witness recalled and duly sworn on 6-3-2021

Further cross examination by Sri. RS advocate for defendant No.3:-

It is true to suggest that in Ex.D.10, there is provision to mention regarding the Will. It is also true that it is mentioned that there is also a line which say that the deceased died intestate and it is not struck off. Witness volunteers that the same might have been struck off in the original letter. Witness further states that we had furnished copy of the Will to the bank. It is true to suggest that in Ex.D.10, it is mentioned that the FD is that of my father and there is no mention regarding HUF. Since I have filed this suit only for immovable properties, I have not included the FD in the suit though it is shown as HUF in the FD receipt. It is true to suggest that the letter now shown to me is the letter written by my father to SBM stating that TDS has been wrongly deducted in the FD. It is true to suggest that he has requested for issuance of fresh FD receipt. **It is marked as Ex.D.29.** It is true to suggest that pursuant to the said letter, Ex.D.15 – FD receipt has been issued. It is true to suggest that the document now shown to me is the transfer credit slip and on the basis of the same, Ex.D.15 has been issued. **It is marked as Ex.D.30.** It is true to suggest that the transfer under Ex.D. 30 is the transfer of the amount under earlier FD and it is the source of fund for issuance of Ex.D.15. It is true to suggest that all the FDs, investments and shares which were left by my father and mother came to the possession of myself and my sister. Witness volunteers that as per the Wills, they have come to our possession. It is true to suggest that we have liquidated all of the above funds and distributed among myself and my 2 sisters. All of us together have received around Rs. 75,00,000/- from the investments of my father and mother. It is not true to suggest that all the moneys under FDs, shares etc., were under the control of myself and other plaintiffs, we have not included the same in this suit. Since there was no necessity, I have not informed defendant No.3 about the liquidity of the above said FDs, shares and other investments. It is true to suggest that defendant No.3 had executed a GPA in favour of my father for maintaining some of his bank accounts. It is not true to suggest that defendant No.3 had also executed a GPA in favour of my father for managing his Farms. Witness volunteers that the Farms were run as the joint family business. It is true to suggest that the defendant No.3 revoked the said GPA 3 months prior to filing of this suit. It is true to suggest that Ex.P.27 is regarding the return of FD amounts to defendant No.3

by my father. Witness volunteers that the said amounts are the savings made out of the joint family funds since 1950. We have shown the same in the 'C' schedule of the Plaint. It is not true to suggest that all the moneys and investments were siphoned off by my father from the bank accounts of defendant No.3. Witness volunteers that it is a blatant lie. Since the case in OS.No. 25060/2011 was between my father and defendant No.3, we did not continue to prosecute the said case and we took back the original documents. I do not know whether permission was taken to institute a fresh suit when we got dismissed the suit in OS.No. 5561/2013. I do not know that no such permission is obtained from the court. It is true to suggest that in OS.No.6468/2013, we have sought relief against a lady by name Nelli Hoek. Since there is no necessity, she is not made as a party in this suit. It is not true to suggest that my father was never entitled to any royalty from any patent. We have produced documents regarding Statement of accounts and patents in OS.No. 6468/2013. It is not true to suggest that only to evade the payment of court fees, we have not produced Statement of accounts. I am aware that the defendant No.3 and his wife have filed suit against defendant No.4 for recovery of money. It is true to suggest that schedule 'B' of this suit was attached in the said suits filed by defendant No.3 and his wife in OS.No. 213/2011, 214/2011 and 218/2011. It is true to suggest that when the property was put into sale in the said proceedings, myself and defendant No.5 had filed applications as obstruct ors claiming that we have share in the said property. I do not know that the said application filed by us was dismissed. I do not know that the document now shown to me is the Order passed on the IA filed by us(the witness was shown the certified copy of the Order dated 15-2-2018 passed on IA.Nos.6 and 7 in Ex.No.58/2016.)

Further cross examination is deferred.

(Typed to my dictation in the open court.)

ROI & AC.,

(Jaishankar)
XV ACC&S Judge,
Bengaluru.

Witness recalled and duly sworn on 12-3-2021

Further cross examination by Sri. RS advocate for defendant No.3:-

I am aware that the defendant No.4 is still liable to pay huge amount of money to defendant No.3 and his wife. It is true to suggest that after we filed application as objector in Execution Petition, the defendant No.4 has executed a Relinquishment deed in favour of myself, my sister and defendant No.5. I do not know the approximate market value of schedule 'A' & 'B' properties. The defendant No.3 and 4 have calculated the amount shown in the Relinquishment deed and it is the amount mentioned by them in that deed. It is true to suggest that in the Plaint at para No.11(b), it is shown that the amount of the properties under the Relinquishment deed is Rs. 61,34,513/-. It is not true to suggest that the defendant No.3 has no role in execution of the Relinquishment deed and the mentioning of the amount of Rs. 61,34,513/-. I have no document to show that the defendant No.3 is involved in the calculation of the said amount. It is true to suggest that to save the properties from attachment, the Relinquishment deed has been executed. Witness volunteers that to save the family name and reputation and since the defendant No.4 are requested us to stating that he is in financial difficulty, the same was executed. I do not know that the valuation of schedule 'B' property is much more than Rs. 61,34,513/-. We have received the physical possession of the schedule 'B' property. Witness volunteers that we have allowed the defendant No.4 and his family members to reside in the said property. Witness further states that there is a document in writing with regard to the same. Khatha is not made out in our favour after execution of Relinquishment deed. I am not paying taxes of the said property. Witness volunteers that the defendant No.4 is paying the taxes and there is an Agreement between us regarding the same. It is not true to suggest that I have deliberately not produced the said Relinquishment deed since it is insufficiently stamped. It is not true to suggest that only to prevent defendant No.3 and his wife from realising the amounts, the Relinquishment deed has been executed. It is not true to suggest that in order to over come the admissions made by me in my cross examination of this case regarding partition of the year 1986, the Relinquishment deed is executed. I have the documents to show the transfer of funds as per the recitals of Relinquishment deed. It is not true to suggest that I have not informed defendant No.3 about the Relinquishment deed. I am aware that the defendant No.4 has executed Gift deeds with respect to suit schedule 'B' property in favour of his 2 daughters in the year 2020. I have not initiated any proceedings with regard to the same. Witness volunteers that since it is a legal matter, we are taking action with regard to the same. It is not true to suggest that ever since my father closed business in Hindu Agency in the year 1981, he had no income. It is not true to suggest that what were all the investments, FDs and amounts which were standing in the name of my father and mother were all made by taking amount from the bank account of defendant No.3. It is not true to suggest that I am deposing falsely before the court. Witness volunteers that all the amounts were the self acquired income of my father and his savings and they are specifically royalty income.

Re-examination:- -NIL-

(Typed to my dictation in the open court.)

ROI & AC.,

(Jaishankar)
XV ACC&S Judge,
Bengaluru.