

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

Witness present and duly sworn on : 08-06-2017

Cross exam by Sri RPK advocate for defendant No.2 to 4:-

I have completed ITI in Automobile course. The said Gopalakrishna (father of defendant No.1) was working in SSLC Board, Malleswaram, Bangalore. It is true that he was residing at very Malleswaram near to his said office. I do not know that he was BA, BEd graduate. I do not know how much he had studied. Maybe it is true that he had several relatives and friends in the Malleswaram area and also in his office. I do not know that he was doing his correspondence in English.

I do not know what was the qualification of Muniswamy or his avocation. Mr Suryanarayana Rao was a Deed Writer but I do not know his qualification also. He is not acquainted to me. Nagaraj had studied ITI and he was working in the HAL in Sheet Metal Department. It is incorrect to suggest that the said Muniswamy, Suryanarayana Rao and Nagaraj were totally unknown persons to the said Gopalakrishna. The original Will written by the said Gopalakrishna was with my father from the date of its execution. On the death of Gopalakrishna we did not apply for change of

khatha in our name to the Corporation. Our father died in the year 1958. I do not know whether other than our family members third persons were aware of the execution of the said Will. Plaintiff No.1 informed the wife and daughter of the said Gopalakrishna about his Will. I do not know whether they agreed for it or not as it was not appraised by me. It is incorrect to suggest that the said person has not instructed and executed the said Will, whereas it is a created document for the sake of this suit before instituting it.

The original title deeds of the suit properties were in the custody of defendant No.1, but I do not know but after her demise with whom they are. We are not having documents to prove the payment of property taxes of said properties. The original of Ex.P4 may be in the office of Sub Registrar. Mr Ramakrishna is my father. I do not know that for the purpose of producing in an HRC case the Ex.P4 was obtained. I do not know whether said Gopalakrishna had signed the original partition deed entered amongst his brothers. I do not know who is Amaravathi.

O.S. 7782/2003 PW1

(Further cross examination is deferred till 3 p.m.)

(Typed to my dictation in open court)

R.O.I & A.C.

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

Witness recalled and duly sworn on : 08-06-2017 at
3.15 p.m.

Further cross exam by Sri RPK advocate for defendant
No.2 to 4:-

After demise of Gopalakrishna, khatha of the suit properties were mutated in the name of his wife Smt. Venkatalakshamma. If it is suggested that in the year 2005 the defendant No.1 sold plaint item No.3 to the defendant No. 2 to 4, she alienated it during the pendency of the suit. It is incorrect to suggest that when she sold it, its khatha was in her name. May be it is true that from the date of purchasing the said property the defendant No.2 to 4 are in its possession and enjoyment. It may be further true that khatha of the said property is changed in the name and they are paying its property taxes.

I know one C. Gopalakrishna. It is true that his wife's name is Venkatalakshamma. It is true that residence of C. Gopalakrishna is at a walkable distance from the residence of B.R. Gopalakrishna. I do not know that the said both Gopalakrishna families were in good terms. But it is true that they are relatives. It is incorrect to suggest that the said B.R. Gopalakrishna, his wife and his daughter were in the care and custody of C. Gopalakrishna and his family members. It is incorrect to suggest that the wife and daughter of B.R. Gopalakrishna never accepted his alleged Will and they dealt with his properties as if they are their properties.

In the year 1980 I was working as Excise Guard in the Excise Department. May be it is true that during that period I was residing at a distance of 16 to 18 kms from the residence of B.R. Gopalakrishna. It is incorrect to suggest that due to the strained relationship with his brothers B.R. Gopalakrishna was residing separately by taking away his share in the joint family properties. It is incorrect to suggest that he was not in cordial terms either with his brothers or their children.

I do not know in which Bank the said B.R. Gopalakrishna was maintaining and operating the account. It is incorrect to suggest that we do not have

O.S. 7782/2003 PW1

any right or interest in the schedule properties. It is incorrect to suggest that in order to grab them we have come up with a cooked up Will. In addition to Pw2 we will also examine other witness.

Re-exam : Nil

Typed to my dictation in open court)

R.O.I & A.C.

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