

IN THE COURT OF THE SR CIVIL JUDGE AND C J.M, AT, MADIKERI,
KODAGU.

DN-1

O.S NO: 10/2021

PLAINTIFFS;

SMT: K P LAKSHMI
AND ANOTHER

V/s

DEFENDANT;

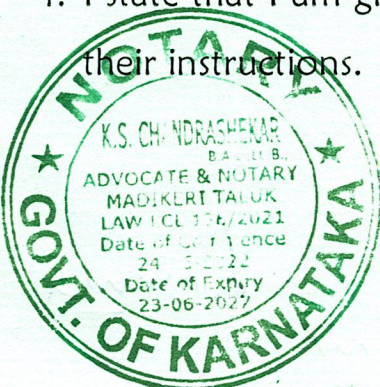
SMT: K S YAMUNA
AND 6 OTHERS

Name	SRI: K S LAKSHMAN
Father's Name	Late Sri: K M SUBBAIAH
Age	45 years,
Occupation	Agriculturist
Address	Kolagadalu Village Cherambane Post, Madikeri Taluk, Kodagu District,

AFFIDAVIT UNDER ORDER XVIII RULE - 4 OF CPC IN LIEU OF
EVIDENCE IN THE FORM OF EXAMINATION- IN-CHIEF

I, Sri: K S Lakshman, S/o Late K M Subbaiah, Aged 45 years, R/o
Kolagadalu Village, Cherambane Post, Madikeri Taluk, Kodagu
District, do hereby solemnly affirm on oath as follows:

1. I state that I am the Defendant No: 7 in this case and I am well conversant with the facts of the case.
2. I am swearing this affidavit in lieu of my oral evidence in the form of examination in chief in the above case.
3. I state that I have to lead evidence in order to prove my case as such I may be permitted to give evidence as hereunder.
4. I state that I am giving evidence on behalf of defendant No: 1 & 6 on their instructions.

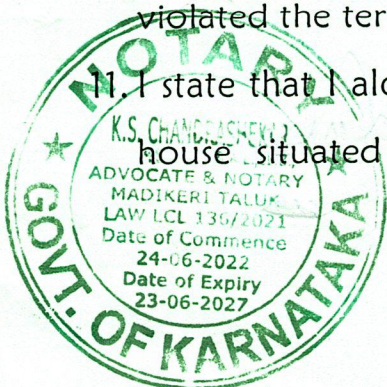


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No. of Corrections

5. I state that except Paragraph No. 1 to 6 of the Plaint, rest of the averments contained in the plaint averments are all denied as false. The plaintiffs are put to strict proof of the same.
6. I state that the averments contained in paragraph No: 7 & 8 of the plaint are all twisted facts made to suit the convenience of the plaintiffs and to give a coloured version of the true facts and intention of the plaintiffs is to have a false cause of action to file the above suit. The plaintiffs are abusing the process of this Hon'ble Court to knock off the suit schedule properties. The averments made in entire plaint are incorrect and the plaintiffs are put to strict proof of the same.
7. I state that the plaintiffs have filed this suit in order to grab my property in Sy. No: 13/4 eastern side portion measuring 1.60 acres fallen to my share as per the compromise decree by this Hon'ble court in O S No: 126/2013 dated 28/10/2019.
8. I state that the plaintiffs are the court birds always in the habit of filing false and frivolous suit against me. The plaintiffs who are having a bad glance over the improvements made by me with a malafide intention filed this suit.
9. I state that initially the plaintiffs had filed a direct petition before the District legal Services Authority against me and I was ready for the settlement but the same was opposed by the plaintiffs as such the plaintiff filed a suit bearing no: O.S No: 126/2013 against me, and the defendant No: 1 & 6 which was finally settled vide compromise petition dated 28/01/2019.
10. I state that I am acting upon the compromise petition dated 28/01/2019 and is in possession and enjoying my respective share as per the decree passed in O S No: 126/2013. No point of time I have violated the terms of the decree.

11. I state that I along with defendant No: 1 & 6 was residing in the old house situated in Sy No: 18/2 measuring 40 cents prior to the



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comprise decree and after entering into a compromise with the plaintiffs the said old house situated in Sy No: 18/2 measuring 40 cents which had fallen to my share and defendant No: 1 & 6 as per the decree passed in O.S No: 126/2013.

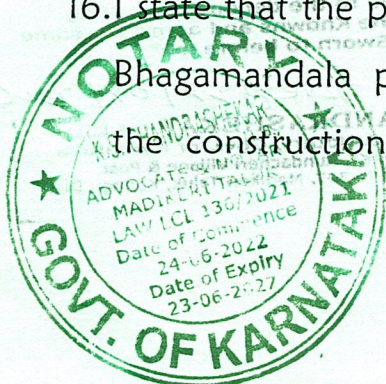
12.I state that the western side of Sy.No: 18/2 measuring 40 cents is abutting to the land measuring 1.60 acres in Sy No: 13/4 which also belongs to me as per the decree passed in O S No: 126/2013.

13.I state that my house situated in Sy No: 18/2 was very old and in dilapidated condition as such I wanted to construct a new house just behind the old house which is on the western side of Sy.No: 18/2. The old house had plinth area of approximately below 2000 sq feet and the new construction is just behind the old house and the new house plinth area is also approximately below 2000 sq feet. I have obtained necessary permission for the construction a new house in Sy No: 18/2 and have built the new house as per the approved plan.

14.I state that it is admitted by the plaintiffs that the Sy no: 18/2 is measuring 40 cents and Sy no: 13/4 on the eastern portion is measuring 1.60 acres. Further plaintiffs admit the existence of old house in Sy. No: 18/2 as such question of encroaching the property of the plaintiffs will not arise for consideration because after my new house to enter in to the plaintiff's property one has to cross the property in Sy No: 13/4 measuring 1.60 acres belonging to me than only the plaintiff can enter to his property.

15.I state that I have invested huge amount for the construction of the new house in Sy no: 18/2 fallen to my share as per the decree passed in O S No: 126/2013, the plaintiffs who are having a bad glance over the development made by me has filed this suit with a malafide intention.

16.I state that the plaintiffs in order to harass have filed false petition to Bhagamandala police and Cherambane Grama Panchayath against the construction of the new house. The concerned officials have



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Laxman

visited the spot and have given a clean chit stating that the new house is well within my boundaries.

17.No cause of action occurred to the plaintiffs on the date mentioned in the Plaint.

18.In view of the above said factors there is absolutely no merit in the suit filed by the plaintiff and thereby the suit filed by the plaintiff is liable to be dismissed.

19.The suit is not properly valued as it is liable to be dismissed.

20. There is no bonafide in the suit and as such it is liable to be rejected.

21.The suit is vexatious, frivolous, malafide and as such it is liable to be dismissed.

22. The plaintiff has not come to the Hon'ble Court with clean hands nor entitled to any reliefs under equity.

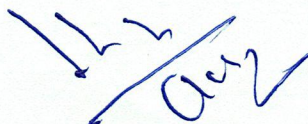
23. The entire allegations, which are not specifically admitted, denied and traversed, are all thereby denied as false by this defendant.

24. Wherefore, I humbly pray that this Hon'ble Court may be pleased to dismiss the suit in limine with huge compensatory costs under section 35 A of the C.P.C, in the interest of justice and equity.

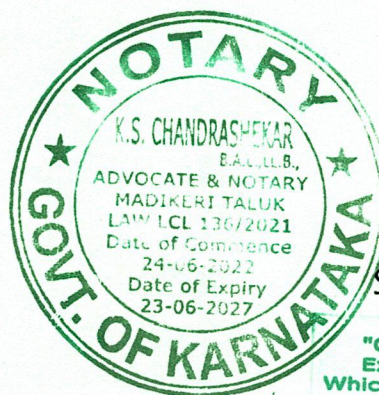
I swear in the name of God that this is my name and signature and the contents of this affidavit are all true and correct.

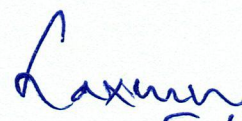
Madikeri
22/08/2026

Identified by me



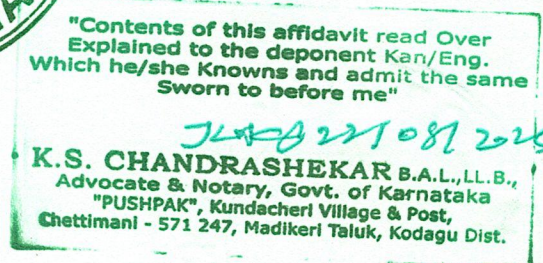
Advocate
NOC: 





Deponent

Sworn to before me



ದಿ:22.08.2026 ಸಾಕ್ಷಿಯನ್ನು ಕರೆಸಿ ಪ್ರಮಾಣ ವಚನ ಭೋಧಿಸಲಾಯಿತು.

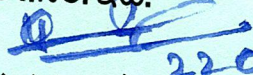
ಮುಖ್ಯ ವಿಚಾರಣೆ: ಪ್ರತಿವಾದಿ ಪರ ಶ್ರೀ.ಕೆ.ಎಸ್.ಕೆ ವಕೀಲರಿಂದ ಃ

ನಾನು ಈ ದಾವೆಯಲ್ಲಿ 7ನೇ ಪ್ರತಿವಾದಿಯಾಗಿದ್ದು, ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಬಾಬು ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಹಾಜರು ಮಾಡಿದ್ದು, ಅದರಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿರುವ ವಿಚಾರಗಳನ್ನು ನಾನೇ ಮಾಹಿತಿ ಕೊಟ್ಟು ಬರೆಸಿರುತ್ತೇನೆ ಮತ್ತು ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಪ್ರಮಾಣ ಪತ್ರದ ಒಕ್ಕಣೆಯನ್ನು ಓದಿಸಿ ತಿಳಿದುಕೊಂಡು ಸಹಿ ಮಾಡಿರುತ್ತೇನೆ. ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಸಂಗತಿಗಳು ಸತ್ಯದಿಂದ ಕೂಡಿದೆ ಎಂದು ಮತ್ತು ಅದರಲ್ಲಿ ಇರುವ ಸಹಿ ನನ್ನದಾಗಿರುತ್ತದೆ.

ಈ ಹಂತದಲ್ಲಿ ಮುಂದುವರೆದ ಮುಖ್ಯ ವಿಚಾರಣೆಗೆ ಸಮಯಾವಕಾಶ ಕೋರಿದ್ದರಿಂದ ಮುಂದೂಡಲಾಯಿತು.

(ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಬೆರಳಚ್ಚು ಮಾಡಲಾಯಿತು.)

ಓ.ಹೆ.ಕೆ.ಸರಿ.ಇದೆ.


22-08-26

(ಸಿ. ವಿರಭದ್ರಯ)
ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು,
ಕೊಡಗು, ಮಡಿಕೇರಿ.

