

Witness recalled and duly sworn on 01.12.2025

Further Chief Examination: Sri.KMM, advocate for appellants:

7. I am the appellant No.7 in this case, I am filing affidavit in lieu of chief examination evidence, the contents of affidavit are true and correct. I have signed the affidavit, I have produced the documents prays to mark the same.

Ex.P.1	Death summary of father Vasu Naidu
Ex.P.2	My medical certificate
Ex.P.3	Death certificate of my father

Cross Examination: Sri.MMN, Advocate for respondents:

8. FDP No.1/2010 was disposed of on 19.11.2019. It is true that I have obtained certified copy of the final decree Judgment on 03.12.2019. The said certified copy of the final decree has been produced in this appeal. On 24.07.2023 we have filed RFA No.1135/2023 was filed before Hon'ble High Court of Karnataka.

9. In RFA No.1135/2023 we have filed delay condonation application. At the time of institution of appeal before this court,

we had filed application for condonation of delay. In appeal memo, we have not stated that the appeal is in time. It is true that respondents have instituted Ex.No.12/2022 on 12.06.2022. In the said proceedings, notices were served on us. It is true that one year after receipt of notices in execution proceedings, RFA was filed before the Hon'ble High Court of Karnataka.

10. The copies of execution proceedings are not filed in this appeal. FDP No.1/2010 and original suit was conducted by my father Vasu Naidu. It is not true that after disposal of FDP, intentionally within 90 days, appeal was not filed before High Court or this Court. My father was passed away on 06.08.2020. FDP No.1/2010 Judgment copy was received by my father during Covid time. I have not filed fresh copy application to obtain certified copy of Judgment in FDP No.1/2010.

11. I am permanent resident of Virajpet town. In Virajpet, Government Hospital, Private Hospitals are situated in which

patients are treated inpatient and outpatient. The certificate of medical is produced by me was issued by the Doctor Bengaluru. I have taken treatment inpatient in Bengaluru. In Ex.P.2, there is mentioned about treatment taken as inpatient by me. It is not true that with intention of halting the execution proceedings and to harass respondent No.1 and others, filed the present appeal. Appeal before Hon'ble High Court was filed after 1,236 days, but there was a Covid period exemption. It is not true that the delay is not 500 days, but it is 1,236 days.

Re-examination:NIL

(Typed to my dictation in the open court)

ROI & AC

Sd/-

II Addl.District & Sessions Judge,
Kodagu-Madikeri(Sitting at Virajpet)