

OS 168/2011

DW 1

DW-2 recalled as per order on I.A.No.23 and duly sworn on:-19/01/2018

Cross examination for defendants 1 & 2 by Sri.CRP Advocate.

Plaintiff No.1 is elder to me. I am the second son of Timmappa. Deceased defendant-1 is the third son. It is true that defendant-2 is the youngest son of late Timmappa. I do not know how many properties my father left behind as his self acquired property. I joint air force on 19-11-1965. At that time defendant-2 was studding in 8th or 9th std. My father was alive at the time of my joining to air force. I retired from the service 30-11-1991. I was getting Rs.66 per month as salary during initial period. At the time of retirement I was getting salary of Rs.3,500/- per month. I received Rs.80,000/- as the retirement benefits. I have not produced any documents regarding retirement benefits.

2. I have not produced any documents to show that I have purchased plot No.547 from HUDA out of my personal income. It is true that I have purchased the said property during the existence of joint family. I have not produced any documents to show that after the retirement I was doing private service. It is incorrect to suggest that I am deposing falsely that I have purchased Plot NO.547 and plot No.157 out of my personal income. I have not produced any documents to show that my wife was a teacher and she had constructed a house by availing loan from LIC housing finance, Dharwad. My son completed engineering course in 2005. It is true that I have not produced any documents to show that my son has purchased a property in Pune out of his self earning. It is incorrect to suggest that I am deposing falsely that on 29-06-2010 a memorandum of partition was prepared for the sake of

memory. It is incorrect to suggest that taking undue advantage of our relationships as elder brothers we have created said document by putting pressure on defendants 1 & 2. It is incorrect to suggest that defendant-2 is a PWD class-II contractor. It may be true that the document shown to me is Xerox copy of application of D-2 for renewal of contractor license. It is true that now the document shown to me is a bill in the name of D-2 for Rs.2,37,433/-. The above documents are marked as Ex.P-14 to P-16 respectively. It is incorrect to suggest that apart from being a class-II PWD contractor, defendant-2 was doing agriculture. It is incorrect to suggest that properties at Sl.No.1 and 3 of schedule A are the self acquisition of defendant-1 & 2.

3. It is true that there are three agricultural lands bearing RS 1085 measuring 3 A 15 G and 75 anna, RS 828 measuring 4 A 17 G and RS 581 measuring 8 acres at Annigeri in the name of plaintiff-1. It is incorrect to suggest that the above lands are purchased in the name of plaintiff-1 only. It is incorrect to suggest that the above lands are purchased from the income of joint family agriculture lands. It is incorrect to suggest that I have purchased plot No.547 from HUDA out of the joint family funds. It is true that RS 581 of Annigeri is standing in the name of Sri.Govindappa Nagaraddi (plaintiff-2). It is incorrect to suggest that the said land is purchased in the name of plaintiff-2 out of income from joint family agriculture lands. I have not produced any documents to show that plaintiffs 1 and 2 have purchased above referred lands out of their self earning. I do not know whether the above plaintiffs have produced any documents to show that the above lands their self acquisition. It is incorrect to suggest that hence for the above reasons I

cannot say how plaintiffs 1 & 2 have purchased the above properties. I do not know the consideration amount for which they had purchased the lands. I am not an attesting witness to their sale deeds. It is incorrect to suggest that plaintiffs 1 & 2 have purchased the above lands from out of the joint family funds.

4. Plaintiff-2 was working as teacher in Government added high school. He was residing at Hebsur village. I do not know about his salary and other income. I do not know whether plaintiffs have produced any document regarding income of plaintiff-1 and 2. I have no documents to show that they had their personal income. It is incorrect to suggest that even though the above lands purchased out of the joint family funds internally they are not added in the suit schedule only to deprive the legitimate share of defendant-1 and 2. It is incorrect to suggest that defendants 1 and 2 have their legal share in those properties.

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.

