

Witness present and duly sworn on 28-02-2022

**Cross Examination by Shri. DSN advocate for the the Defendant-1**

I am an illiterate person. I have filed the suit against Jayashree Madale. The present suit has been file to recover my suit property. I have given information relating to the suit. The contents of the plaint have been read over to me. The contents of the plaint are true and correct. CTS No. of the suit property is 3639. I cannot say about the boundaries of the suit property. I have given information in drafting the examination in chief filed by way of affidavit. It is false to suggest that, I don't know about the suit and suit property and I am deposing falsely.

Suit property has been purchased by Subhas Tukaram Madale. Witness volunteers that we were residing jointly as joint family members. I have not produced any documents to show that we were residing jointly. I am not having any documents to show that we were residing jointly. Suit property was purchased in the year 1979 by Subhas Tukaram Madale. It is false to suggest that I am deposing falsely that the suit property purchased in the year 1979. It is true to suggest that the suit property has been purchased for an amount of Rs. 2000/- by Subhas Tukaram Madale from Dattatreya Madale . Witness volunteers that when we were residing jointly, he has purchased the suit property. It is false to suggest that, I am deposing falsely about purchasing of the suit

property when we were in joint family. It is false to suggest that at the time of sale deed there was no joint family and I cannot say as to in the year 1979 or 1980 sale deed has been executed. It is true that on the bases of the sale deed Khata of the suit property was mutated in the name of Subhas Madale. It is false to suggest that the suit property is the self acquired property of the subhas Madale. Witness volunteer that I have given money to purchase the suit property. It is true that in the year 1980 an amount of Rs. 2000/- is big amount. I have not produced any document to show that I have funded Rs. 2000/- in purchase of suit property in the year 1980. witness volunteers that as I was driver from my salary I have given amount. In the year 1980 I was getting salary of Rs. 300/- per month and also commission from the transport company. I was working at Mumbai Kotari and Bengaluru Herclues. I have not produced any documents to show that I was working in the said company and getting amount of Rs. 300/- per month. It is false to suggest that, I am deposing falsely as to I was working in the company and getting an income of Rs. 300/- per month. It is false to suggest that in order to grab the self acquired property of Subhas Madale I have filed the false suit and deposing falsely.

It is true that defendant No. 1 is daughter of Subhas Madale. I have no impediment to purchase the suit property in my name. I have not objected at the time of mutating the name of Subhas Madale in the concerned CTS records with respect to the suit property. It is true that in the year 1980 the name of Subhas

Madale was mutated in the CTS records. Since from 1980 till today except the present suit I have not filed any suit, objections, applications before the competent authorities. I have not inquired either to Subhas Madale or to defendant No. 1 in mutating my name in the CTS records. Witness volunteers that we were in the joint family. It is false to suggest that there was no joint family and we were not residing in the joint family as such I have not inquired.

It is true to suggest that, Dattatrey Madale has filed suit against Subhas Madale in O.S No. 956/1994. I was party in that suit. It is false to suggest that, I was not party to that suit. It is false to suggest that O.S No. 956/1994 was filed for relief of injunction. It is true that, Subhas Madale died during the pendency of O.S No. 956/1994 . Defendant No. 1 was brought on records in O.S No. 956/1994 as Subhas Madale was passed away. To the suggestion that defendant No. 1 being minor was represented by her grand mother Housabai, witness deposes that I was party to the suit. It is true to suggest that O.S No. 956/94 was ended in compromise. It is true that the subject matter of the O.S No. 956/94 was CTS No. 3319. It is false to say that as per the said compromise suit property was given to defendant No. 1.

It is false to suggest that, since 1980 the suit property was in possession of Subhas Madale and there after his death, the defendant No. 1 is in possession and enjoyment over the suit property till date. I have not produced any documents to show that

I am in possession over suit property. Witness volunteer that I have produced photos of the suit property. It is false to suggest that no documents are in my name and I am not in possession over the suit property since from 1980 till date.

Further cross examination in deferred on request.

(Typed on computer to my dictation in the open Court) R O I & A C

**Prl. Civil Judge & JMFC,  
Nipani**