

Witness recalled and duly sworn on : 21-01-2021

Further cross examination by M.S.H the counsel for plaintiff :

17. It is true the signatory of Ex.P.25 Shivanand Nelogal who is doctor by profession who has completed M.D and practicing at Ranebennur. It is true Ishwar Nelogal who is also son of my father's first wife worked as Sales Tax Officer, now he is retired. It is true apart from suit properties around about 12 to 13 acres landed property was owned by my father. It is true suit schedule 'G' and 'H' properties are part and parcel of the suit schedule 2(A) properties. It is true we seeking partition in suit schedule 2(B) property and not in other properties. Witness volunteers that, rest of the properties are self acquired properties of my father. It is not true to suggest that, only with respect to the suit schedule properties there is no partition and rest of the properties belongs to our joint family are already partitioned. Witness volunteers that, only with respect to the suit schedule 2(B) property there is no partition and other joint family properties have been partitioned.

18. At the time of submission of Form No.11 by the plaintiffs and defendants No.2 and 3 I was not born. In the year 1973 at the time of submission of Form No.11 our joint family was separated and nuclear families were formed. It is not true to suggest that, at the time of 1973 our family was joint family. It is not true to suggest that, the documents produced by us under Ex.D.6 to Ex.D.10 were produced with requisite correction in order to convenient to our defense. It is not true to suggest that, in Ex.D.6 to Ex.D.10 the word ಅವಿಭಕ್ತ (avibhakta) has been altered by canceling 'ಅ' which is become ವಿಭಕ್ತ (vibhakta). It is not true to suggest that, plaintiffs and defendant No.3 never submitted Form No.11 before concerned authority. It is not true to suggest that, the very documents have been created by my father and submitted before the concerned authority on behalf of plaintiff as well as defendants No.2 and 3.

19. It is not true to suggest that, the property situated at Gamanagatti village is also joint family property which has been purchased in the name of my

father. I know the advocate by name Annigeri of Hubli. It is true with respect to plot No.83(C) i.e, suit schedule 2(E) property the intending purchaser has published public notice through above said Annigeri counsel inviting the public for objections if any for the sale of above said property. I do not know whether plaintiff has objected the sale process of above said property and gave registered notice to counsel as well as proposed purchaser by stating that above said property is also joint family property and he taking steps to implead that property in present suit. It is not true to suggest that, by virtue of above said objections by the plaintiff the purchaser has made quarrel with us. It is not true to suggest that, thereafter in order to engulf the wrongful gain from the above said property by colluding with defendant No.6 we got created sale deed in his name with respect to the above said Plot No.83(C).

20. It is not true to suggest that, in order to falsify the plaintiffs suit we mentioned fake genealogy in the written statement of defendant No.2. As per genealogy

mentioned in the written statement of defendant No.2 to show first wife of ancestor Basavanneppa by name Savakka we have not produced any relevant document. We have not produced any reliable documents ration card or voter I.D of above said Savakka to show she was the first wife of Basavanneppa. It is not true to suggest that, the ancestor Basavanneppa was not having first wife by name Savakka rather than his wife Deviramma. It is not true to suggest that, suit schedule 2(A) property is joint family property and defendant No.2 has no sole authority to alienate this property in favour of defendant No.1. It is not true to suggest that, likewise the properties situated at Gamanagatti village of Hubli, V.P.C.No.94 and 95 situated at Aladakatti village are also joint family properties and defendant No.2 has no sole authority to dispose of these properties in favour of his children. It is not true to suggest that, in order to deprive the plaintiffs seeking partition in suit properties defendant No.2 got created some gift deeds and other registered instruments and alienated in favour of his

children. It is not true to suggest that, suit schedule properties which have been alienated through gift deed executed by defendant No.2 are still enjoying jointly by plaintiffs and defendants. I do not know whether 4 sites are lying at Belagalpeth in the name of my father. It is not true to suggest that, with respect to the all suit schedule properties there is no partition among plaintiffs and defendants No.1 and 2 and plaintiffs are having 1/4th share each in the suit schedule properties. Witness volunteers that, except suit schedule 2(B) property rest of all are self acquired properties of my father. It is not true to suggest that, though defendant No.2 is willing to give legitimate share to the plaintiffs but we made brainwash and made him to file false W.S in this suit in order to avoid giving share to the plaintiffs. It is not true to suggest that, as defendant No.2 is having intention to give share to the plaintiffs hence by virtue of it he has already been executed family arrangement deed by putting his signature as per Ex.P.25. It is not true to suggest that, in order to snub

him from giving share to the plaintiffs we filed forcibly
G.P.A document and deposing evidence on behalf of us
as well as on his behalf.

(The entire cross examination made on behalf of
plaintiff has been adopted by the counsel for
defendant No.3)

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.