

The Witness is duly sworn on: 12-04-2021

FURTHER CROSS EXAMINATION - by Sri. SKV Adv for Defendant No.3:

6) My mother Chikkathimmamma died on 14-2-1998. I have no records to show that, my mother was also contributed for the construction of house in the year 1997. I have not challenged the Sale Deed Ex.P-4 before the filing of the present suit claiming that, it is joint family property. Since, Defendant No.1 was elder son, the Ex.P-4 got executed in his name.

7) It is true to suggest that, the suit schedule property Item No.3 to 11 and 13 are the ancestral joint family property. It is true to suggest that, the suit item No.1 and 2 are only the self acquired property of my father and the item No.12 only the self acquired property of my mother. It is true to suggest that, in suit schedule item No.3 to 11 and 13, myself, the Defendant No.1 and 2 have got equal share.

8) The Defendant No.2 my brother is unaware since 10 to 11 years. At the time of heart-attach, my father was living with my brother Defendant No.1. By that time, the defendant No.2 was missing. It is false to suggest that, since the Defendant No.2 was missing, my father used to residing with Defendant No.1. It is false to suggest that, soon after discharge of my father from the Hospital, he was hale and healthy. It is false to suggest that, by that time he was residing with Defendant No.3. By that time, he was residing with Defendant No.1, who along with his wife were looking after my father. It is true to suggest that, the Ex.P-22 shown the

address of Defendant No.3. Witness volunteers that, 2-3 days prior to death of my father, the defendant No.3 took him to his house. It is false to suggest that, though my father was residing with Defendant No.3, I am falsely deposing that, he was residing in Defendant No.1.

9) I do not know, my father executed the Ex.P-21 and gifted the suit property item No.1 in favour of Defendant No.3 out of love and affection towards him. It is false to suggest that, at the time of Ex.P-21, my father was hale and healthy. I do not know, my father went to Sub-registrar's office and executed the Ex.P-21 in favour of Defendant No.3. I do not know, after Ex.P-21, my father handed over the entire original documents of suit schedule item no.1 to the Defendant No.3. It is false to suggest that, without having any knowledge, I am deposing false facts in para No.21 to 23 in my affidavit. I have not given any Complaint alleging that, the Ex.P-21 is created by fraud by Defendant No.3.

10) I do not know, soon after death, the Defendant No.3 alone paid the tax to the Suit item No.1. It is false to suggest that, my mother was not all paid allotment price to the BDA as I deposed in para No.25 of my Chief affidavit. It is false to suggest that, I filed the present false suit only to claim my share in respect of the item No.1 of the suit schedule property in collusion of Defendant No.1.

11) It is true to suggest that, the Defendant No.3 had no husband and children to look after her and her husband was unheard since 10 -11 years. It is false to suggest that, because of that reason, my father executed the Ex.P-21 in favour of

Defendant No.3. I do not know, the income accrued from the suit schedule item no.3 to 11 and 13 is taking by Defendant No.1. It may be true that, the tenants are used to deposit the rent in the Court. I do not know, the Defendant No.3 is residing in suit schedule item No.1 property if suggested. I have not seen the suit schedule item no.1. It is false to suggest that, I know my father executed Gift Deed in favour of the Defendant No.3 and the suit item No.1 belonging to her and to harass I filed the present false suit.

CROSS EXAMINATION - the Defendant No.4 absent. Sri. BR Adv not present. Sri. SCC Adv for Sri PR Adv prays time on the ground that, his senior's father is not feeling well. Hence, Cross of Defendant No.4 is deferred on request.

(Typed to my dictation in open Court.)

R.O.I & A.C.,

(SOMASHEKAR C.BADAMI)
I ADDL.CITY CIVIL
& SESSIONS JUDGE, BANGALORE.