

Witness duly sworn on 13-01-2023 :

Cross examination of DW2 by Sri.RGJ counsel for plaintiff :

1. I have completed diploma in the year 1992. Now I am doing transport business and I am agriculturist. I owned agricultural lands at Belagavi and Karambal village at Khanapur. Among those lands some of the lands are ancestral and some I have purchased. I have not produced any documents to show that I am having agricultural lands in my name. It is false to suggest that, I am doing real estate business. I have not seen the documents produced by the plaintiff before this court. I know regarding the suit properties on which the plaintiffs have filed this suit. I do not know, this suit is filed by the plaintiffs against 17 agricultural lands and 2 house properties. I am disputing 1 property R.S.No.121/4 measuring 2 acres 9 guntas since have purchased it. Witness volunteers that, I have also purchased another sub division property R.S.No.121/2 measuring 4 acres. I do not know regarding other suit properties except 2 lands I am claiming as purchaser.

2. It is true that, Sy No.121/2 total measuring 9 acres 27 guntas. It is true that, Sy No.121/2 has again sub divided, Witness volunteers that, there are 6 sub divisions. It is true that, sy no.121/2 originally belongs to One Dakalu Gurav family, Witness volunteers that, they have sold 4 acres of land to one Shinde. I do not know, whether Dakalu Gurav died in the year 1933. I do not know, said Dakalu Gurav had two sons by name Narayan and Topanna. Now Narayan died and his wife is Rukmini bai. I do not know, regarding the children of Narayan and Rukmini. I do not know, regarding Topanna and his family members.

3. It is true that, after the death of Topanna and his family members the properties belongs to Dakalu Gurav now left to Narayan's children who are plaintiffs and defendant no.1 to 3 herein. It is false to suggest that, the plaintiffs and defendants no.1 to 3 are growing peddy, Nachana, vegetables in the said lands. Witness volunteers that, I am in possession of my purchased

properties. I do not know, whether in the year 1965 to 1974-75 as per Ex.P16 Narayan Gurav was cultivating the land Sy no.121/2 as owner and possessor and also the narration of crops are also mentioned in the said Ex.P16. I do not know, after the death of Dhakalu Gurav in respect of his all properties name of Narayan entered. It is true that, said Narayan has got re-granted R.S. No.121/2 in his name. I do not know whether as per Ex.P35 said Narayan due to his old age has got entered the names of plaintiff no.1 and defendant no.1 for looking after the properties. To the question that, Narayan died without any testamentary documents, witness answers that, only after verification of the document regarding my vendors name entered I have purchased property. I do not know, whether there is a partition held or not amongst the children of Narayan in respect of their family properties. It is false to suggest that, plaintiff no.1 and defendant no.1 are in possession of Sy No.121/2 as it is their ancestral joint family property.

4. The Sy No.121/2 was entered in the name of plaintiff no.1 and defendant no.1 as a successor of Narayan and Rukminibai. I do not know, whether Narayan Gurav was owning near 26 acres of lands. I do not know, Narayan Gurav was owning irrigated lands and getting sufficient yield from lands. I do not know whether Narayan family was depending upon the agricultural income or not.

5. I know defendant no.11. I do not know, whether defendant no.11 has led evidence in this case by filing written statement or not. I have produced Ex.D22 which is sale deed standing in the name of defendant no.11. I have seen the contents of Ex.D22. Ex.D22 is executed by the Rukminibail, Dhakalu Narayan Gurav and Jyotiba Narayan Gurav in respect of R.S.No.121/4 measuring 2 acres 9 guntas in favour of defendant no.11 for consideration amount of Rs.45,000/-. I do not know, regarding the mode of payment of consideration amount. It is true that, the daughters of Narayan are not signatory to the Ex.D22. Witness volunteers that, it is mentioned in

the sale deed that, the said properties is sold for the family necessity. I do not know, it is mentioned or not regarding whether the property mentioned in Ex.D22 is divided amongs the family members or not. I do not know personally regarding in the year 1992 whether the Narayan Gurav family put R.S.No.121/2 for sale or not. I do not know, before purchasing R.S.No.121/2 whether defendant no.11 has published regarding his intention of purchasing the property and for any objection or not. I will examine my vendor as a witness on behalf of my defense if it is required. It is false to suggest that, Narayan Gurav family members are illiterate. I know the signature of plaintiff no.1. he is writing his full name as his signature. Plaintiff no.1 puts his signature in the language marathi and defendant no.1 puts his signature in english language. Rukminibai puts her thumb impression as her signature. I do not know, whether Rukminibai, plaintiff no.1 and defendant no.1 have put their signatures on each page of Ex.D22 or not. It is false to suggest that, plaintiff no.1 and deceased Rukminibai

never went to registrar office to execute any sale deed to defendant no.11. It is false to suggest that, the plaintiff no.1 and deceased Rukminibai never put their signature on Ex.D22.

Cross examination deferred at 3.00pm

Witness duly sworn again at 3.10pm :
Further Cross examination of DW2 by Sri.RGJ counsel
for plaintiff :

6. I do not know the market value of Sy No.121/2 land. I do not know today's market value of the property Sy.no.121/2. It is false to suggest that, there is no partition held in the family of Narayan Gurav hence the schedule mentioned in the Ex.D22 is false. I do not remember in which year partition held and subdivision is given to the Sy.no.121/2. I do not know regarding mode of partition held between the members of Narayan. I have not produced any document to show that, there is partition held amongs the members of Narayan family.

7. I know defendant no.10. To the question that, defendant no.10 was one of the partner in M/S

Malaprabha tiles, witness answers that, defendant no.10 is not the partner his son defendant no.11 was the partner. To the question that, whether defendant no.11 is still partner of the M/S Malaprabha tiles, witness answers that, defendant no.11 was not the partner father of defendant no.10 was partner. I do not know whether defendant no.1 addicted to bad vices like alcohol. I do not know whether the defendant no.11 by taking undue advantage of alcoholic condition of defendant no.1 has got created sale deed Ex.D22. Witness again volunteers and submits that, it is false to suggest defendant no.11 by taking undue advantage of alcoholic condition of defendant no.1 has got created sale deed Ex.D22. It is false to suggest that, before mutating the name of defendant no.11 plaintiffs and defendant no.1 and 2 have not received any notice. It is false to suggest that, I am deposing falsely that, the plaintiffs and defendant no.1 and 2 have received notice before mutating the name of defendant no.11 in respect of Sy.No.121/2. It is false to suggest that, since there is no partition held in the family

of Narayan Gurav the possession of the Sy No.121/2 never with defendant no.11.

8. I do not remember whether I have paper publication of public notice regarding purchase of property from defendant no.11. Before purchasing property I had verified the documents pertaining to property RTC extracts and title documents and my advocate enquired regarding property documents and told me that, defendant had purchased property 20 years back and there is no impediment to purchase it. I have not seen the 50 years old documents in respect of Sy no.121/2 but my advocate has seen those documents. I have taken advise of Chunagar advocate before purchasing property. I have enquired regarding the original owner of sy.no.121/2 and came to know that Dhakalu Narayan Gurav was the earlier owner. To the question that, have you enquired with the Lrs of earlier owner of the property witness volunteers that, my advocate has given me advise that property is clear and there is no dispute to

purchase it. I had no knowledge about the Lrs of Narayan Gurav. It is false to suggest that, defendant no.11 has no rights, title to sale the property to me. It is false to suggest that, defendant no.10 has no right possession over the property purchased by me. To the question that, while entering your name name in the mutation notices were not sent to Lrs of Narayan Gurav witness answers that, why they should be given notice it. It is false to suggest that, I myself colluding with defendant no.11 have got created sale deed and said sale deed is not binding on plaintiffs and defendant no.1 to 3.

9. I do not remember the year of NA order. I am unable to say whether said NA order passed during the pendency of suit or before filing of this suit. It is true that, in the year 2014 this suit was pending. To the question that, before passing NA orders the Lrs of Narayan Gurav was not given notice, witness answers that, Tahsildar visited the spot and has given notices to the concerned persons. It is false to suggest that, with knowledge of

pendency of this suit I have taken false NA orders. It is false to suggest that, there is no partition held in the family of Narayan Gurav and plaintiffs and defendant no.1 to 3 are in joint possession of the all the suit schedule properties.

10. I have given instructions to my counsel for filing written statement and also chief examination affidavit. It is false to suggest that, with an intention to harass the plaintiffs and defendant no.1 to 3 I have filed false sale deeds and deposing falsely.

Re-examination: Nil.

(Typed to my dictation in the open Court)

R.O I & A.C

**Senior Civil Judge & JMFC
Khanapur**