

OS 115/2015

PW 1

PW-1 recalled and duly sworn on:-19/09/2018

Further cross examination for defendant-3 by Sri. AVH Advocate:

2. It is incorrect to suggest that no documents are produced by me to show that which property has given to the share of each persons as per order in FDP No.37/2011. The revenue records of the suit properties are not changed as per the compromised decree in FDP No.37/2011. It is incorrect to suggest that myself, other plaintiffs and defendants 1 & 2 together have sold suit property by dividing it in 3 parts to defendant 4 to 6 through Ex.P-9 to P-11. We have challenged above sale deeds in the present suit itself. It is incorrect to suggest that we have not challenged the above sale deeds before any forum alleging that they are fabricated documents.

3. No action is taken against the order of dismissal of our application seeking impleadment in OS 217/11. It is true that impleading application was filed after noting the facts of the case and relief claimed therein by the plaintiffs of OS No.217/2011. I do not know if the plaintiffs in OS No.,217/2011 had taken temporary injunction order not to alienate the suit property. The appeal filed against dismissal of suit in OS No.217/2011 was allowed and matter is remanded.

4. It is true that the order of temporary injunction was entered in Ex.P-1. It is true that myself and my siblings are residing together with our parents. It is true that similarly my

uncle and his children are also residing together. It is incorrect to suggest that my father is looking after the affairs of our family. Witness volunteers that her younger brother is looking after the affairs of her family as her father is addicted to bad vices.

5. I do not remember if OS NO.217/2011 was filed by my uncle Gedanagouda Patil. It is incorrect to suggest that my father and uncle had executed an agreement for sale infavour of one Prakash Krishanappa Koliwad inrespect of the present suit property. Witness volunteers that the said agreement was executed inrespect of another property Bg.RS No.95/2 of Rayanal village. I was not aware of this transaction as I was minor at that time. After attaining majority I have filed suit against Prakash with my family members challenging the sale transaction between him and my father and uncle. The said suit decreed in our favour. It is incorrect to suggest that I am deposing falsely that by virtue of the above referred court decree the sale deed executed infavour Prakash was cancelled. It is true that even to this day name of Prakash Koliwas is shown in revenue records pertaining to RS No.95/2 of Rayanal. Witness volunteers that subsequently he entered into a compromise hence his name is mutated in revenue records. I can produce the compromise decree referred to above in this suit.

6. Before filing of this suit we made enquiry with my father and uncle whether they have sold the property infavour of Kalaghatagi. At that time they disclosed that a documents was got executed through them by playing fraud on them. I have

noted the contents of the written statement filed by my father and uncle in OS No.217/2011. In the written statement they had contented that the sale agreement was got executed as the security for repayment of loan. It is incorrect to suggest that in their written statement my father and uncle have not pleaded that taking undue advantage of their drinking habit Kalaghatagi got executed false sale deed from them. It is incorrect to suggest that in the written statement they had taken a contention that already they have sold suit property infavour of one Shantilal Telisera of Hubballi. It is incorrect to suggest that to deny the rights of defendant-3 in the suit property we have executed Ex.P-9 to P-11 sale deeds.

7. Names of my brother and cousin brothers are not entered into revenue records. It is true that the person in whose name the revenue records stands alone can avail the loan from the banks. In the present case defendants 1 and 2 have not appeared and not filed their written statement. It is incorrect to suggest that we have filed this suit against defendant-3 only at the instigation of defendant-1 and 2.

Re-examination: Nil.

(Typed to the dictation of the P.O. in the open court, read over and corrected)

ROI & A.C.

Prl. Senior Civil Judge,
Hubballi.

