

-16-

**Witness again called and duly sworn on :
20.03.2024**

**Cross Examination - by Sri. Y. N.M Advocate for
the Defendant No.1:**

4) I am the Director of the Company by name Highlands Blossoms Pvt. Ltd. I voluntarily say that, I am the S.P.A. Holder of the plaintiff. I am an Engineering Graduate. It is true to suggest that, my Highlands Blossoms Pvt. Ltd is not a party to this suit. The plaintiff has filed the suit for the relief of Declaration to declare the ownership of the suit schedule property and to evict the defendants who put up Compound Wall and they are in the process of constructing some structures. I deny the suggestion that, I have not given any personal instructions to the plaintiff's counsel to file the suit. I deny the suggestion that, the Ex.P6 and Ex.P7 Police Endorsements and Notice to Tahshildar were personally lodged by the plaintiff Damani R. K. and I say that, I have lodged those Complaints. It is true that, in the Police NCRs and Complaint to the Tahshildar, it is not mentioned that, the said Complaints were lodged by the S.P.A. Holder of the plaintiff on plaintiff's behalf. If asked the reason for appointing me as the S.P.A. Holder is mentioned in the Ex.P1, I say that, it is mentioned in the Ex.P1 that, the plaintiff is residing far away from the suit schedule property and it is inconvenient for him to appear in the case and therefore, the S.P.A. was issued to me. It is

-17-

true that, the plaintiff is healthy and physically fit. If asked is there any impediment or hurdle for the plaintiff to appear personally to give his evidence, I say that, the plaintiff is not residing in India. It is true that, in the Plaint and in the S.P.A. given to me, the plaintiff has not mentioned anything about he is residing in abroad and therefore, he could not personally appear before the Court.

5) It is true to suggest that, in the Ex.P1 - S.P.A. no specific boundaries of the suit schedule property were furnished. It is true to suggest that, in the Ex.P1, only the extent of 30A is mentioned and no specific boundaries were mentioned. It is true to suggest that, in the Ex.P1, the 30A of land is described as situated in Sy.No.3 of Bhovi Palya Village. It is true to suggest that, this suit is filed in respect of the Sy.No.3, Block No.20 measuring 1A 20G of Navaratna Agrahara Village. I deny the suggestion that, since the Ex.P1 - S.P.A. was given to me in respect of the Sy.No.3 of Bhovi Palya Village, I am not authorized to give evidence in respect of the suit schedule property. I say that, the S.P.A. was given to me in respect of the Sy.No.3 of Bhovi Palya Village in Navaratna Agrahara.

6) It is true to suggest that, I am not one of the attesting witnesses to the plaintiff's Sale Deeds marked as

-18-

Ex.P4 and Ex.P5. I deny the suggestion that, since I was not one of the attesting witnesses to those Sale Deeds and therefore, I am not having any personal information. If asked, How I have got knowledge about the plaintiff's Sale Deeds? I say that, after appointing me as his S.P.A. Holder, the plaintiff has appraised me about all the documents. I deny the suggestion that, I came to know about these documents only after my appointment as the S.P.A. Holder. I am aware about the documents perused by the plaintiff before purchasing the properties under Ex.P4 and Ex.P5. I am aware about the Legal opinion obtained by the plaintiff before purchasing of the property. I have not furnished the said Legal opinion for the inspection of the Court. I can produce the Legal opinion on the next date of hearing.

(At this stage, the plaintiff's counsel has raised objections to the question about the actual amount paid by the plaintiff to purchase the property and therefore, to avoid unnecessary interference in recording the cross examination, the same is adjourned)

(Dictation typed to my dictation by the Typist in the Open Court Hall).

R.O.I. & A.C.

**Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**