C.R.P.67]

Form No.9 (Civil)
Title Sheet for
Judgment in Suits
(R.P.91)

TITLE SHEET FOR JUDGMENT IN SUITS

IN THE COURT OF THE CIVIL JUDGE AND JMFC., AT HANGAL

Present: ***Sri. JANARDHANA S.K.,*** *B.A.L., LL.B.,*
Civil Judge and JMFC., Hangal.

ORIGINAL SUIT No.264 OF 2004

DATED THIS THE 7th DAY OF DECEMBER - 2022

Plaintiff : Sri. Masteppa @ Sannamasteppa
A/f Gutteppa Vaddar, Age: 42 years,
Occ: Agriculturist, R/o: Dasharatakoppa
Tq: Hangal.

(By Sri.B.S.Akkivalli – Adv.)

V/s.

Defendant : Sri.Hanumanthappa S/o Gillevada Vaddar
Age: 45 years, Occ: Agriculturist,
R/o: Dasharatakoppa village,
Tq: Hangal.

(By Sri.B.S.Kulkarni – Adv.,)

(Sri. Janardhana S.K.)
Civil Judge & JMFC.,
Hangal.

Date of institution of the suit	:	28-10-2004
Nature of the suit	:	For Declaration, Permanent Injunction and Mandatory Injunction
Date of commencement of recording the evidence	:	06-09-2008
Date of pronouncement Judgment	:	07-12-2022
Duration of the suit	:	Year/s Month/s Day/s
		18 01 09

(Sri. Janardhana S.K.)
Civil Judge & JMFC.,
Hangal.

JUDGMENT

The plaintiff has filed present suit against the defendant for relief of declaration of heir-ship and for further declaration of ownership in respect to suit schedule property, mandatory injunction to direct to delete name of the defendant in the record of rights in respect to suit schedule property and consequential relief of permanent injunction to restrain the defendant or anybody acting under him in peaceful possession and enjoyment of the suit schedule property, for cost of the suit and such other reliefs this court deems fit to grant in the circumstances of the case.

2. **The brief facts of the plaintiffs' case is as follows:-**

(a). It is pleaded that, the suit schedule property bearing land in Sy.No.64 measuring 5 acres 16 guntas situated at Gudagudi village of Hangal Taluk originally tenanted property of plaintiff's adopted father Sri. Gutteppa and upon his demise, as per application in form No.7 given by the plaintiff's adopted mother Smt. Hanumavva, the Land Tribunal, Hangal was granted occupancy right in respect to suit schedule property in her favour on 22-12-1976 and subsequently, patta in form No.10 was issued in her favour by the Tahasildhar, Hangal on 12-12-1981.

(b) It is further pleaded that, as Sri. Gutteppa and Smt.Hanumavva had no issues out of their marriage, they adopted the plaintiff on 08-05-1970 and to that effect performed ceremony of adoption prevailing in their community and subsequently, an adoption deed was registered on 03-05-1971 and from the date of adoption, the plaintiff has discharged all his duties as their adopted son. The defendant has no way related to the plaintiff's family and the plaintiff was jointly cultivating the suit schedule property along with his adopted mother Smt. Hanumavva. Upon demise of Smt. Hanumavva on 14-08-1992, the plaintiff become the sole owner of the suit schedule property as per provisions of Hindu Succession Act. When the plaintiff has obtained revenue records for the purpose of transfer of khata of the suit schedule property in his name, the plaintiff surprised to see that name of the defendant jointly entered in respect to suit schedule property with his adoptive mother Smt.Hanumavva by virtue of fraudulent entry. The defendant with the collusion of revenue authorities and with their relatives and taking undue advantage of senile and illiteracy of Smt.Hanumavva fraudulently obtained mutation entry in M.E.No.375 and 348 of Gudagudi village. It is further contended that, as on certification of mutation entry in M.E.No.348 dated 30-07-1980 the Tahasildhar, Hangal was not at all issued patta in form No.10 in favour of plaintiff's adopted mother in respect to suit schedule property and in fact, same was issued on 12-12-1981 which prima facie evidence the fraudulent act of the defendant in obtain the said mutation entry in M.E.No.348 and said entry for first time came to the knowledge of the plaintiff in the month of May 2000. The plaintiff being adopted son of deceased Smt. Hanumavva and Sri.Gutteppa Vaddar, upon their death, he is sole legal heir of them and they have no other legal heirs at all. The defendant no way related to the plaintiff's family and to his adopted father and mother, in order to knock of the suit schedule property has obtained mutation in his joint name along with deceased Smt.Hanumavva. Smt.Hanumavva never transferred suit schedule property in any manner and under registered instruments in favour of the defendant and accordingly, mutation entries in M.E.No.375 and 348 are liable to be canceled.

(c) It is further pleaded that, soon after came to know the fraudulent mutation entries in M.E.No.375, the plaintiff has preferred an appeal before the Assistant Commissioner, Savanur seeking to cancel said mutation entry and however, said appeal was wrongly dismissed on 27-07-2001 against which the plaintiff has preferred revision appeal in RTSR:ACR.No.71/2001 before the Deputy Commissioner, Haveri, wherein also by order dated 24-04-2002, said revision petition was dismissed holding to decide the issue before the civil court . In the mean time, the defendant by taking undue advantage of his joint name in the mutation entry has started to interfere in peaceful possession and enjoyment of the suit schedule property in the month of May 2000. It is further contended that, husband of the plaintiff's adopted mother Smt. Hanumavva is not younger brother of defendant's father. and the defendant no way related to plaintiff in any manner, as such the question of joint family does not arise at all and the defendant not at all in joint possession and cultivation of the suit schedule property along with the plaintiff. The cause of action to the suit arose on 24-04-2002 when the Deputy Commissioner, Haveri rejected the revision petition directing the plaintiff to approach the civil court for remedy and when the defendant started to interfere in peaceful possession and enjoyment of the suit schedule property which constrained the plaintiff to file this suit for declaration, mandatory injunction and consequential relief of permanent injunction.

3. In response to suit summons, the defendant had appeared through his counsel and filed written statement. Subsequently, as per orders dated 24-1-2015 on I.A.No.III filed U/o. VI Rule 17 by the defendant, the defendant has amended the written statement and filed amended written statement on 02-02-2015.

4. The sum and substance of written statement filed by the defendant is as under:-

(a) It is pleaded that, the suit of the plaintiff is based on false assertions of facts and same is filed with malafide intention to harass the defendant and as such, suit is not maintainable under the law. The contents of written statement is specific denial of each and every averments of the plaint in toto except admission of fact to the effect that, suit schedule property originally tenanted property of Sri.Gutteppa and subsequently, upon his death, Smt.Hanumavva has filed representation in form No.11 and accordingly, occupancy right granted in her favour in respect to suit schedule property by the Land Tribunal, Hangal on 22-12-1976 and to that effect patta in form No.10 was issued on 12-12-1981. That Apart, the defendant has specifically denies the factum of alleged adoption of the plaintiff by Smt. Hanumavva and the plaintiff is the adopted son of Sri.Hanumavva and Sri.Gutteppa and also denied the alleged fabrication of mutation entries in M.E.No.348 and 375 in his joint names along with Smt.Hanumavva with collusion of revenue authorities and plaintiff is in possession and enjoyment of the suit schedule property as sole legal heir of Smt. Hanumavva to which he has interfered in peaceful possession and enjoyment of the suit schedule property.

(b). In addition to aforesaid assertions and denials, the defendant has independently asserted that, suit schedule property land in Sy.No.64 measuring 5 acres 16 guntas situated at Gudagudi village originally jointly cultivated by Sri.Gutteppa and defendant's father Sri.Gilliwada as tenants and subsequently, upon death of Sri.Gutteppa, Smt.Hanumavva has filed representation for grant of occupancy right when they are in joint family and in joint possession of the same. The defendant is under care and protection of Smt.Hanumavva and she has performed the marriage of the defendant and continued to live as a same family members. It is further independently contended that the defendant has look after the welfare and well being of the Smt.Hanumavva during her lifetime and upon her demise, the defendant performed her last funeral rights and as such, the defendant become sole legal heir of Smt.Hanumavva and entries were found in the election master roll to show that the defendant and Smt. Hanumavva residing in the same address. Such being the facts, Smt.Hanumavva through her own volition and voluntarily given varadi before village accountant on 30-07-1992 to mutate the name of the defendant along with name of herself in respect to suit schedule property on account of her later age and consequently, mutation entry in M.E.No.375 dated 13-10-1982 was certified. From the date of said mutation entry, the defendant has been in possession and cultivation of suit schedule property due to death of the Smt.Hanumavva. It is specifically asserted that, the plaintiff is no way related to the deceased Smt.Hanumavva and he has filed the false suit with intention to knock of the suit schedule property based on the false assertions of facts. It is further asserted that, there is no cause of action to the suit and alleged adoption deed dated 03-05-1971 his fraudulent and concocted one and suit is barred by limitation. More over, it is pleaded that suit is barred by non joinder of necessary parties and valuation of suit is incorrect. On aforesaid grounds, the defendant has prays to dismiss suit with costs.

5. It is pertinent to note that, initially suit of the plaintiff was once decreed by virtue of judgment and decree dated 01-08-2009 and 06-08-2009 respectively and subsequently, in an appeal preferred by defendant in R.A.No.41/2009, suit has been remanded with directions to provide an opportunity to

the defendant to cross examine PW-1 and to lead evidence by the defendant and accordingly, by providing fair opportunities, the present suit came up for disposal on merits and in accordance with law.

6. Based on the rival pleadings, the predecessor in office has framed following issues and additional issues for determination:-

ISSUES

1. *ವಾದಿಯು ಪೋತಿ ಗುತ್ತೆಪ್ಪ ಮತ್ತು ಹನುಮವ್ವನ ದತ್ತಕ ಮಗನೆಂಬುದನ್ನು ರುಜುವಾತು ಪಡಿಸುತ್ತಾರೆಯೇ?*

2. *ವಾದಿಯು ದಾವಾ ಆಸ್ತಿಗೆ ಸಂಪೂರ್ಣ ಮಾಲೀಕನೆಂಬುದನ್ನು ರುಜುವಾತು ಪಡಿಸುತ್ತಾರೆಯೇ?*

3. *ವಾದಿಯು ದಾವಾ ದಿನಾಂಕದಂದು ದಾವಾ ಆಸ್ತಿ ಸ್ವಾಧೀನ ಹೊಂದಿರುವುದನ್ನು ರುಜುವಾತು ಪಡಿಸುತ್ತಾರೆಯೇ?*

4. *ವಾದಿಯು ಅವಶ್ಯಕ ನಾಯಾಲಯ ಶುಲ್ಕ ಭರಿಸಿರುತ್ತಾರೆಯೇ ?*

5. *ಪ್ರತಿವಾದಿಯು ಈ ದಾವೆಯು ಅವಶ್ಯಕ ಪಕ್ಷಗಾರರ ಸೇರ್ಪಡೆ ಮಾಡಿರುವುದಿಲ್ಲವೆಂಬುದನ್ನು ರುಜುವಾತು ಪಡಿಸುತ್ತಾರೆಯೇ?*

6. *ಪ್ರತಿವಾದಿಯು ದಾವಾ ಆಸ್ತಿಗೆ ತಾನೂ ಸಂಪೂರ್ಣ ಮಾಲೀಕನೆಂಬುದನ್ನು ರುಜುವಾತು ಪಡಿಸುತ್ತಾರೆಯೇ?*

7. *ವಾದಿಯು ದಾವೆಯಲ್ಲಿ ವಿನಂತಿಸಿದ ಆದೇಶ ಪಡೆಯಲು ಅರ್ಹನೇ?*

8. *ಅಂತಿಮ ಆದೇಶ ವ ಡಿಕ್ರಿ ಏನು ?*

ADDITIONAL ISSUES

1. ***Whether suit of the plaintiff is barred by limitation?***

2. ***Whether defendant proves that the alleged adoption deed relied upon by the plaintiff is false and concocted document?***

7. In order to prove the case, plaintiff has examined himself as PW-1 and got marked Ex.P1 to Ex.P21 documents. The plaintiff has examined an independent witness Sri. Masteppa S/o Udacahappa Vadageri as PW-2. On the other hand, to disprove the case of the plaintiff and to substantiate written statement defense, the defendant has examined himself as DW-1 and got marked Ex.D1 to Ex.D22 documents. The defendant has also examined 4 independent witnesses as per DW-2 to DW-5.

8. Heard the arguments of the counsel of the plaintiffs' and defendants' and perused oral and documentary evidence available on record.

9. The findings of this Court on aforesaid issues and additional issues are as follows:-

Issue No.1: In the affirmative.
Issue No.2: In the affirmative.
Issue No.3: In the affirmative.
Issue No.4: In the affirmative.
Issue No.5: In the negative.

Issue No.6: Redundant
Issue No.7: In the affirmative.
Addl. Issue No. 1: In the negative.
Addl. Issue No.2: In the negative.
Issue No.8: As per final order
for following:-

REASONS

10. **Issue No.1 and Additional No.2 :**- As both the issues are inter linked to each other and finding on one issue bearing on other issue, they are taken together for common discussions to avoid the repetition of facts and evidence. The plaintiff has filed this suit for relief of declaration to declare that he is adopted son of Smt.Hanumavva and for further declaration to the effect that he is absolute owner and in possession of suit schedule property by virtue of succession, for mandatory injunction to delete name of the defendant in the concerned revenue documents pertaining to suit schedule property and consequential relief of permanent injunction to restrain the defendant or anybody acting under him from interfering in peaceful possession and enjoyment of the suit schedule property. The burden lies on the plaintiff to prove issue No.1 issue regarding the fact that he is adopted son of deceased Smt.Hanumavva and her husband deceased Sri.Gutteppa Vaddar.

11. It is specific case of the plaintiff that, he is adopted son of Smt. Hanumavva and his husband Sri.Gutteppa

Vaddar as they adopted him on 08-05-1970 by performing ceremony of adoption prevailing in their community and to that effect adoption deed dated 03-05-1971 was registered before Office of Sub-Registrar, Hangal and consequently, he was discharging all his duties as adopted son of Smt.Hanumavva W/o Gutteppa Vaddar. On the other hand, the core defense raised by the defendant that, the defendant is not at all related to the deceased Smt.Hanumavva and he being her husband's younger brother's son and as she has performed marriage of him and residing all along with her even after his marriage and looked after welfare and well being of her, become sole legal heir of Smt.Hanumavva and thereby virtually denied very factum of adoption of the plaintiff by Smt.Hanumavva. It is further defense of the defendant that, alleged adoption deed 03-05-1971 is fraudulent and concocted one.

12. To prove the case of the plaintiff, as stated earlier, the plaintiff has examined himself as PW-1 by filing affidavit in lieu of his examination in chief, wherein he has reiterated similar facts pleaded in the plaint. To corroborate his oral evidence, PW-1/plaintiff relied on Ex.P1 to Ex.P21 documents.

13. Ex.P1 is a record of rights in respect to suit schedule property bearing land in Sy.No.64, Ex.P2 is a true copy of

orders passed by Land Tribunal, Hangal in LRMSR.No.35/14 dated 22-12-1976, Ex.P3 is true copy of patta in form No.10 issued by Special Tahasildhar, Hangal, Ex.P4 is mutation entry in M.E.No.348, Ex.P5 is a certified copy of registered adoption deed dated 03-05-1971, Ex.P6 is death certificate of Smt. Hanumakka, Ex.P7 is a family survivor certificate issued by Tahasildhar, Hangal, Ex.P8 is order of Deputy Commissioner, Haveri in RTS:CR.No.71/2001-02 dated 24-04-2002, Ex.P9 is election master roll, Ex.P10 is RTC in respect to land in Sy.No.62, of Gudagudi Village, Ex.P11 is a true copy of form No.7, Ex.P12 is order of Land Tribunal, Hangal in LRM:SR.No.35/15 dated 22-12-1976, Ex.P13 is a true copy of form No.10, Ex.P14 is order of Assistant Commissioner, Savanur in RTS:APSR.No.28/2000-01, Ex.P15 is a true copy of vakalath filed in said RTS proceedings on behalf of defendant herein, Ex.P16 is a written arguments filed on behalf of defendant herein in said RTS proceeding before Assistant Commissioner, Savanur, Ex.P17 is a true copy of mutation entry in form No.12, Ex.P18 is village form No.7 and 12 in respect to land in Sy.No.62, Ex.P19 is true copy of hand written RTC in respect to land in Sy.No.62, Ex.P20 is death certificate of Sri. Gutteppa, Ex.P21 is death certificate of Sri.Hanumanthappa (Sri.Gillivada)

14. To substantiate defense contented in the written statement, as stated earlier, the defendant has examined as

DW-1 by filed affidavit in lieu of examination in chief wherein he has reiterated similar facts pleaded in the written statement and thereby denied the case of the plaintiff. In proof of his oral evidence, the defendant/DW1 has got marked Ex.D1 to D22 documents.

15. Ex.D1 to Ex.D3 are the election master rolls, Ex.D4 is medical certificate dated 01-09-2009, Ex.D5 is a true copy of village form No.7 and 12, Ex.D6 is a hand written record of rights in respect to land in Sy.No.64, Ex.D7 is form No.7, Ex.D8 is death certificate of Sri.Gutteppa, Ex.D9 is endorsement dated 23-09-2009 given by Tahasildhar, Hangal, Ex.D10 to Ex.D12 are record of rights in respect to land in Sy.No.64, Ex.D13 is a mutation entries in M.E.No.348 and 375, Ex.D14 to Ex.D19 are the election master rolls, Ex.D20 is true copy tax assessment extract in respect to properties in V.P.C.No.171 and 171/1, Ex.D21 is a RTC in respect to land in Sy.No.7/5 of Dasharatakoppa Village and Ex D22 is RTC in respect to land in Sy.No. 72 of Gudagudi Village.

16. Before adverts to give findings on facts in issues, it is worth to state the undisputed facts between the parties to the lis. It is admitted fact that, deceased Sri.Gutteppa Vaddar is husband of deceased Smt.Hanumavva and suit schedule property originally tenanted property of said Sri.Gutteppa Vadder and subsequently, upon his demise based on

representation in form No.7 given by the Smt. Hanumavva, the occupancy right was granted in her favour. Infact aforesaid grant of occupancy right in favour of deceased Smt. Hanumavva substantiate through Ex.P2 which is order passed by Land Tribunal, Hangal passed in L.R.M.S.R.No.35/14 dated 22-12-1976 and consequent patta in form No.10 issued in her favour by virtue of Ex.P3. Aforesaid conformation of occupancy right and subsequent issue of patta has been duly acted upon by virtue of mutation entry in M.E.No.348 which is marked at Ex P4 under which khata of the suit schedule property mutated in the name of deceased Sri.Hanumavva by deleting original owner and possessor of the suit schedule property by name Sri. Deshapade S/o Ravindra Ramarao.

17. In the aforesaid facts and circumstances including cogent documentary evidence available on record establish that, suit schedule property exclusively granted in the name of Smt. Hanumavva by virtue of Ex.P2 order of Land Tribunal and Ex.P3 issue of patta in form No.10 by Special Tahasildar, Hangal. Therefore, the suit schedule property constitute absolute property of Smt. Hanumavva and she got independent right to deal with the suit schedule property according to her wish and tennor. Per contra, the defendant in the written statement has specifically contended that, Sri. Gutteppa Vaddar and his brother, Sri.Gillivada were in

occupation of suit schedule property as joint tenants and accordingly contended that, Smt. Hanumavva has applied for grant of occupancy right on behalf of joint family over which his father Sri. Gillivada has ½ share in the suit schedule property. Evidence of record disclose that, DW-1 during his cross examination has stated the fact that, Sri.Gutteppa Vaddar and his father Sri. Gillivada are brothers each other and their father is deceased Sri. Dasappa. The defendant /DW-1 through out his cross examination in terms with the averments made in the written statement has denied very relationship of plaintiff with that of deceased Sri.Gutteppa Vaddar and Smt.Hanumavva and accordingly, suggested to DW-1 during his cross examination that, his father Sri.Gillivada is not at all son of Sri.Dasappa. In fact, the document produced by the plaintiff as per Ex.P21 which is certified copy death certificate pertains to Hanumanthappa @ Gillivada, the contents of which clearly establish that, father of the defendant's father is one Sri. Hanumanna. The contents of aforesaid Ex.P21 death certificate clearly establish that, the father of the defendant is not the son of Sri. Dasappa who is actually father of the Sri. Gutteppa Vaddar. Said facts and evidence on record categorically establish that, the father of the defendant Sri. Hanumanthappa Gillivada is not at all brother of deceased Sri. Gutteppa Vaddar who is admittedly husband of deceased Smt. Hanumavva. Such being the facts, and as Ex.P2 and Ex.P3 coupled with Ex D7 application in form No. 7 submitted by Smt. Hanumava demonstrate the fact that, deceased Smt. Hanumavva exclusively granted with suit schedule property and constitute her separate property and consequently, it is for away from the truth to accept the contention of the defendant that, suit schedule property is joint family property of himself and deceased Sri.Gutteppa. If at all, really defendant's father Sri. Hanumanthappa Gillivada is brother of deceased Sri. Gutteppa Vaddar and they have jointly cultivated the suit schedule property as tenants, Smt.Hanumavva would have give representation in form No.7 to grant of occupancy right in the names of all the joint family members. On the contrary, on perusal of Ex D7 produced by the defendant himself goes to show that Smt. Hanumavva has applied for grant of occupancy right in respect suit schedule property on her exclusive name. If the contention of the defendant that Smt. Hanumavva got applied for grant on behalf of joint family, same shall be demonstrated in application in form 7.

18. It is the specific case of the plaintiff that he is the adopted son of Smt. Hanumavva who taken in adoption on 8-5-1970 as per customs and traditions prevailing in their community and to that effect adoption deed actually registered on 3-5-1971, accordingly asserted that he being adopted son of deceased Smt. Hanumavva has entitle to inherit the suit schedule property as its absolute owner over

which the defendant has no manner of right title and interest. On the other hand, the defendant in written statement set up a defense that, the plaintiff has concocted the fraudulent adoption deed in order to defraud him and thereby denied the very adoption of the plaintiff by Smt. Hanumavva. In this regard, PW-1 during his cross examination by the counsel for the defendant specifically and in categorical terms consistently denied very suggestion of the counsel for the defendant to the effect that, he is not a adopted son of Smt. Hanumavva and concocted alleged Ex.P5 adoption deed. Moreover, the counsel for the defendant during the cross examination of PW-1 has suggested the facts to an extent that person adopted under Ex.P5 is not of plaintiff and one Sri. Masteppa found in the Ex.P5 is not of one Sri.Sanna Masteppa. Said specific suggestion impliedly demonstrate an intention of the defendant to assert that adopted son Sri. Mastappa found in Ex.P5 and Sri.Sanna Masteppa are not one and the same person. It is further defense of the defendant during course of cross examination of PW-1 that so as to knock of the suit schedule property the plaintiff has stated his name as Sri.Masteppa @ Sanna Masteppa in the plaint so as to establish Ex.P5 adoption deed. In this regard, it is relevant to note that, the defendant in the written statement except contends that, the alleged Ex P5 adoption deed is concocted and fraudulent has not took any specific defense to the effect that the plaintiff is only called after Sri. Sanna Masteppa and not with name Sri. Masteppa. The defendant no where in the written statement has asserted that Sri. Masteppa and Sri. Sanna Masateppa are not at all one and the same persons. Therefore, without there being any defense and foundation in the written statement, the facts asserted during the cross examination of PW-1 for the first time that Sri. Masteppa and Sri. Sanna Masteppa are different persons, same cannot be acceptable and admitted in evidence.

19. Though the defendant has denied the alleged adoption of the plaintiff by Smt. Hanumavva and concoction of fraudulent Ex.P5 registered adoption deed, in fact during the proceedings before the Assistant Commissioner, Savanur has clearly admitted factum of adoption of the plaintiff by the Smt. Hanumavva. In this regard, it is relevant to consider Ex.P16 which is certified copy of written arguments filed by the counsel for defendant herein in a revenue proceeding filed by the plaintiff herein in RTSAPSR.No.29/2000-01, wherein the defendant in categorical terms stated that one Sri. Masteppa is the adopted son of Sri. Guttappa Vaddar and Smt. Hanumavva Gutteppa Vaddar. As appears in plaint cause title, the plaintiff asserted his name as Masteppa @ Sanna Masteppa. Collaboratively, during cross examination of DW-3 one Sri.Gadigeppa S/o Thimmanna Basapura who is examined by the defendant on his behalf, in unequivocal term admitted the fact that the plaintiff has been called after in

both names as Sri. Mastappa as well as Sri. Sanna Masteppa. Statement of said relevant fact admitted by DW-3 during his cross examination at page No.4 is extracted below:-

> "ವಾದಿಯನ್ನು ಮಾಸ್ತೆಪ್ಪ ಮತ್ತು ಸಣ್ಣ ಮಾಸ್ತೆಪ್ಪ ಎಂಬ ಎರಡು ಹೆಸರಿನಿಂದ ಕರೆಯುತ್ತಾರೆ ಎಂದರೆ ನಿಜ. ವಾದಿಯ ದತ್ತಕ ತಾಯಿಯಾದ ಹನುಮವ್ವಳನ್ನು ನಾನು ನೋಡಿರುತ್ತೇನೆ."

Again, DW-3 during his course of further cross examination at page No.6 has specifically admitted as follows:-

> "ವಾದಿಯನ್ನು ಮಾಸ್ತೆಪ್ಪ ಮತ್ತು ಸಣ್ಣ ಮಾಸ್ತೆಪ್ಪ ಅಂತಾ ಎರಡು ಹೆಸರುಗಳಿಂದ ಕರೆಯುತ್ತಾರೆ ಎಂದರೆ ನಿಜ."

On categorical consideration of statement of said relevant facts admitted by DW-3 that name of the plaintiff is called after both of Sri. Masteppa and Sri. Sanna Masteppa corroborates case of the plaintiff and same shall be admissible under section 17 of the Indian Evidence Act, 1872 and constitute evidenciary admission. The fact that, witness (DW-3) of the defendant himself has admitted the said relevant fact that the plaintiff is called with both of Sri. Masteppa and Sri. Sanna Masteppa. Such being an evidence on record, the contention of the defendant that the plaintiff name is Sri. Sanna Masteppa and not called with name Sri. Masteppa and to knock of the suit schedule property the plaintiff falsely claiming his name both as Sri. Masteppa and Sri. Sanna Masteppa in the plaint cause title is cannot be believed and accepted. It is worth to reiterate that, the defendant in his written statement never took such a defense that the plaintiff name is Sri. Sannamastappa and not of Sri. Mastappa and consequently, such a suggestions made during cross examination of PW-1 is totally after thought and not admissible in evidence on principle of law that evidence with out pleading in non est in the eye of law and same can not be admitted. Even excluding said subsequent defense without foundation in the written statement, as indicated earlier, witness of the defendant, DW-3 in unequivocal terms specifically admitted that name of the plaintiff is called with both of Sri. Mastesppa and Sri. Sannamastappa would negative and falsify the case of the defendant that the plaintiff sole name is Sri. Sannamastappa only. Therefore, Ex D1 to Ex D3 which are true copies of election muster roll of the year 1983, 1988 and 1995 produced by the defendant to prove that the plaintiff sole name is Sri. Sannamasteppa no way aid and helpful him.

20. In the back ground of said proved facts that the plaintiff is called after both the names Sri. Mastappa and Sri. Sannamastappa, it is essential to consider Ex P5 registered adoption deed dated 3-5-1971. On prima facie perusal of said Ex P5 registered adoption deed, recitals therein demonstrate the facts to the effect that Smt. Hanumavva has taken Sri, Mastappa in adoption at his age of 10 years from his natural father Sri. Udachappa and mother Smt. Thippava since no issues were born out of wed lock between

Smt. Hanumavva and his husband Sri. Guteppa Vaddar. Vary recitals of Ex P5 registered adoption deed further fortifies that 1 year prior to registration of adoption deed, Sri. Mastappa was taken in adoption by following ceremonies of adoption prevailing in their community. As such, Ex P5 being registered adoption deed, as per section 16 of the Hindu Adoption and Maintenance Act-1956, there shall be presumption that adoption is made in accordance with law unless and until contrary is proved. As stated earlier, since the plaintiff name is called with both Sri. Mastappa and Sri. Sannamastappa, with all preponderance of probabilities establish that said Ex P4 adoption deed is pertains to the plaintiff and he is taken in adoption by deceased Smt. Hanumavva as her adopted son. Though the defendant has examined DW-2 Sri. Fakkirappa S/o Takappa Talawar, DW-3 Sri. Gadigeppa S/o Thimanna Basapura, DW-4 Sri. Sangappa S/o Mallappa Hosakoppa and DW-5 Sri. Sannahudachappa S/o Kengappa Byagavadi to disprove alleged adoption, who in their respective affidavits filed in lieu of their examination in chief deposed the facts that the plaintiff is not all the adopted son of Smt. Hanumavva and her husband Sri. Gutheppa Vaddar, in fact they during their cross examination by the counsel for the plaintiff have pleaded complete ignorance to the suggestion of facts that Smt. Hanumavva has taken the plaintiff in adoption by performing ceremonies and followed by registration of adoption deed after one year. The DW-2 to DW-5 never denied specifically factm of adoption of the plaintiff by Smt. Hanumavva during their respective cross examination and to the contrary they stated that they does not know whether Smt. Hanumavva adopted the plaintiff as her son. Consequently, their evidence is not reliable and trustworthy to disbelieve Ex P5 registered adoption deed. Hence, the plaintiff with cogent oral and documentary evidence on record and more particularly through Ex P5 adoption deed establish that he is adopted son of Smt.Hanumavva and Sri. Guteppa Vaddar. Accordingly, issue No. 1 is answered in the affirmative and additional issue No. 2 is answered in the negative.

21. **Issue No.2 and issue No.6:** It is specific case of the plaintiff that by virtue of his adoption by Smt. Hanumavva, upon her demise, he become owner of suit schedule property by way of succession/inheritance over which the defendant has no manner of right and interest and accordingly, asserted that mutation entry in M.E.No. 375 dated 30-7-1982 obtained by him is illegal. Admittedly, suit schedule property allotted to Smt. Hanumavva by Land Tribunal, Hangal under Ex P2 and patta issued in her favour by the then Special Tahasildar, Hangal under Ex P3 which is form No. 10. As such, suit schedule property constitute separate property of deceased Smt. Hanumavva and upon her demise, the plaintiff being her adopted son has entitled to succeed the suit schedule property. On the other hand, it is specific defense of the defendant that

Smt. Hanumavva being wife of his father's brother by name Sri. Guteppa Vaddar, she was looked after his welfare and till her death, himself look after her including performance of her last rites. An evidence on record, more particularly as per Ex P21 which is death certificate of deceased Sri. Hanumantappa(Gillivada) establish that he is son of one Sri. Hanumanna and not the son of deceased Sri. Dasappa who admittedly father of deceased Sri. Guteppa Vadder and thereby establish that deceased Sri. Guteppa Vaddeer is not elder uncle of defendant as falsely or wrongly claimed in the written statement. Even otherwise, DW-1 during his cross examination at page no. 9 of his deposition in specific terms stated the fact that first wife of his father Smt. Thippavva was looking after all his welfare even since his younger age till her death in the year 1989 and accordingly, she was also given her property land in Sy.No. 62 in his favour. Aforesaid statement of DW-1 is taken in to consideration, it is not true to believe the version of the defendant that he was actually looking after by Smt. Hanumavva and in fact she was also performed his marriage as claimed in the written statement.

22. The case of the defendant that Smt. Hanumavva by virtue of Ex P4 and Ex D13 mutation entry in M.E.No. 375 given suit property in his favour. As admitted by defendant/ DW-1 during his cross examination by the plaintiff counsel, Smt. Haumavva did not transferred the suit property under any title

deeds. Therefore, by virtue of Ex P4 mutation entry in M.E.No.375, no valid right, title and interest over the suit schedule property conveyed in favour of the defendant. It is settle law that mere mutation and revenue entries does not confirm or extinguish right and interest over immovable property and same are meant for fiscal purpose to determine land revenue and fixation of tax. Such being the facts and clear evidence on record, since suit schedule property is absolute property of deceased Smt. Hanumavva and as the plaintiff establish that he is her adopted son, he is entitled to succeed the suit schedule property by virtue of succession under section 15 and 16 of Hindu Succession Act,1955. Except the plaintiff, there are no other class I legal heirs to deceased Smt. Hanumavva and as a result, the plaintiff being her sole legal heir by virtue of adopted son under Ex P5 registered adoption deed, he alone become absolute owner of the suit schedule property. In fact, the defendant except filing written statement, not filed any counter claim seeking declaration of ownership in respect to suit schedule property and as such, issue No. 6 framed by predecessor in office casting burden upon the defendant to prove his ownership over suit schedule property is not a necessary issue and become redundant and consequently become redundant. Accordingly, issue No. 2 is answered in the affirmative and issue No. 6 does survive for consideration.

23. **Issue No.3:** In addition to relief of declaration, the plaintiff has sought for consequential relief of permanent injunction to retrain the defendant from interfering in peaceful possession and enjoyment of the suit schedule property and as such, the plaintiff is required to establish his possession over the suit schedule property as on date of suit. In this regard, plaintiff has claimed that though he is adopted son of deceased Smt. Hanumavva, the defendant with the collusion of the revenue authority got entered his name in respect to suit schedule property by virtue of mutation entries in M.E.No. 375 and thereby by taking advantage of joint entry in the records of rights in respect to suit schedule property he is interfering in peaceful possession and enjoyment of the same and accordingly claimed that himself has been in possession and enjoyment of the suit schedule property. Per contra, the defendant in the written statement asserted possession of the suit schedule property with him.

24. The plaintiff/PW-1 in his affidavit filed in lieu of examination in chief collaboratively deposed facts regarding his possession over the suit schedule property and he also examined a independent witness by name Sri. Masteppa S/o Udachappa Vadageri as PW-2 who in his affidavit filed in lieu of examination in chief deposed facts as cultivation of the suit schedule property by the plaintiff ever since his date of adoption. During their respective cross examination by counsel for the

defendant, PW-1 consistently reiterated possession of the suit schedule property with him and denied the suggestion of facts that the defendant has been in possession and enjoyment of the suit schedule property. In fact, the defendant has questioned vary permission given to the plaintiff to examine PW-2 on his behalf by challenging orders passed on I.A.No. 10 and 11 before Hon'ble high court of Karnataka, Dharwad Bench in W.P. No. 105278/2016. The predecessor in office by order dated 10-6-2016 on I.A.No.10 and 11 permitted the plaintiff to lead his further evidence and accordingly, the plaintiff has examined PW-2 on his behalf. As could be seen from records, aforesaid W.P.No.1052/2016 came be dismissed as infructuous in view of death of PW-2 before submission for cross examination and as such, affidavit evidence cannot be taken in to consideration. The fact to be noted that, before preferring said writ petition, PW-2 is not subjected to cross examination even in part. In view of the same, affidavit evidence of PW-2 is not all admissible as per section 33 of Indian Evidence Act,1872.

25. The defendant/DW-1 and his witnesses, DW-2 to DW-5 in their affidavits filed in lieu of their examination in chief, as indicated earlier, in addition to vary denial of factum of adoption of the plaintiff by Smt. Hanumavva, have deposed that the plaintiff has not all in possession of the suit schedule property at any point of time and accordingly claimed to the effect that the defendant has been in possession and enjoyment of the suit

schedule property based on his name mutated in the record of rights by virtue of Waradi given by Smt. Hanumavva herself. During cross examination of DW-1 to DW-5 they have also denied very assertion of facts that the plaintiff has been in possession and enjoyment of the suit schedule property by virtue adoption and denied the suggestions of counsel for the plaintiff that the defendant has not been in possession and enjoyment of the suit schedule property and defendant has concocted alleged mutation entries in M.E.No.375.

26. In this regard, on consideration of Ex P1 record of rights in respect to suit schedule property for the academic year 2003-2004, it is well apparent that the suit schedule property jointly standing in the names of the plaintiff and the defendant. Even otherwise, Ex D12 which is also records of rights for year 2008-2009 in respect to suit schedule property, contents of the same indicates that khata of the suit schedule property jointly standing and continued in the names of the plaintiff and the defendant. Basis on which the defendant claiming his exclusive possession over the suit schedule property is Ex D13 mutation entry in M.E.No. 375. In this context, on perusal of contents as a whole of Ex D13 mutation entry in M.E.No. 375, it is forthcoming that by citing reason due to old age and as the defendant is the son her husband's brother and as he residing with her to help in cultivation of the suit schedule property, based on alleged Waradi given by Smt. Hanumavva to that

effect, name of the defendant found to had entered in mutation entry in M.E.No. 375 along with said Smt. Hanumavva on 30-7-1982. While answer issue No. 1 and 2 and additional issue No.2, it is clearly hold that the defendant father is not all son of deceased Sri. Dasappa Vaddar and not the brother of husband of deceased Smt. Hanumavva by name Sri. Guteppa Vaddar. Moreover, evidence on record and more particularly Ex P21 relied by the plaintiff clearly goes to show that Sri. Hanumantappa, father of the defendant is son of Sri. Hanumanna. Such being cogent documentary evidence on record, defendant can not claim that he is brother's son of deceased Sri. Guteppa Vaddar and both Sri. Guteppa Vaddar and father of the defendant Sri. Hanumantappa are not a brothers to each other. Such being the facts and evidence on record, mutation entry in M.E.No.375 apparently came in to being based on alleged varadi given by Sm. Hanumavva to the effect that the defendant is son of her husband's brother is suspicious in nature and not a believable entry. DW-1/defendant during his cross examination has clearly admitted the fact that his step mother, Smt. Thippavva, first wife of his father by name Smt. Hanumantappa was looking after himself and she has given her land in Sy.No.62 situated at Gudagudi village of Hangal Taulk in his favour further doubts his case that actually he was looking after by Smt. Hanumavva and she performed his marriage during her life time. Aforesaid evidence on record further suspects and doubts manner in which Ex D13 mutation entry in M.E.No.375 came in to being. It is pertinent to note that second wife of deceased Sri. Hanumantappa by name Smt. Hanumavva who admittedly father and mother of the defendant. DW-1 has admitted the suggestion of fact that alleged adopted mother of the plaintiff Smt. Hanumavva and his mother with similar name Smt. Hanumavva are sisters each other. It is not the case of the defendant that alleged adopted mother of plaintiff deceased Smt. Hanumavva being her Aunt and sister of his mother was looking after him and in the said reason and strength his name was mutated along with her name as per mutation entry in M.E.No. 375. If that is the case, case of the defendant that Ex D13 is genuine entry can be accepted and could be relied. To the contrary, as stated earlier, name of the defendant along with Smt. Hanumavva jointly mutated and mentioned in mutation entry in M.E.No. 375 on the reason that he is son of husband's brother of deceased Sri. Hanumavva is far beyond truth for clear evidence on record to the effect that father of the defendant's is one Sri. Hanmanna and father of the husband of deceased Smt. Hanumavva is admittedly one Sri. Dasappa Vaddar.

27. Under section 133 of the Karnataka Land Revenue Act of 1964, presumptive value attached to the every entry in records of right, mutation entry including patta book and shall be deemed to be true and correct unless and until contrary is proved and entries thereof is legally substituted. In the case on

hand, as evident from contents of Ex P1 and Ex D 12, khata of the suit schedule property standing in joint names of the plaintiff and the defendant. When name of the defendant appears to entered in the mutation entry in M.E.No.375 in the suspicious circumstances, as discussed in foregoing paras, the name of the defendant continued in the record of rights in respect suit schedule property ever since said M.E.No. 375, is not genuine and based on said entry his possession over the suit schedule property can not be believed. Interestingly, the defendant has not challenged entry of name of the plaintiff in the record of right in respect to suit schedule property since 2003-2004. If the plaintiff has not been in possession and enjoyment of the suit schedule property, there was no impediment to the defendant to recourse to legal remedies seeking to cancel the name of the plaintiff in the records of rights in respect to suit schedule property. Silence on the part of the defendant not to challenge entry of name of the plaintiff in the records of rights with preponderance of probabilities establish the plaintiff being adopted son of deceased Smt. Hanumavva under Ex P5 registered adoption deed, his name legally substituted in the record of rights in respect to suit schedule property. Aforesaid discussed evidence on record establish that name of the defendant in the mutation entry in M.E.No.375 and consequent continuation in the record of rights in respect to suit schedule property is not genuine one and same are suspicious entries. Moreover, name of plaintiff in the record of rights in respect to suit schedule property alone constitute legal entry by virtue of his adoption by Smt. Hanumavva and constitute proof of possession exclusive and entire suit schedule property by the plaintiff. Accordingly, issue No. 3 is answered in the affirmative.

28. **Issue No.4:** This issue regarding sufficiency or otherwise of court fee paid by the plaintiff in this suit for relief of declaration his adoption, ownership over the suit schedule property and consequential relief of permanent injunction sought for. The defendant in para No. 10 of written statement has contended that valuation of suit is incorrect and court fee paid is insufficient. Except said mere or bald pleading, the defendant not all pleaded in detail how valuation of the suit is incorrect and court fee paid is insufficient. At the same time, on consideration of para No.12 of the plaint wherein the plaintiff has valued suit under section 24 (b) R/w section 7 of Karnataka Court Fee and Suit Valuation Act of 1958 and arrived valuation of suit schedule property based on 25 times of land revenue at Rs. 7-61 and thereby calculated value of the suit schedule property at Rs. 1,000/- and accordingly, paid court fee of Rs. 38/-. Apparently suit schedule property is an agricultural land bearing Sy.No. 64 measuring 5 acre 16 guntas of land and though the plaintiff claimed relief of declaration of ownership in respect to said agricultural land for the purpose of payment of court fee, Section 7(2)(b) of said Act is applicable and

accordingly, the plaintiff has rightly valued suit both under section 24(b) and section 7(2)(b) of the Act and paid court fee based on 12½ times of land revenue assessment in respect to suit schedule property specifically provided under section 7(2) of said Act. In fact, the plaintiff has claimed reliefs of declaration of his adoption, permanent injunction and mandatory injunction to direct the revenue authority to delete or cancel name of the defendant in the revenue records in respect to suit schedule property. Such being additional reliefs claimed, the plaintiff also valued suit under section 24(d) for the relief of declaration of adoption. At this juncture, it is relevant to note that mere absence of separate valuation of suit for the relief of declaration of adoption no way go to root of the case as the plaintiff rightly paid court on major/aggregate value of relief of declaration of title and consequential relief of permanent injunction as provided under section 6 of K.C.F & S.V. Act, 1958. Therefore, plea of the defendant that valuation of the suit is incorrect and court fee paid is insufficient in not tenable. Accordingly, issue No. 4 is answered in the affirmative.

29. **Issue No.5:** It is specific contention of the defendant in para No.10 of the written statement that the plaintiff has sought for cancellation of mutation entry in M.E.No.375 and consequently claimed to the effect that without arraying revenue authorities as necessary parties suit is not maintainable and bad for non joinder of necessary party to the suit. No doubt,

in addition to main relief of declaration of his adoption, ownership in respect to suit schedule property and consequential relief of permanent injunction, the plaintiff also sought for direction to the concerned revenue authority to delete name of the defendant in mutation entry in M.E.No.375 of Gudagudi Village. In this regard, it is worth to note that if at all the plaintiff sought only for cancellation of said mutation entry, same is amenable to Jurisdiction of revenue courts as provided under section 61 of Land Revenue Act. As aforesaid relief is ancillary to major relief of declaration of adoption of plaintiff and his ownership over the suit schedule property, prayer for cancellation of mutation entry in M.E.No.375 is constitute consequential relief and court can very much authority to direct the revenue authority for cancellation of wrong entries in the revenue records as provided under section 135 of Land Revenue Act of 1964. In this regard, it is relevant to extract section 135 of Land Revenue Act 1964 which extracted below:-

> **135. Bar of suits.**—No suit shall lie against the State Government or any officer of the State Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended:
>
> Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in any record or register maintained

> under this Chapter, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his right under Chapter VI of the Specific Relief Act, 1877; and the entry in the record or register shall be amended in accordance with any such declaration.

30. Aforesaid provision manifestly make it crystal clear that whenever suit filed against an individual who denying title of a person in respect to immovable property and consequently person filed suit for declaration of title against an individual who denying title, in the said suit, the court can order for cancellation or amendment of revenue entries in accordance with declaration in the suit without arraying concerned revenue authorities as parties to the suit. In the case on hand, since relief of declaration sought for by the plaintiff are mainly concerned to the defendant, presence of revenue authorities for disposal of present case is not all required and they would not form necessary parties to the suit. At the cost of repetition, as relief of direction to the revenue authority to cancel mutation entry in M.E.No.375 and deletion of name of the defendant in the record of rights and mutation entry in respect to suit schedule property in consequential relief to major relief of declaration of adoption and ownership, same is needless to

made revenue authorities as necessary parties to the suit. Accordingly, issue No. 5 is answered in the negative.

31. **<u>Additional Issue No.1:</u>** The defendant by virtue of amendment of written statement as per order on I.A.No.III filed under order 6 rule 17 of C.P.C., has specifically contended that alleged adoption asserted by the plaintiff is of dated 3-5-1971 and as such contended that suit is barred by Limitation. Apparently, the plaintiff in this suit claiming relief of declaration of his adoption and ownership over the suit schedule property and consequently, section 58 of Limitation Act 1963 would apply to case on hand. As the plaintiff seeking positive relief declaration of his adoption and not sought for negative relief of cancellation of adoption, section 57 of said Act is not applicable. In this regard, in the cause of action narrated at para 10 of the plaint, it is forthcoming that the revision appeal preferred by the plaintiff to cancel mutation entry in M.E.No.375 before the Deputy Commissioner and dismissal of same on 24-4-2002 on the ground that same is dispute of civil nature and approach civil court for appropriate remedy is route cause of action to file this suit. In the context of defense of limitation, the counsel for the defendant during cross of PW-1 dated 2-6-2015 specifically suggested that he was aware alleged mutation entries 348 and 375 about 30 years ago itself and same is denied by plaintiff/ PW-1. At the same time, PW-1 has stated that factum of aforesaid entries came to his knowledge about 12 years ago and

not aware of the same prior to said period. If from date cross examination of PW-1 regarding limitation is concerned, the plaintiff said to had become aware of mutation entries in M.E. 345 and M.E.No. 375 during year 2002 or 2003. The counsel for the defendant is not able to elicit the fact regarding the plaintiff has aware of said entries past 30 years so as to constitute bar of limitation to file this suit. As the plaintiff has filed this suit on 28-10-2004 and same is well within 3 years from the date alleged cause of action stated in the plaint, suit is well within period of limitation. Accordingly, additional issue No.1 is answered in the negative.

32. **Issue No.7:-** The plaintiff has filed present suit against the defendant for relief of declaration of heir-ship and for further declaration of ownership in respect to suit schedule property, mandatory injunction to direct to delete name of the defendant in the mutation entry in M.E.No.375 in respect to suit schedule property and consequential relief of permanent injunction to restrain the defendant or anybody acting under him in peaceful possession and enjoyment of the suit schedule property. In view of answer issue No.1 to 3 in the affirmative and additional issue No.1 and 2 in the negative, the plaintiff certainly entitle for relief sought for in the plaint. Accordingly, issue No.7 is answered in the affirmative.

33. **Issue No.8:-** In the light of aforesaid reasons and discussions, this court has proceed to pass following:-

ORDER

The suit of the plaintiff is hereby decreed with costs in the following terms.

Plaintiff is adopted son of deceased Smt.Hanumavva by virtue of registered adoption deed dated 03-05-1971 and consequently, he is sole legal heir of her.

It is further declared that, the plaintiff is absolute owner and in possession of the suit schedule property and consequently, the defendant is hereby restrained from interfering in peaceful possession and enjoyment of the suit schedule property by the plaintiff by way of perpetual injunction.

Moreover, under proviso to section 135 of Karnataka Land Revenue Act, 1964 the concerned

revenue authority is hereby directed to delete name of the defendant in mutation entry in M.E.No.375 of Gudugudi village in respect to suit schedule property bearing Sy.No.64 measuring 5 acres 16 guntas.

Draw decree accordingly.

(Dictated to Stenographer, directly typed by him on computer, once corrected and later initialed by me and then pronounced by me in the open court on this the 7th day of December - 2022)

(Sri. Janardhana S.K.)
Civil Judge & JMFC.,
Hangal.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PLAINTIFFS:-

PW-1 : Sri. Masteppa @ Sannamasteppa A/f Gutteppa Vadageri

PW-2 : Sri. Masteppa @ Doddamasteppa S/o Udachappa Vadageri

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PLAINTIFFS:-

Ex.P1 : Record of rights in respect to suit schedule property bearing land in Sy.No.64

Ex.P2 : True copy of orders passed by Land Tribunal in LRMSR.No.35/2014 dated 22-12-1976

Ex.P3 : Original patta in form No.10 issued by
special Tahasildhar, Hangal

Ex.P4 : Mutation entry in M.E.No.348

Ex.P5 : Certified copy of register adoption deed
dated 03-05-1971

Ex.P6 : Death certificate of Smt. Hanumavva

Ex.P7 : Family surviver certificate issued by
Tahasildhar, Hangal

Ex.P8 : Order of Deputy Commissioner, Haveri
IRTSCR.No.71/200102 dated 24-04-2002

Ex.P9 : Election master roll

Ex.P10 : RTC in respect to land in Sy.No.62

Ex.P11 : True copy of form No.7

Ex.P12 : Order of Land Tribunal, Hangal in
LRMSR.No.3515 dated 22-12-1976

Ex.P13 : True copy of form No.10

Ex.P14 : Order of Assistant Commissioner, Savanur
in RTSAPSR.No.28/2000-01

Ex.P15 : True copy of vakalath filed in said RTS
proceedings on behalf of defendant herein

Ex.P16 : Written arguments filed on behalf of defendant herein
in said RTS proceeding before Assistant Commissioner,
Savanur

Ex.P17 : True copy of mutation entry in form No.7

Ex.P18 : Village form No.7 and 12 in respect to
land in Sy.No.62

Ex.P19 : True copy hand written RTC in respect to
land in Sy.No.62

Ex.P20 : Death certificate of Sri. Gutteppa

Ex.P21 : Death certificate of Sri.Hanumanthappa
(Sri.Gillivada)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENDANTS:-

DW-1 : Hanumanthappa S/o Gillevada Vaddar

DW-2 : Fakkirappa S/o Takappa Talavar

DW-3 : Gadigeppa S/o Timmappa Basapura

DW-4 : Sangappa S/o Mallappa Hosakoppa

DW-5 : Sanna Udachappa S/o Kengappa Byagavadi

LIST OF DOCUMENTS MARKED ON BEHALF OF THE DEFENDANTS:-

Ex.D1 to Ex.D3 : Election master rolls

Ex.D4 : Medical certificate dated 01-09-2009

Ex.D5 : True copy of village form No.7 and 12

Ex.D6 : Hand written record of rights in respect to
land in Sy.No.64

Ex.D7 : Form No.7

Ex.D8 : Death certificate of Sri.Gutteppa

Ex.D9 : Endorsement dated 23-09-2009 given by
Tahasildhar, Hangal

Ex.D10 to Ex.D12 : Record of rights in respect to
land in Sy.No.64

Ex.D13 : Mutation entry in M.E.No.348 and 375

Ex.D14 to Ex.D19 : Election master roll

Ex.D20 : True copy tax assessment extract in respect
to properties in V.P.C.No.171 and 171/1

Ex.D21 : RTC in respect to land in Sy.No.7/5

Ex.D22 : RTC in respect to land in Sy.No.72

(Sri. Janardhana S.K.)
Civil Judge & JMFC.,
Hangal.