

Witness present and duly sworn on 06/01/2025.

Further Cross Examination by advocate for Claimant No.3 & 4.

7. Ex.P. 1 family tree has been prepared on the instructions of my father. It is true that Ex.P. 1 is notary attested document. When it is questioned to the witness that if at all Kempaiah and Galappa were the adopted the sons or fosters sons of Muttaiah, the Tahsildar would have issued the family tree ; the witness said he has not filed any application and if applications are filed, the tahsildar will issue family tree. I can produce the Election Identity card of my father Galappa to the court. The signature now shown to me in the certified copy of written statement in O.S. 108/2008 marked as Ex.P. 45 is the signature of my father Galappa. I do not know the contentions taken by my father Galappa in Ex.P. 45. One Chennappa filed a suit in O.S. 108/2008 against my father. It may be true that the said Chennappa in O.S. 108/2008 claimed that he has acquired 2 acre 24 guntas of land in survey no. 36 in the partition dated 01-06-1986. When it is questioned to the witness that the Chennappa filed a suit in O.S. 108/2008 challenging the mutation entry in favour of my father and Arasamma and prayed the declaratory relief to

declare the as owner of 1 acre of land ; the witness said Chennappa filed such said suit for the aforesaid relief. When it is questioned to the witness that as per the documents produced by you as per Ex.P. 7 you have changed the property of Chennappa in the name of Galappa and Arasamma ; the witness said that the properties have been exchanged by them.

8. It is false to suggest that sale deed executed by Cheluvaiah is the document of security for the repayment of loan borrowed by him . It is false to suggest that as the said Cheluvaiah repaid the loan the original sale deed has been returned to Cheluvaiah by Muttaiah. It is false to suggest that for the said reasons we could not produce the said original sale deed. The witness volunteers that the original sale deed is with Arasamma. It is true that I have produced the tax paid receipts subsequent to the year 2006-07. It is true that we have borrowed the loan subsequent to the change of Khata in the name of my father .

9. When it is questioned to the witness that can you examine neighboring land owners to show your possession over the property involved in this case ; the witness said that the brothers of Cheluvaiah are having surrounding lands. When it is questioned to the witness that Kyathegowda, Basavaraju are having land surrounding to the land involved in this case and they are not the relatives of Cheluvaiah ; the witness said they have already appeared in Magadi Court and give evidence. It is false to suggest that either my father or Mutthaiah never purchased the property as such we are never in possession of the said property. It is false to suggest that as we are not in possession of the property as well as the property has not purchased by us, I am falsely claiming that brothers of Cheluvaiah are having surrounding properties of land involved in this case. It is false to suggest that we came to know about the location of property in the year 2008 when Chennappa filed the suit. It is false to suggest that at that time we came to know that the property involved in this case is not the part of Will. When it is questioned to the witness that if at all property was in possession of Galappa and Arasamma they would have got mutated the property in their name

immediately after the death of Muttaiah ; the witness said they were illiterates. It is true that either Galappa or Arasamma are not had any transaction in respect of the land involved in this case prior to the mutation of property in their name. It is false to suggest that loan has been sanctioned only on the basis of entries found in RTC. I have not produced any document to show that what are the documents have been produced before the bank to obtain the loan. It is false to suggest that in order to prove the mutation we have raised the loan. It is false to suggest that mutation at Ex.P. 7 is without any basis. It is false to suggest that Muttaiah has not bequeathed the property involved in this case in the Will claim by me. It is false to suggest that if at all original sale deed has not been returned to Cheluvaiah and if at all the sale deed is genuine sale deed, the muttaiah would have included the property involved in this case in the Will. It is false to suggest that Muttaiah had the knowledge that the property involved in this case is not with him as such he has not included the said property in the Will. When it is questioned to the witness that you have produced only copy of sale deed, RTC and MR

extract to the respondent and not produced the Will ; the witness said they have asked them to produce the documents.

10. We came to know about the non inclusion of this property in the will after the death of Kempaiah in the year 2005. It is true that Muttaiah died as on 23-06-1990. When it is questioned to the witness that after the death of Muttaiah when your father got mutated the property in his name ; the witness said there was a mutation in the year 2002-03 and 2005-06. It may be true that my father came to know about the contents of Will in the year 2002-03. When it is questioned to the witness that have you got mutated the properties mentioned other than in the Will ; the witness said in the year 2006-07 we have got mutated property in survey no. 36. It is true that my father got mutated the property in respect of his property in the year 2002-03 and 2006-07. It is true that Kempaiah also got mutated the properties in his name which are given to him. It is true that we have not filed any declaratory suit to declare ourself as the owner of property in survey no. 36. We have got mutated the property on the basis of Sale deed and Will. It is false to suggest that though we do

not have any right over the property in survey no. 36 we have created the mutation by colluding with revenue officials. It is false to suggest that Bettaiah was cultivating the property when the respondent acquired the property. When it is questioned to the witness that Bettaiah also put a board in the property stating that he is in the possession of the property ; the witness said the board has been put in the road. It is false to suggest that we have not produced any document to show that we were in possession of property in survey no. 36.

11. It is true that my father Galappa filed a suit in O.S. 86/2011 on the basis of Will. When it is questioned to the witness that the property in survey no. 36 was not the subject matter of suit in O.S. 86/2011 ; the witness said there were no dispute in respect of said property in the said suit. The suit in O.S. 86/2011 has been decreed. I can produce the copy of plaint and judgment in O.S. 86/2011. It is false to suggest that as we do not have any right over the property in survey no. 36 that has not been included in O.S. 86/2011. It is false to suggest that claimant no.3 & 4 are the absolute owners of property in survey no. 36. It is false to suggest that claimant

no.3 & 4 are only entitled for the compensation involved in this case. It is false to suggest that in order to defraud claimant no.3 & 4 we have created the documents and making false claim in this case. It is false to suggest that we do not have any right over the compensation involved in this case.

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.