

Witness duly sworn on 03-03-2023:
Cross Examination of PW1 by Smt. RMH Adv. for
Defendants :

4. It is true that, Ex.P38(a), 39(a), 40(a) and 41(a) in translation copies the column in which survey numbers mentioned for which mutation was certified is left over and not translated. It is false to suggest that, translations of many of the records of rights are not proper. It is false to suggest that, only with an intention to misguide the court we have not produced proper translated copies.

5. My house no.50. Defendants no.1 to 9 are residing in separate houses. We all plaintiffs are also residing in separate houses. I cannot say the house numbers of each plaintiffs. I cannot say the house numbers of defendants no.1 to 9. It is true that, all the plaintiffs and defendants no.1 to 9 are having houses in their names separately. It is true that, each plaintiffs and defendant no.1 to 9 are using their respective houses as their separate property. It is true that, all the plaintiffs and defendants no.1 to 9 are having their separate ration cards for their respective families. To the question that, all the plaintiffs and defendants no.1 to 9 are

--20--

residing, messing, earning, using their income for their families separately, witness admits the same and voluntary says that except agriculture all the other acts are separate.

6. I can say where the shares of defendants no.10 to 20 are situated separately in each suit property. I cannot say in what extent of area in R.S. No.5 the defendants no.10 to 20 are cultivated. I cannot say the extent of areas of other suit properties cultivated by defendants no.10 to 20. I cannot say the extent of area of alleged joint cultivation in which we all plaintiffs and defendants no.1 to 9 are jointly cultivating. We plaintiffs and defendants no.1 to 9 are dividing yield. We have not maintained any accounts for the above. I cannot say the portion of alleged yield said to have been fallen to our share. We plaintiffs are in good terms with defendants no.1 to 9 Witness volunteers that, only one time we had quarrel in respect of lands distribution. We had no impediment to keep an account of alleged yield sharing with defendants no.1 to 9 during the pendency of this suit. We have instructed our counsel about joint cultivation and sharing of yield. It is false to suggest that, there is no such

pleading in respect of alleged dividing of yield. It is false to suggest that, I am deposing falsely stating we plaintiffs and defendants no.1 to 9 constitute undivided joint family and the suit schedule properties are our undivided properties.

7. It is false to suggest that, R.S.No.4, 10/P1, 11/P1, 3 and 29 are the separate properties of defendants no.1 to 9. It is false to suggest that, with an intention to grape these properties we plaintiffs have filed false suit. It is false to suggest that, I have deposed falsely stated that R.S.No.28 is purchased by Narayan Neya Gouda in the names of 3 sons of Tana Gouda and R.S.NO.3 and 29 in his name. It is true that, I was not born when these properties were purchased. I do not have any personal knowledge what was the income source for Narayan Neya Gouda and what was the income source for 3 sons of Tana Gouda. Witness volunteers that, my father had informed about it to me. My father had not shown any document with regard to above information. It is true that, Narayan Neya Gouda's name entered in the ROR pertaining to R.S.No.3 and 29 and the names of 3 sons of Tana Gouda in respect of R.S.No.28. It is true that, the Lrs of Narayan Neya

--20--

Gouda and 3 sons of Tana Gouda is appearing in respect of their respective properties. It is true that, we have not question the varsa entry of Narayan Neya Gouda Lrs. Witness volunteers that, there was no necessity for questioning it. We have not produced original sale deed in respect of R.S.No.28 as it is with defendant no.1 to 9. We have not called upon defendants no.1 to 9 to produce the original sale deed in respect of R.S.No.28. I do not have personal knowledge about who were present at the time of execution of sale deeds in respect of R.s No.3, 28 and 29 and who paid sale consideration amount. Witness volunteers that, my father had informed me. I have seen certified copies of sale deeds in respect of R.S.no.3, 28 and 29. There is no mention that R.s.No.28 is purchased by Narayan Neya Gouda in the names of sons of Tana Gouda. It is false to suggest that, I am deposing falsely stating that R.S.No.28 is purchased by the Narayan Neya Gouda in the names of sons of Tana Gouda. It is false to suggest that, we do not have any concerned with R.S.No.3 and 29. I do not know the boundaries of R.S.No.3, 28 and 29. I cannot say the

boundaries of any of suit schedule properties. It is true that, I am working as cook at Goa. It is false to suggest that, I am not working in agricultural land and not doing agricultural work I do not know anything about the suit schedule properties and I am deposing falsely. There are no documents to show that Narayan Neya Gavada was working as a Karta of alleged joint family. It is false to suggest that, I am deposing falsely stating that, Narayan Neya Gavada was working as a Karta of joint family. It is false to suggest that, there was no joint family in existence and there was no occasion for Narayan Neya Gavada act as a Karta of joint family. It is false to suggest that, since in a small piece of land separate entries could not be done by taking disadvantage of the same I am deposing falsely stating there is no partition held.

8. in respect of R.No.12/1 we have mentioned extent of suit property as 7 acres 4 guntas out of 14 acres 5 guntas and I do not know to whom the rest of 7 acres 1 gunta belongs to. In respect of R.S.No.3, 28 and 29 also we have mentioned extent of properties out of total extent and I do

--20--

not know to whom the rest of the above properties belongs to. It is false to suggest that, I am deposing falsely by filing false chief examination affidavit.

Re-examination: Nil.

(Typed to my dictation in the open Court)

R.O I & A.C

**Senior Civil Judge & JMFC
Khanapur**