

FURTHER CROSS

Witness present and duly sworn on 19.01.2019

Further cross Examination of P.W.1 by Shri. A.G.M., Learned advocate defendant

Now I see Ex.P.1 and It is true to suggest that name of Savitri and defendant No.2 to 4 are appearing in it. Now I see Ex.P.2 and It is true to suggest that the name of defendant No.5 appears in it. I have obtained Ex.P.2 in 2015. It is true to suggest that I had obtained Ex.P.2 at the time of filing of O.S.No. 970/2015. The suit property values Rs.1.5 Lakhs. I have not paid court fee on the relief of declaration of gift deed. G.P.No. 532 is suit property. Boundaries of suit property are as under;

Towards East : House No. 886, (G.P No.532) I have produced a court order to show location of House No. 886 on the eastern side of suit property.

It is true to suggest that GP No. 532 was earlier numbered as VPC No. 447. Now I see Ex.P.40 and the contents of Ex.P.40 are denied stating that it is a false document. Appayya Mallappa Vannur is the father of defendant No.1 to 4. It is true to suggest that O.S.No. 1727/1989 was decreed in favour of Appayya Mallappa Vannur. It is true to suggest that Appayya Mallappa Vannur had sought for declaration of ownership of the said suit property in O.S.No. 1727/1989

against the Mandal Panchayat, Sulebhavi. It is true to suggest that Mandal Panchayat, Sulebhavi filed R.A.No. 209/1995 and the said appeal is dismissed. Now I see Ex.P.44 to Ex.P.46, the under construction building appearing in photographs belongs to defendant No.1 to 4, the wall shown in photographs belongs to me and the space between wall and under construction building is an open space. Witnesses volunteers that "*The said open space belongs to him*". I have produced documents to show measurement of House No. 886 is 35 feet X 138 feet. Except Ex.P.3, I have not produced other document to show the measurement of the said house. Ex.P.3 is of the year 2014-15. I have not produced the record of rights prior to 2014-15. It is false to suggest that in collusion with the Secretary, I have got the measurement of the said property created. The contents of Ex.P.4 are true and correct. It is false to suggest that on the eastern side of house No.886 there is a road measuring 3 feet. The contents of Ex.P.4 are true and correct. There is no road on the eastern side of G.P.C.No. 532. In Ex.P.3, there is no mention about road on the eastern side of GPC No. 532. I have no documents to show existence of road on the eastern side. I admit contents of Ex.P.4. Defendant No.1 has given a paper publication in respect of the Power of Attorney given in O.S.No. 970/2015. It is true to suggest that there is a recital stating that the Power of Attorney is illegal and she has not entered in respect of any transaction with plaintiff. I have not ascertained the truthness of the paper publication. I

have not given any paper publication contending that the paper publication given by defendant No.1 herein in respect of power of attorney to be false. I have sought for declaration of Power of Attorney null and void. I have not done any improvement to the said property.

Further cross deferred at request.

(Typed to my dictation in the open court)

R.O.I. & A.C.

Sd/-

IV Addl. Civil Judge & JMFC,
Belagavi

