

O.S. 224/2013(Pw-1)

**Witness is recalled and sworn on this dated 12-07-2019**

**Cross Examination of Pw-1 by Defendant Advocate.**

Bhagirathi W/o. Minappa Patil is my paternal grandmother. Bhagirathi is only daughter of Late Smt. Yallu Nagappa Patil. I have not seen Yallu Nagappa Patil. I do not remember as to how many brothers does Yallu's husband had. Nagappa and his brother were having properties jointly. I cannot say whether Nagappa was the eldest amongst the brothers. It is true that the most of the properties of the family was standing in the name of Nagappa's family. After death of Nagappa the name of Yallu was substituted in the revenue records and she was also known as Yallubai. On the basis of the gift deed Ex.P-4 mutation entry is certified. The mutation entry no. is 148 and I also have produced it. It is false to suggest that I have not produced any such diary. In Ex.P-4 there is recital that since the property is jointly held and the boundaries are not shown. It is true to suggest that there is a recital in Ex.P-4 that the properties gifted are 1/5th joint share of Yallubai. After execution of Ex.P-4 my grandmother Bhagirathi did not get the 1/5th share in the suit property partition. I do not know whether Yallubai's husband has 4 brothers or not. I cannot say with whom the Bhagirathi was required to get partition 1/5th share gifted to her in suit property. Yallubai's husband's brother's branches are having houses in Chapagaon village. I do not know if D-1 is one among them. I do not know even the properties are standing in the name of Yallubai the brother's of Nagappa were cultivating the land among themselves by way of oral distribution. The way in which the lands were distributed was known to Bhagirathi. It is false to suggest that who so ever were cultivating got mutated their names with respect to their share, after the death of Bhagirathi

on the ground that they are the successors. It is true that even the D-1 got his name mutated in the above manner in respect to suit properties. Witness volunteers that D-1 has sold. According to me the said mutation was certified in the year 2012 and not in 2009. We got to know the said mutation within 15 days from the date of its certification. We did not file any appeal questioning the said mutation. Ex-P3 was executed by Kallapa even in favour of Def No.2. It is true to suggest that as per the registered sale deed the suit property is standing in the name of Def no.2. It is true to suggest that the possession of suit property which was with D-1 was handed to def no.2 on the date of Ex P3. D-2 is not raising any crops. I had gone to the land 4 months back and there was no crop in the land. It is true to suggest that we have asked for possession of Suit property from the defendants in the present suit.

At request for further cross.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 12-07-2019**

**Cross Examination of Pw-1 by Defendant Advocate.**

Bhagirathi W/o. Minappa Patil is my paternal grandmother. Bhagirathi is only daughter of Late Smt. Yallu Nagappa Patil. I have not seen Yallu Nagappa Patil. I do not remember as to how many brothers does Yallu's husband had. Nagappa and his brother were having properties jointly. I cannot say whether Nagappa was the eldest amongst the brothers. It is true that the most of the properties of the family was standing in the name of Nagappa's family. After death of Nagappa the name of Yallu was substituted in the revenue records and she was also known as Yallubai. On the basis of the gift deed Ex.P-4 mutation entry is certified. The mutation entry no. is 148 and I also have produced it. It is false to suggest that I have not produced any such diary. In Ex.P-4 there is recital that since the property is jointly held and the boundaries are not shown. It is true to suggest that there is a recital in Ex.P-4 that the properties gifted are 1/5th joint share of Yallubai. After execution of Ex.P-4 my grandmother Bhagirathi did not get the 1/5th share in the suit property partition. I do not know whether Yallubai's husband has 4 brothers or not. I cannot say with whom the Bhagirathi was required to get partition 1/5th share gifted to her in suit property. Yallubai's husband's brother's branches are having houses in Chapagaon village. I do not know if D-1 is one among them. I do not know even the properties are standing in the name of Yallubai the brother's of Nagappa were cultivating the land among themselves by way of oral distribution. The way in which the lands were distributed was known to Bhagirathi. It is false to suggest that who so ever were cultivating got mutated their names with respect to their share, after the death of Bhagirathi

on the ground that they are the successors. It is true that even the D-1 got his name mutated in the above manner in respect to suit properties. Witness volunteers that D-1 has sold. According to me the said mutation was certified in the year 2012 and not in 2009. We got to know the said mutation within 15 days from the date of its certification. We did not file any appeal questioning the said mutation. Ex-P3 was executed by Kallapa even in favour of Def No.2. It is true to suggest that as per the registered sale deed the suit property is standing in the name of Def no.2. It is true to suggest that the possession of suit property which was with D-1 was handed to def no.2 on the date of Ex P3. D-2 is not raising any crops. I had gone to the land 4 months back and there was no crop in the land. It is true to suggest that we have asked for possession of Suit property from the defendants in the present suit.

At request for further cross.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 12-07-2019**

**Cross Examination of Pw-2 by Defendant Advocate.**

I do not know the date, day and year of marriage that alleged have been took place Gangavva and Nagappa. When the marriage took place I was aged about 17 years. I was knowing just little bit not the worldly affairs. I cannot say the settings, the dress and the arrangements of marriage. I cannot say in what customs the marriage took place but it took place in front of the house by putting Mantap. The Pandal was arranged in front of the house. I cannot say the names of other person who have witnessed the marriage. Jijabai alias Gangavva was not present in the marriage. It is true that I have not produced any documents to show that I was residence of Bidi then the marriage was took place. It is false to suggest that since I was residence of said village and not witnessed the marriage I am unable to produce the documents. The bond was alleged to have been written with respect to marriage was not in my presence. I am saying so I was informed by the elders that there was bond have been written. The said bond has been produced before the court. It is false to suggest that even though there was no marriage I am deposing falsely that there was marriage have took between Nagappa and Gangavva.

Re-examination: NIL

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.



**Witness is called and sworn on this dated 09-07-2019**

**Cross Examination of Pw-1 by Defendant Advocate.**

I have done 3 standard. I have filed this suit as the defendants wanted to interfere in suit property. Suit Property measures 200-300 feet in length. I have not mentioned it in the suit property. I do not know the contents of the written statement. I do not know about the suit filed by defendant in Prl. Civil Judge, Khanapur. In 2013 the defendant has constructed the house in their property.

I do not know the property number of defendants. The witness is confronted with the property extract of defendant. He denied the same. It is false to suggest that there was a common wall between plaintiffs and defendants house.

The defendant property is not been authorized by the Gram Panchayat.

For further cross.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

**Witness is called and sworn on this dated 09-07-2019**

**Further Cross Examination of Dw-1 by Plaintiff Advocate.**

There is no enmity between me and plaintiff. Prior to filing of this suit and even today there is no litigation, deference of opinion are quarrel or fights personally or before forum between me and plaintiff except the present suit. Neither he has troubled me nor I have trouble him. I have not initiated any action for recovery of Rs. 60,000/- which was involved in brick business. Witness volunteers that he was buying time that he will repay. Since 2002 till today he is submitting that he is ready to pay. Even after filing this suit I did not even think of filing proceeding against him to recover said amount. Now the relation between and me and plaintiff are strained. Now witness says even prior filing of the suit the relation between myself and plaintiff was not good. It is true to suggest that after death of my father/defendant I was looking after the business transactions. I know all the transactions that was entered by my father. It is false to suggest that I am aware of Ex.P-1 transaction as I had personal knowledge besides being scribe.

W/statement is as per our instructions. It is false to suggest that I have contended in the W/statement that taking undue advantage Ex.P-1 is created. It is false to suggest that knowing fully aware of Ex.P-1 and being scribe to it I am deposing falsely.

I am do not know the persons show as attesting witness in Ex.P-1. It may be true the financial condition of plaintiff is good. It is

false to suggest that the plaintiff is ever ready and willing to perform his part of contract but we have denied. It is false to suggest that majority of the amount is paid under Ex.P-1 as sale consideration. It is false to suggest that I have failed to perform my part of contract.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

O.S. 90/2011(Dw-1)

**Witness is called and sworn on this dated 08-07-2019**

**Further Cross Examination of Dw-1 by Plaintiff Advocate.**

There is no enmity between me and plaintiff. Prior to filing of this suit and even today there is no litigation, deference of opinion are quarrel or fights personally or before forum between me and plaintiff except the present suit. Neither he has troubled me nor I have trouble him. I have not initiated any action for recovery of Rs.

60,000/- which was involved in brick business. Witness volunteers that he was buying time that he will repay. Since 2002 till today he is submitting that he is ready to pay. Even after filing this suit I did not even think of filing proceeding against him to recover said amount. Now the relation between me and plaintiff are strained. Now witness says even prior filing of the suit the relation between myself and plaintiff was not good. It is true to suggest that after death of my father/defendant I was looking after the business transactions. I know all the transactions that was entered by my father. It is false to suggest that I am aware of Ex.P-1 transaction as I had personal knowledge besides being scribe.

W/statement is as per our instructions. It is false to suggest that I have contended in the W/statement that taking undue advantage Ex.P-1 is created. It is false to suggest that knowing fully aware of Ex.P-1 and being scribe to it I am deposing falsely.

I am do not know the persons show as attesting witness in Ex.P-1. It may be true the financial condition of plaintiff is good. It is false to suggest that the plaintiff is ever ready and willing to perform his part of contract but we have denied. It is false to suggest that majority of the amount is paid under Ex.P-1 as sale consideration. It is false to suggest that I have failed to perform my part of contract.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

O.S. 144/2014(Pw-1)

**Witness is called and sworn on this dated 08-07-2019**

**Cross Examination of Pw-1 by Defendant Advocate.**

It is true to suggest that Ex.P-10 pertains to the for the sale deed purpose only which is valid form 07-03-2009 to 06-04-2009. It is false to suggest that Ex.P-10 does not pertain to suit property. It is false to suggest that the names of Defendant no. 1 and 2 are appearing in extract as per the sale deed.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

O.S. 176/2014(Pw-1)

**Witness is called and sworn on this dated 06-07-2019**

**Cross Examination of Pw-1 by Defendant Advocate.**

Itagi village is a business center for all other nearest villages. I do not know whether the plaintiff's Udaya Hardware shop is well known to the public. It may be true that all the public are aware about myself and other Panchayat officials. It is true that the shop keepers do not ask for resolution when the Panchayat need to purchase the items. It is false to suggest that the shop keepers with the preconceived notion that the Panchayat officials have got every power to purchase the materials, they issue the materials. It is false to suggest that the shop keepers assuming that the Panchayat officials have right to purchase have issued the goods. It is false to suggest that the plaintiff is nowhere concerned with respect to the authorization to purchase the goods by the Panchayat officials and he is concerned only with delivery of goods.

I do not know whether the Panchayat officials have purchased the goods from the plaintiff. It is false to suggest that knowing that they have purchased the goods but I have not taken any action.

Every official have Job Chart. It is discloses about the nature of work. I have no impediment to produce the same. In order to avoid the liability by the Panchayat I am deposing falsely before the court even though the officials have purchased the goods from the plaintiff. It is true that it is an autonomous body. We have every power to utilize the funds for good cause as per guidelines issued by

Government of Karnataka. It is false to suggest that the purchase of goods does not amounts to statutory duty even though if it is for development. It is false to suggest that there is no requirement to issue notice u/sec. 80 of CPC. It is false to suggest that the plaintiffs have issued notice to request us to pay the amount involved in the subject matters. It is false to suggest that I am taking the advantages the technicalities in order to avoid the liability of paying the amount to the plaintiff.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

**Witness is called and sworn on this dated 06-07-2019**

**Cross Examination of Pw-1 by Defendant Advocate.**

Itagi village is a business center for all other nearest villages. I do not know whether the plaintiff's Udaya Hardware shop is well known to the public. It may be true that all the public are aware about myself and other Panchayat officials. It is true that the shop keepers do not ask for resolution when the Panchayat need to purchase the items. It is false to suggest that the shop keepers with the preconceived notion that the Panchayat officials have got every power to purchase the materials, they issue the materials. It is false to suggest that the shop keepers assuming that the Panchayat officials have right to purchase have issued the goods. It is false to suggest that the plaintiff is nowhere concerned with respect to the authorization to purchase the goods by the Panchayat officials and he is concerned only with delivery of goods.

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Every official have Job Chart. It is discloses about the nature of work. I have no impediment to produce the same. In order to avoid the liability by the Panchayat I am deposing falsely before the court even though the officials have purchased the goods from the plaintiff. It is true that it is an autonomous body. We have every power to utilize the funds for good cause as per guidelines issued by

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Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

O.S. 311/2013(Dw-1)

**Witness is called and sworn on this dated 05-07-2019**

**Cross Examination of Dw-1 by Plaintiff Advocate.**

I have done my SSLC. My father is illiterate. I belong to Sannahosur, Khanapur Taluka. I do not know when did my grand father vacated Sannahosur and started residing at Sulaga. My father was having the knowledge of Sannahosur family. I was to come Sannahosur along with my father. I do not know the particulars of suit property. The plaintiff has filed this suit seeking partition in suit property.

It is false to suggest that I do not know any thing about the item no.8 to 13 of suit property. I do not know if the item no.8 to 13 are granted to plaintiff after his grand father has left Sannahosur. My grand father Rama's father name is Punnappa. It is false to suggest that Punnappa's father's name is Tammanna. I do not have any document to show that the father's name of Punnappa is not Tammanna. It is false to suggest that knowing Punnappa's father is Tammanna and deposing false. I do not know who is Mahadev. I do not know whether Kamalabai is daughter of Mahadev.

The suit properties are adjacent to road. Which are plotable. It is false to suggest that the suit properties at Sl. no. 1 to 7 are the ancestral properties of Tammanna. It is false to suggest that the plaintiffs and defendants are having  $\frac{1}{2}$  share each in Sl. No.1 to 7 property and they are in joint possession. I do not know whether the Sl. no. 8 to 13 properties are granted by tribunal to plaintiff. It is true

that I do not have any right in Sl. No 8 to 13 properties. It is false to suggest that the dispute is in regards to Sl. no.1 to 7 properties. Witness volunteers the said 1 to 7 properties belongs to us.

For further cross deferred.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

**Witness is called and sworn on this dated 05-07-2019**

**Cross Examination of Dw-1 by Plaintiff Advocate.**

I have done my SSLC. My father is illiterate. I belong to Sannahosur, Khanapur Taluka. I do not know when did my grand father vacated Sannahosur and started residing at Sulaga. My father was having the knowledge of Sannahosur family. I was to come Sannahosur along with my father. I do not know the particulars of suit property. The plaintiff has filed this suit seeking partition in suit property.

It is false to suggest that I do not know any thing about the item no.8 to 13 of suit property. I do not know if the item no.8 to 13 are granted to plaintiff after his grand father has left Sannahosur. My grand father Rama's father name is Punnappa. It is false to suggest that Punnappa's father's name is Tammanna. I do not have any document to show that the father's name of Punnappa is not Tammanna. It is false to suggest that knowing Punnappa's father is Tammanna and deposing false. I do not know who is Mahadev. I do not know whether Kamalabai is daughter of Mahadev.

The suit properties are adjacent to road. Which are plotable. It is false to suggest that the suit properties at Sl. no. 1 to 7 are the ancestral properties of Tammanna. It is false to suggest that the plaintiffs and defendants are having  $\frac{1}{2}$  share each in Sl. No.1 to 7 property and they are in joint possession. I do not know whether the Sl. no. 8 to 13 properties are granted by tribunal to plaintiff. It is true

that I do not have any right in Sl. No 8 to 13 properties. It is false to suggest that the dispute is in regards to Sl. no.1 to 7 properties. Witness volunteers the said 1 to 7 properties belongs to us.

For further cross deferred.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

**Witness is called and sworn on this dated 05-07-2019**

**Cross Examination of Dw-1 by Plaintiff Advocate.**

I am illiterate. We are 4 siblings to our parents by name 1. Ningappa, 2. Yamanappa, 3. Goudappa, 4. Bhimappa and we have two sisters by name 1. Gangavva and 2. Gouravva. It is true that I have filed a suit bearing suit no.27/2015 against my brothers and sisters seeking partitions. It is true to suggest that my elder brother has got the property mutated in his name by over coming our right therefore we have filed OS.27/2015. Now the witness is confirmed with the plaint of OS no.27/2015, the same is admitted. Hence the same document is marked as Ex.P-9. It is true to suggest that the said plaint averments are true. Wherein I have mentioned my elder brother by name Ningappa has right over the property, as he was looking after all affairs over the property. It is true that the suit property in the present suit is not the subject matter in OS no. 27/2015.

It is false to suggest that in order to show that the suit property is purchased by the plaintiff out of the joint funds. I have not produced any document before the court. It is true that except the plaintiff we all are in to cultivation. And plaintiff work for salary in private job. It is false to suggest that the plaintiff is to cultivate the land by engaging workers. Witness volunteers I was cultivating the land. It is false to suggest that I have not produced any document to show that I have drilled the bore well as deposed in para no.6 of my affidavit. It is true that I do not have any property

in my name. It is true that I don't own any property in my name. It is true that I have graced cow, sheep, buffaloes, chickens. It is false to suggest that I use to interfere with possession of plaintiff over the suit land. It is true that the plaintiff has approached the police on the ground that I was interfering in the suit land. It is false to suggest that I have given under taking before the police that I will not interfere in any other property except my property.

It is true that I was not present when the plaintiff purchased the property under sale deed dated 12-03-1985. I have not challenged the mutation entry which stands in the name of plaintiff by virtue of sale deed dated 12-03-1985 till date. Either before sub-registrar or before Tahasildar. It is false to suggest that the plaintiff along with his children is in possession and being cultivating the land till today.

For further cross deferred.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.

OS. 134/2010(Dw-3)

**Witness is recalled and sworn on this dated 05-07-2019**

**Cross examination of Dw-3 by Plaintiff Counsel.**

I am not the Stamp vendor. G.A.Tekadi stamp vendor is my son. It is true that deed writer should carry a license and even a license number will be allocated to him. It is true that after writing a document we affix our seal as deed writer and put our signatures with the license number. It is true that Ex.P-13 does not bear my seal and license number. I did not have any constraint to mention my license number in Ex.P-13. It is false to suggest that I take instructions from the parties in a separate sheet of paper before writing a document. I take instructions orally from the parties. I know to write Marathi. It is true that while writing a document in Marathi language we put lines horizontally before starting to write. It is true to suggest that there is no mentioning of the contents of Ex.P-13 is read out to the parties in Ex.P-13. I write the documents as per the instructions of the parties and not on perusal of the documents. It is true to suggest that I have mentioned in the Ex.P-13 that its a Raitava land which is as per the instructions given by the parties. As the per the instructions of P-1 and D-1 I have written the document. I cannot say who and all had accompanied P-1 and D-1 on the said day. I have not witnessed the giving and taking of consideration. It is true to suggest that witnesses have not signed in my presence.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

OS. 134/2010(Dw-3)

**Witness is recalled and sworn on this dated 04-07-2019**

**Cross examination of Dw-3 by Plaintiff Counsel.**

I am not the Stamp vendor. G.A.Tekadi stamp vendor is my son. It is true that deed writer should carry a license and even a license number will be allocated to him. It is true that after writing a document we affix our seal as deed writer and put our signatures with the license number. It is true that Ex.P-13 does not bear my seal and license number. I did not have any constraint to mention my license number in Ex.P-13. It is false to suggest that I take instructions from the parties in a separate sheet of paper before writing a document. I take instructions orally from the parties. I know to write Marathi. It is true that while writing a document in Marathi language we put lines horizontally before starting to write. It is true to suggest that there is no mentioning of the contents of Ex.P-13 is read out to the parties in Ex.P-13. I write the documents as per the instructions of the parties and not on perusal of the documents. It is true to suggest that I have mentioned in the Ex.P-13 that its a Raitava land which is as per the instructions given by the parties. As the per the instructions of P-1 and D-1 I have written the document. I cannot say who and all had accompanied P-1 and D-1 on the said day. I have not witnessed the giving and taking of consideration. It is true to suggest that witnesses have not signed in my presence.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

OS. 134/2010(Dw-3)

**Witness is recalled and sworn on this dated 03-07-2019**

**Cross examination of Dw-3 by Plaintiff Counsel.**

I am not the Stamp vendor. G.A.Tekadi stamp vendor is my son. It is true that deed writer should carry a license and even a license number will be allocated to him. It is true that after writing a document we affix our seal as deed writer and put our signatures with the license number. It is true that Ex.P-13 does not bear my seal and license number. I did not have any constraint to mention my license number in Ex.P-13. It is false to suggest that I take instructions from the parties in a separate sheet of paper before writing a document. I take instructions orally from the parties. I know to write Marathi. It is true that while writing a document in Marathi language we put lines horizontally before starting to write. It is true to suggest that there is no mentioning of the contents of Ex.P-13 is read out to the parties in Ex.P-13. I write the documents as per the instructions of the parties and not on perusal of the documents. It is true to suggest that I have mentioned in the Ex.P-13 that its a Raitava land which is as per the instructions given by the parties. As the per the instructions of P-1 and D-1 I have written the document. I cannot say who and all had accompanied P-1 and D-1 on the said day. I have not witnessed the giving and taking of consideration. It is true to suggest that witnesses have not signed in my presence.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 03-07-2019**

**Further chief examination of Dw-1 by defendant Counsel.**

|                                                |         |
|------------------------------------------------|---------|
| Certified copy of the order sheet in OS-8/2017 | Ex.D-8  |
| Plaint of OS-8/2017                            | Ex.D-9  |
| Valuation Slip of OS-8/2017                    | Ex.D-10 |

**Cross examination of Dw-1 by Plaintiff Counsel.**

I have done my 2<sup>nd</sup> standard. Suit land is situated 100 meters from Nandgad village. My property is located on the western side and northern side of the suit property. Witness further deposes that there is nala on southern side. The property of eastern side belongs to Balu Patil.

Earlier the suit property was owned by Kamalabai Deshpande and she is residing at Bombay. I don not know whether she is residing at Bombay since long. I don not know whether she is residing at Nandgad. It is false to suggest that she is residing at Bombay. I know the plaintiff because he is from same village. The plaintiff is doing agriculture as well as mason work. I do not know there was dispute between plaintiff and Kamalabai. It is false to suggest that plaintiff has filed the suit against Kamalabai, which came to decreed. I have seen the suit land personally. It consist of 7-8 strips. It is false to suggest that there are 15 strips in the suit property and 5-10 mango trees are situated.

I have purchase the suit property by perusing the title deeds but not by enquiring the plaintiff. I have not taken out any paper publication before purchase of suit property. It is false to suggest that inspite of decree being passed against Kamalabi, she has sold the property to me.

It is false to suggest that even before execution of sale deed by Kamalabi in my favour, she had passed away and I purchased the property by some other person who impersonated as Kamalabai. It is false to suggest that there is a cow shed in the suit land which belongs to plaintiff and inspite of which I am deposing falsely that the cow shed belongs to plaintiff. It is false to suggest that there is a farm house belongs to plaintiff in the suit property. It is false to suggest that the plaintiff is in possession of suit property.

It is true to suggest that the plaintiff has filed suit against me seeking declaration of ownership of suit property before the Hon'ble Sr. Civil Judge, Khanapur.

Deferred for further cross.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 03-07-2019**

**Cross examination of Dw-3 by Plaintiff Counsel.**

I am not the Stamp vendor. G.A.Tekadi stamp vendor is my son. It is true that deed writer should carry a license and even a license number will be allocated to him. It is true that after writing a document we affix our seal as deed writer and put our signatures with the license number. It is true that Ex.P-13 does not bear my seal and license number. I did not have any constraint to mention my license number in Ex.P-13. It is false to suggest that I take instructions from the parties in a separate sheet of paper before writing a document. I take instructions orally from the parties. I know to write Marathi. It is true that while writing a document in Marathi language we put lines horizontally before starting to write. It is true to suggest that there is no mentioning of the contents of Ex.P-13 is read out to the parties in Ex.P-13. I write the documents as per the instructions of the parties and not on perusal of the documents. It is true to suggest that I have mentioned in the Ex.P-13 that its a Raitava land which is as per the instructions given by the parties. As the per the instructions of P-1 and D-1 I have written the document. I cannot say who and all had accompanied P-1 and D-1 on the said day. I have not witnessed the giving and taking of consideration. It is true to suggest that witnesses have not signed in my presence.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

Piraji Krishnaji Bogale is my husbands grandfather. I do not know whether the said Piraji has formed Farming Tenant Co-operative Society and included 70 to 80 members on the ground that the land

has been granted by the Government. It is true that the Government has granted land to the cultivators to the lease. It is true that the Sy. No. 146 was granted in favour of Piraji Krishnaji Bogale. It is true that D-13 and 14 were also allotted the property in Sy. No. 146. I do not know whether the said grant was only to the SC/ST people. After the death of Piraji Krishnaji Bogale the said property was inherited by Prabhakar. The ME No. is 1431. It is true that even defendant no. 1 was granted with 2 acres of land in Sy. No. 146 and 10 acres was granted to Prabhakar in Sy. No. 146. I do not know the subsequent death of Prabhakar his wife children and mother succeeded the property. I do not know that my husband got the property mutated in his name by overcoming and without the consent of the legal heirs of Prabhakar. Witness volunteers that her husband got the property mutated as per order of D.C. and the said document is produced before the court. It is false to suggest that because the Prabhakar owned the property the said property was inherited by my husband Ravindra. Witness volunteers after the grant by the D.C. her husband owned the property. It is false to suggest that without any D.C. order my husband has got mutated in his name. It is false to suggest that I have taken a contention in my W/s that since the property was in the name of Prabhakar the same was inherited by my husband. It is false to suggest that I have falsely contended in my W/s at Para No. 3. It is false to suggest that my husband got managed to get the Diary no. by colluding the revenue officials. I have produced the documents to show the Government acquired the land before granting the land to my husband. It is false to suggest that the averments made in plaint are true. It is true that in FDP No. 8/2003 suit property is not a subject matter and also in suit filed

before the Bangalore court. It is false to suggest that my husband has executed an illegal will in our favour. It is false to suggest that in order to deprive the right of plaintiff my husband got created the documents. It is false to suggest that the LR's of Prabhakar was not given any share in any property whether movable or immovable property.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

OS. 90/2011(Dw-1)

**Witness is recalled and sworn on this dated 01-07-2019**

**Cross examination of Dw-1 by Plaintiff Counsel.**

Defendant is my father and he died in the year 2004. It is true that whenever we want to purchase or sell the property we use to discuss and proceed. It is true that the suit property belongs to us. It is true that we had every right to negotiate with the said property. I know the plaintiff as he was purchasing the bricks from me and my father and the said transaction since 2001. It is true suggest that there were financial between myself and father with plaintiff. It is false to suggest that there were cordial friendship between the plaintiff and defendant. The entire brick transaction was taking place in the suit property. We were and we are manufacturing the bricks but we have not produced any documents to show that we are into the said business.

It is true that the description of the property at Para No. 2 of the plaint is correct and it belongs to us. It is true that the suit property was standing exclusively standing in the name of my father. Witness volunteers it is our ancestral property. It is false to suggest that even 11E sketch was prepared. It is false to suggest that the 11E sketch was prepared with respect to suit property with the intension of selling the same to plaintiff. I do not know the both the parties (buyer and seller) will sign for the application seeking 11E sketch.

My father is used to sign in Modi language. Witness volunteers not in Marathi language. Now the witness is confronted with the Vakalathnama filed by the defendant. Wherein a signature is confronted to him and suggested the said signature belongs to defendant witness denies the same. Hence the said signature is marked as Ex.T-1. Now the witness is confronted with Ex.P-4. A signature appearing the said Exhibit is confronted to him and suggested the said signature is belongs to his father witness denies the same, hence the said signature is marked as Ex.T-2. Now the witness is confronted to with the verifying affidavit accompanied to the W/statement and a signature appearing the said documents is confronted to him and suggested the said signature is belongs to his father witness denies the same, hence the said signature is marked as Ex.T-3. Now the witness is confronted with the W/statement and a signature appearing the said W/statement and suggested the said signature is belongs to his father, witness denies the same, hence the said signature is marked as Ex.T-4. Now the witness is confronted with Vakalathnama signed by him. Wherein a signature appearing the said Vakalathnama is confronted to him and suggested the said signature is belongs to the witness Dw-1, witness denies the same, hence the said signature is marked as Ex.T-5 and Now the witness is confronted with Ex.P-1. A signature appearing the said Exhibit as P-2(b) is confronted to him and suggested the said signature is belongs to Dw-1, the witness denies the same. It is false to suggest that Ex.P-2(a) and Ex.T-2 are one and the same and it is signed by my father.

My father was owning 7 land properties. It is false to suggest that though the reason behind selling the property is known to me I am not deposing the same. I do not know that before any transaction there will be per-negotiation talks followed by an agreement to sell which should be notarized. Witness volunteers he is not at all aware as to how the sale transaction goes on. It is true to suggest that prior to 2010-11 the suit property was shown with the number R.S. NO. 43. I do not know the 11E sketch was prepared with respect to Sy. No. 43 only. It is true to suggest that the said Sy. No. 43 property was poded as 43/2. It is false to suggest that since the property was shown as 43/2 that I am contending that my father has not executed sale agreement with respect to 43. I do not know whether one Mr. Mashnu Sadanand Gurav has purchased the stamp papers for engrossing the sale agreement. I do not know whether the Ex.P-2 was reduced into writing by Deed writers. It is false to suggest that the said Ex.P-2 is written by me.

The counsel for the plaintiff requested this court to direct the Dw-1 to write few sentence in his hand writing so as to compare his writing with that of the denied writing appearing in the document. In order to ascertain the truth, this court feels apposite to direct to Dw-1 to write a few sentence in Marathi language. Needless to say this court has ampel power to direct him to write as prescribed u/sec 73 of Evidence Act.

According to the witness wrote two sentences in Marathi language and affix his signature to the said writing the said document is marked as Ex.P-6 and his signature is marked as Ex.P-

6(a). It is false to suggest that the said property is agreed to sell as mentioned in Ex.P-2 and accordingly my father has received a sum of Rs. 1,80,000/- as advance and the remaining amount was agreed to pay on 10-08-2008. It is false to suggest that after receiving the said advance sale consideration myself and my father executed the Ex.P-2 in favour of plaintiff. Witness volunteers that the plaintiff himself has to pay amount with respect to bricks transaction and the plaintiff have taken undue advantage of innocence of my father which I got to know after receipt of suit summons of this case. I have not taken any steps with respect to Ex.P-2 and witnesses and notary therein even after I got to know about the content of the said Ex.P-2 are false and forged. It is false to suggest that the since the execution of Ex.P-2 is true I have not taken any step nor I have challenge the same before any authorities. It is false to suggest that though the Ex.P-2 is scribed by me only in order to avoid the liability of execution of sale deed I am deposing falsely.

Further cross differed at the request of plaintiff counsel.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 28-06-2019**

**Further Cross examination of Pw-1 by Defendant Counsel.**

It is false to suggest that with respect Sy. No. 41/1A my mother Basavennavva Ningappa Ganagi entered my name as adopted son as per entry no. 574. It is false to suggest that I have taken loan on the said property as per ME no. 586. It is false to suggest that again I have taken loan on the said property as per ME no. 587, 654, 655, 751, 1576. It is false to suggest that in the year 1983 I got my name mutated in the Panchayat records in proposed to above property. It is true to suggest that Sy. no. 41/1A measures an extent of 2 acre 26 gunthas and out of which 3 gunthas have been used for road and now an extent of 2 acre 23 gunthas are remained. I have not challenged the said mutation entry before the revenue authorities and I have not challenge the sale deed at Ex.D-2 till date. It is true to suggest that adjacent my land Mr. Eshwarappa land is situated. It is true to suggest that Eashwarappa has sold the said property to third person and with respect to that there was a quarrel between myself and Eshwrappa. It is false to suggest that because of which I filed the present suit. It is false to suggest that the documents produced are concocted. It is false to suggest that the

defendants have become the absolute owners by virtue of sale deed at ExD-2.

Re-examination: NIL.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 24-06-2019**

**Further cross examination by Defendant Counsel.**

I can not say the father name of the main propositus Mareppa. I have produced the diary no. 1397. It is false to suggest that in the said diary there are 10 children shown. It is false to suggest that the genealogy shown in the plaint is contorory to the said diary entry and incomplete. Sy. No. 171/1B, western side – road, southern side Sadeppa Ningoji. I can the boundaries of suit property. It is false to suggest that merely because the RTC carries the names of Ramakka, I included there names in the suit property. In sy. no. 103 Ramappa, Laxman, Arjun, Annappa is occupying the property.

After 2 months of death of my father I approached the defendants and sought for share. I have not issued nor filed any notice during the survival of father of defendant no.1 to 4 seeking partition. It is false to suggest that Nagappa's only wife name was Jeejabai @ Gangavva. It is false to suggest that the sad Jeejabai is called as Gangawwa also and the said Jeejabai had defendant no.1 to 4 children. It is false to suggest that since the name of Jeejabai was appearing RTC, I have brought her into the suit. It is false to suggest that there is partition taken place. It is false to suggest that I was aware that the partition already taken place and after having knowledge of the same I have filed the false suit only harass the defendants.

Though I am from Kadrolli village and having the surname of Tambaknavar I have changed the said surname to Madar and I have filed this suit. I have not produced any document to show that I am relatives of defendants and Mareppa propositus. It is false to suggest that knowingly that I do not fall under the branch of Mareppa and being the stranger, I have foisted this false suit.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 24-06-2019**

**Cross examination by J.Dr Counsel.**

Suit property is situated at Katagali village in Khanapur taluka. I am resident of Wagavde village, Belagavi. I have no agriculture property in my name. But it is stand in my father's name which measures 1 acre. I have not produced any extract to that extent. I cannot say the names of adjacent owners. The suit property is 10 acres.

The suit property is cultivated by myself and my brother Jotiba since January 2015. He is working as coolie for a sum of Rs.300/- per day. I have not produced any receipt to show that I was receiving Rs.300/- per day from Dhr. I do not know in which year the Dhr purchased the property, from whom and for what amount. I have also seen the property extract and but I have not seen the map of the suit property. I do not know the nature of possession of land and actual existence of the suit property at the time of purchase. There are 106 big mango trees in suit property which are aged about 15-20 years. And sugar cane is grown in 6 acres, 4 acres of paddy.

On 2<sup>nd</sup> or 3<sup>rd</sup> July 2016 the contractor and engineer came to suit property. I cannot say their names. At that time I was working in the field. The contractor got the JCB and cut the

trees. I do not know the number of JCB. But it was in yellow colour. We did not oppose nor questioned them. We informed the Dhr over phone. Dhr came to the place after 2-3 days. The contractor was accompanied with 5-6 coolie workers. I do not know their names and which village they belongs to. Even today there is Kaccha road on suit property, which leads from Desur to Katagali. The public of Desur and Katagali village use the said way even today.

It is false to suggest that I am not agriculturist, I was working as coolie in the filed of Dhr, no such uprooting of trees has taken place on such day, and no contractor and coolies have entered in to such day. It is false to suggest that the road which was in existence was in existence since time immemorial. It is false to suggest that the contractor has only repaired the road. It is false to suggest that the averments made in affidavit are false and I am deposing falsely without knowing the actual existence of the suit property only in order to help the Dhr. in getting undue advantage of the decree.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C. J & JMFC, Khanapur.

**Witness is recalled and sworn on this dated 24-06-2019**

**Cross examination by J.Dr Counsel.**

I am resident of Wagavde village, Belagavi. Suit property is situated in Katagali village in Khanapur taluka. I have no agriculture property in my name. But it is stand in my father's name. I have not produced any extract to that extent. The suit property is 14 acres. I cannot say the names of adjacent owners.

The suit property is cultivated by myself and my brother Baramani since February 2015. Now witness volunteers that he is working as coolie for a sum of Rs.300/- per day. I have not produced any receipt to show that I was receiving Rs.300/- per day from Dhr. I do not know in which year the Dhr purchased the property from whom and for what amount. I do not know the nature of possession of land and actual existence of the suit property at the time of purchase. I have also not seen the property extract and map of the suit property.

On 01/07/2016 the contractor came to suit property. I cannot say the name of that contractor. He was accompanied by Govt officials I don't know the names and designations. At that time I was working in the field. The contractor got the JCB and cut the trees. I do not know the number of JCB. But it was

in yellow colour. When I questioned the same, they replied the road is under construction. I did not oppose them. They worked the entire day. The Dhr did not visit the field on that day. The contractor was accompanied with 7-8 coolie workers. I do not know their names and which village the belongs to. Even today there is Kaccha road on suit property, which leads from Desur to Katagali. The public of Desur and Katagali village use the said way even today. It is false to suggest that I am not agriculturist, I was working as coolie in the filed of Dhr, no such uprooting of trees has taken place on such day, and no contractor and coolies have entered in to such day. It is false to suggest that the road which was in existence was in existence since time immemorial. It is false to suggest that the contractor has only repaired the road. It is false to suggest that the averments made in affidavit are false and I am deposing falsely without knowing the actual existence of the suit property only in order to help the Dhr. in getting undue advantage of the decree.

(Typed to my dictation in the open court)

R O I & A C,

Addl. C J & JMFC, Khanapur.