

Dt.30-03-2011: PW1 IS PRESENT, OATH IS ADMINISTERED:
FURTHER EXAMINATION IN CHIEF BY SRI.ANG, ADV. FOR PLAINTIFFS:

The typed copy of Ex.P.1 is marked as Ex.P.1(a). Ex.P.4 is the original partition deed. (It is torn off). Ex.P.4(a) is the certified copy of Ex.P.4. Ex.P.4(b) is the typed copy of Ex.P.4. Ex.P.5 is the ration card of plaintiff No.2. Ex.P.6 is the SSLC marks card of LR 2(b) of 2nd plaintiff. Ex.P.7 is the death certificate of the 2nd plaintiff. Ex.P.8 is the Voter ID of plaintiff No.3. Ex.P.9 is the voter ID of LR 1(c) of plaintiff No1. Ex.P.10 is the ration of card of 1st plaintiff. Ex.P.11 is the marks card of LR 1(b) of 1st plaintiff. Ex.P.12 is the marks card of LR 1(d) of 1st plaintiff. Ex.P.13 is the certified copy of the survival certificate pertaining to the 1st plaintiff. Ex.P.14 is the death certificate of the 1st plaintiff. Ex.P.15 is the certified copy of the sale deed Dt:30.06.2005.

(Prays for time. Hence, deferred.)

(Typed to my dictation in open Court.)

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

(Basavaraj S. Sappannavar)

III Addl. CC & S.J.,

Banagalore.

Witness present and duly sworn on :- 21-06-2016

Cross Exam by Sri PMP advocate for defendant No.1(a) to 1(e):-

My father has three brothers viz., 1. B.R. Ramaswamy, 2. B.R. Annappa, 3. B.R. Ramakrishnaiah (my father), and 4. B.R. Gopalakrishna. My father has eight sons and daughters. The deceased defendant namely Sugana is the daughter of said B.R. Gopalakrishna. Smt. Venkatalakshamma is my step sister i.e., she is the daughter of first wife of my father. Smt. Munithayamma, C.G. Narayana, C.G. Bhadrinath, C.G. Chandrashekar and C.G. Manjunath are the daughter and sons of the said Venkatalakshamma.

After separation from his brothers the said Gopalakrishna was residing at Swimming Pool Extension, Malleswaram, Bangalore. He was residing there with his wife, a daughter and a son by name B.G. Shivaram. The said Shivaram died approximately in the year 1975. I do not know with whom the said Smt. Venkatalakshamma residing before her marriage. It is incorrect to suggest that the said Venkatalakshamma

is the foster daughter of Gopalakrishna. I do not know that the said Gopalakrishna himself took care of her and he himself celebrated her marriage. The said Gopalakrishna was the Assistant Director of SSLC Board. I do not know that Gopalakrishna had separated from his brothers earlier to 1949 and was residing separately. I do not remember when my father and brothers made partition deed amongst them. It is true that in the partition of 1.11.1950 property bearing No.25, R.V. Road, Basavanagudi measuring East-West: 110 feet and North-South : 30 feet of Bangalore fell to the share of Gopalakrishna. It is true that the said property is ancestral property. I do not know when Gopalakrishna purchased property No.35, Swimming Pool Extension, Vyalikaval, East-West: 45 feet and North-South : 30 feet. I do not know when property No.317/2, 7th main, Vyalikaval, measuring East-West: 45 feet and North-South: 30 feet was purchased. Till his death Gopalakrishna was residing with his wife and daughter at Vyalikaval, Malleswaram. He died in the year 1982. On his death his wife and daughter Sugana were also residing in the very same house. It is incorrect to suggest that on his death khatha of the said property was changed in the names of his wife and said

Suguna. It is incorrect to suggest that the said wife and his daughter were paying taxes to the Corporation till their death. It is true that Gopalakrishna had leased the property No.25 of R.V. Road to Hindustan Petroleum Corporation Limited (HPCL). I do not know that HPCL was paying rent to his wife and Suguna on his death. It is incorrect to suggest that we have forged the signature of Gopalakrishna on Ex.P1. Since property No.25 of R.V. Road was leased to HPCL we did not file suit based on Ex.P1 immediately.

(Cross Exam: deferred at the prayer of counsel.)

(Typed to my dictation in open court)

R.O.I & A.C.

(RON VASUDEV)
III Addl.CC & SJ, B'lore

Witness present and duly sworn on :- 05-07-2016

Further Cross Exam by Sri PMP advocate for defendant No.1(a) to 1(e):-

On the death of her parents the late defendant No.1 was residing in the house situating at Swimming

Pool Extension (Item No.3). It is incorrect to suggest that since nobody was there to look after her, she was residing with her brothers viz., defendant No.1 (a) to 1(e). I do not know that the defendant No.1 has public documents like voters card. property tax receipt, voters list evidencing her residence with defendant No.1(a) to 1(e). Even I do not know that as she was suffering from age related diseases due to her old age, her hospital expenses were met by her said brothers. Ex.P1 is the Will executed by Gopalakrishna in favour of plaintiffs. Signatures appearing on Ex.P1 are signatures of the said Gopalakrishna they are marked as Ex.P1(a) to Ex.P1(c). I do not know that Ex.P1(a) to Ex.P1(c) are not similar and they vary. The testator himself scribed that Will. At the time of scribing that Will I came to know that the said Testator is executing it. M. Muniswamy, M.K. Nagaraja, V. Suryanarayana Rao, the persons who have attested the Will are residence of adjoining houses. I do not know who brought those witnesses for attestation. Out of the said three witnesses Muniswamy is our relative whereas Nagaraj and Suryanarayana Rao are my friends. In our residence, No.25, East End road, Basavanagudi, Bangalore-4, the said attesters signed that Will. It is incorrect to suggest that I have myself

forged the signatures at Ex.P1(a) to Ex.P1(c) and that Will is concocted by me. I was very much present in my residence, as stated above, when that Will was scribed.

It is true that late defendant No.1-Smt. Sugana has executed a registered Will on 6.8.1998. 5-6 months after its execution, we came to know about the Will dated 6.8.1998. Since she was having life interest in the property we did not question her Will. It is incorrect to suggest that since we came to know about her Will immediately after its execution, and we had created the Ex.P1, we did not disclose its alleged execution to late defendant No.1. It is incorrect to suggest that we ourselves scribed the Ex.P1 and forged the signatures of Gopalakrishna. I have no objection to refer Ex.P1 to ascertain the authenticity of Ex.P1(a) to Ex.P1(c). I do not know that the said alleged executant-Gopalakrishna had no right to execute that Will.

For Cross Exam by defendant No.2 to 4 : deferred.

(Typed to my dictation in open court)

R.O.I & A.C.

(RON VASUDEV)
III Addl.CC & SJ, B'lore

