

**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 I have produced the original GPA executed by 3rd defendant in favour of deceased 1st defendant on 3.9.1970, which has been revoked on 7.5.2010 and the same is marked as Ex.P.10.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.**

Witness recalled and duly sworn on
10-12-2015

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

I was born on 15.8.1950. My sister Padmini was born on 12.12.1951. I got married on 29.1.1975. My sister Padmini has got married on 21.1.1980. My sister Sangeetha has got married on 1.6.1984. It is true that myself and my 2 sisters are graduate in English medium. It is true that I myself and my sisters will not put our signatures on any document, unless we go through the document. It is true that the document now shown to me is the certified copy of the Plaint pertaining to O.S.No.5561/2013. It is true that in O.S.No.5561/2013, I was one of the plaintiff. The said document is marked as Ex.D.1. I have not produced any false or fabricated document in support of averments made in my plaint. It is true that , the document now shown to me is the certified copy of the list of documents which I have filed in O.S.No. 5561/2013 and the same is marked as Ex.D.2. It is true that the document now shown to me is the certified copy of the Appeal which I have preferred before the Hon'ble High Court of Karnataka against Judgement and Decree passed by this court in O.S.No.25875/2010 in RFA.No.1878/2012 and the same is marked as Ex.D.3. It is true that the document now shown to me is the certified copy of the Plaint filed by 3rd defendant Sri.Mukunda in

O.S.No.6800/2011 and the same is marked as Ex.D.4. It is true that the document now shown to me is the certified copy of the Written Statement which I have filed in O.S.No.6800/2011 and the same is marked as Ex.D.5. It is true that the document now shown to me is the certified copy of the interim order passed by the City Civil Court, Bangalore in O.S.No.6800/2011 and the same is marked as Ex.D.6. It is true that the document now shown to me is the certified copy of the appeal which I have preferred before Hon'ble High Court of Karnataka against interim order passed by this court in O.S.No.6800/2011 and the same is marked as Ex.D.7 (MFA.No.2496/2012). It is true that 'A' and 'B' schedule properties are adjacent properties. It is true that earlier 'A' and 'B' schedule properties were single composite property bearing No.237/46. It is true that 'B' schedule property is presently bearing No.237/46A. It is true that 'A' and 'B' schedule properties are having separate Khatha numbers and having separate assessments. Witness volunteers that 'A' schedule property is consisting of old house and 'B' schedule property is consisting of new house. It may be true that there is a fence in between 'A' and 'B' schedule property. It is true that 'B' schedule property is in the possession of my brother Muralidhar. It is true that presently, my brother Mukunda is in possession of 'A' schedule property. It is true that my brother Mukunda has locked 'A' schedule property and is not allowing me , my other brothers, my 2 other sisters to enter into

the 'A' schedule property. I do not know my brother Mukunda is making use of 'A' schedule property to do Horticultural business. It is true that originally 'A' schedule , 'B' schedule property and other properties situated on the rear side of 'A' and 'B' schedule properties were owned by Sri. K.R. Sreenivasa Iyengar. It is true that Sri. K.R. Sreenivasa Iyengar has gifted away all those properties in favour of his son K.S. Gopalaswamy Iyengar. It is true that Sri. K.S. Gopalaswamy Iyengar was died in the year 1955. It is true that Sri.K.S. Gopalaswamy Iyengar had 4 sons and 2 daughters. It is also true to suggest that in the year 1960, there was a Registered Partition among 4 sons of deceased K.S. Gopalaswamy Iyengar in respect of properties left by K.S. Gopalaswamy Iyengar. It is true that in that partition, 'A' and 'B' schedule properties were fallen to the share of Parthasarathy. I do not know on what basis, I have mentioned 'A' and 'B' properties are as 2 different properties. The Agreement which I have referred mentioned in plaint at para 11 with reference to 11.6.1986 is not the document which I have referred in my previous suit (O.S.No.5561/2013) at para 12 of that plaint.

Question:- On what basis , I can say that the Agreement which I have referred in para 12 of the plaint is different from the Agreement which I have referred in my previous suit at para 12 ?

Answer:- I am not sure whether those 2 Agreements are one and the same.

I have not seen the Agreement, which I have referred at para 12 of the plaint. I have other defences, apart from the defence which I have taken at para 12 of the plaint in O.S.No. 5561/2013.

Question:- Now, I cannot say why? I have not mentioned other defences in my plaint in O.S.No.5561/2013 ?

Answer:- I have not seen any document in support of my contention taken at para 12 of my plaint.

I have not gone through the Memorandum of Agreement , which I have referred in my plaint at para 12 as such I have not taken any defence. Prior to filing of this suit, myself, my other brother and 2 sisters have approached my father and we have requested him to effect partition in the family property and at that time, 3rd defendant has informed that there was already partition, in that context, I referred the Memorandum of Agreement at para 12 of the plaint. It is not true to suggest that I have no other defence except the defence which I have referred in para 12 of the plaint in O.S.No. 5561/2013 as such, I have not mentioned any defence in the plaint. It is true that after filing of this suit, 3rd defendant has taken a defence that there was already a partition in form of Memorandum of Agreement among Parthasarathy and his 2 sons on 11.6.1986. It is not true to suggest that the Agreement which I have referred at para 5 of my Memorandum of Appeal

(Ex.D.3), which I have referred at para 12 of my plaint. The Agreement which I have referred at para 5 of my Memorandum of appeal (Ex.D.3) is not the Agreement which I referred in my plaint at para 12 in O.S.No.5561/2013. I do not know the basis on which I state that the Agreement which I have referred in my Memorandum of Appeal (Ex.D.3) at para 5, is different from the Agreement, which I have referred at para 12 of my plaint in O.S.No.5561/2013. The document which I have referred at sl.no.41 of the list of documents dated 8.7.2015 is in respect of the Will executed by my father. It is not true to suggest that my father Parthasarathy has not executed any Will. It is not true to suggest that I have not marked the Will, which I have referred in the sl.no.41 of the list of documents, as its contents discloses the earlier partition, which goes against my interest. I have seen the Xerox Copy of the un registered MOA, which I have referred at para 5 of the rejoinder. The abbreviation MOA, which I have referred at para 5 of the rejoinder refers to Memorandum of Agreement. I do not remember the date of that MOA. I am not in possession of the Xerox Copy of MOA. I do not know that the Moa, which I have referred at para 5 of my rejoinder is the same Agreement which I have referred at para 12 of my plaint. It is true that one Sri. VA.Mohanrangam is our family advocate for very long time. I can recognize the signatures of VA.Mohanrangam advocate. It is true that Sri.

VA.Mohanrangam advocate has filed Written Arguments in this case on behalf of my sister Sangeetha on 1.9.2012.

Further cross-examination :- Deferred at the request of defendant no3. counsel.

(Typed to my dictation in the open Court.)

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

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

**Witness recalled and duly sworn on
18-1-2016**

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

Sri. VBS advocate, learned Counsel representing the plaintiff has submitted that PW-1 is ready and she has been tendered for cross-examination. PW-1 has entered the witness box and she has insisted the court to direct the other side counsel to proceed with the cross-examination on the ground that she is a senior citizen and she is coming to the court since last 5 years. Sri. RS advocate, learned Counsel representing 3rd defendant has sought one week time to proceed with the cross-examination of PW-1 on the ground that transfer application is pending before the Hon'ble Prl. City & Sessions Judge Court, Bangalore. It is brought to the notice of the court that plaintiff has filed transfer petition before the Hon'ble Prl. City & Sessions Judge Court, Bangalore. In that proceedings, learned Counsel

representing 3rd defendant has submitted that, he has no objection to allow the transfer petition. Considering the circumstances of the case, this court is of the opinion that it is better to defer the further cross-examination of PW-1 till the disposal of transfer petition pending before the Hon'ble Prl. City & Sessions Judge Court, Bangalore. Accordingly, further cross-examination of PW-1 is deferred.

FURTHER CROSS-EXAMINATION DEFERRED.

(Typed to my dictation in the open Court.)

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

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

**Witness recalled and duly sworn on
1-2-2016**

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

As for as my knowledge is concern, I have not presented my affidavit (chief examination) before any person or authority before presenting the same before the court. I do not remember whether I have sworn before any authority before presenting my affidavit before the court. Witness volunteers that I have not personally presented my affidavit before any authority or person as the case may be, before presenting the same before the court. I know the difference between inheritance and succession and I have used the words with knowledge. I have filed this suit against my father for partition. Presently, ie., after the death of my father,

I am claiming right over the suit properties under the concept inheritance. Properties are mentioned in the suit schedule are all ancestral properties. My counsel has drafted my chief examination and I have furnished the information. I have seen the Xerox Copy of the Memorandum of Agreement, which I have referred in my objection statement filed to IA filed under Sec. 195 of CRPC. There is a variation in the extents of properties mentioned in the 'A' & 'B' Schedule properties as such I have used the sentence ' the allotment between the two brothers are in-equitable ' , which I have referred in my objection statement filed to IA filed under Sec. 195 of CRPC. It is true that schedule 'A' is bigger than schedule 'B'. Under the Memorandum of Agreement, 'A' schedule property has been allotted to the share of my elder brother Sri. Mukunda and 'B' schedule property has been allotted to the share of my younger brother Sri. Muralidhar. Division mentioned above is as per the Memorandum of Agreement (Xerox Copy). I do not know from which source, I have obtained the Xerox Copy which has been mentioned in Ex.D.2 as Memorandum of Agreement dt. 11-6-1986. My sister is in possession of original Will written by my father and I will undertake to produce the same. It is true that the Xerox Copy now show to me is the Notarised copy of the Will written by my father and the same is marked as Ex.D.8. As on the date of filing the suit, some of the deposits mentioned in Ex.D.8 were matured and few of them were not matured for payment. I was not aware of the will, when I filed his suit , as such, I have not included the deposits in the

suit schedule which were mentioned in Ex.D.8. Witness volunteers that I came to about the existence of Will (Ex.D.8) only in the year 2011. As on the date of filing the suit, I was not aware of the existence of deposits mentioned in Ex.D.8. My father was having good health and sound state of mind when he has written the Will. I do not know the circumstances under which the influence, coercion or compulsion took place, while obtaining the signature of myself and my sister on the Memorandum of Agreement (MOA), which I have referred at para 12 of my Written Statement. I have not lodged any complaint against the person, who brought pressure, influence and coercion upon me to put signature on Memorandum of Agreement (MOA). Witness volunteers that I have not lodged any complaint against any person, who has brought pressure, influence, coercion and compulsion upon me to put signature on Memorandum of Agreement (MOA). Witness volunteers that I have not lodged complaint, because, the person who brought pressure on me was my family member.

Question:- I will put it to you that nobody has brought pressure, influence, coercion and compulsion upon you to put your signature on any of the document ?

Answer:- It is a long back matter, I do not remember now.

It is true that my sister has given Power of attorney to my father. It is not true to suggest that my sister Padmini has not withdrawn that Power of attorney,

before the death of my father. I do not remember the year in which my sister Padmini has withdrawn the Power of attorney given to my father. I do not know under what circumstances, my sister Padmini has withdrawn the Power of attorney to given to my father. It is true that K.S. Gopalaswamy Iyengar was died in the year 1955. It is true that in the year 1960, HUF of Sri. K.S. Gopalaswamy Iyengar has come to an end. It is not true to suggest that Sri. K.S. Gopalaswamy Iyengar – HUF was not existence in the year 2009. It is not true to suggest that Ex.P.15 is a fictitious document. I was unable to trace out the necessary annexure pertaining Ex.P.15, as such I was unable to produce the annexure of Ex.P.15. I do not know anything about Ex.P.15. It is true that Ex.P.14 is the income tax return submitted by my father and I do not know that suit schedule properties are not mentioned in Ex.P.14. It is not true to suggest that my elder brother Mukundan was the proprietor of M/s. KSC Farm & Nursery.

Question:- Why ? M/s. KSC Farm & Nursery Business has not been mentioned in the plaint schedule?

Answer:- I have included that business in the plaint schedule.

Ex.P.19 has been produced to show that the amount mentioned in Ex.P.19 is a family property. Interest mentioned in Ex.P.23 (accrued on FD's) stood in the name of M/s. KSC Farm & Nursery. It is true that amount mentioned in Ex.P.23 is not self acquired property of G. Parthasarathy alone. Witness volunteers

that the amount mentioned in Ex.P.23 is the joint family members amount. I have not included amount mentioned in Ex.P.23 in my plaint schedule, as I was not aware of the existence of that amount as on the date of filing of the suit.

Further cross-examination is deferred due to lunch break.

(Typed to my dictation in the open Court.)

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

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

Witness recalled and duly sworn on 24-7-2017

**Further cross-examination on behalf of 3rd defendant
by Sri. RS advocate:-**

I know the original suit number filed by my father before the Mayohall Court ie., in OS.25060/2011, which I have referred in para 15 of my plaint in OS. 6468/2013. My father himself told me about the suit. It is true that the document now shown to me is the certified copy of the plaint, which my father has filed in Mayohall Court in OS.25060/2011 and the same is marked as **Ex.D.9.** I do not know what happened to that suit. During the lifetime of my father, he has filed a suit in OS.25060/2011 but I do not know whether that suit was disposed off during that time or not. I have not tried to know the result of OS.No.25060/2011. It is true that memorandum of understanding mentioned in the prayer column of my plaint in

OS.6464/2013 is in respect of memorandum of understanding referred in para 17(b) of my plaint. I have produced the memorandum of understanding, which I referred in para 17(b) of my plaint. It is not true to suggest that there was no any Memorandum of Understanding between Mukunda and G. Parthasarathi, as I referred in para 17(b) of my plaint. I am aware of the fact that my sister(Smt. Sangeetha) has filed an amendment application. I know the averments made in the affidavit enclosed to the amendment application. FD pertaining to Ex.P.19 was stood in the name of my grand father Sri. Gopalaswamy Iyengar. Witness volunteers that FD is stands in the name of Trust. Ex.P.20 and Ex.P.23 are the Interest Certificates pertaining to FDs stood in the name of K.S.G. Farm and Nursery. Defendant is in possession of FD receipt pertaining to Ex.P.20 ad Ex.P.23. After the death of my father, I came to know about the Ex.P.19 to Ex.P.23. Whose names are mentioned as nominees have realized the Fixed Deposits and Investments mentioned in the Will. It is true that in the month of November 2013, I have approached the State Bank of Mysore, Chamarajpet Branch to release FD amount of my father. It is true that the document now shown to me is the certified copy of the application, which I have submitted to State Bank of Mysore, Chamarajepet Branch to release the FD amount of my father and the same is now marked as Ex.D.10 and it contains 4 pages. It is true that the document now shown to me are the certified copies of Indemnity Bond and Identity Affidavit of Madan Gopal, which I have produced before the State Bank of Mysore , Chamarajpet Branch manager at the time of submitting

application to realize the FD amount of my father and those 2 documents are now marked as Ex.D.11 and Ex.D.12 respectively. It is true that the document now shown to me are the certified copies of Surety Affidavits of Mohan Rangam and Sudhakar , which I have enclosed to my application to State Bank of Mysore, Chamarajpet to realise the FD amount of my father and those 2 documents are now marked as Ex.D.13 and Ex.D.14. It is true that the document now shown to me is the certified copy of the receipt, acknowledging the receipt of Rs. 9,19,863 against the FD of my father and the same is marked as Ex.D.15. It is true that the document now shown to me is the certified copy of the TDS inrespect of FD amount, which I have realized under Ex.D.15 and the same is marked as Ex.D.16 and it consisting of 3 pages. I have furnished the PAN number and other details to the bank, which were mentioned in Ex.D.16.

Question:- There is a specific column in Ex.D.10 regarding authority to realise the FD amount ?

Answer:- I will produce the copy of the Will to the bank, as such, I have not mentioned the same in Ex.D.10.

I do not remember whether I have obtained any acknowledgment from the bank, when I handed the copy of Will to the bank. It is true that Madangopal is our close relative and he is the son of Mohan Rangam

Question:- Why you have not informed to Mukundan when you have filed an application before the State Bank of Mysore , Chamarajpet Branch to realise the FD amount of your father ?

Answer:- Bank authorities have to inform the same to the Mukundan.

Question:- I will put it to you that you have found original of Ex.D.15 in the papers of your father, after your father's death ?

Answer:- My mother has given me the original of Ex.D.15 ie., after the death of my father.

Question:- Whether your mother informed you about the source of taking custody of original of Ex.D.15 ?

Answer:- my mother told me that my father has given me the original of Ex.D.15 to her.

I have not included in the FD pertaining to Ex.D.15 in my plaint schedule, as I was not aware of the same. I do not know the procedure as to the importance of bring an amendment to the plaint schedule regarding existence of FD pertaining to Ex.D.15. The bank manager has written HUF in Ex.D.15. My father was B.Sc. graduate in physics. My father has no educational qualification either in agriculture or in horticulture. I have documents to show that what was my father's contribution to obtain patents right. It is not true to suggest that my father has not made any contribution any patents right. I am in possession of patents certificate issued in the name of my father. In the year 1998, patents certificate has been issued in the name of my father. I can say the names of invented plants ie., JEWEL OF INDIA, EMERALD STAR, SILVER RIBBONS , SILVER ADO, KEYLARGO, CUTLASS,

GEMINI, RED SENSATION, NIKKI, MEGHANA, MUGRESS, MUKLASS, MUKROCK, MUKMINA, GOLD DUST and some more. I am in possession of patents certificates mentioned above. I am in possession of some of the newly invented plants of my father. My mother has given me those certificates. It is not true to suggest that there was no Agreement between my father and Nellihoek. I am in possession of copy of that Agreement. Original of that Agreement has been produced in OS.25060/2011. I have not tried to take back that original document from the court. My father has closed the THE HINDU paper agency in the year 1981. After 1981, my father was getting agriculture income, but now I cannot say the exact annual income of my father. My father was growing cotton, fruits and vegetables. My father had owned agricultural land in Devanahalli, Yalachenahalli and in CK Tanda. My father has sold away land in Yalachenahalli Village in the year 1972. My father has sold away land in Devanahalli in the year 1992. The land mentioned in Ex.P.5 has been purchased in the year 1986. Land in Devanahalli has been purchased in the year 1970. Out of the joint family agricultural income, land in CK. Tanda has been purchased. I am not in possession of any document to show the exact source of income to purchase the land in CK.Tanda.

Further cross-examination is deferred at the request of defendant's counsel.

(Typed to my dictation in the open Court.)

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

**(A. GURUMURTHY)
XV ACC & S Judge, B'lore.**

Witness recalled and duly sworn on 28-7-2017

**Further cross-examination on behalf of 3rd defendant
by Sri. RS advocate:-**

I do not remember that after the death of my father, Sri. G. Parthasarathy, I myself, my sister Sangeetha and my nephew Rishab were prepared the list of documents left by my father. It is true that in the year 1960, my father and his brothers were partitioned on moveable and immoveable properties of the joint family. It is true that the document now shown to me is the Notarised copy of the partition deed took place between my father and his brothers in respect of moveable properties and the same is marked as Ex.D.17. It is true that under Ex.D.17, the Hindu News paper agency was fallen to the share of my father and one Horticulture business run under the name and style of KS. Gopalaswamy Iyengar and Sons was fallen to the share of my uncle Sri. Katurirangan. I do not remember the extent of land fallen to the share of my father in the family partition took place in the year 1960 ie., in respect of land situated in Yelachenahalli Village. Witness volunteers that I have produced documents and those documents disclose the extent of land fallen to the share of my father. I do not remember that only 11,000 square feet of land has been fallen to the share of my father in the family partition took place in the year 1960. It is not true to suggest that my father was not getting any income from the agricultural land which was situated in Yelachenahalli Village.

Question:- I put it to you that land in Yelachenahalli Village was left uncultivated and it was losing its value, as such, your father and others have sold away that land ?

Answer:- It is not true.

Out of the joint family income, land has been purchased in Devanahalli. My father was getting income by doing Hindu news paper agency and other news paper agencies, out of that income he has purchased the land in Devanahalli. In para 10 of my written statement filed in OS.No.25874/2010 regarding news paper agency income was not a full fledged sentence. My father was an income tax assessee. Whatever, agricultural income, which my father has got from agriculture has been mentioned in the income tax returns.

Question:- Whether you are having any difficulty to produce the patents certificate and royalty approved to the patents ?

Answer:- I have no difficulty to produce those documents.

Witness is ready to produce the patents certificates and documents pertaining to approved royalty, in view of the same, further cross-examination is deferred for production of those documents.

(Typed to my dictation in the open Court.)

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

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

Witness recalled and duly sworn on 21-8-2017**Further cross-examination on behalf of 3rd defendant by Sri. RS advocate:-**

I do not know who is in possession of the original document, which has been referred by my father in his Will, ie., in Ex.D.8 with regard to document dt. 11-6-1986, which I have referred in para 20 of my evidence affidavit. I have seen the Xerox copy of the document, which I have referred in para 20 of my evidence affidavit. I do not remember the contents of that document and author of that document. I do not remember in which I have seen the Xerox copy of that document.

Question:- I put it to you that the document dt. 11-6-1986, referred by my father in his Will dt. 18-10-2002, is the same document upon which 3rd defendant has relied upon ?

Answer:- It is not true.

Ex.P.15 is not pertaining to the income tax return, which I have mentioned in para 23 of my evidence affidavit. It is not true to suggest that there was no income tax returns of HUF, as I have referred in para 23 of my evidence affidavit. I have seen the income tax returns of HUF, but now I cannot produce that document. Now, I am not remembering, in which year I have seen the income tax returns of HUF. My father has given me the copy of the income tax returns of HUF to see. I do not remember, whether I have come across any paper pertaining to the income tax returns of HUF, in the paper left by my father. I know the names of sons of Sri. KS. Gopalaswamy Iyengar

namely G. Parthasarathy, G. Raghavan, G. Kastoorirangan and G. Aravamudan. After the death of my father, I have come in possession of Ex.P.15. Ex.P.15 is pertaining to the income tax returns of the Trust of HUF. The Trust name was Sri. KS. Gopalaswamy Iyengar and sons. The above mentioned trust has been formed for the purpose of republishing and revision of the book, which has been published by my grand father Sri. KS. Gopalaswamy Iyengar.

Question:- I put it to you that the PAN NUMBER , which has been mentioned in Ex.P.15, pertains to the name reflected in Ex.P.15 ?

Answer:- It is true.

It is false to suggest that there is no G. Parthasarathy HUF income tax returns. I cannot produce the income tax returns of G. Parthasarathy HUF. I cannot produce the PAN CARD of G. Parthasarathy HUF and I cannot mention the PAN NUMBER OF G. Parthasarathy HUF. It is not true to suggest that there was no PAN NUMBER in the name of G. Parthasarathy HUF. I do not know the details of properties assessed in the income tax returns of G. Parthasarathy HUF. I do not know that none of the suit schedule properties were assessed either in Ex.P.15 or in the alleged income tax returns of G. Parthasarathy HUF. I do not remember what was the income derived HINDU news paper agency. I am not in possession of any document to that effect. It is true that sale proceeds of land situated in Yelachenahalli Village has not been used for the purpose of

purchasing the land in Devanahalli. Witness volunteers that sale proceeds of land in Yelachenahalli has been used for the development of land in Devanahalli. It is true that sale proceeds of land situated in Devanahalli has not been used for the purpose of purchasing the land in CK Tandya ('C' schedule). Witness volunteers that sale proceeds of land situated in Devanahalli has been used for the development of land in CK. Tandya. In Devanahalli land, following developments were done. 1) open well 2) borewell 3) Leveling 4) Installation of drip irrigation and sprinklers and for construction of green house fencing. Similar developments were made in CK. Tandya land also by adopting latest technology. Above mentioned developments were done, out of the loans raised in the name of KSG Farm and Nursery. It is not true to suggest that M/s. KSG Farm and Nursery is the proprietary concern of 3rd defendant. It is not true to suggest that 3rd defendant had purchased land in Devanahalli as well as in CK. Tandya out of his own earnings. It is not true to suggest that 3rd defendant has developed lands in Devanahalli as well as in CK. Tandya. It is true that 3rd defendant has not shared the income derived from lands in Devanahalli and in CK. Tandya with his brothers and sisters. I know that 3rd defendant had executed a GPA in favour of his father Sri. G. Parthasarathy. It is true that in the year 2010, 3rd has revoked the GPA, which he has executed in favour of his father Sri. G. Parathasarathy. It is not true to suggest that 3rd defendant has executed GPA in favour of G. Parthasarathy only to take care of Nursary in Devanahalli and also nursery in CK. Tandya. I do not know that my father had issued a Legal

Notice to 3rd defendant and claimed damages of 2 crores from him. It is true that the full name of P. Mukundan is Parthasarathy Mukundan.

Further cross examination is deferred at the request of 3rd defendant.

(Typed to my dictation in the open Court.)

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

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