

Witness recalled and duly sworn on : 23-03-2019

Further cross examination by counsel for defendant :

13. Babu, Mahantesh and Prabhulingappa are sons of plaintiff No.1. All three sons of plaintiff No.1 are residing together. It is true plaintiff No.1 on 12-05-1972 has purchased property bearing R.S.No.155/1+2A to an extent of 6 Acres 19 guntas. It is true thereafter there was partition effected in respect of said property in between plaintiff No.1 and his sons.

14. It is true on 1-12-2017 the plaintiff No.1 has gifted away R.S.No.155 in favour of grand son Nandish. There is no any landed property belong to plaintiff No.1 situated in Kadashettihalli village limits. I don't know about sale deed dated 24-04-1973 purchased by plaintiff No.1 in respect of R.S.No.79/5B+5C of Kadashettihalli village. It is true said R.S.No.79/5B+5C was sold by plaintiff No.1.

15. It is true on 16-03-2012 the plaintiff has gifted away R.S.No.153/1 in favour of his grand son. It is true in the year 1993 the plaintiff No.1 has purchased 3 plots from one Chandragiri family. It is true plaintiff No.1 has likewise purchased one house property from Mallur family situated in Belagalpeth. It is true Babu who is son of plaintiff No.1 has purchased R.S.No.152 of Belagalpeth village and same was converted into mango yard. It is true second son of plaintiff No.1 who is Mahantesh has also purchased R.S.No.118/3 to an extent of 3 Acres. It is true all these sale transactions and execution of gift deeds are subsequent to partition effected in between three brothers. Witness volunteers

that, such partition was effected in between himself and his brothers.

16. Gangadhar and Prakash are two sons of plaintiff No.2. Sons of plaintiff No.2 are residing together. It is true on 22-05-1972 the plaintiff No.2 has purchased R.S.No.155/1+2+2D+1B. It is true in the year 1993 the plaintiff No.2 has purchased 3 plots from Chandragiri family. It is not true to suggest that, in the year 1995-1996 the plaintiff No.2 has purchased R.S.No.157/2K. It is true plaintiff No.2 in the year 2007 has purchased R.S.No.32/1 to an extent of 2 Acres 7 guntas from Chandragiri family.

17. It is true defendant No.3 Shanmukhappa has purchased R.S.No.155/1+2B/2. It is true defendant No.3 has purchased 2 plots from Chandragiri family. It is true in the year 1994-95 R.S.No.157/2A to an extent of 4 Acre 37 guntas was purchased in the name of Shivakumar who is son of defendant No.3.

18. It is true over the time the Jagadevappa has also purchased some properties.

19. It is true plaintiffs No.1 and 2 as well as defendant No.3 are an income tax payee. In the year 1991 plot to an extent of 6 guntas situated in Gamanagatti village of Hubli Taluk was purchased by defendant No.2 Jagadevappa. I don't know from whom said property was purchased by Jagadevappa. Even I don't know about consideration amount. It is not true to suggest that, whole consideration amount for purchase 6 guntas was paid only by Jagadevappa. Witness volunteers that, said consideration amount was paid jointly. I don't know as to whether the plaintiffs No.1 and 2 have mentioned in their income tax returns for having paid consideration for purchase of plots in Gamanagatti village. It is true income tax return cannot be file falsely. There was no partition effected in Gamanagatti, same was kept jointly. Same was purchased in the name of Jagadevappa. It is true Jagadevappa has obtained permission to put up construction on property situated in Gamanagatti. Witness volunteers that, without their knowledge permission was obtained by Jagadevappa. Construction expenditure was paid jointly. I don't know

whether plaintiffs No.1 and 2 have mentioned same in their income tax return. I could not recollect in which year construction was completed. I can produce income tax return pertain to purchase of site in Gamanagatti and construction over it. It is not true to suggest that, the Jagadevappa on his own has purchased site in Gamanagatti and out of his own income put up construction over it. It is true Jagadevappa later on gifted away property in Gamanagatti in favour of his son.

20. It is true plaintiffs, defendant No.3 as well as Jagadevappa till 2009 there was cordial relationship between them. Plaintiff No.2 was served as school teacher. It is not true to suggest that, plaintiff No.2 is very intelligent. Witness volunteers that, all four brothers are very intelligent. I have discussed with my father and brother prior to my evidence before the Court. It is not true to suggest that, though I am well aware about already partition effected in between four brothers now falsely filed present suit.

(At this point of juncture cross-examination is deferred
at the request of counsel for defendant No.1)

(Typed to my dictation in the open court as per deposition of
witness)

R O I & A.C.

Sr.Civil Judge & JMFC.,
Hangal.

Signature of witness.