

**IN THE COURT OF 3rd ADDITIONAL DISTRICT & SESSIONS JUDGE,
HASSAN.**

RA 40/2022

PW.1

Witness again called and duly sworn on: 17.10.2025.

**CROSS EXAMINATION BY SRI. HRR., ADVOCATE FOR RESPONDENT
No.1;**

1. I have studied till S.S.L.C. I am acquainted with reading and writing Kannada language. It is true that I have signed in English language in all the documents. I am engaged in agriculture as well as business. I take care of all my family affairs. I have five children, among them four are girls and one boy and all of them are married. My son Gopinath has pursued B.Com and working in a private company at Bangalore. I have not yet allotted my properties to my children.

2. We are two children to my parents. I am the elder one and Sri.Somshekar is my younger brother. My younger brother served in Army, he was expired in 1994. His wife's name is Nagaratna. We had partitioned our ancestral properties with my brother. It is false to suggest that me and my younger brother did not divide our ancestral properties. Witness further volunteers that after the death of my younger brother we got the property divided between me and my sister-in-law.

3. It is false to suggest that has I did not give any share to the wife of my younger brother, she had filed a suit for partition. It is true

that the said Nagaratna had filed a suit in O.S No.147/1998 seeking partition. It is true that I had contested the said suit. It is false to suggest that I did not participate in the original suit proceedings in order to delay the proceedings. I came to know that the said suit came to be decreed and Smt. Nagaratna was allotted 50% of the suit schedule property, only after six months from the date of decree. It is true to suggest that I did not hand over the share allotted to said Nagaratna as per the court's order.

4. I do not remember whether an FDP proceedings were initiated by the said Nagaratna for the allotment of her share. It is true that I appeared before the court in the said FDP proceeding after receiving summons from the court. It is false to suggest that I was very much present when the court commissioner appointed by the court came to the schedule property for conducting a survey. I do not have any knowledge whether, I filed my objections for the survey conducted by court commissioner. I do not have any knowledge regarding the disposal of FDP proceedings by the court. I do not have any knowledge in respect of the execution proceedings initiated by the said Nagaratna for the implementation of the order of the court. I do not have any personal knowledge regarding my representation before the executing court through my advocate. It is false to suggest that though I am having

personal knowledge and appeared before the executing court through my advocate, I am falsely deposing before this court.

5. I do not have any personal knowledge whether my son appeared before the executing court as an objector. I do not know whether the objector application filed by my son in the executing proceedings came to be dismissed. It is false to suggest that the said Nagaratna has not obtained the possession of her share through the order of executing court. It is false to suggest that on 13.08.2012 the court commissioner appointed by the court along with the bailiff came to the suit schedule property for delivering the possession of the share of the said Nagaratna and I was very much present on that day. It is false to suggest that through my daughters I have filed a suit after said Nagaratna obtained her share after fighting 14 years claiming her share. Prabhamani, Meenakshi and Bhuvanakshi are my children. It is true that I was also arrayed as party to the suit filed by my daughters before II Addl. Sr.Civil Judge, Hassan in O.S No.135/2013. It is false to suggest that I, my wife and my son appeared before the said court and contested the suit. Witness further volunteers that I have not appeared before the court in the said suit. I do not have any personal knowledge whether a share which was entitled by the said Nagaratna was also included in the said suit for partition.

6. I do not have any personal knowledge whether the said suit came to be dismissed on 14.06.2017 on the ground of res judicata. I do not know whether an appeal in RA No.154/2017 came to be filed before V Add. District and Sessions Court challenging the dismissal of the suit in O.S No.135/2013. We have not appeared before the first appellate court through advocate. I do not know whether the said appeal came to be dismissed. It is true that I have not allotted any shares to my daughters. It is false to suggest that I had filed partition suits only for the purpose of troubling the said Nagaratna in order to avoid her to obtain her share. I do not know whether an appeal in RA No.22/2002 was filed on 01.04.2002 challenging the decree passed in O.S No.147/1998 filed by the said Nagaratna. I do not know whether there was any delay in filing the above appeal. I do not remember whether I led evidence before V Addl. District and Sessions Court on the application seeking condonation of delay. It is false to suggest that though I am having personal knowledge regarding the proceedings initiated by my daughters and the appeal proceedings initiated by me, I am falsely deposing before this court by disowning all the true facts.

7. It is false to suggest that though the appeal filed before Fast Track Court - II in RA No.22/2002 was dismissed, I am re agitating the same before this court though it has already been decided and attained finality on 15.06.2005. It is true that I have filed the present appeal

though the appeal filed before Fast Track Court – II in RA No.22/2002 came to be dismissed which is on the same subject matter. I did not challenge the order passed in RA No.22/2002 before the Hon'ble High Court of Karnataka. It is false to suggest that I have suppressed the entire proceedings held in respect of the suit schedule property. I suffered from heart related ailments and I have been obtaining treatment for the same since 20 years. It is false to suggest that the medical documents produced in support of my contentions are of the recent one. The doctors who have treated me, suggested me to take rest. It is false to suggest that there is no mention about the suggestions not be active in the court proceedings. It is false to suggest that there is no such suggestion which is stated by the doctors not to engage in any court proceedings. I did not require anybody to engage in court proceedings as I am very much active.

8. It is false to suggest that in order to avoid allotting share to said Nagaratna, I am re agitating before this court in respect of the same subject matter which has already attained finality. I have not seen the said Nagaratna staying at my place. I have knowledge regarding the selling of some of the properties of said Nagaratna for bearing the educational expenses of her children. I do not know whether I had obtained the certified copies of the order passed in O.S no. 147/1998 on

19.03.2002. I do not know whether I had filed RA No.22/2002 after obtaining certified copies of the order of dismissal of O.S No.147/1998.

9. It is false to suggest that I am filing appeals one after the other and wasting a precious time of the court and also troubling the said Nagaratna. It is false to suggest that I have created medical documents to substantiate my delay in filing the present appeal. It is false to suggest that I have suppressed the true facts of the entire proceedings held in respect of the subject matter, in my affidavit. It is false to suggest that I am not entitled for any relief at the hands of this court.

Re-Examination : Nil.

(Dictated by me in the open court)
R.O.I & C.

3rd Addl. Dist. & Sessions Judge,
Hassan.

Witness signature