

DW3

O. S. No.92/2022

IN THE COURT OF THE PRL SR. CIVIL JUDGE
GOKAK, AT: GOKAK

BETWEEN:

1] Smt. Geeta W/o Jyotiba Ghore,
..... Plaintiff

AND:

1] Smt. Uddavva W/o Balappa Hunashyal
& others
..... Defendants

EXAMINATION IN CHIEF OF D.W-3 BY WAY OF
AFFIDAVIT

Herein, Smt. Shobha Tukaram ~~Chougale~~ ^{Chavhan}, Age :
45Years, Occ : Household & Agriculture, R/o : Manjari, Tal
: Chikkodi ~~Athani~~, today at Gokak do hereby state on solemn
affirmation and make the following affidavit.

I am the Defendant No.7 in this case, I know the fact
and cirusmtances of this case. Hence, I am swearing this
affidavit for giving evidence for myself and on behalf of
Defendant No.5, 6 & 8.

2] The suit of the plaintiff is false, vexatious and
malicious one. At this stage the contentions of plaint is not
at all maintainable under the provisions of law. We totally
denied the allegations made in plaint paras. Hence, the

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(2) Two Only
NO OF CORRECTION

suit of the plaintiff may kindly be dismissed with heavy cost.

3] The description of the suit property in concerned to the landed properties is admitted by us. Further the suit property in concerned to the CTS No.1443 of Hunashyal village is denied by us, until to furnishing the proper boundaries the suit of the plaintiff is not at all maintainable under th provision of law. Hence, on this ground the suit of the plaintiff be dismissed with cost.

4] It is submitted that, the very suit landed properties were standing in the name of Tulajappa and Balappa. Subsequently they died respectively. During the lifetime of the said Balappa executed wardi in the name of the defendant No.3 by entering the name of the defendant No.3 in the R/R of the landed properties. Since from the date of the same, the very defendant No.3 was/is absolute and exclusive owner of the suit property and put in possession, use and enjoyment and cultivation the suit landed properties without anybody's obstruction. Such fact is admitted by these defendants.

5] Further it is submitted that, the original propositus by name Tulajappa has got 2 daughters and a son by names 1.Bagavva 2.Dundavva and 3.Balappa.



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Subsequently the said Bagavva died, after her death we, defendant No.6 to 8 are the class-I legal heirs as sons and daughters, accordingly the said Balappa also died, after his death the present plaintiff and defendant No.1 to 4 are the class-I legal heirs as wife and son and daughters respectively. It is submitted that, the very defendant No.5 has got 1/3rd share, myself and defendant No.6 & 8 have got 1/3rd share as well as said deceased Balappa has got 1/3rd share in the suit landed properties. Further the very we defendant No.5 to 8 have voluntarily and willfully relinquished our 2/3rd share in respect of landed properties in the name of defendant No.3 by filing this written statement. So we defendant No.5 to 8 have no objections to allot our 2/3rd share in the name of the defendant No.3. At the time of passing the preliminary/final decree of this Hon'ble Court.

6] The allegation made in Para No.5A of the plaint is specifically denied by us.

7] The allegation made in Para No.5B of the plaint is specifically denied by us.

8] The fact of the case is that, the very suit property bearing GPC No.1443 area measuring 1Gs which was relinquished by one Smt.Mahadevi Srikant Navi on dtd



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19/3/2009 by receiving the an amount of Rs.9,000/-
From the date of relinquishment deed the very defendant
No.3 was put in possession use and enjoyment of the suit
property as an absolute owner and also entered his name
in the said suit property as well as in the records of Gram
Panchayat Hunashyal PG. Subsequently the defendant
No.3 has constructed the RCC building by investing his
self earnings. Thereafter the defendant No.3 along with
his family member was/is residing thereon the same.
Further the defendant No.3 has paid the respective taxes
before the Govt. authorities every year, thus the
defendant No.3 was/is absolute and exclusive owner of
this suit property. Further neither the plaintiff nor us and
rest defendants have not at all gave any financial
assistance to the defendant No.3 to construct the very
RCC building upon the said suit property as well as the
defendant No.3 not invested any joint nucleus fund to
construct the very RCC building upon the suit property.
So the present defendant No.3 has got prima-facie case
and balance convenience lies in his favour in respect of
suit property. On the contrary the plaintiff as well as
ourselves and rest defendants have not got any prima-
facie case and balance convenience lies in our favour in
respect of suit property, Under such circumstances the
very suit property is the self acquired property of the



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defendant No.3 and further from 2009 till this day the plaintiff as well as ourselves and rest defendants not at all physical possession over the suit property.

9] Further it is submitted that, the plaintiff has heard the words of the ill-wishers of the villagers of the defendant No.3, has intentionally and deliberately implead this suit property as a suit property without having any manner of right title interest and possession over this suit property, her malafied intention is that, in one or the other ground to claim her alleged legitimate share thereon the suit property. So the total intention of the plaintiff is that to gulp grab and snatch the valuable property of the defendant No.3. But she has no right at all in any angle in this suit property. Further it is submitted that, we have admitted the fact that, the very suit property GPC No.1443 is the self acquired property of the defendant No.3 and further admitted that, the defendant No.3 has constructed RCC building by investing his self earnings, accordingly we have no manner of any right title interest and possession over this suit property.

Hence, it is most humbly prayed that, accordingly my evidence may kindly be considered and pass the necessary orders, in the interest of justice and equity.



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Hence, this affidavit.

The contents of the above affidavit paras are read over & explained to me in Kannada and same are true and correct to the best of my knowledge, belief and information.

Place: Gokak

Date: 10/06/2026

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DEPONENT

"I Know the Deponent"



(D.S. Billur)
Advocate-Gokak

None only
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SWORN TO BEFORE ME

11 JUN 2026
S. B. GOROSHI B.A., LL.B. (Spl.)
ADVOCATE & NOTARY,
GOKAK TALUKA

