

ಓಎಸ್.2/2018
ಪಿಡಬ್ಲ್ಯೂ-1

ದಿನಾಂಕ 19-11-2022 ರಂದು ಸಾಕ್ಷಿಯನ್ನು ಕರೆಯಿಸಿ ಪ್ರಮಾಣವಚನ ಮಾಡಿಸಲಾಯಿತು.

ಪಾಟೀ ಸವಾಲು:- ಪ್ರತಿವಾದಿ ಪರ ವಕೀಲರಿಂದ:-

My father name is Chengappa. Belliappa is the son of Chengappa. Belliappa is also called as Lava. Arathi is the wife of Lava. Belliappa died on 09-05-2010. Arathi is now living in Mysore. Lava had no issues. My father Chengappa was having coffee estate and wet lands in K.Badaga Village. Original of the Ex.P1 is not produced. I do not know where the original Will is. I was verifying the documents of my deceased father. Then I got the registered number of the will and I obtained the certified copy of it. After producing death certificate of my father I obtained certified copy of Will. My mother knew about the Will. My mother informed me about execution of Will in my favour by my father but she did not disclose the contents of the Will. During such disclosure, my brother Lava was alive. I do not know as to whether my mother disclosed about the Will to my brother. I informed about the Will to my brother and he obtained certified copy of the Will at Ex.P1. I have gone through the contents of the Will. I noticed about the reference of earlier Will in Ex.P1 executed by my father. I did not make any attempt to trace out the earlier Will executed by my father registered at Madikeri, Sub-Registrar. At that time I was not interested to trace out. I do not know who erased the details of Sy.No. in Ex.P2. The survey number in Ex.P4 is correctly appearing.

My father made Will in favour of my mother under Ex.P1 for life interest and after death of my mother, it came to me since I am only the remaining daughter and my brother was already given 50 percent of the properties of my deceased father. It is false to say that after death of my mother I am not only the legal heir but also Arathi the wife of Lava is the legal heir. Prior to death of my mother, my brother died.

As per Ex.P2 and 4, my name was mutated on the basis of Ex.P1. My mother has also made Will in my favour. That is not with me. I do not know about the obtaining of probate to the Will.

I came to know about the encroachment of my property when timber was sold and survey was conducted. I have not produced the said survey sketch before the court. During survey it is found that defendant and one Jayaprakash have encroached 0.95 acre in Sy.No.419. As per Ex.P5 I issued notice to defendant and Jayaprakash. I do not know the exact area encroached by defendant and Jayaprakash. Jayaprakash gave reply and I had discussion with him. Then I came to know that he did not encroach my property. Therefore, I have filed suit against defendant only.

The defendant has properties in Sy.No.424, 427, 426. In the said properties, the defendant has water tank. It is false to say that I have encroached the property given by my brother to the tribal people. It is true that the defendant mother and father were buried in his property. Since

ಓಎಸ್.2/2018
ಪಿಡಬ್ಲ್ಯೂ-1

defendant has encroached my land, I have filed suit against him and not because of vengeance against the defendant. I did not apply for Had Bastu Survey again. The timber fellow had applied. After that application, it was surveyed. Then it is found that 0.54 cents was encroached by the defendant. I do not have survey sketch. It is false to say that I have tampered the document to say about encroachment against the defendant.

I do not know exactly about the extent of encroached area. Court commissioner came and mentioned the same area in the survey. I requested the defendant for joint survey. He refused. It is false to say that I have created document. It is false to say that defendant has not encroached my property. It is false to say that since defendant has not cooperated in evicting the tribal people, I have filed this suit against him.

ಮರು ವಿಚಾರಣೆ:- ಇಲ್ಲ.

(ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಯನ್ನು ನನ್ನ ಉಕ್ತಲೇಖನದಂತೆ ಬೆರಳಚ್ಚು ಮಾಡಲಾಯಿತು.)

ಓ ಹೆ ಕೇ ಸ ಇ ಎ ಒ.

ಸಹಿ:

ಹಿರಿಯ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು
ಮತ್ತು ಪ್ರದನ್ಯಾದಂ: ವಿರಾಜಪೇಟೆ.

(ಸಾಕ್ಷಿದಾರರ ಸಹಿ)

ಓಎಸ್.2/2018
ಪಿಡಬ್ಲ್ಯೂ-1