

IN THE COURT OF THE ADDL SENIOR CIVIL JUDGE
AT MADDUR.

O.S. No.96/2018

Plaintiffs : Siddaiah and Others
--V/S--
Defendants : N.R.Maqadas Pasha and Others

UNDER 18 RULE 4 CPC EXAMINATION IN CHIEF OF DW-1 BY
WAY OF AFFIDAVIT EVIDENCE



Name : N.R.Maqadas Pasha
Father Name : N.R.Abdul Raheem
Age : 55 years
Occupation : Business
Residence : Nidaghatta Village, Athaguru
Hobli, Maddur Taluk.

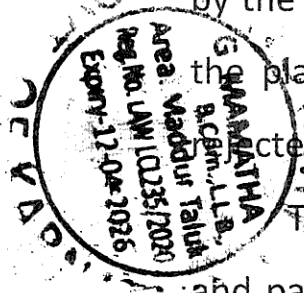
I, N.R.Maqadas Pasha, the above named 1st defendant in the above case for myself and on behalf of defendant no. 2 & 3 in the above case, do hereby solemnly affirm and state on oath as follows:

The correct name of mine is N.R.Maqadas Pasha. The correct name of 2nd defendant is Ruman Pasha. The correct name of father of 2nd defendant is N.R.Abdul Khuddus. The correct name of 3rd defendant is Nadeem Pasha. It is false to say that "A" schedule property is public property and left for conducting weekly fair. It is false to say that plaintiffs are businessmen having sentimental attachment to suit "A" Schedule property. It is false to say that plaintiffs represent all the villagers and businessmen of the Nidaghatta Village. It is false to say that plaintiffs are entitled to file the suit in representative capacity. It is false to say that myself and



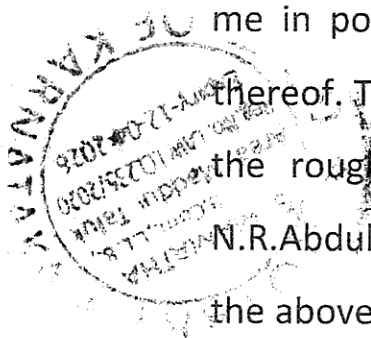
defendants have no manner of right, title or interest over the schedule property and "B" & "C" schedule properties. It is false say that "B" & "C" schedule properties are part and parcel of "A" schedule property. It is false to say that defendant no. 2 & 3 have encroached and put up temporary shops on "B" schedule at shop no. 3. It is false to say that I have made attempt the encroach part of "A" schedule property by the side of "B" Schedule property which is mentioned in the "C" schedule property. It is false say that the I have illegally occupied and put up shops and basement in "C" schedule property. The alleged rough sketch produced by the plaintiffs do not depict the actual and real state of affairs existing in and around the "A", "B" and "C" schedule properties. The alleged rough sketch is not valid in eye of law. It is false to say that myself and other defendants have no right title or interest over the suit schedule "B" and "C" schedule properties. It is further false to say that we are in illegal possession thereof. It is false to say that defendants have to be evicted from suit "B" and "C" schedule properties and constructions it is false to say that in the first week of October 2018 I made an illegal attempt to put up basement in "C" schedule property. It is false to say that publics made attempt to stop it. The suit "A" schedule property is no longer agriculture land and the same consists of various permanent structures. The plaintiffs have not at all given correct boundary to suit "A", "B" and "C" schedule properties. The plaintiffs have filed this suit at the instance of and in collusion with the 6th plaintiff Agaz Ali Baigh who had filed a false suit in OS 341/2018 on the file of Prl. Civil Judge(Jr.Dn) Maddur for permanent injunction and thereafter got the same dismissed as not pressed.

The suit of the plaintiffs is bad for non-joinder of necessary parties who have encroached the Santhe Maidan which is "A" schedule property. There is a small Anjaneya Temple in portion of suit "A" schedule property. There is old Panchayath Office, building of one Bellada Puttaswamy, Cycle shop, building of one Channappa, Cycle shop building of one Naganna, two Nandini parlors, MPCs milk Dairy building, veterinary hospital, Panchayath new building, Library building, Residential house of one Kumar, Mechanic shop of one Mahesha, Chicken Stall of one Govinda and construction of others which are all permanent structures put up long ago. Purposefully the plaintiffs have avoided to make the above occupiers of "A" schedule property as parties to the suit. The commissioner appointed by the Hon'ble Court has not at all measured and demarcated the suit "A" "B" and "C" schedule properties as per the correct extent and boundaries and has not at all noted down the actual and existing state of affairs in suit "A", "B" & "C" schedule properties. The commissioner has not at all answered the memo of instructions filed by the parties. The report of the commissioner is one sided favoring the plaintiffs. Thus the report of the commissioner is liable to be set aside.



The suit "B" and "C" suit schedule properties are not at all part and parcel of "A" schedule property. The suit "B" and "C" schedule properties are not at all part and parcel of Santhe maidana and no weekly fair is conducted in "B" and "C" schedule properties at any time. Infact "B" and "C" schedule properties are private properties over which the government or the concerned panchayath have no right, title, interest or possession at any time in any capacity. The defendant No.2 Ruman Pasha S/o N.R.Abdul Khuddus is the absolute owner of the northern shop shown in the rough sketch in "B"

schedule which he got from his father and he has let out the same to one Siddaiah and his son to run Barber Shop. Defendant No.3 Nadeem Pasha is not the owner of the middle shop shown in the rough sketch in "B" schedule, but he is only the tenant running Tea shop having taken the same on oral lease from me, which I got from my father. I am the the owner of the southern shop shown in the rough sketch in "B" schedule which I got from my father, where I am running Fertilizer shop for the last 30 years obtaining trade license. The above said three shops were built long back about 30 years back with brick wall and asbestos Sheet roofing. The property shown in the rough sketch in the name of Mahadevu is let out to Mahadevu by its owner N.R.Abdul Rasheed on oral lease to run the hotel. The property shown in the rough sketch in the name of 6th plaintiff Agazali Beig belongs to N.R.Abdul Rasheed who is in possession and enjoyment of the same as absolute owner thereof and 6th plaintiff Agazali Beig was never in possession and enjoyment of the same at any time in any capacity. The northern portion in "C" schedule shown as basement in the rough sketch belonged to N.R.Abdul Salam who is my uncle. The above said N.R.Abdul Salam in the year 2012 during the Ramzan period, in the 1st week of August 2012 has orally gifted the above said property measuring 20x18 feet by way of declaration in the presence of family members and relatives and put me in possession and enjoyment of the same as absolute owner thereof. The southern portion in "C" schedule shown as basement in the rough sketch belongs to me which I got from my father N.R.Abdul Raheem. I have obtained license to put up construction in the above said portions mentioned in "C" schedule and I have put up the constructions in the above said properties up to basement level and has raised pillars also prior to the date of filing this suit. In spite



of the above said facts and circumstances the plaintiffs have filed this false and frivolous suit in collusion with 6th plaintiff Agazali beig who happens to be the relative of plaintiff No.4, in order to cause wrongful loss to these defendants, since the "B" and "C" schedule properties are very valuable properties situated on the western side of Sandy Maidan (Santhe Maidana).

The documents produced by me in the above case may kindly be exhibited, marked and admitted in evidence.

Wherefore, I pray that this Hon'ble court may be pleased to dismiss the suit of the plaintiff with costs in the interest of justice and equity.

I swear to the above facts.

Identified by me.

(Signature)

Advocate

Place : Maddur

Date : 13/02/2026

(Signature)
Deponent

Duly Sworn Before Me
G. Jant 13/2/2026
G. MAMATHA 2.com.,LLB
Advocate & Notary
Maddur-571428



No. OF CORRECTIONS nil