

Witness present and duly Sworn on 01.10.2022.

Cross examination of PW1 by Sri.RPK Advocate for defendant.

1. I studied up to matriculation. It is true to suggest that I have stated in my examination in chief that this court has not jurisdiction to try this FDP petition and the original suit. I know that submitting the false evidence before the court is an offence. I had challenged the judgment and decree in OS NO. 893/1999 up to the Hon'ble High court of Karnataka. It is true to suggest that the Hon'ble High Court of Karnataka has dismissed my Regular Second Appeal which had arisen out of judgment and decree in Regular Appeal No. 47/2009. I can't remember whether the Hon'ble High court of Karnataka in its order held that the Small Cause Court, Belagavi has no jurisdiction to try and settle the OS No. 893/1999.

2. I was in possession of the suit property from 1977 up to March 2011 . It is true to suggest that at that time I was paying the rent amount of Rs. 1100/- per month. It is false to suggest that I had not paying the rent regularly. I volunteer that I paid the rent from 1977 up to 1996 to the previous owner Mr. More. It is false to suggest that even after passing the order on IA No. 10 dated 16.07.2007 is OS No. 893/1999, I not pay the rent to the petitioners. I cannot remember did as to whether I have paid the arrears of rent up to Jan 2009 in

the court. It is true to suggest that I have challenged the order of this court on IA No. 10 in OS No. 893/1999 before Hon'ble High court of Karnataka as per WP No. 13004/2007. I don't remember as to whether I have filed the said Writ Petition on 17.08.2007. I don't remember as to whether the said Write petition came to be dismissed at the stage of preliminary hearing stage on 21.08.2007 without issuance of notice to the petitioners herein. I can't remember if I is suggested that despite the order of Hon'ble High court of Karnataka I have not paid the arrears rent amount to the petitioner. I don't remember if it is suggested that I have made some allegations against the then presiding officer of this court and sought transfer of the original suit to some other court by filing Misc. application No. 104/2007 before Hon'ble Prl. District and Sessions Court, Belagavi. It is true to suggest that the said Miscellaneous petition came to be dismissed by imposing cost of Rs. 1000/-. I volunteers that I have paid the said cost.

3. It is true to suggest that this court in OS NO 893/1999 has passed the Judgment and decree stating that petitioners herein are entitled to recover the interim means profit of Rs. 2000/- P.M. from me. It is false to suggest that I have not paid the the arrears of interim means profit awarded in the said suit till seeking attachment of movable in EP No. 938/2011 .

4. It is false to suggest that to harass the petitioners herein, I have filed a false criminal case CC No. 985/2002 before Hon'ble III JMFC, Belagavi. It is false to suggest that I have filed this criminal case to counter the original suit 893/1999. I volunteer that I have filed the criminal case for man handling me by the petitioner. I don't remember if it is suggested that my employees who are examined as witnesses in that case deposed hostile to my case. It may true that the depositions of my son deposed and myself in CC No. 985/2022 are contradictory. It is true to suggest that the said criminal case end in acquittal of the accused persons i.e. petitioners herein.

Q: It is correct that you had been evicted from the suit property by the process of the court of law, in particular, bailiff, with the assistance of police in EP No. 632/2011?

A: I handed over the possession of the suit property to the petitioner, voluntarily.

5. It is true to suggest that I have admitted in the original suit that there is mezzanine (Pot mal)(vertically dividing the floor) to the suit premise. I volunteer that the said pot mal has not divided the floor in vertical direction and it is a small place at the corner to keep the goods.

For further cross of examination is deferred at the request of advocate for for petitioner.

(Typed to my dictation in open court)

R.O.A & I.C.

Sd/-

Prl. Civil Judge & JMFC,
Belagavi.