

Witness recalled and duly sworn on : 30-01-2019

Cross examination by counsel for defendant :

I have studied up to P.U.C. I know reading as well as writing in Kannada. Plaintiff No.2 is my father. Plaintiff No.1 is elder brother of my father. It is true on 03-03-2012 both plaintiffs No.1 and 2 have attended Court. There is distance of nearly 25 to 27 kms in between Hangal and Belagalpeth. It is not true to suggest that, there is distance of only 13 kms in between these two places. I can identify signatures of plaintiffs No.1 and 2 on documents. Now I see affidavit

filed in support of I.A.No.4 which bears signature of plaintiff No.1 Panchappa. On same day when I.A No.4 was filed plaintiff No.1 has attended the Court. Now I see Ex.P.1 which bears signatures of both plaintiffs No.1 and 2. It is true in Ex.P.1 photos of plaintiffs No.1 and 2 are affixed. It is true as could be seen in those photos they have maintained good health.

2. It is true both plaintiffs No.1 and 2 have got much knowledge about our family. It is not true to suggest that, since 3-3-2012 till today both plaintiffs No.1 and 2 have maintained good health as it was on 03-03-2012. Both plaintiffs No.1 and 2 used to attend proceedings in present case by traveling in bus from Belgalpeth to Hangal. Witness volunteers that, now they are unable to travel in bus.

3. I can read English. Now I see genealogy of propositus Basappa annexed with written statement of defendant No.2. Witness volunteers that, in genealogy with regard to his second wife it is correctly mentioned. In respect of first wife it is falsely mentioned. I have not seen genealogy annexed with written statement of

defendant No.2 prior to this day. Even I have not enquired about same to my counsel. It is not true to suggest that, both plaintiffs No.1 and 2 having good health can very well attend Court proceedings.

4. It is true C.C.No.14/2015 was filed against me. Witness volunteers that, false case has been registered against him. It is true as plaintiffs No.1 and 2 are unable to attend the proceedings of the Court I have obtained power of attorney on behalf of them. It is true as I am expert in deposing evidence, power of attorney executed in my favour.

5. It is not true to suggest that, as on 10-09-2009, defendant No.2 was not owner of mango yard which is situated back side of the rice mill. It is not true to suggest that, on that day defendant No.2 has no right so as to sign on document in respect of that property. I know about mutation entries and title document. It is true prior to certification of any mutation entries there will be notice in Chavadi and beating of drum, after lapse of 30 days only such mutation entry will be effected.

6. I don't know about M.E.No.1574 dated 28-12-1971. Witness volunteers that, said entry is false one. I have seen mutation entries pertain to our family as well as suit property. It is not true to suggest that, in some mutation entries pertain to our family there is entry to effect partition in our family member. I know what was those transactions entered in between plaintiffs No.1 and 2 and defendant No.2 in respect of our family properties. In the year 1971 I come to know about all these transaction through plaintiffs No.1 and 2. Witness volunteers that, he was aware little bit about those transactions.

7. I don't know in the year 2010 defendant No.2 had arranged marriage of his two sons. It is not true to suggest that, I was not present and not signed on document dated 10-09-2009. Witness volunteers that, he himself has prepared document and put his signature.

8. It is true after coming into force of Land Reforms Act every land owner and land holders has to file form mentioning about land hold by them. It is true at that

time plaintiffs No.1 and 2 have filed such forms before competent authority to show their actual holdings. Now I see form No.11 dated 23-12-1974. I don't know who has signed on said document. Now I see certified copy of the statement dated 4-12-1977 before Land Tribunal. I cannot identify signature of person on said document. Even I could not identify signature of person on document dated 23-12-1974 which is form No.11 and statement dated 4-12-1977. Till today I have not seen those documents or verified it. I come to know about contention raised by defendant No.2 in his written statement through my counsel. After coming to know about contents of written statement of defendant No.2 I came to know about form No.11 filed by both plaintiffs No.1 and 2. It is true I have not mentioned in my examination-in-chief with regard to form No.11 and statement of parties before concerned Land Tribunal. It is true both plaintiffs No.1 and 2 have filed form No.11 before Land Tribunal, gave their statements in consequence of same the Tribunal has passed order. It is not true to suggest that, in form No.11 and

statements before Land Tribunal it is not mentioned by plaintiffs No.1 and 2 these suit properties are their family properties. Witness volunteers that, defendant No.2 has mentioned these suit 2(B) properties are their family properties. I have obtained certified copies of order and form No.11 submitted by plaintiffs before Land Tribunal. I am ready to produce those documents before the Court. It is true in form No.11 submitted by plaintiffs No.1 and 2 before Land Tribunal it is not mentioned suit schedule properties are not our family properties.

9. I myself has furnished information to prepare plaint. It is not true to suggest that, though plaintiffs No.1 and 2 have refused to put their signatures on plaint or they are not willing to file present suit, I forcibly obtained their signatures on plaint. It is true I am incharge of the present case on behalf of plaintiffs.

10. It is true O.S.No.325/2013 was filed in respect of rice mill. It is true in said suit plaintiffs No.1 and 2 and present defendant No.2 were arrayed as parties. It is true in O.S.No.325/2013 these present suit properties

were not included. It is true no reliefs were claimed in respect of present suit properties in said suit.

11. It is true based on gift deed as per Ex.P.24 there was mutation entry. It is also true challenging said mutation entry plaintiffs No.1 and 2 have preferred appeal before revenue authority. It is true based on my instruction plaintiffs No.1 and 2 have submitted objections in R.T.S proceedings.

12. It is true plaintiffs No.1 and 2, and defendant No.3 had deliberation and thereafter filed present suit. Witness volunteers that, defendant No.3 has not consulted plaintiffs in filing present suit. It is not true to suggest that, plaintiffs No.1 and 2 are listening words of defendant No.3. It is true defendant No.2 and his five sons are financially well off. It is true one of the son of defendant No.2 is C.T.O and another son is M.D doctor, and another son is lawyer. It is not true to suggest that, we developed zalousy against them as they are financially well. Myself and my brother are doing maize business. Sons of plaintiff No.1 are also doing maize business. It is true sons of plaintiff No.1 having good

health. It is not true to suggest that, sons of plaintiff No.1 also informed me not to file present suit against defendants. It is not true to suggest that, in order to harass defendants No.2, 4 and 5 mentally the plaintiffs have filed present false suit.

(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.