

O.S.No.290/2012

IN THE COURT OF 1st ADDL.SENIOR CIVIL JUDGE,
GOKAK

AT: GOKAK

BETWEEN:

Konappa @ Anand Irappa Ankadawar

.....Plaintiff

AND:

Irappa Konappa Ankadawar & others

.....Defendants

EXAMINATION IN CHIEF OF D.W-11 IN THE FORM OF
AFFIDAVIT

HEREIN, I, Vinod Laxman Ankadawar, age: 52 years, occ: Business, r/o: Gokak, TQ: Gokak do hereby state on solemn affirmation and make the following affidavit as under:-

1. I am Defendant No.5 in this case. I AM Power of attorney holder of defendant No.3A. I know the facts of the case. Hence, I am competent to swear this affidavit.
2. The nature of the Suit Properties are not at all admitted by the Defendants No.3A to 3C. The Suit Properties are not the joint family properties. The suit properties are the self acquired properties of their respective owners. The separate properties are not liable for partition.



4. It is denied that, the Plaintiff and Defendants are the members of Hindu Undivided Family. It is denied that, the parties to the suit are coparceners. It is denied that, some Suit Properties are earned with joint family fund of Plaintiff and Defendants. It is denied that, the Suit Properties are the ancestral joint family properties of Plaintiff and Defendant. It is false to say that, the Plaintiff and Defendants are in joint possession and enjoyment of the Suit Properties. It is true that, the parties to the suit are residing separately not because of women folks but knowing the nature of the properties and by doing their independent business in the schedule properties.

5. It is submitted that, readymade cloth selling business is not the joint family business. That, all the brothers are having their own cloth business in their respective hands. It is submitted that, the defendant No.1 along with his father migrated to Gokak from Akkisagar village. When they reached Gokak the defendant No.1 and his father were with empty hands. At the beginning the defendant No.1 and his father started coolie work at Gokak and later the defendant No.1 started tea selling work. That, no definite work was in the hand of defendant No.1, when they migrated to Gokak. Further the defendant 2 alone started ice candy selling work; thereafter he purchased one Truck and also started a seasonable firework business in the occasion of Ganapati festival. Thereafter, the defendant No.2 and 3 started underwear, topi and banian selling work on the edge

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of road and enhanced the said work to the bazaar day of village. Thereafter, the defendant No.3 alone started the same business by taking shop on rent. Thus, without the aid any joint family fund, in fact there was no source at all to use in starting the cloth business by the defendant No.3. That, day by day the said business of defendant No.3 was improved and looking into the business of defendant No.3 one by one his brothers impressed and started the same business in their individual names. Thus, when the business was improved all started to purchase properties by taking of bank loan in their individual names; they started to repay the bank loan separately; and also constructed houses for their residence; further each one started to purchase of stock for running of business separately these are all the clear cut instances of doing of an independent business. The business set-up by the parties are their independent business. There is no joint family business. Further since from beginning all brothers used to purchase stock from different places individually. The defendant No.10 few years back started Janata Food world business independently. Accordingly due to loss he closed it. Likewise the defendant No.11 is running Banashankari Mobile selling business independently and when the master plan work has commenced the area of suit item No.5,6 & 7 was acquired. The original shape of Prashant Lodge building was destroyed, then the defendant No.1 by closing Lodging business renovated suit item No.5 to 7 and started Shubhao

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NO OF CORRECTION



garments. The properties acquired by the parties by their skill and own earnings are their self acquired properties. All are paying their loan installments independently. All brothers of plaintiff, including plaintiff are paying income tax, sales tax and business tax etc., independently. On the other hand when the defendant No.3 started construction in suit item No.26 for establish a Delhi Fashion Plaza readymade business this jealous minded plaintiff gave objection to all Bank of Gokak city about not giving of loan to the defendant No.3 to 5. The plaintiff is running his readymade business in item No.27; this item No.27 is standing in the name of defendant No.2. This property was given to the plaintiff on rental basis. After filing of this suit plaintiff stopped to give rent to the defendant No.2. Further, after obtaining not to alienate order the plaintiff restrained the defendant No.2 from cultivating the suit item No.2; by giving complaint to the Police station and harassed defendant No.2. The plaintiff performed marriages his daughters by spending his own money. The parties to the suit do not disclose each other about the daily income of their own business and also do not disclose from where they purchase stock materials. That, very recently the defendant No.10 sold properties of Gokak bearing C.T.S.No.3301/B2/A- suit item No.18, C.T.S.No.3301/B3/A- not the suit property and C.T.S.No.3301/B1B- suit item No.10 in favour of defendant No.8 and 9. When the defendant No.10 was heavily indebted sold the above said properties under a registered sale deed dated: 13-10-

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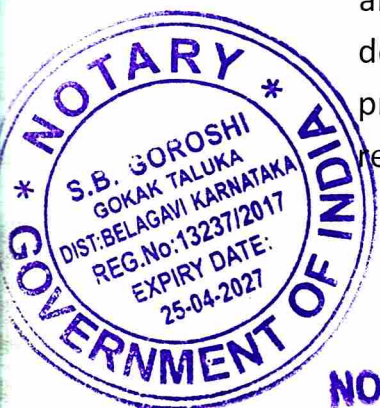


2020. That, at the time of such sale the plaintiff was kept quiet and even while renovating the said purchased property by the defendant No.8 and 9 this plaintiff did not raised any voice. Previous to this on 5-8-2016 the defendant No.10 and 11 jointly sold suit item No.25 in favour of one Kiran Shankar Gacchi. That, in spite of knowing such sale transaction the plaintiff not arrayed this purchaser as party to this suit. Hence, the suit is bad for non-joinder of necessary parties.

6. Thus, (i) the business carried out by parties to the suit are their respective independent business; (ii) the properties purchased by them are their separate properties, (iii) the parties are doing partnership business, (iv) the parties are paying income tax returns, property tax, taking of Bank loan and repayment of Bank loan are in their individual names.

7. It is further submitted that, the defendant No.3 also purchased CTS No.3200-A/27-item No.26, CTS No.936/B-item No.19, CTS No.858-item No.15, CTS No.850-item No.8, CTS No.847/B-it is not suit property of Gokak these are the self acquired properties of defendant No.3. Further it is submitted that, in his life time the defendant No.3 gave his separate or self acquired properties to his two sons-who are defendant No.4 and 5 in this case, under a registered Gift deed. These defendant No.3B and 3C are the married daughters of defendant No.3. These defendants know very well about the nature of properties and hence not raised any objection relating to transfer of properties from defendant

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NO OF CORRECTION



No.3 to his sons. The properties in the hands of defendant No.4 and 5 are their separate properties. These defendants No.3A to 3C admits the ownership right of defendant No.4 and 5, with regard to CTS No.3200-A/27, CTS No.936/B, CTS No.858, CTS No.850, CTS No.847/B of Gokak.

8. Further it is submitted that, the plaintiff after institution of this suit sold suit item No.1-R.S.No.182/7, measuring: 3.22 acres in favour of one Dundesh Kamappa Kullur. It is strange to hear that, at one moment the plaintiff by filing this suit claims that, suit item No.1 is also a joint family property on the other hand when he was in need of money behind back of his brothers sold the same property and personally received the considerations amount to meet out his own business crisis. That, in spite of sale of suit item No.1 the plaintiff not arrayed the purchaser as party to this suit. Thus, the suit is bad for non joinder of purchaser, who is also necessary party.

That except the bald allegations in the plaint and the mere assertions the plaintiff has not produced any evidence to prove that the suit properties are ancestral in character. Therefore, the ulterior motive case of the plaintiff may kindly be dismissed, to meet the ends of justice.

Hence, this affidavit.



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NO OF CORRECTION

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The contents of the above said affidavit Para
are true and correct to the best of my knowledge and
belief.

GOKAK
1-7-2026


DEPONENT

I know the Deponent

(L.M.SHAREGAR)
Advocate, Gokak



SWORN TO BEFORE ME

 E 1 JUL 2026
S. B. GOROSHI B.A.,LL.B.(Spl.)
ADVOCATE & NOTARY,
GOKAK TALUKA


NO OF CORRECTION