

Witness recalled and duly sworn on : 14-10-2019

On behalf of defendant No.3 the counsel has submitted there is no cross examination.

Cross examination by the counsel for defendants No.2:

I can read and write Kannada Language. Present suit was filed with respect to the four properties. I know the survey numbers of these properties. Item No.2 of 'B' suit schedule property i.e., R.S.No.83/2B measures 6 Acres 10 guntas. I do not know on what date registered sale deed has been executed with respect to this property. I do not know payment of earnest money as well as balance sale consideration amount with respect to this property, as I was not present at the time of sale transaction and I do not know from whom and how the sale consideration amount was paid. I do not attested witnesses of this instrument. Also I cannot say boundaries of the above said property.

2. I do not know about the partition deed executed in Nelogal joint family. I do not know when the

Basavanneppa has give up his karta duty in favour of his other family members. Since 35 to 40 years back our joint family income was around about Rs.9,000/-. But I do not know the annual income and family expenditure of defendant No.2. Above said all crops are rain based crops without having independent source of water.

3. It is true generally if any property purchased out of joint family income then there will be the mention about the purchase of said property will be towards welfare of the joint family. I do not know annual income as well as family expenses of the Basavanneppa and defendant No.2. It is not true to suggest that, at the request of plaintiff I am deposing false evidence in their favour. It is not true to suggest that, in order to help the plaintiffs I am deposing false evidence.

Cross examination by BSA counsel for defendants No.1 and 4 to 6:

I gave information to prepare my evidence affidavit. Since 20 years back there was partition among plaintiffs and defendants joint family with respect to the joint family properties except this suit property. At the

time of above said partition the suit properties were standing in joint name and they were cultivating jointly. I do not know reason for non partition of suit properties at the time of above said partition. At that time Basavanneppa was alive. In the year 1966 during life time of the Basavanneppa partition was held among Basavanneppa and his four sons. It is true to suggest that, during above said partition held in 1966 the suit schedule B(2) property was kept with the Basavanneppa for his share and rest of the properties have been devolved among his sons. It is not true to suggest that, schedule 'A' and 'C' to 'H' properties have been purchased by the defendant No.2 after above said partition held in 1966. It is true after above said partition since 1966 the four sons of the above said Basavanneppa are cultivating continuously and independently their shares. It is true they are having independent residential house for their share. It is not true to suggest that, except B(2) schedule property other properties are not joint family properties of

plaintiffs and defendants. I have not seen any registered sale deed with respect to the suit schedule 'A' and 'C' to 'H' properties. Also I do not know the sale transaction affairs of those properties and in whose name from whom those properties have been purchased. I do not know suit schedule 'A' property is standing in whose name. I do not know that, the above said 'A' schedule property was purchased by the defendant No.2 and that has been gifted in favour of defendant No.1 through gift deed dated 17-08-2009. I do not know with respect to the schedule 'C' to 'F' properties which have been purchased by the defendant No.2 and gifted them in favour of defendant No.1 and 4 through gift deed.

2. I do not know about 'G' and 'H' schedule properties which have been purchased by whom and for what sale consideration amount. I do not know G and H properties have also been purchased by the defendant No.2 after conversion them into N.A which have been gifted in favour of defendant No.5 through gift deed executed in the year 2009. It is true I have no personal

and proper information regarding family affairs of plaintiffs and defendants, as I was worked as hamali in the mill run by the defendant No.2. It is not true to suggest that, I have cordial relationship with the plaintiffs and at their instance I am deposing evidence. It is not true to suggest that, without having proper and personal information in order to help the plaintiff I am giving false evidence.

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.