

Witness present and duly sworn on 15/03/2025.

Cross Examination by advocate for Claimant no.2.

It is false to suggest that I know the claimant no.2 – Sri. B.K. Kempaiah . When it is questioned to the witness that what is the survey number of property involved in the case ; the witness said looking into his palm and said the property involved in this case is survey no. 59/3. I do not know the survey number of other property. The said property situates at Byalalu village. When it is questioned to the witness that what is the extent of property in survey no. 59/3 and 59/5 ; the witness said the extent of property in survey no. 59/3 is 25 guntas. It is true that property in survey no. 59/3 measuring 25 guntas and property in survey no. 59/5 measuring 17 guntas situates at Byalalu Village. I do not know that the original owner of property in survey no. 59/3 and 59/5 is Kempakadara alias Kempa Kadaraiah S/o Kadira Hanumaiah. I do not know that property in survey no. 59/3 and 59/5 was in cultivation of Kempakadaraiah since 1921. I do not know after the death of Kempa kadaraiah, his wife Nagamma was in possession of the said properties. I do not know after the death of Nagamma – claimant no.2 was cultivating the said properties.

2. I have not seen any grant order in the name of Kempa Kadaraiah in respect of property in survey no. 59/3 and 59/5. I do not know that the property in survey no. 59/3 and 59/5 are granted lands. I do not know that claimant no.2 – B.K. Kempaiah is the only son of aforesaid Kempa Kadaraiah. I do not know who has sold the property to whom and when in survey no. 59/3 and 59/5.

3. I know when my mother Kalingamma died. I am an illiterate and I know only signing. I do not know that on 28-06-1973 third parties namely Kadira Hanumaiah, Maraiah, Kempaiah, Kempamma together executed the sale deed in favour of my mother Kalingamma in respect of property in survey no. 59/3 and 59/5. I do not know that while executing the sale deed as on 28-06-1973 the vendors claimed that the property in the name of Kempa Kadaraiah. When it is questioned to the witness that as the vendors of my mother has no right property sold to her she has not acquired any right over the property ; the witness said he is not aware of the said fact. I do not know that original owner of the property in survey no. 59/3 and 59/5 namely Kempa Kadaraiah has not executed any sale deed. I do not know that Kempa Kadaraiah

and his family members are in possession and enjoyment of properties in survey no. 59/3 and 59/5.

4. I do not know that the Khata of the property in survey no. 59/3 and 59/5 was continued in the name of Kempa Kadaraiah till 2006-07. I do not know that the khata of property in survey no. 59/3 has been changed without giving any notice to Kempa kadaraiah in the year 2006-07. I do not know my mother had no right over the property in survey no. 59/3 while executing the sale deed in the year 1994.

**Further cross examination : Deferred .**

**(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.