

Witness recalled and duly sworn on : 29-06-2019

Further cross examination by K.B.D the counsel for plaintiff :

5. It is true that plaintiff, defendants No.1 to 6 and 9 to 10 are representing the branch of deceased Yallappa. It is true that the said Yallappa was having two sons by name Tippanna and Fakkirappa. These two sons also have dead. Defendant No.9 and 10 are sons of the deceased Tippanna. The Fakkirappa had two sons by name Subhas and Narayan who were dead and another two daughters Ratnavva and Soubhagya these are none other than the defendants No.5 and 6.

6. It is true that defendants No.1 and 2 are parents of the plaintiff and defendants No.3 and 4 are the sisters. Deceased Fakkirappa's branch is representing by the present plaintiff and defendants No.1 to 6 and constitute joint family.

7. It is true that after death of original propositus Yallappa the name of the elder son Tippanna has been mutated in the property extract inherited by the sons. It is not true to suggest that, after death of both Tippanna

and Fakkirappa the present plaintiff, defendants No.1 to 6 representing the branch of Fakkirappa and the defendants No.9 and 10 representing the branch of Tippanna were continued joint family. The partition held between Tippanna's branch and Fakkirappa's branch in the year 1956. During that partition R.S.No.62/1, 67/1 68/1, 69/3A have been allotted in favour of Tippanna, R.S.No.62/1, 68/3, 68/4, 69/3A have been allotted in favour of Fakkirappa. That partition was held through registered partition deed. It is not true to suggest that, I am deposing falsely that through registered partition deed the partition was effected in between branches of Fakkirappa and Tippanna. It is not true to suggest that, till today plaintiff and defendants No.1 to 6 are cultivating joint family properties as per oral family arrangements and there is no partition by metes and bounds with respect to the joint family properties. It is not true to suggest that, I am deposing falsely that, by virtue of M.E.No.430 and 458 the partition was effected in between branches of deceased Fakkirappa and

Tippanna. Further it is false to suggest that, plaintiff has no interest in the suit properties.

8. It is not true to suggest that, suit schedule 1(A), 1(H), 1(I) and 1(K) are joint family properties inherited by the deceased Tippanna and Fakkirappa. It is not true to suggest that, after death of above said Tippanna and Fakkirappa amicably the name of the defendant No.1 has been mutated in the property extract of the suit properties. It is not true to suggest that, suit properties are joint family properties of plaintiff, defendants No.1 to 6, 9 and 10. It is not true to suggest that, with respect to the suit schedule 1(A), 1(H), 1(I) and 1(K) properties defendant No.1 is not having sole authority to sell out in favour of defendant No.8. It is not true to suggest that, at the time of alleged purchase of above said suit schedule 1(A), 1(H), 1(I) and 1(K) properties by defendant No.8 from defendant No.1 the plaintiff and other his children were existing. Witness volunteers that, plaintiff was not born at the time of alleged purchase. Plaintiff was born in the year 1977. I cannot say specific date and month of the birth year of the plaintiff.

9. It is not true to suggest that, the defendant No.1 has no salable interest to sell out above suit schedule properties on behalf of himself and on behalf of defendants No.2 to 6, 9 and 10 including plaintiff.

10. It is not true to suggest that, defendant No.1 was in the habit of womanizing and drinking. It is not true to suggest that, he was not had concern of his wife, children and sisters. It is not true to suggest that, he has utilized income of joint family properties towards his bad vices. It is not true to suggest that, the marriages of defendants No.3 to 6 have been performed by the plaintiff and defendant No.2. It is not true to suggest that, being ped up with the mis behaviour of the defendant No.1 plaintiff forcibly took charge of management of all suit schedule properties and started to cultivate them with the help of defendant No.2 and other defendants. It is not true to suggest that, in order to encash the bad vices of the defendant No.1, defendant No.8 without payment of sale consideration amount behind and back of the plaintiff and defendants

No.2 to 6, 9 and 10 got executed registered sale deed in his favour with respect to the suit schedule 1(A), 1(H), 1(I) and 1(K) properties. It is not true to suggest that, defendant No.1 was not having sole authority to execute the sale deed in favour of defendant No.8. It is not true to suggest that, after taking charge of suit schedule properties when plaintiff and defendant No.1 to 6, 9 and 10 were in cultivating the suit schedule properties at that time myself and defendant No.8 and 12 have obstructed and interfered in their peaceful possession. It is not true to suggest that, in the year 2012 plaintiff came to know about mutation of names of defendants No.8, 11 and 12.

11. It is not true to suggest that, till today plaintiff and defendants No.1 to 6, 9 and 10 are having joint possession and cultivation over the suit properties and they are having co-parcenary rights and interest over the suit properties

12. It is not true to suggest that, as per our defense Seetavva has got no right to effect the partition

only with Tippanna in absence of Fakkirappa. Witness volunteers that, Fakkirappa was minor at that time. The said Fakkirappa died in the year 1965. During minority of above aid Fakkirappa while effecting the partition Tippanna only acted as a minor guardian of Fakkirappa. To show Tippanna's role as a minor guardian during partition there is no mention in the partition deed. I have produced document of partition deed in the present suit. It is not true to suggest that, there is no partition held as per above version hence I have not produced any partition deed in the present suit. It is not true to suggest that, plaintiff has got 1/30th share in the suit properties, in order to avoid his share in suit properties I am deposing falsely. It is not true to suggest that, due contents of mutation entry No.430 and 458 earlier alleged partition has not shown clearly. In order to snub the rights of the plaintiff, defendants No.1 to 6 and defendants No.9 and 10 defendant No.8 was created sale deed without having possession over the suit properties.

Re-Examination : NIL

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

R O I & A.C.

Sr.Civil Judge & JMFC.,
Hangal.

Signature of witness.