

Witness present and duly sworn on 07/03/2024.

Cross Examination by Sri. BBK advocate for claimant No.4.

I studied up to PUC. I Know reading and writing of Kannada Language. The certified copy of the sale deed dated 23-04-1972 is the sale deed executed by Cheluvaiah in favour of Muttaiah. The certified copy of the said sale deed is already marked as Ex.P. 4. Hence, the document confronted by advocate for claimant no.4 is not marked. The learned advocate for claimant no.4 submits that the document confronted is the certified copy of original document and he is the custodian of original document/ sale deed. As this document is the certified copy it is not marked as the certified copy already marked with liberty to the claimant no.4 to produce the original sale deed of Ex.P. 4. It is true that I have produced Ex.P. 7 . It is true that I have not produced the copy of the order passed in RRT CR 331/2006-07 dated 25-05-2007 mentioned in Ex.P. 7. When the certified copy of order passed in RRT CR 331/2006-07 dated 25-05-2007 confronted and questioned to the witness that have you obtained the copy of the said order and gone through the said order ; the witness said the order passed by the Officers and why he has to go through the said document. It is false to suggest that as per the order passed in RRT CR 331/2006-07 dated 25-05-2007 there is no

order to mutate the property or changed the Khata of the property in our name.

2. It is false to suggest that I have not produced entire will dated 08-03-1976. The witness volunteers that he has produced the certified copy of the will at Ex.P. 54. When it is questioned to the witness that you have no impediment to produce the original will to the court ; the witness said in a suit at Magadi Court, the court directed the defendant no.1 Galappa in the said suit and claimant no.1 in this case to produce the original will. It is true that Bommakka is the wife of Muttaiah. Kempaiah is my father and he is the brother of Bommakka. Mutthamma is the sister of Bommakka. Claimant no.1 - Galappa is son of the said Mutthamma. Muninarasamma is my elder sister and she has been married to Claimant no.1-Galappa. When it is questioned to the witness that there is no reference in will stating that claimant no.1 - Galappa or my father Kempaiah are the adopted the sons of Muttaiah ; the witness said that it has been mentioned as foster sons. It is false to suggest that in the will at Ex.P. 54 it is no where mentioned that claimant no.1 and my father were the foster sons. It is true that in the will at Ex.P. 54 there is no specific reference to the word foster sons but it is mentioned as they have been brought up by them.

3. I can not say the property numbers that have been allotted to my father in the Ex.P. 54- will, but many properties have been allotted. When it is questioned to the witness that under the Ex.P. 54 the properties bearing survey no. 50/1 measuring 1 acre 30 Guntas, Survey no. 31/1 measuring 39 Guntas, Survey no. 77/39 measuring 4 Acres, Survey no. 35/5 measuring 17 Guntas, Survey No. 35/9 measuring 6 Guntas, Survey No. 38/2 measuring 10 Guntas and in total 7 Acres 33 Guntas of Mayasandra Village and Khanesumari Property No. 2/21 measuring East to West 63 feet North to South 72 feet has been allotted to your father in the aforesaid will ; the witness said yes and by mistake the property involved in this case has been omitted/ left out. It is true that 8 Acre 1 Gunta and House property in Khanesumar No.2/20 has been given to Claimant No.1 - Galappa.

4. It is true that Property in survey no. 36/1 measuring 1 acre. When it is questioned to the witness that the said property is not included in Ex.P. 54 will ; the witness said by mistake that has been left out and he is the possession of the property. When it is questioned to the witness that the said property is in possession of KHB ; the witness said since 2018, the property is in possession of KHB. I do not remember that I have not stated about the Ex.P. 54 will in my claim statement filed before the court.

5. I have not filed any suit before any court claiming that the property in survey no. 36/1 has been left out by mistake or otherwise in Ex.P. 54 will and prayed to add the said property in the said will. It is true that either my name or the name of Muttaiah is not found in the RTC Extracts from the year 1971 to 2002.

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.