

**duly sworn on 09-02-2023:**

I know the contents of my examination-in-chief affidavit and I myself gave instructions for filing affidavit in lieu of my examination-in-chief.

**Examination-In-Chief of DW4 by Smt. MVP for Defendants for exhibiting documents:**

Now I see the following documents which are exhibited as follows.

1. C.C of 3 RTC are produced and marked as Ex.D34, D35 and D36.
2. C.C of certificate of sale of land executed by Addl. Civil Judge Senior Division Belagavi is produced as Ex.D37.
3. C.C of petition filed for delivery of possession in Misc case No.02/1998 is produced and marked as Ex.D38.
4. C.C of Bailiff report in FDP No.04/1994 is produced and marked as Ex.D39.
5. C.C of Kabja panchanama in FDP No.04/1994 is produced and marked as Ex.D40.
6. C.C of Kabja pavati in FDP No.04/1994 is produced and marked as Ex.D41.
7. C.C of sale deed which is in Marathi language and its English translation is produced and marked as Ex.D42 and D42(a) respectively.

8. C.C of M.E No.2178 is produced and marked as Ex.D43.
9. C.C of ROR of 2 survey numbers are produced and marked as Ex.D44 and D45.
10. C.C of general agreement executed by M/S. Malaprabha Tiles is produced and marked as Ex.D46.
11. C.C of ancillary agreement executed by M/S. Malaprabha Tiles is produced and marked as Ex.D47.
12. C.C of M.E No.2806 is produced and marked as Ex.D48.
13. C.C of M.E No.2889 is produced and marked as Ex.D49.
14. C.C of RTC is produced and marked as Ex.D50.

**Further Cross Examination of DW4 by Sri.RGJ Adv. for Plaintiff :**

1. I am BSc graduate. Now I am residing at Pune since 10 years. Defendant no.15 is my mother in law. Defendant no.16 and 18 are my wife's sisters. I am deposing on my behalf and also on behalf of defendants no.15, 16 and 18. the defendants 15, 16 and 18 have not executed power of attorney to depose on their behalf. It is false to suggest that, defendants no.15, 16 and 18 have appeared through different counsel and filed their separate written

statement in this case. To the question that, there is no impediment for defendants no.15, 16 and 18 to appear before the court and depose in this case witness answers that, my mother in law old age and defendant no.16 having some ailments and defendant no.18 is well. It is true that, I have not produced any document to show that, defendant no.16 is suffering ailments. My mother in law defendant no.15 had given instructions to prepare written statement in this case. It is true that, we have no dispute in respect of suit properties other than R.S No.121/2B. I do not know about the G. tree furnished by the plaintiff in the plaint. I have not inquired about the plaintiffs joint family status witness volunteers that, I was not in need to inquire about it since, I have purchased the property from the court. I do not know personally about the family of plaintiffs. It is true that, Sy no.121/2 originally measures 09 acre 27 guntas. It is true that, Sy no.121/2 property is ancestral property of plaintiffs family. I do not know as per documents earlier Sy no.121/2 was standing in the name of Dhakalu Gurav. I do not know about the date of death of Dhakalu Gurav. I do not know after the death of Dhakalu Gurav the name of his son Narayan entered in ROR pertaining to Sy no.121/2 through M.E No.349. I do not know Narayan Gurav later got regranted the Sy

no.121/2 in his name. I do not know certification of M.E No.2031 in the name of Narayan Gurav. I do not know whether the Narayan Gurav due to his inability to look out the properties got entered the names of defendant no.1 and minor son plaintiff no.1 in respect of Sy no.121/2 property and M.E No.1874 is certified. I do not know whether Narayan Gurav and his wife Rukmini Bai died. I do not know after the death of Narayan and his wife plaintiff no.1 to 3 and defendant no.1 to 3 are the successors to the property of Narayan Gurav. I do not know after the death of Narayan Gurav there was no partition held in respect of family properties between the plaintiffs and defendants no.1 to 3. I do not know since Gurav family had 26 acres of lands hence they had no financial crises. I do not know that the agricultural income was the main source of income for the Gurav family. I do not know in the Sy no.121/2 again pot hissas were made. I do not know that the Gurav family members are uneducated.

2. I do not know about M/S. Malaprabha Tiles partnership firm. I do not know transaction held between M/S. Malaprabha Tiles partnership and bank about the loan transaction. I do not have personal knowledge about the transaction of sale deed Ex.D42. I do not know what

was the consideration amount fixed between M/S Malaprabha Tiles firm and Gurav family in respect of sale transaction. I do not know when executing Ex.D42 when the plaintiff was minor whether permission of the court to sell the property of minor plaintiff was taken or not. I do not know when Ex.D42 was executed by the Gurav family whether any partition in their family was effected or not. It is false to suggest that, taking disadvantage of alcoholic and since the defendant no.1 was illiterate Ex.D42 came to be executed illegally. I do not know whether at the time of execution of Ex.D42 consideration amount was paid either to plaintiffs or defendants no.1 to 3. I do not know whether possession of the Sy no.121/2 was not given to M/S Malaprabha Tiles firm since, the possession was with joint family members. It is false to suggest that, M/S Malaprabha Tiles firm has not acquired any ownership rights under Ex.D42. I do not know whether M/S Malaprabha Tiles firm has after appearance in this suit filed written statement or not.

3. M/S Malaprabha Tiles firm had taken loan from SBI. I do not have any idea what type of loan transaction was between M/S Malaprabha Tiles firm and SBI bank. I do not know that term of loan re-payment period. M/S Malaprabha Tiles firm had availed loan from the bank by

giving its machineries and also 4 acres of land belongs to M/S Malaprabha Tiles firm. I do not know whether M/S Malaprabha Tiles firm had its business in Sy no.121/2. It is true that, the loan transaction between M/S Malaprabha Tiles firm and SBI was a personal loan between them. I do not know whether Gurav family members were either borrowers or surety along with M/S Malaprabha Tiles firm to the loan availed from SBI. I do not know whether the Gurav family members are not put their signatures to the loan transaction documents and they are not the parties to the loan transactions. I do not know whether SBI is party to this suit.

4. I came to know about the auction sale of the property Sy no.121/2 in a newspaper Tarun Bharat. I do not inquired about the acquisition of property by M/S Malaprabha Tiles firm. Witness volunteers that, I have gone through the court papers. I had not inquired 30 years documents pertaining to Sy no.121/2 before purchasing from the court. I do not made any effects to know about the earlier in whose name the property Sy no.121/2 was standing and also not inquired is any transactions held in respect of that property. It is true that, the proceedings filed by the bank for recovery of loan amount and later possession recovery proceedings the

plaintiffs and defendants no.1 to 3 were not parties. It is true that, in a proceedings filed by me for recovery of possession of Sy no.121/2 to the extent of 04 acres of land Gurav family members were not parties. It is false to suggest that, since the M/S Malaprabha Tiles firm has no ownership rights over Sy no.121/2 property they had no right to pledge the property as security to the loan amount. It is true that, there is no mention regarding boundaries and measurements of Sy no. 121/2 in the ancillary loan agreement. Witness volunteers that, measurement is mentioned in the dairy.

5. Auction was held one time in the year 1997. Sy no.121/2 to the extent of 4 acres of land wherein in some portion there is a structure and in some portion there are machineries and some portion is open land. I do not know about the recent position of said above land. I have sold the said land to one Inayat, Sadaruddin and Chaman Attar in the year 2017 through registered sale deed. It is true that, when I sold the property the above suit is pending. It is true that, I have not produced sale deed of 2017. It is true that, I have not mentioned in my written statement as well as chief examination affidavit regarding sale transaction of the year 2017. It is false to suggest that, since M/S Malaprabha Tiles firm had no ownership

right over the Sy no.121/2 I also had not acquired any ownership rights of Sy no.121/2. To the question that, the mutation entires in respect of Sy no.121/2 held in favour of M/S Malaprabha Tiles firm and to me are behind the back of plaintiffs and defendants no.1 to 3 witness answers that, they are were not related to this property. It is false to suggest that, the transaction held between M/S Malaprabha Tiles firm, bank and myself are collusive and not binding on the plaintiffs. It is false to suggest that, with an intention to grab the properties of the plaintiffs we have created collusive documents. To the question, that plaintiffs had no knowledge in respect of transactions held for the land Sy no.121/2 between M/S Malaprabha Tiles firm, bank and yourself witness answers that, they are un concerned to the Sy no.121/2 why they should be given any notice. It is true that, the Gurav family members are not parties to the transactions held in Ex.D42. It is false to suggest that, plaintiffs and defendants no.1 to 3 are in joint possession over Sy no.121/2 property. I do not know whether partition held between Gurav family members in respect of Sy no.121/2 and other family properties. It is false to suggest that, I am deposing falsely

by filing false written statement and chief examination affidavit to grab the property of the plaintiffs.

**Re-examination: Nil**

**(Typed to my dictation in the open Court)**

**R.O I & A.C**

**Senior Civil Judge & JMFC  
Khanapur**

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DW-4

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