

WITNESS IS PRESENT AND DULY SWORN ON 12.10.2022 .

FURTHER CROSS EXAMINATION : BY SRI. MAP ADV FOR DEFENDANT NO. 4, 7, 8, 9,11, 12 & 15.

Defendants No. 7 to 17 are the tenants of various tenements in suit B Schedule property. It is not true to suggest that defendants No. 7 to 17 are not aware of the sale transaction between myself and Sri. Kirankumar in respect suit B Schedule property. I have not issued any notice or intimation in writing to defendants No. 7 to 17 regarding proposed purchase of property by me. I have orally informed them. It is not true to suggest that I have not intimated defendants No. 7 to 17 about sale transaction even orally. I am not aware how many of the tenants in the tenements situated in suit B Schedule property have vacated the tenanted premises and how many new tenants have been inducted in suit B Schedule property since 2012. I am not aware that most of the tenants have vacated the tenements in suit B schedule property during Covid-19 Pandemic period and till now. The witness volunteers to depose that subsequent to Pandemic period all the tenements are fully occupied by tenants. I am not aware whether the tenants in occupation of tenements in suit B Schedule property are new tenants or old tenants.

I have paid Rs.50,00,000/- under Ex.P.4 to defendant No.1 Sri. Kirankumar. I have paid Rs.26,82,000/- under Ex.P.1/sale deed dated 14.08.2012 to defendant No.1 Sri. K.G Kirankumar in respect of suit schedule A property. I have paid Rs.28,20,000/- under Ex.P.3/sale deed dated 27.12.2012 to defendant No.1 Sri. K.G Kirankumar in respect of suit schedule C property. The suit C schedule property originally belong to Smt. Shabari Devi. Smt. Shabari Devi is not arrayed as a party to the suit since I have paid consideration amount directly to Sri. K.G Kiran kumar/defendant No.1. I have paid a total sale consideration of Rs.1,05,02,000/- in respect of suit 'A', 'B' & 'C' properties. The defendants No.3 to 6 have not signed or parties to sale deeds Ex.P.1, 3 and 4. The witness volunteers to depose that defendants No. 3 to 6 had informed me that under a family settlement they have been allotted certain other properties and they have no objections to Sri. K.G Kiran kumar to transact with me in respect of Suit 'A' and 'B' schedule properties. It is false to suggest that I am deposing falsely that defendant No.3 to 6 have consented for defendant No.1 to transact with me in respect of Suit 'A' and 'B' schedule properties. It is false to suggest that defendants No. 4, 5 and 6 are not liable to pay any amount as claimed by me in the suit.

It is not true to suggest that the claim made by me at Column (a) of plaint prayer column of Rs.3,12,96,036/- is a wrong calculation.

It is not true to suggest that the claim made by me at Column (b) of plaint prayer column of Rs.1,41,69,819/- is a wrong calculation.

It is not true to suggest that the claim made by me at Column (c) of plaint prayer column of Rs.5,03,23,420/- is a wrong calculation.

It is false to suggest that defendants No. 3 to 6 are not liable to pay any money to me as they have not received any amount from me. It is not true to suggest that I am relinquishing my rights over suit 'A', 'B' and 'C' properties in lieu of amount claimed by me in the suit. I am contesting in O.S.650/2012 filed by defendants No.3 to 6 herein pending before the Hon'ble Addl. Senior Civil Judge, Bangalore Rural District. It is not true to suggest that since I have filed present suit for recovery of money I am not entitled to defend in O.S.650/2012. It is false to suggest that I am entitled to recover money only from defendant No.1 and 2. It is false to suggest that if I recover money from defendant No.1 and 2 then I should have no claim against defendants No. 3 to 6 in respect of schedule properties. O.S.650/2012 is filed by defendants No. 3 to 6 herein seeking partition of their respective share/rights in suit schedule 'A' and 'B' properties herein. The said suit is

pending adjudication. It is not true to suggest that I am not entitled to make any claim against defendants No. 3 to 6 as O.S.650/2012 is still pending adjudication and the rights of parties in respect of suit schedule 'A' and 'B' properties herein are yet to be decided.

RE-EXAMINATION: NIL.

(Typed to my dictation in the open court)

ROI and AC

(S J KRISHNA)

LXXXIX ADDL. CC & SJ, BENGALURU.