

Original Suit No.105/2023

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

BETWEEN:

1] Smt. Shankarevva W/o. Basappa Mugalakhod

...Plaintiff

AND:

1] Shri. Siddappa S/o. Dundappa Mugalakhod
Since deceased R/by his LR
& others.

.....Defendants.

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

HEREIN, I, Arjun S/o. Siddappa Mugalakhod, Age: 46
years, Occ: Agriculture, R/o: Raderhatti, Tq: Gokak, today at
Gokak do hereby state on solemn affirmation and make this
affidavit is as under:-

1. That I am the defendant No.8 in this case, I know the
facts and circumstances of the case. Hence I am swearing this
affidavit.

2. The plaintiff has filed this false suit for partition and
separate possession against me and other defendants before
this Hon'ble Court. After issuance of summons I have
appeared through my counsel and filed my detailed written
statement before this Hon'ble Court by denying the claim
and averments made by the plaintiff in her plaint. The



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contents of written statement be treated as part and parcel of this examination chief to avoid repetition of facts.

3. I stated that, the plaintiff has not included all the suit properties belongs to the family of plaintiff and defendants is not brought into hotch pot. Hence, the suit of the plaintiff is not maintainable in eye of law.

4. I further stated that, during the lifetime of propositus Dundappa S/o. Girimalappa Mugalakhod and his sons by name 1)Siddappa- Defendant No.1, 2)Basappa, who is the husband of plaintiff, 3)Mallappa- Defendant No.2, 4)Girimallappa- Defendant No.5, affected the oral partition in the year 1988, as per the said partition the names of the above said persons were mutated in the R/R. of Yadawad village, under ME.No.9758, on:02/09/1988, and suit property situated at Raderahatti and Koujalagi village are allotted to Mahadev and Shankareppa, which was duly certified by the competent revenue authorities on:04/10/1988. Since the date of partition they came in separate possession, use and enjoyment of their respective shares as absolute owners. The said partition is not at all challenged by anybody. Even though the present plaintiff has also challenged the ME.No.9758 from 1998 till filing of this suit. After the above said oral partition the defendant No.1 to 5 and 8 are purchased the some landed properties in their own and independent capacity. It is submitted that, the land belongs



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to the said Basappa who is the husband of plaintiff was already acquired by the irrigation department, and the present plaintiff was already obtained the compensation from the irrigation department in respect of said acquirement made by them. Inspite of it the plaintiff has filed this false and baseless suit against me and other defendants just to get wrongful compensation and to cause loss and hardship to me and other defendants.

5. It is further stated that, I have purchased the suit property at Sl.No.9, R.S.No.26/3, of Raderahatti village, on:07/10/2000 from Lagali, and accordingly my name was mutated as per ME.No.1396. Therefore, neither the plaintiff nor other defendants are not having any right over the said suit property as it is absolute and exclusively property of myself.

6. It is further stated that, in the year 2000, 1)Siddappa, 2)Basappa - Husband of plaintiff, 3)Mahadev - Defendant No.4, 4)Girimallappa S/o. Dundappa Mugalakhod were partitioned in between themselves by the partition deed **Apasat Vatani Patra**, dtd:25/09/2000 in respect of lands bearing R.S.No.1190/1, measuring 05Ac-37Gs, PK 07Gs, Net 05Ac-30Gs, and R.S.No.1196/2, measuring 11Ac-37Gs, PK 05Gs, Net 11Ac-32Gs of Yadawad village, the following shares are fallen to the defendant No.1, 4 and 5 and deceased Basappa who is the husband of plaintiff. The defendant No.1

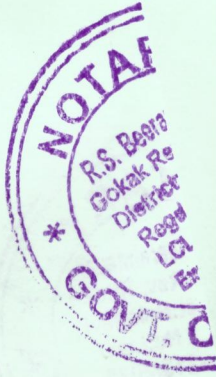
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and deceased Basappa have got joint share total measuring 08Ac-26Gs (each 04Ac-13Gs) and defendant No.2 and 5 have got each 04Ac-18Gs, in the total lands of two survey numbers measuring 17Ac-22Gs. It is submitted that, the deceased Basappa and Siddappa, defendant No.4 and 5 have signed the deed of partition in the presence of propositus Dundappa and attesting witnesses. Accordingly on the basis of partition deed the names of the defendant No.1, 4, 5 and deceased Basappa came to be entered in the R/R. of the aforesaid land. Accordingly as per partition ME.No.1658 of Yadawad village was certified by the Tahashildar Gokak on:04/10/2000. But till today neither the plaintiff nor other defendants have challenged the said ME.No.1658 and ME.No.9758 of Yadawad village before any competent court of law. Unless and until the said ME.No.1658 and ME.No.9758 of Yadawad village ought to have challenged by present plaintiff, the present suit is not maintainable in eye of law and same is deserves to be dismissed.

6. I submit that, the plaintiff already admitted in her written statement in O.S.No.100/2011 and O.S.No.267/2011 the present plaintiff has defendant No.1 in both suits, she has clearly admitted in her written statement and examination chief and also cross examination of D.W.1 "there is already partition took place among the all the suit properties, hence the question of seeking partition does not arise at all". The

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plaintiff has got knowledge partition was effected in between her husband deceased Basappa and his brother other defendants in respect of suit properties and plaintiff is keep quite more than 12 years. Now the plaintiff has filed false suit against the defendants in order to harass them, hence the suit of the plaintiff is not at all maintainable and liable to be dismissed.

7. I have produced all relevant documents before this Hon'ble court and same may kindly be marked and exhibit in our favour as Ex.D-Series.

Therefore, for all the above reasons it is most humbly prayed that, the suit of the plaintiff be kindly dismissed with cost, in the interest of justice and equity.

Hence this examination in chief.

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

Place: Gokak

Date: 23/07/2026

"Drafted & Presented by"

(A.S. Kumbhar)
Advocate Gokak

Deponent
Sd/-
Basappa
Mingalannod



Sworn to before me

R. S. BEERANNAVAR
B.Cen., LL.B. (Spl.)
ADVOCATE & NOTARY, GOKAK
12.3 JUL 2026

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