

Witness recalled and duly sworn on : 13-08-2018

Cross examination by BSA counsel for defendant No.8 :

Myself and my sisters were born in Aregoppa village in Hangal Taluk. I could not say my exact date of birth. I have studied in Government Primary School Ganeshpur village of Mundgod Taluk. My sisters have also studied in Ganeshpur village. My father and mother have resided in Ganeshpur village. My father himself has entered my name and other particulars while admitting me to Government Primary School Ganeshpur. As per school records my date of birth is mentioned as 21-07-1977. I was born on 21-07-1977.

2. My father used to reside in Chigalli as well as Ganeshpur. Chigalli and Ganeshpur are situated nearby to each other. My father had no landed property situated in Ganeshpur or Chigalli village. Since 25 years there is a residential house belonging to my father which is situated in Ganeshpur village. At the time of death of my father he himself, myself, my mother and other my sisters resided together. Witness volunteers that, his

father had addicted to alcohol and he was wandering here and there. My father had developed illicit relationship with another lady by name Seetabai. I could not say name of father or name of husband of said Seetabai. I don't know personally in which year my father had developed relationship with Seetabai. It is not true to suggest that, I am deposing falsely that, my father had developed illicit relationship with Seetabai.

3. There was residential house belong to my father situated in Aregoppa village. Now said house is demolished by defendants. About 3 to 4 years back the defendants have demolished house belong to my father. Till demolition of house defendant No.8 was resided in house. Said house was old one. I could not say V.P.C number of house. I don't know earlier it was numbered as V.P.C.No.64. I don't know boundaries of house property. I have not at all resided in Aregoppa village. Witness volunteers that, he occasionally used to visit Aregoppa village. Witness further volunteers that, whenever he used to visit Aregoppa village he used to go to house of defendant No.8. Defendant No.8 is elder

brother of my father. It is true Yallappa is my grand father of my father. It is true Yallappa had brother by name Parasappa. It is true defendant No.8 is grand son of said Parasappa. I don't know Yallappa and Parasappa are sons of Ramanna. My grand father Fakkirappa had brother by name Tippanna. Defendants No.9 and 10 are sons of Tippanna. My father Narayanappa and Subhas are two sons of Fakkirappa. Likewise Ratnavva and Soubhagya are daughters of Fakkirappa. I don't know Ramanna and Shambanna are sons of Parasappa.

4. I don't know Ramanna is genetic father of defendant No.8 herein. It is true defendant No.7 is son of Ramanna. It is true defendant No.7 is elder brother of defendant No.8. It is true defendant No.8 is given in adoption to Shambanna Bankapur. It is true in the year 1950 defendant No.8 given in adoption to Shambanna Bankapur. It is true plaintiff and defendants are belonged to Bankapur family.

5. Peeravva is my grand mother who is wife of Fakkirappa. Peeravva is no more. Subhas has died prior to my birth. About 18 years back Peeravva has died in

Ganeshpur village. Peeravva has resided in Kopparasikoppa village prior to she started to reside in Ganeshpur village. Subhas has died in Aregoppa vilalge. House of Ratnavva who is defendant No.5 is situated in Kopparasikoppa village. Peeravva used to reside in the house of Ratnavva in Kopparasikoppa village. Witness volunteers that, as his father Narayanappa had addicted to alcohol and he not looked after Peeravva as such she used to resident in the house of her daughter Ratnavva. It is true maternal house of Peeravva is situated in Kopparasikoppa. I don't know as to whether Peeravva belong to Jadhav family of Kopparasikoppa village.

6. I don't know person by name Hanumantappa Ramanna Nagoji @ Jadhav resident of Kopparasikoppa. V.P.C.No.64 of Aregoppa village originally belong to my grand father Fakkirappa. It is true since 1970 defendant No.8 is in possession and enjoyment of house property. I don't know on 25-02-1970 my grand mother has sold V.P.C.No.64 in favour of defendant No.8. I can identify signature of my father on document. Now I see consent deed dated 26-02-1970. Now I see signature of my

father Narayan Bankapur on said document. As has witness has identified signature of his father in document, same is marked as Ex.D.1 and signature is marked as Ex.D.1(A). I don't know in the year 1970 by receiving sale consideration amount my grand father and my father have sold V.P.C.No.64 in favour of defendant No.8.

7. It is true all suit schedule properties originally belong to propositus Ramanna. It is true after death of Ramanna all suit properties have entered in the name of his eldest son Yallappa. It is true suit landed properties were originally numbered as R.S.No.62, 67 to 69, 69/A. It is true Yallappa was managing affairs of family. It is true Yallappa died on 8-5-1941 in Aregoppa village. It is true after death of Yallappa name of Tippanna has been entered to properties as karta of family.

8. It is true Seetavva is wife of Ramanna who is eldest son of Parasappa. It is true within span of years after his marriage Ramanna has died. It is true after birth of defendants No.7 and 8 Ramanna has died. I don't know after death of Ramanna and Shambanna it is

the Seetavva who was managing affairs of their family. I don't know as to whether in the year 1956 first time there was partition effected in family of Ramanna. I don't know in the year 1956 there was partition effected in between Tippanna and Seetavva in family properties. I don't know as per M.E.No.324 half portion in all family properties were effected in branch of Yallappa and branch of Parasappa.

9. I don't know when partition was effected in between my grand father and Tippanna who is father of defendant No.9 and 10. I don't know in the year 1962 as per M.E.No.430 podi was effected in properties which were fallen to the share of respective sharers in M.E.No.324. I don't know in the year 1964 as per M.E.N0. 458 Fakkirappa and Tippanna have effected partition.

10. My grand father Fakkirappa died prior to my birth. It is true after death of Fakkirappa, properties fallen to the share in partition come to Subhas and Parasappa. It is true Subhas who is elder brother of my father has died bachelor. I don't know in the year 1967

Subhas has died in Kopparasikoppa village. It is true after death of Subhas as per M.E.No.655 name of my father has entered to properties which were fallen to share of my grand father. It is true suit schedule 1(A), 1(H), 1(I) and 1(K) landed properties were fallen to my grand father Fakkirappa in family partition. It is true after partition till death of Fakkirappa and after his death Subhas and my father become owners of suit schedule 1(A), 1(H), 1(I) and 1(K) properties to the extent as mentioned in revenue records.

11. It is true my grand father has leased out suit schedule 1(A), 1(H), 1(I) and 1(K) properties in favour of one Ramachandra Jeevaji Pawar for a period of 9 years from 1964. I don't know as per M.E.No.459, name of Ramachandra Pawar has been entered as tenant of above mentioned properties. I don't know Ramachandra Pawar seeking occupancy right in respect of above mentioned properties has filed application before Land Tribunal. I don't know the Land Tribunal by its order dated 18-08-1976 has rejected application filed by Ramachandra Pawar.

(At this point of juncture further cross-examination is deferred at the request of counsel for defendant)

(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.