

Witness recalled and duly sworn on : 11-01-2021

Further cross examination by MSH counsel for plaintiff :

10. I know the entire contents of Ex.P.25. It is true the plaintiffs No.1 and 2 and defendants No.2 and 3 have signed on Ex.P.25. Witness volunteers that, the signature of defendant No.2 taken forcibly. It is true alongwith above said participants other persons by name Pundalikappa Doddabasappa Shirur, Babu Panchappa Nelogal, Prabhu Nelogal, Gangadhar Nelogal, Shivanand Nelogal, Prakash Nelogal, Shivakumar Nelogal, Mahantesh Nelogal, Shantaveeresh Nelogal defendant No.5 have also put their signatures. It is true the above said Pundalikappa Doddabasappa Shirur is son-in-law of Jagadevappa Nelogal defendant No.2 i.e., husband of my sister Shantavva. I do not know that above said P.D Shirur was acted as Member of Chamber of Commerce and well reputed person. I do not know he was also President of Haveri G.H. College and member of K.L.E Society. I do not know he was President of cardamom Merchants Banks. I do not know he was also

president of Panchamasali Sangha Haveri. It is not true to suggest that, though knowing fully the background of my sister's husband P.D Shirur as he is well reputed person in society I am deposing falsely as I do not know his personal status. It is true he is in my network. It is true above said Shantaveerappa Jagadevappa Nelogal is my own elder brother. Witness volunteers that, his signature also forcibly taken by the others. Witness volunteers that, in the year 2010 my father has organized my marriage including marriage of defendant No.1 at that time plaintiff gave threat to stop our marriage under that circumstances with their force we put our signatures on Ex.P.25. It is not true to suggest that, above said P.D Shirur had put his signature without any coercion or force. Witness volunteers that, in order to perform our marriage smoothly he also put his signature unwillingly. I was present during preparing of Ex.P.25 and at that time I was practicing lawyer. We have not taken legal action as they took forcibly our signatures on Ex.P.25. It is not true to suggest that, I am

deposing false evidence as we put our signature by bending before force of other side, after filing of this suit we are deposing falsely by denying Ex.P.25. It is not true to suggest that, I am deposing falsely as our marriage was organized in the year 2010. At the time of preparing of ExP.25 all signatories were there alongwith me, but I have not put my signature as I have not felt to sign. It is not true to suggest that, I am deposing falsely as I was present at the time of preparation of Ex.P.25. It is true to suggest that, as per Ex.P.25 plaintiffs get 1 acre each alongwith defendant No.3 and my father gets 1 acre 6 guntas in R.S.No.42/1+2/A i.e., suit schedule 2A property. It is true as per Ex.P.25 plaintiffs and defendants No.2 and 3 have equal shares in R.S.No.83. It is true Ex.P.25 was prepared on 10-09-2009. It is true after performance of our marriage we have not taken legal action in order to resist the preparation of Ex.P.25 against our will. Witness volunteers that, as the above said document has not evidenciary value, at the time of preparation of Ex.P.25 after knowing its future validity I

instructed to my father, brother and other relatives to put signature on it. It is true to suggest that, in Ex.P.25 it has been mentioned that, before executing legal partition deed Ex.P.25 was basic document with of internal arrangements. It is not true to suggest that, as per agreement agreed in Ex.P.25 my father has not performed his part performance by giving shares to the plaintiffs and defendant No.3 resulting of which preset suit is filed.

It is true Ex.D.1 which includes properties bearing R.S.No.153/1, 211/1+2A/1, 211/1+2A/2 and Chandragiri property bearing R.S.No.38/1. I do not the property baring R.S.No.153/1 was standing in whose name. But the rest of 3 properties were purchased by my father and hence were lying in the name of my father. Very properties have been purchased prior to 21-05-1966. It is not true to suggest that, like wise above said properties the property bearing R.S.No.153/1 was also purchased in the name of my father.

12. I know the entire contents of Ex.D.1. During certification of Ex.D.1 my grand father and plaintiff No.1 submitted partition deed. Witness has asked to produce original partition deed, Witness volunteers that, it is with plaintiff No.1. I do not remember whether above said contention has been taken in our W.S or not. We have not put efforts to get certified copies of the above said partition deed and vardi application before revenue authority. It is not true to suggest that, during certification of Ex.D.1 no partition deed or vardi has been filed before revenue authority. It is true in Ex.D.1 there was no mention concerned to property bearing R.S.No.42. Witness volunteers that, as it was self acquired property of my father. There was no hurdle to write above said concept in Ex.D.1. We have no xerox copy of above said partition deed. I do not know what was the reason behind certification of Ex.D.1 with five years delay after executing the partition deed among brothers as it is left to the revenue authority.

12. At this stage witness has asked question that on date of execution of Ex.D.1 whether was there any application moved before revenue authority immediate after effecting of alleged partition. Witness answered that as plaintiff No.1 and my grand father took leadership to act upon the partition deed and we have no adverse interest to resist their act. It is not true to suggest that, during life time of my grand father my father has leading role consequences of it all properties have bee purchased in his name, as among 4 brothers my father got well education. It is not true to suggest that, by using political influence my father gave vardi as partition was held on 21-05-1966 and mutation has been certified on 03-11-1971.

13. Our Nissimeshwar rice mill was started on 21-05-1966 by virtue of forming of partnership firm. But no document has been produced by me to show above said formation. I have seen the above said partition deed which is unregistered one, but entire documents were lying with plaintiff No.1. It is not true to suggest

that, all documents concerned to our joint family properties are lye with my father as he was the head of our joint family.

14. It is not true to suggest that, the place where rice mill was installed was purchased to establish the rice mill itself. Witness volunteers that, that was not included in suit schedule. I do not remember the date of purchase of above said rice mill property. I do not know whether above said property was purchased on 22-09-1966 in order to install the rice mill and the said property was purchased in the name of defendant No.2, as defendant No.2 acted as Managing partner of above said partnership firm.

15. It is not true to suggest that, on 21-05-1966 no such partition was held in our family. It is not true to suggest that, the house properties of Belagalpeth village were lying in the name of my grand father as joint family properties. I do not know when partition took place with respect to the above said suit properties situated at Belagalpeth. I have not verified revenue documents

when and how partition made with respect to the above said house properties of Belagalpeth. Witness volunteers that, those properties has not suit schedule property. It is not true to suggest that, we have mentioned falsely as in Para No.10 and 11 of W.S of defendant No.2 and we falsely contended that, suit schedule 2A property is of self acquired property of defendant No.2.

16. I do not know since 1955 plaintiff No.2 worked as a government teacher and was drawing salary of Rs.35/-per month. Further I do not know in the year 1966 he had salary of Rs.86/- per month. It is not true to suggest that, at the time of purchasing of suit schedule 2A property plaintiff No.2 has also invested his salary amount.

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

(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.

