

Witness duly sworn on 12-04-2022:

**Further Cross Examination of PW1 by Sri.SNL Adv. for
Defendants no.9(a) to 9(c) and 24 to 26:**

3. When I attend the age of 7 to 8 years I came to know that defendant no.1 had the habit of consuming alcohol. After I attend majority I had suggested defendant no.1 to leave the habit of drinking. Myself, my brother, my mother and my sisters were jointly cultivating the suit lands. After discussing with all the above stated family members we used to grow the crops. My family members used to ask me about the sowing of the crops. I have stated to my counsel that all the family affairs done by defendant no.1 are false. To the question that, how many pot hissas are there in R.S.No.121, witness states that I do not have information about R.S.No.121/1 but I have information about R.S.No.121/2. R.S.No.121/2 measures 9 acres 27 guntas. I have seen the present RTCs of said land. I do not know what is the extend of R.S.No.121/3, I do not have information about it. R.S.No.121/4 measures 2 acres 9 guntas. Earlier

--24--

R.S.No.121/4 was in the name of Momindada. But I do not know to whom it is sold. R.S.No.121/2 and 121/4 are adjacent lands. The old survey number of 121/2 and 121/4 was 121/2. After phodi, R.S.No.121/2A measured 5 acres 27 guntas and R.S.No.121/2B measured 4 acres. R.S.No.121/2A was standing in our name earlier. To the question that, in whose name R.S.No.121/2B was standing in the year 1997, witness states that it was standing in the name of myself and defendant no.1. I have produced the RTC of R.S.No.121/2B but I do not know for which years I have produced.

4. Malaprabha tiles is situated in R.S.No.121/2B. I came to know about establishment of Malaprabha tiles since my childhood. I have enquired my mother about the establishment of Malaprabha tiles. She had informed me that it was given for rent. I had enquired about the documents entered into for the said lease. I cannot say how many years Malaprabha tiles was paying rent. I do not know when said Malaprabha tiles business was closed. To the question that, in R.S.No.121/2B what crops are grown now, witness states that the Malaprabha tiles building is intact as it was earlier in

--24--

the rest of the land paddy and ground nut crops are grown. Sugar cane crop is not grown in said land. Chili crop is not grown in said land. To the question that, now who is residing in said Malaprabha tiles factory, witness states that the person who has falsely purchased it might be residing it. To the question that, Govindrao Laxman Kirmatgi is residing in said factory, witness states that I do not know about it, but I came to know that earlier about 2 to 3 years back he was residing in it. I do not know if said Govindrao Laxman Kirmatgi has dug a borewell in said land. To the question that, as a borewell is dug in said land said Govindrao Laxman Kirmatgi has grown sugar cane crops in it, witness states that I do not know about it but my brother had deceptively sold said land to Malaprabha tiles but I do not know whether Govindrao Laxman Kirmatgi is growing crops in it. When I applied for the paper in the year 2010-2011 I came to know about said sale. I had not enquired with the owner of Malaprabha tiles regarding the sale deed, but I had enquired with my mother and sisters. I had made said enquiry when I was the age of 18 years. I had no impediment

to obtain the papers to ascertain about the change of names in the revenue records, but as we were the owners I did not feel it necessary to obtain those documents.

5. Defendant no.9 has constructed house in R.S.No.121/A. One Devappa Gurav is in possession of R.S. No.121/7, but I do not know what transaction defendant no.9 has done with respect to said land. 8 guntas of land is in the name of defendant no.9 in R.S.No121/8. There are 6 pot hissas in R.S.No.121/2A. I do not know what is the total extent of R.S.No.121. I do not know what is the extent of R.S.No121/9. I do not know in whose name said R.S.No.121/9 is standing. I had gone to the R.S.No.121/2A about two days back. R.S.No.121/2A and 121/4 are adjacent to each other. I do not know which pot hissa of 121/2A is abutting to 121/4. now there is no crop in R.S.No.121/4. It is false to suggest that, there is a mango tree in R.S. No.121/4, witness volunteers that it is in R.S.No.121/2B. I cannot say in which direction R.S.No.121/4 is situated adjacent to R.S.No.121/2B. I do not remember the date on which R.S.No.121/2B was changed to R.S.No.121/2. Mango tree is at the distance of about 50 feet

--24--

from the Malaprabha tiles factory. Jelly stones are stored in front of the Malaprabha tiles besides the road. I do not know whether the son of Govindrao Laxman Kirmatgi sells those jelly stones or not. I do not know if the son of Govindrao Laxman Kirmatgi is having three trucks and doing business of supplying the jelly stones. I have not enquired with said son of Govindrao Laxman Kirmatgi as to why he had gathered those stones in that place. To the question that, is there any dispute between you and Govindrao Laxman Kirmatgi, witness states that as he is not acquainted to me there is no dispute. As said Govindrao Laxman Kirmatgi is not acquainted to me there is no question of me having relationship with him. To the question that, as I have no objection for the son of Govindrao Laxman Kirmatgi to do business in said land as such I have not enquired with them as regard to the said business, witness states that as he is not related to me I have not enquired about it. I do not know what transaction has taken place between Govindrao Laxman Kirmatgi and Malaprabha tiles. Apart from this case I have not filed any case seeking recovery of possession from

--24--

Malaprabha tiles. I had no impediment to file a suit for recovery of possession of the Malaprabha tiles from when I attain majority of 18 years till the year 2011.

Court time over, hence further cross examination is deferred.

(Typed to my dictation in the open Court)

R.O I & A.C

**Senior Civil Judge & JMFC
Khanapur**