

ಕಿರಿಯ ವಿವರಣೆ ಮತ್ತು
ಶ್ರೀ ಎ. ಸಾಧು ವಂ.
ಸಾಧುಬಾಬು ಹುಂಬೂರು
24/5/23
ಎಸಾಂ (ಪ್ರತಿ)
ಶಿವಮೊಗ್ಗ (ಜಿಲ್ಲೆ)

Original Suit No. 19/2022

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC
HUNGUND AT: HUNGUND.**

1) Smt Shanta Bantnoor and others ... Plaintiffs.

-V/s-

1) Smt.Kalakavva kambali and others ...Defendants.

**WRITTEN STATEMENT U/O 8 RULE 1 AND 2 OF CIVIL
PROCEDURE CODE:**

Herein Defendant No. ¹⁰~~10~~ files written statements as under:-

1. That the suit of the plaintiffs is false and frivolous and vexatious all the averments made out in the plaint are hereby denied by this defendant in toto except those that are expressly admitted herein below.

2. The Genealogy and suit properties shown along with the plaint separate as Schedule-A and B are not correct and there is no cause action between plaintiffs and defendants and suit filed on time-barred. So that the suit of the plaintiffs is not maintainable under law and facts. Hence this is liable to be dismissed with cost.

3. The facts stated in para No.2 and 03 in the plaint are not correct and the burden to prove the relationship and ancestral properties is completely dependent upon the plaintiff only.

4. The contents stated in para No. 04 and 05 of the Plaint are false and baseless and denied by Defendant No.10 to 12.

5. The facts stated in plaint para No.06 in the plaint that the Schedule-Property Sy. No.317 measuring total 06-Acre 16-Guntas

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Kalakavva
w/o Bevapna
Kambali

deceased Irappa , channappa and defendant No. 01 and 02 collided with each other and created false and bogus documents and gave illegal report to revenue authorities and created forgery M.E.No-1938 dated:11-10-1995 and also gave false entries pertaining to House No.479, open site No.11, open site No.11A and House No-14 are illegal and not binding and liable to set aside those are all false and baseless and denies it by this defendants.

6. The contents stated in para No. 7 of the Plaint are false and baseless and denied by the Defendants.

7. That the facts stated in paras No.08 are also completely false and far away from the truth. Moreover, It is false to state that the deceased Irappa and Channappa collude with each other and created forged documents and on the strength of illegal MR No.57 dated 16/06/2008 illegally partitioned held between themselves in Suit lands of Sy. No.317.

8. That the facts stated in plaint para No.9, 10, 11 are completely false and baseless grounds so this defendant denies it completely. Defendants No.9 to 12 are not coparceners and in no way concerned with partition and share of the suit land and they are unnecessarily involved as defendants in this case.

9. The facts stated in para No.12 of the plaint are not a true and false allegation against defendants No.04 and 10 to 12 as in respect of the open site measuring 20*40 Sq Ft is an ancestral property of the plaintiff and defendants No.01 to 8 respectively. The open site bearing No.11 and 14 were self-acquired properties purchased from deceased Irappa prabhappa chatri in the name of deceased ancestor Rudrppa through a registered Sale-Deed dated: 13/12/1976. It is not correct to say that the ME No1928 dated: 11/10/1995 the deceased Irappa and channappa illegally entered their names and fraud play against

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provisions of T.P.Act. It is true to state that the ME No1928 dated: 11/10/1995 is on the base of the Joint Family arrangement Deed between the coparcener and on that base the plaintiffs and defendants become-owners of the suit schedule properties. Defendant No.04 is legally entered her name in the property extract and sold out the said property through registered **Sale-Deed 10/07/2020** to the defendants No.10 to 12 with legal right, title over the property and with knowledge of plaintiff and defendant No.01 to 03 and defendant No.5to 8. Therefore the alleged Sale-Deed dated 10/07/2020 is legal and liable on the plaintiff 's and binding upon Defendant No.04 and all coparceners.

10. The facts stated in the para No.13 and 14 are not correct that the defendant No.02 colluded with deceased Irappa, Channappa, and defendants No.04 to 08 and illegally created his name in house property bearing No.11 and 14 of Aminagad town without giving notice and no knowledge to the plaintiff. The said Open site plot No.11 and 14 are self-acquired and after the death of the ancestor defendant No.04 name is entered legally right and title over properties. The shares calculated by plaintiffs are not correct it is false and baseless.

11. The facts stated in para No.15 and 16 are not correct and those are false and baseless and this defendant denies it total. It is not correct to state that defendants No.10 to 12 are in no way concerned with the plaintiff. Defendants No.10 to 12 are legal purchasers of the Open site bearing property No.11 through the registered sale Deed dated on:10/07/2020 from defendant No.04 who was the lawful owner and possessor of the suit property. But defendants No.10 to 11 are indeed minors so their grandmother defendant No.12 is the legal guardian of the minor and the suit property is also purchased through

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the minor guardian defendant No.12. is legal This is the fact the plaintiffs are no way rights, title over this properties. Therefore, the suit for the plaintiff cannot be decreed on the vague prayer. Hence suit the plaintiff is liable to dismiss with compensatory cost.

12. The contents stated in para No. 17 of the plaint are false and baseless hence denied by this Defendant. In this case, there is no cause of action aroused to the plaintiffs for filing a suit for partition and separate possession. Because they have already got their legitimate share as per M.E.No-1928 dated 11-10-1995 in the ancestral Joint Hindu Family and had ownership and possession over their share. The suit properties are already partitioned between plaintiffs and defendants No.1 to 8 and filing a case again for the same cause action is not maintainable under law and facts and could be liable to dismiss. That the plaintiffs seeking a declaration to declare that, the sale Deed dated: 10/07/2020 pertains to the Open site bearing No.11 of Aminagad Town is not legal and is an act intentionally disturbing to this defendant. Now as per the registered sale deed between Defendant No.04 and defendants No.10 and 11 is lawfully binding upon the plaintiffs and Defendant No.04. That all the contents in the plaint are false and baseless and the Plaintiff be put to strict proof of the same.

13. The real fact of the case is that, the Aminagad Town lands Sy. No.278/1, 281/A, and 281/B was belongs to one deceased Veerabhadrappa Bharamappa Chatre. He moved an application before D.C. Bagalkot for N.A.Permission for total area 02Acre36Guntas. After that, the D.C.Bagalkot granted N.A. permission for the construction of the residential building as per the layout plan in order No: INA.SR.1202 DATED: 27/08/1976. Now as per the KJP map plots No. 22 @26 total area 60*40Sq Foots and but as per Pattana panchayat

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Aminagad records those are renumbered as Open plot : 11 and 14. That the deceased ancestor and manager of family Rudrappa Mahalingappa Gokavi purchased residential plots No.11 and 14 extent 60*40Sq foot from Veerabhadrapa Bharamappa Chatre through a registered sale deed dated: 13/12/1976. On the base of the registered sale, the deceased Rudrappa Gokavi became legal owner and possessor over residential plots No.11 and 14 each extending 60*40Sq feet. The said Plots No.11 and 14 are attached to each other total area becomes 60*40 out of that those are divided into three strips as 20*40. The 1st strip in plot No.11 extent: 20*40 has gone to the deceased **Irappa Rudrappa Gokavi** and after death then it entered in the name of his wife **Gangavva Irappa Gokavi**. The 2nd strip in plot No.11A extent: 20*40 has gone to **Iranna Channabasappa Gokavi** and the 3rd strip in plot No.14 extent: 20*40 has gone to **Iranna channabasappa Gokavi**. The other old house No.479 of Aminagad village belongs to the deceased son **Channappa Gokavi** as per the family settlement between the Joint Family.

14. This is the fact that defendant No.04 is legally the owner and possession of an open site bearing No.11 measuring 20*40sq. ft in ward No.02 of Aminagada Town. It is further stated that defendant No.04 has a sale open site bearing No.11 measuring 20*40sq. fits in ward No.13 of Aminagada to the Town of Rs.4,90,000-00 in the name of Defendants No.10 and 11 by their guardian Defendant No.12 through registered sale deed dated on:10/07/2020 in Sub Registrar Office Hungund. Now defendants No.10 and 11 have become legally joint owners and possessors over plot No.11 of Aminagad Town on the date of registered sale-deed and then their names were entered in the property extract of plot No.11 through the guardian. The plaintiffs and

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defendants No.1 to 8 in no way right, with interest, or title, over the open site bearing No.11 measuring 20*40sq. feet in ward No.02 of Aminagad Town.

15. The Open site bearing No.11 measuring 20*40sq. feet in ward No.13 of Aminagada to the Town is neither ancestral property nor can ~~not~~ entitle share because no way rights, interest, or title over the suit property. The boundaries of suit site No11 of Aminagad is East:Road West: Parappa kalagi West: Road North:Iranna kalagi. Defendants No.10 and 11 purchased the open site No.11 ward no.13 in Sy. No.278/1 of Aminagad town from defendant No04 through their guardian of defendant No.12 on the basis of a registered Sale-Deed dated: 10/07/2020. The suit of the plaintiff is time-barred, and only bad intention of getting a share and also to disturb the defendants this suit is filed against without cause of action. Further, it is submitted that the contents stated in para No. 4 are false and baseless and the Plaintiff be put to strict proof of this.

Therefore the above said grounds of the plaintiff's suit are not maintainable under law and facts. Open site No.11 of Aminagad town is not ancestral property but is the self-acquired property of the ancestor. So that the plaintiff and defendants No.1 to 8 have no right to claim partition in this suit property. For the above-said reasons, the Honorable Court may be pleased to dismiss the suit against defendants No. 10 to 12 in respect of house property No.11 in ward No.13 of Aminagad town, the eastern portion of KEB in the interest of justice.

Place: Hungund

Date: 25/05/2023 ←



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Defendant No. ~~10~~ 12

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Verification

Herein I Smt. Kalakavva W/o Devappa Kambali, age: 58 years, Occ: House hold R/o: ward No.02, Aminagad Tq: Hungund Dist: Bagalkot, do hereby state on solemnly affirmation, that what has been stated above are true to the best of my knowledge, belief, and information.

Place: Hungund

Date: 25/05/2023

Filed in court : 25/05/2023



L.S. No. of
Kalakavva
W/o. Devappa
Kambali

Defendant No: 12

(M. V. Arali)

Advocate for defendant No: 12

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Sheristedar

Original Suit No. 19/2022

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC HUNGUND
at: HUNGUND.**

1) Smt Shanta Bantnoor and others ... Plaintiffs.

-V/s-

1) Smt.Basamma Gokavi and others ...Defendants.

VERIFYING AFFIDAVIT

Herein I Smt. Kalakavva W/o Devappa Kambali, age: 58 years, Occ: House hold R/o ward No.02, Aminagad Tq: Hungund Dist: Bagalkot, do hereby state on solemn affirmation as under:-

That I am the Defendant No. 12 in this case and the defendant No.10 and 11 are minors so I represent as guardian of minor defendants and I know the facts of this case. Today I am filing WS of Defendant No.10 in this case.

The contents of the written statement para No. 1 to 16 have been read over and that they are true and correct to the best of my knowledge, belief and information. They have been drafted as per my instructions.

The above contents are read over and explained to me in Kannada and that they are true and correct to the best of my knowledge, belief and information.

Place: Hungund

Date: 25/05/2023

(M. V. Arali)

Advocate

No.Of Correction 07

Notary


L.S.M. of
Kalakavva
W/o Devappa
Kambali
I know the Deponent

Sworn to before me 24/5/2023
S.C. Gurunanjanamath
B.A.L.L.B.(Spl)
ADVOCATE & NOTARY
HUNGUND. Dist:Bagalkot
R/o. Kudalasangam-587125.

