

ದಿನಾಂಕ 08.12.2021 ರಂದು ಸಾಕ್ಷಿ ಹಾಜರಿದ್ದು ಪ್ರಮಾಣಿಸಲಾಯಿತು.

ಮುಂದುವರೆದ ಮುಖ್ಯ ವಿಚಾರಣೆ:- 3 ನೇ ಪ್ರತಿವಾದಿ ಪರ ಶ್ರೀ.ಆರ್. ಎಸ್ ವಕೀಲರಿಂದ :-

ವಕೀಲರ ವಿನಂತಿ ಮೇರೆಗೆ ಈಗಾಗಲೇ ಗುರುತಿಸಲಾದ ನಿಡಿ 132 ಡೈರೆಕ್ಟರಿಯಲ್ಲಿಯ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆ ಪುಟ ಸಂಖ್ಯೆ 81 ರಲ್ಲಿ ಈಗಾಗಲೇ 133 (ಎ) ಎಂದು ಗುರುತಿಸಲಾಗಿದ್ದು ಅದನ್ನು ಬದಲಾವಣೆ ಮಾಡಿ 132(ಎ) ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ಅದೇ ರೀತಿ ಪುಟ ಸಂಖ್ಯೆ 212 ರಲ್ಲಿ ಈಗಾಗಲೇ 133 (ಬಿ) ಎಂದು ಗುರುತಿಸಲಾಗಿದ್ದು ಅದನ್ನು ಬದಲಾವಣೆ ಮಾಡಿ 132(ಬಿ) ಎಂದು ಗುರುತಿಸಲಾಯಿತು.

ಲ್ಯಾಂಡ್ ಸ್ಕೇಪಿಂಗ್ ಮ್ಯಾಗ್ಜಿನ್ ಅನ್ನು 134 ಎಂದು ಗುರುತಿಸಲಾಗಿದ್ದು ಅದನ್ನು ಬದಲಾವಣೆ ಮಾಡಿ 133 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ಅದೇ ರೀತಿ ಈಗಾಗಲೇ 135 ಎಂದು ಗುರುತಿಸಲಾದ ಮ್ಯಾಗ್ಜಿನ್ ಅನ್ನು 134 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. 134 ರಲ್ಲಿ ಈಗಾಗಲೇ ಗುರುತಿಸಲಾದ 135(ಎ) ನ್ನು ಬದಲಾವಣೆ ಮಾಡಿ 134(ಎ) ಎಂದು ಗುರುತಿಸಲಾಯಿತು.

ಸಾಕ್ಷಿಯು ಮುಂದುವರೆದ ಮುಖ್ಯ ವಿಚಾರಣೆ ಹೆಚ್ಚುವರಿ ಪ್ರಮಾಣ ಪತ್ರ ಸಲ್ಲಿಸಿದ್ದು ಅದರಲ್ಲಿ ಬರೆದ ಅಂಶಗಳು ಸರಿ ಇರುತ್ತವೆ.

ದಿನಾಂಕ 01.09.2009 ರಂದು ನೋಟಿಸಿಗೆ ಉತ್ತರ ನಿಡಿ 135 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ಅಧಾಯ ತೆರಿಗೆಯ ಆಯುಕ್ತರ ಆದ ಅದೇಶ ನೋಟರೈಸರ್ ಪ್ರತಿಯನ್ನು ನಿಡಿ 136 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ಅಧಾಯ ತೆರಿಗೆಯ ಮೇಲ್ಮನವಿಯ ಟ್ರಿಬುನಲ್

ನಿಂದ ಆದ ಆದೇಶದ ಪ್ರತಿ ನಿಡಿ 137 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ಅಸಲು ದಾವೆ ನಂಬರ್ 2545/2020 ದಿನಾಂಕ 14.09.2021 ರಲ್ಲಿ ಆದ ಮಧ್ಯಂತರ ಅರ್ಜಿ ನಂಬರ್ 3 ರ ಆದೇಶದ ಪ್ರತಿ ನಿಡಿ 138 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ಅಸಲು ದಾವೆ ನಂಬರ್ 2345/2020 ದಿನಾಂಕ 14.09.2021 ರಲ್ಲಿ ಆದ ಡಿಕ್ರಿಯ ಪ್ರತಿ ನಿಡಿ 139 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ದಿನಾಂಕ 06.01.1989 ರ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಮೈಸೂರಿನ ದಾಖಲೆ ಸೆಕಂಡರಿ ಸಾಕ್ಷಿ ನಿಡಿ 140 ಎಂದು ಗುರುತಿಸಲಾಯಿತು.

ಆದುದ್ದರಿಂದ, ದಾವೆಯಲ್ಲಿ ಕೇಳಿದಂತೆ ಆದೇಶ ಮಾಡಬೇಕೆಂದು ವಿನಂತಿ.

ಪಾಟೀ ಸವಾಲು:- ವಾದಿ ಮತ್ತು ವಾದಿ ಪರ ವಕೀಲರು ಗೈರು ಹಾಜರು ಇರುವುದರಿಂದ ಪಾಟೀ ಸವಾಲು ಮುಂದುಡಲಾಯಿತು.

(ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನ್ನ ಉಕ್ತಲೇಖನ ರೀತ್ಯಾ ದಾಖಲಿಸಿಕೊಳ್ಳಲಾಗಿದೆ.)

ಓ ಹೇ ಕೇ ಸರಿ ಇದೆ.

(ಎಸ್. ಆರ್. ದಿಂಡಲಕೊಪ್ಪ)
15 ನೇ ಅಪರ ನಗರ ಸಿವಿಲ್ ಮತ್ತು ಸತ್ರ
ನ್ಯಾಯಾಧೀಶರು, ಬೆಂಗಳೂರು.

Witness present and duly sworn on 25.01.2022.

Cross examination by Sri.VAM advocate for plaintiff:-

I have not brought any gadget today. I know all the 3 suits are clubbed together. The writ petition filed by me might be allowed. I have produced the copy of the order passed in writ petition. I do not remember the writ petition and Writ appeal preferred by me before Hon'ble High Court are dismissed.

K.R. Srinivas Ayyangar is my great grand father. K.S. Gopala Swamy ayyangar is my grand father. The photo shown to me is my grand father K.S. Gopala Swamy ayyangar the said photo containing the book marked as Ex.P.66 and the relevant photo is marked as Ex.P.66(a). K.R. Srinivas Ayyangar was one of the member of the governing council. I have no idea whether he was incharge Diwan of Mysore. The 2 photographs shown to me in Ex.p.66 are one is my father Gopala Swamy parthasarathi another photo belong to me. The said photographs marked Ex.P.66(b) and Ex.P-66(c). The signature in Ex.p.66 shown to me are belongs to my father and my self. The said printed signatures are marked as Ex.P.66(d) and (e).

The photo in Ex.p.66 shown to me is part of schedule A property which marked as Ex.p.66(f). It is false to suggest that the building in Ex.p.66(f) is built by my great grand father Srinivas Ayyangar. I don't remember from whom the said building was purchased. It is an

ancestral property. It is false to suggest that the said property extends from 5th main Chamaraj pet, called sir Puttanna Shetty road, 6th main called Apoorva road. It is true there is vacant land surround the building.

It is true my grand father Gopala Swamy predeceased my great grand father. It is true my grate grand father affected partition among is 2 children Gopala Swamy and Krishna Swamy. It is true to suggest that Gopala Swamy did is BA. BL. It is true he is practicing as advocate. I don't know another brother Krishna Swamy was an executive engineer in Mysore.

My date of birth is in year 1949. It is true I have seen my grand father and grate grand father. My grate grand father died when I was 6 years old. It is true Gopala Swamy did not effect any partition among his children (sons). Partition took place in year 1960. It effected by my grate grand father. The four persons have got the partition among them selves in four parts. It is true to suggest that the four persons are referred in Ex.p.66 book that is Gopala Swamy parthasarathy, 2. G. Raghavan, 3. Kasturi Rangan and 4.Dr. G.Arva Mudan.

My father got the property of house and front portion in the said partition. It is false to suggest that A and B schedule properties are allotted to my father but the witness

says the entire A and B properties are allotted to my father as one unit.

My uncles get similar property on the back side. I have no idea which is the property named as Srinivas.

It is true to suggest that my grand father Gopala Swamy was the agent of Hindu News paper of Bangalore City. It is true he was also Horticulturist. I have 1 brother and 3 sisters. It is true my father was alive when the suit was filed and I have read the written statement filed by my father. It is true my father continued the Hindu News paper agency. It is true to suggest that Srinivas and Gopal properties are named for schedule A and B. It is true to suggest that Srinivas Ayyanger and Gopala Swamy did not built house in B schedule property. It is true to suggest that my father as built the house in B schedule property.

I did my B.Sc agriculture during 1966 to 1970, in university of agriculture science Bangalore. From 1970 to 1972 I did my M.Sc in agriculture from Koimattur University. At that time my age was 23 years. My father owned small piece of agriculture land at Yelachenahally on old Mysore road.

I do not have any property in Nelamangala. The Yelachenahally property is not in my possession, It might be sold in the year 1980. At the time of my post graduation

my specialization subject is Master in Agronomy. Agronomy is crop science it covers everything from growing. It is false to suggest that my father Partha Sarathy studied B.Sc Natural science, witness is he studied only chemistry. I do not know that deference between natural science and physical science. I have not done any research work after my post graduation. After my M.Sc I did Horticulture and Agriculture. I have not worked in any employment. Witness says I am a professional cricketer. Since 1968 I started my earning from buying and selling plants. I was not an income tax payee at that time. witness says there is no income tax for agriculture.

When the property was purchased by me from Boopanna I was a student.

As per the request of the plaintiff counsel further cross examination is deferred.

(Typed to my dictation in the open court)

ROI & AC.,

(S.R. Dindalkoppa)
XV Addl City Civil and
Session Judge, Bengaluru.

Witness present and duly sworn on 11.02.2022.

Further Cross examination by Sri.VAM advocate for plaintiff:-

I know the order passed by this court on 17.01.2020. I do not remember whether the copy of the said order is produced before the Higher Courts. Ex.D.19 is not any body's custody but it is in my home. I had it since 1986. It is true even today I am standing by the memorandum of agreement Ex.D.19. I am a Hindu.

After the death of my father Parthasarathi my self, my sisters Radhika, Padmini, Sangeetha and Brother Muralidhara are the legal heirs. It is true in Ex.D.19 only my self, my brother muralidhara and my father are the parties. I do not know my mother is also one of legal heir of my father. My father drafted Ex.D.19. It is drafted few days before the said document executed. I do not know the exact date. The said document is prepared in my house bearing No.237/46 situated at Chamaraj pet. The witnesses present on that date.

The oral partition to place one week before the date of Ex.D.19. I do not know the exact date of oral partition. I have no document to say oral partition. One Lakshmi Nagappa the witness was present. I do not remember the name of another witness. I do not know whether the said witnesses alive or not. I do not know who has written the contents in the page of the documents now shown to me.

The said document is already marked as Ex.D.20. The relevant page marked as Ex.D.20(a). I do not remember whether I have accompanied to at time of notarization. It is true the said document Ex.D.19 it notarized before the notary after 6 days. The date in the signature of the notary is marked as Ex.D.19 (a).

It is true by pleading Ex.D.19 with Karur Vyshya Bank, Koramangal Branch and took loan. I do not remember the date. I took 50 to 60 lakh loan. I do not remaining whether along with D-19 I have given any other document for obtaining the loan. I do not remember the date when I discharged the loan of Karur Vyshya Bank.

I did not signed any paper to change katha in my name. Radhika consenting witness for the partition was present at the time. It is true the address of Radhika is show at Madhurai in Ex.D.19. The second consenting witness is my father Parthasarathi. He was power of attorney holder of my second sister Padmini. At that time my sister Padmini was in USA. It is true I verified with respect to my father enquired with Padmini regarding oral partition. I do not remember when my father discussed with my sister Padmini. Radhika not accompanied us to the notary. I also not went to the notary.

I do not know about Ex.D.8 Will. It do not know when Ex.D.8 notarized. I do not remember whether I have seen

notary Chowde Gowda. I have executed power of attorney to my father. The said power of attorney not produced before court. I can produce the same.

I migrated to Chennai from Bengaluru in the year 1972. It is true till 1972 my father Parthasarathi and entire family was staying in the suit property. At that time it is not divided as A and B. In order to persue my carrier I went Chennai.

It is not correct say that K.S.G farm and nursery is a family business of Parthasarathi. It is proprietary business. I have produced the document to show it is my proprietary business.I produced Bank accounts, IT returns and nursery certificate to show Income Tax case etc., to show it is my proprietary business. KSG is the short form of my grand father. K stands for Kummithithadal S for Srinivas Ayyangar G for Gopala Swamy Ayyangar. It is false to suggest that my grand fatehr Gopala Swamy is the founder of KSG farm and nursery.

My grand father was agent of Hindu News paper. He was also a nursery man. It is false to suggest that my grand father was conferred FRHS. F for Fellow of R for Royel H for Horticulture S for society. It is true FRHS is not in Indian. I is in London. It is true horticulture is a Branch of agriculture. It is true in my study I done agronomy in

agriculture. It is true gardening is also part of agriculture. Gardening is a hobby not a profession. Gardening comes under farm and nursery.

The defendant No. 4 in the suit filed by my sister Radhika is my brother. I do not know whether defendant No.4 engaged counsel or not. It is true my self, my wife and my son have filed 3 suits against defendant No.4. Witness further says my son not file suit only my self and my wife filed. The defendant No.4 my brother had company by name Horti contract and KSG farm consultancy. We filed suits for recovery of money. The said suits are decreed. I do not know one by name Varada Kutti Auditor is common my self my father and my brother. But he is my Auditor. It is true Varada Kutti stationed at Madras. It is true Varada Kutti know the transaction of the said suits. It is true Varada Kutti is the Auditor for our trust. It is false to suggest that after the death of my father I collected all the records of my father from Auditor Varada Kutti. It is false to suggest that by colluding with Varada Kutti I collected all the records of my brother.

Varada Kutti is my Auditor I will give my documents to him and he will submit the income tax returns other than the there in no others terms. I started my business in 1972 at Adeyar at Chennai. My business concerned is under the name KSG farms and nursery. May be in the year 1980 I become an income tax assessy.

Cross examination deferred.

(Typed to my dictation in the open court)

ROI & AC.,

(S.R. Dindalkoppa)
XV Addl City Civil and
Session Judge, Bengaluru.

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OS.No.25874/2010
C/w 6468/2013 , 6800/2011
(DW-1)

Witness recalled and duly sworn on 10.03.2022.

Further Cross examination by Sri. OBP advocate for plaintiff:-

It is true to suggest that Dayavathi Veera meddle is given to outstanding contribution in horticulture. It is false to suggest that Delhi agri horticulture society is the one of the most reputed society in the country. It is not necessary that the Delhi agri horticulture society will select the person regarding outstanding contribution in horticulture. I don't remember in our family any member has received such an award.

I do not know regarding one year prior to confirmation of award to me the award as been given to my father. I do not know my father as been awarded for Eminent star and Jewell of India. It is false to suggest that inspite of I am having knowledge about the same I am deposing falsely.

I do not know the award is accompanied by citations. The document now show to me Ex.D.129 is the award not given to me. It might be by mistake I have produced the said Ex.D.129. It is false to suggest that in order to avoid regarding the award I have not produced the citation along with Ex.D.129.

The document now shown to me Ex.D. 102 it is a lease agreement with respect to part of schedule B. It expired in

the year 2011 from 1996. I don't recollect what is the amount ought to be paid by me as per the lease agreement. I am paying the amount as per the lease agreement. I have not get any leniency file executing the lease agreement as per ex.D.102.

Further cross examination deferred at the request.

(Typed to my dictation in the open court)

ROI & AC.,

(S.R. Dindalkoppa)
XV Addl City Civil and Session
Judge, Bengaluru.

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OS.No.25874/2010
C/w 6468/2013 , 6800/2011
(DW-1)