

Witness present and duly sworn on 25/01/2025.

Cross Examination by Sri. PDT advocate for Defendant no. 5 & 6.

I studied up to 7th standard at Bengaluru. Suit schedule item no. 2 property bearing survey no. 115 totally measuring 13 acres 15 guntas including Kharab land originally belongs to one Balaiah. Said Balaiah is the younger paternal uncle of my father K. Ashwathama. I have stated relationship between K. Ashwathama and Balaiah in the plaint. When it is questioned to the witness that Balaiah died as a Bachelor ; the witness said Balaiah was married but died issueless. When it is questioned to the witness that how many LR's there for Balaiah ; the witness said she do not know and further stated that no LR's were there for Balaiah. According to me, Balaiah and father of Ashwathama are the only sons to their father.

2. I know that one Maqbal Jan and others have filed a declaratory suit against Ashwathama and others on the file of Civil Judge Court, Madhugiri in O.S. 117/2000. I have obtained the G-Tree produced by Ashwathama in O.S. 117/2000 and I have obtain the copy of said G-Tree and produced the same before the court in this case.

3. It is true that property in survey no. 115 was granted to Bala from the Government. It is true that in O.S. 117/2000

my father Ashwathama defended the suit claiming that Bala or Balaiah has bequeathed the property in survey no. 115 to him under a Will. I had the full knowledge of judgment passed in O.S. 117/2000. When the certified copy of judgment in O.S. 117/2000 and suggested the witness that it is the certified copy of judgment in O.S. 117/2000 ; the witness admitted the said document as suggested, hence, the said document is marked as Ex.D.1. It is false to suggest that the court in O.S. 117/2000 ordered that Ashwathama failed to prove the Will claimed by him in respect of property in survey no. 115. It is true that Ashwathama challenged the judgment passed in O.S. 117/2000 on the file Senior Civil Judge, Madhugiri. It is false to suggest that said regular appeal filed before the Senior Civil Judge court was also dismissed. It is false to suggest that the judgment in O.S. 117/2000 and the judgment passed in the regular appeal has not been challenged the before the Hon'ble High Court of Karnataka . When it is questioned to the witness that can you produce the document to show the filing of appeal before the Hon'ble High Court of Karnataka ; the witness said she has already produced the documents. In the plaint filed by me I have not claimed at para no. 10 that the

property in survey no. 115 has been purchased by my father. In my plaint I have claimed that my father acquired the property in survey no. 115 on the basis of Will executed by Balaiah.

4. According to me, property in survey no. 115 has been acquired by Ashwathama under a Will and that is his self acquired property. When it is questioned to the witness that your father has sold the property in survey no. 115 to defendant no. 5 & 6 on 29-01-2007 ; the witness said that her father has not executed the sale deed but that has been created. It is false to suggest that I had the knowledge of the execution of said sale deed in the year 2007 itself. It is true that the property in survey no. 115 is in actual possession and enjoyment of defendant no.5 & 6. It is true that my father was worked as Engineer. The witness volunteers that after the marriage her mother joined her father as a foreman to R.V. Engineer College. It is false to suggest that my father was hale and healthy till 2007. My father died in the year 2009. The witness volunteers that she has been prevented for seeing her father. My father Ashwathama died after the disposal of suit before the Madhugiri court. It is true that my father himself

prosecuting the regular appeal on the file of Senior Civil Judge court, Madhugiri till his death. It is false to suggest that as the property in survey no. 115 was the self acquired property of my father and as he sold the property during his life time, hence, I do not have any right title and interest over the property. I have not initiated any legal proceedings other than this suit challenging the execution of sale deed praying to cancel the said sale deed executed by my father.

5. I do not have any knowledge that one Hanumakka filed a suit in O.S. 101/2017 on the file of Senior Civil Judge, Madhugiri claiming that she is the sole surviving LR of Balaiah. It is false to suggest that I do not have any valid right, title and interest over property in survey no. 115. It is false to suggest that I have filed a false suit against defendant no.5 & 6.

Further cross examination : Deferred on request of defendasnt no.1 to 3.

(Typed to my dictation in open court, as the deposition is proceeded with).

R.O.I. & A.C.

(Padma Prasad)
II Addl. City Civil & Sessions
Judge, and Spl. Judge,
Bangalore City.