

Witness present and duly sworn on 23/04/2024.

Further Cross Examination by Sri. BBK advocate for Claimant No.4.

6. The property in Survey no.34, 35/5, 35/9, 38/6, 38/2 has been acquired by my father Kempaiah and Galappa through the Will executed by Muttaiah. It is true that the aforesaid properties have been muted in my father Kempaiah in M.R. No. 9/2001-02. It is true that Galappa has got muted the properties fallen to his share in the aforesaid survey number properties as per M.R. 6/2005-06. I do not know whether there is any mutation of aforesaid properties prior to the mutation of properties as per M.R. No.9/2001-02 and M.R. 6/2005-06. It is true that prior to M.R. No. 9/2001-02 my father has not got mutated any properties in his name on the basis of Will claimed by me. When it is questioned to the witness that other than MR. 9/2001-02 as your father got mutated properties in his name on the basis of Will ; the witness said that the left out properties have been got mutated. When it is again questioned to the witness that as your father got mutated properties mentioned in the Will other than in M.R. No. 9/2001-02 ; the witness said no other mutation of properties on the basis of Will other than M.R. 9/2001-02. When it is questioned to the witness that you have not produced the order passed in the M.R. 9/2001-02 and M.R. 6/2005-06 ; the witness said

that there was no dispute, hence not produced. When it is questioned to the witness that have you obtained any Probate on the basis of Will claimed by you ; the witness said as the Khata of the properties have been changed, he has not obtained Probate.

7. When it is questioned to the witness that are you aware of the living of property in Survey no. 36/1 of Donenahalli Village in the Will till passing of the order passed in M.R. No. 6/2005-06 ; the witness said that his father died on 11-04-2005 thereafter, he has seen the revenue records of the properties.

8. I have not filed any suit till this date claiming declaratory relief in respect of property in survey no. 36/1 said to have been omitted in the Will . The witness volunteers that there were no dispute about the said property.

9. it is true that I have got mutated the property as per M.R. 37/2006-07 as per Ex.P. 7. It is true that as per the entry found in column no. 10 of Ex.P. 28 M.R. No. 37/2006-07 has been passed on 07-06-2007 as per the Court order. I have not challenged the order passed in MR. 37/2006-07 till this date. It is false to suggest that order in M.R. No. 37/2006-07 has been passed as per the order passed in RRTCR 331/2006-07 and not on the basis of alleged Will or sale deeds claimed by me. When it is questioned to the witness

that there is no impediment you to produce the order passed in RRTCR 331/2006-07 ; the witness said he has not applied for the said order. I have no impediment to obtain the certified copy of said order and produce the same. It is true that as per the entry found in Ex.P. 7 / MR. 37/2006-07, 1 Acre of land in survey no. 36 has been deducted out of 2 Acres 34 Guntas and incorporated in the name of Galappa and Arasamma and 1 Acre 34 Guntas of land retained in the name of Chennappa. It is false to suggest that till the effect of M.R. No. 37/2006-07, 1 Acre 17 Guntas of land was standing in the name of Bettaiah and Chenna Pillappa. It is false to suggest that I have deliberately not produced RTC extract from the year 2001-02 to 2006-07.

10. It is true that myself and Galappa engaged common advocate and filed common claim statement. It is false to suggest that subsequently, I have not changed my advocate but Galappa has changed his advocate. I have not produced any documents other than M.R. Extract and RTC to show that myself and Galappa are the owners of Survey no. 36/1. I do not know that the Land Reforms Act came into force in the year 1974. It is false to suggest that the during the year 1970 to 1977 , the name of the person who is cultivating the land will be entered as a cultivator in the RTC. It is true that name of

my grand father or my father or myself was not found in column no. 12 of the RTC Extract for the year 1971 to 2002. The witness volunteers that the my grand father and my father were illiterates. It is true that name of my father and Galappa were found in RTC subsequent to the passing of the order in MR. 37/2006-07. It is true that I have produced tax paid receipts subsequent to 2006-07. The witness volunteers that the earlier receipts are destroyed. I have produced the created Ex.P. 5 & 6 to the court. There is no mutation of entries in the RTC extract as per Ex.P. 5 & 6. It is true that Chennappa found in Ex.P. 7 filed a suit in O.S. 108/2008. It is true that Claimant no. 4 namely Venkatamma and her husband Bettaiah and Chenna Pillappa are not parties to the said case.

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.