

Order Sheet
In the Court Of: IV Addl. CIVIL JUDGE AND JMFC BELAGAVI
AT BELGAUM
F.R.No:O.S./332/2011
Case Reg.No: O.S./1402/2011

Plaintiff

V E R S U S

Defendent

**1)KHUTEJABI WO. ABDULSALAM
CHONCHE &1 others**

**1)THE CITY CORPORATION
BELGAUM. &10 others**

**2)RAFIQ KHUTUBUDDIN INAMDAR
3)SHAFI SO. ABUDLMAJID DARGA
4)MOHAMMED ABDULMAJID DARGA
5)SHADAF SO. ABDULMAJID DARGA
6)MUKADAR SO. ABDULMAJID
DARGA
7)SHIKANDAR SO. ABDULMAJID
DARGA
8)NAFEESA DO. ABDULMAJID
DARGA
9)MADINA DO ABDULMAJID DARGA
10)SAMINA DO. ABDULMAJID DARGA**

Witness duly sworn on 12.01.2017.

**Further Cross Examination of PW1 by Shri. AGM, Learned advocate for
defendant No.10.**

**I have filed the suit with respect to city survey No.4817/26. I have produced
Ex.P17. Abdul Khadar Mujawar and Mohammed Sadiq Mujawar have gifted the
suit schedule property to me. I have produced enquiry register standing in the
name of Abdul Khadar Mujawar produced at Ex.P1. Abdul Khadar Mujawar and
Mohammed Sadiq Mujawar are not alive. They have expired in the year 2006. I
have not produced any death certificate of Abdul Khadar Mujawar and
Mohammed Sadiq Mujawar. I have produced statement. The statement was given
on 05.09.1994. It is false to suggest that I have not produced any such document**

before the court. It is false to suggest that Ex.P16 and 17 are not related to the present suit. I have not produced any document to show that in whose name the suit property was standing prior to 1981. This property originally belongs to Asadsab Mujawar. It is false to suggest that the said Asadsab Mujawar sold the suit property in favour of one Smt. Parvatibai Bandu Tavare on 02.06.1944. It is false to suggest that on 12.06.1944 Parvatibai Bandu Tavare sold the suit property in favour of Narayan Tavare. It is false to suggest that Narayan Tavare sold the suit property in favour of Saraswatibai Basargekar measuring 90 ft x 120 ft. It is false to suggest that Saraswatibai Basargekar sold the suit property in favour of one Yallappa Basavanna Pawar on 14.08.1981. It is false to suggest that Yallappa Basavanna Pawar sold the suit property to Adbul Majeed Haji Imamsab Darga on 29.11.1994. Adbul Majeed Haji Imamsab Darga had filed CTS appeal bearing No.74/94. The said appeal was allowed. Challenging the order of the said appeal I had filed Writ Petition bearing WP No.8009/1995 before the Hon'ble High Court of Karnataka. The order passed in CTS appeal No.74/94 was set aside by the Hon'ble High Court of Karnataka in WP No.8009/1995 vide order dated 12.06.1997 the said order copy is produced at Ex.P24. The said appeal was remanded back with a direction to settle the matter before the DDLR, Belagavi. An order was passed by DDLR in CTS/APL/LAQ/MME/SR53 dated 15.03.1999. It is true to suggest that an application was submitted by Commissioner Corporation Belagavi in CTS/APL/LAQ/MME/SR53 and an order was passed as per Ex.P25. It is true to suggest that an order was passed as per Ex.P25 that the parties should resolve their dispute in Civil Court. The DDLR or the City Survey Office have not passed any order in view of Ex.P24. It is false to suggest that the suit property was sold by Abdul Majeed Darga in favour of defendant No.11 and 12 on 10.02.1999. It is false to suggest that there was a shed in the suit property. There exists an RCC building in the suit property constructed by defendant No.11 and 12.

The present suit is filed by my wife. Prior to 2000 I was residing in Shahapur, Belagavi and I have not produced any document to show that I was residing in Shahapur, Belagavi. I have not produced any documents to show that I was carrying spare parts business prior to 2000. I have also not produced any documents showing as to what business I was carrying on and I have also not produced any documents showing the payment of commercial tax or sales tax etc. I have not produced any documents to show that I had availed loan from Bank. To show that I was residing in Bijapur I have produced Gas book. It is false to suggest that Ex.P10 is a concocted document. I have not produced any document to show that what business I was carrying on in Bijapur. I have not produced any document to show that I am a permanent resident of Belagavi city. It is false to suggest that I am deposing falsely before the court stating that I had migrated to Bijapur in the year 2000 and there after I came back to Belagavi city an RCC

building was constructed over the suit property by defendant No.11 and 12. I have produced Ex.P2 to show that I am a resident of Bijapur city. It is false to suggest that I have produced a concocted document at Ex.P3 and the executants have not executed the said document.

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

IV Addl. Civil Judge & JMFC, Belagavi.