

Witness present and duly sworn on 24/08/2024.

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

18. I have applied the certified copy in RRCTR 331/2006-07 but not produced the same to the court as I have to receive the copies. According to me will has been written on 08-03-1976 and that has been registered on 11-03-1976. I came to know about the said will after the year 2005. When it is questioned to the witness that from the date of will in the year 1976 till the death of executant of the will namely Muttaiah as on 23-06-1990, whether the executant of will or your father has challenged the mutation of Khata in respect of the disputed property ; the witness said there were no dispute regarding the Khata. According to me, from the date of will till the date of executant of Will, the disputed property in the name of Cheluvaiah as a cultivator. According to me, the said cultivator Cheluvaiah is the father of Bettaiah. The said Bettaiah is the husband of claimant no.4. When it is questioned to the witness that have you challenged the Khata standing in the name of Cheluvaiah ; the witness said there were no dispute. When it is questioned to the witness that whether the name of your father or Muttaiah has been found in the RTC of the disputed property till the year 2006-07 ; the witness said they have not got changed the Khata of the property in

their name. We have not challenged the non founding / non standing of Khata / RTC in the name of my father or Mutthaiah till the year 2006-07 before any Revenue Authorities.

19. It is true that as per Ex.P. 7 for the first time, the property was mutated in the name of my mother and claimant no.1 as per MR 37/2006-07. When it is questioned to the witness that change of Khata as per MR 37/2006-07 not made on the basis of aforesaid Will of Muttaiah or any sale deed ; the witness said they have produced all the documents for mutation.

20. When it is questioned to the witness that can you examine any one of the neighboring land owners of the disputed property to show your possession over the disputed property ; the witness said he has to enquired with them and further stated that brothers of claimant no.4 are having the property around the disputed property. I have obtained the certified copies of the documents produced at Ex.P. 5 & 6. It is true that my father or Muttaiah have not obtained the certified copies of mutation at Ex.P. 5 & 6 prior to obtaining the Ex.P. 5 & 6 by me . It is true that I have obtained the certified copies at Ex.P. 5 & 6 to produce the same in this case. It is false to suggest that there were no document as per Ex.P. 5 & 6. It is false to suggest that I have created the documents at Ex.P. 5 & 6. When it is

questioned to the witness that Ex.P. 29 to 32 no were discloses the possession of disputed property by your father or Muttaiah ; the witness said they were in physical possession of the property. When it is questioned to the witness that have you produced any document / RTC to show that property was standing in the name of your father or Muttaiah till the year 2006-07 ; the witness said they have got entered the entry RTC in the year 2006-07. It is true that as per the entries in the RTC Extracts 2002-2006 2 acres 34 Guntas of land each standing in the name of Chennappa bin Ayyanappa and Singrappa bin Narasimhaiah. It is true that 1 Acre out of 2 Acres 34 Guntas of land standing in the name of Chennappa bin Ayyanappa has been changed in the name of claimant no.1 and his mother as per Ex.P. 7. It is true that aforesaid Chennappa bin Ayyanappa has filed a suit in O.S. 108/2008 challenging the deducting of 1 Acre of land out of 2 Acres 34 Guntas of land. When it is questioned to the witness that Chennappa bin Ayyanappa and Sampagaiah bin Motaiah got divided 2 Acres 34 Gunts of land equally and each got changed the Khata of the property to the extent of 1 Acre 17 Guntas of each ; the witness said that they have got said entries as per Tiddupadi Panchayath Parikath. The said document Tiddupadi Panchayath Parikath was not registered document. I have not

challenged the change of Khata in the name of Chennappa bin Ayyanappa and Sampagaiah bin Motaiah to the extent of 1 Acre 17 Guntas each. It is true that we are got changed the property to the extent of 1 Acre in the name of claimant no.1 in the year 2005-06. The witness volunteers that the properties have been exchanged. It is false to suggest that as I have colluded with aforesaid Chennappa, the said Chennappa has not prosecuted the aforesaid suit. It is false to suggest that after filing of the suit by Chennappa I have falsely claimed the existence of Will in the year 2008. It is true that after the death of Muttaiah in the year 1990, either me or my father has not filed any application before the competent authority claiming right over the disputed property on the basis of will till the year 2005-06.

21. It is true that claimant no.4 filed a suit for Partition and Declaration in O.S. 116/2016. It is true that in view of the filing of the suit by claimant no.4 for Partition and Declaration in respect of disputed property, the SLAO undertaken not to disburse the compensation. It is false to suggest that there is no absolute sale deed of 1 Acre of land by Cheluvaiah in favour of Muttaiah . It is false to suggest that the sale deed is obtained as a security for loan. It is false to suggest that as the loan has been cleared, the original sale deed has been returned to Cheluvaiah. It is false to suggest

that as the sale deed executed by Cheluvaiah was for security of loan, the possession of property was not delivered to Muttaiah. It is false to suggest that as such Muttaiah never got the possession of said property. According to me, two properties have been accidentally omitted in the Will executed by Muttaiah. It is false to suggest that as Muttaiah was not the owner of disputed property, he has not included the disputed property in the Will. I came to know about the non inclusion of disputed property in the Will in the year 2005 onwards. It is false to suggest that though we had the knowledge that the disputed property was not included the Will, we have falsely got the Khata of the said property in the year 2005-06. When it is questioned to the witness that if at all Will or copy of the Will have been furnished along with application for change of Khata of the disputed property, the revenue authorities would not have changed the Khata ; the witness said he has furnished the copy of Will. When it is questioned to the witness that since from the year 2005 till this date you have not filed any suit or initiated legal proceedings claiming right, title and interest over the disputed property ; the witness said as the Khata has been changed, he has not filed any suit. It is false to suggest that colluding with the

revenue authorities I have created the Ex.P. 7 in order to defraud claimant no. 4 and get the compensation.

Re-examination: Nil.

(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.