

Duly sworn on
Date: 18-09-2024

**Cross Examination of DW 1 : by Sri. SGK counsel for
the plaintiff:-**

It is true to suggest that, Basaveshwara Colony layout has been formed by Basaveshwara Co-operative housing society LTD. I am the owner of plot No.150. The measurement of plot NO.150 towards East-West is 80 feet and North-South is 60 feet. It is true to suggest that, towards the western side of plot No.150 is plot No.149 i.e suit property. I do not know if it is suggested to me that, suit property towards East-West and North-South measures 70 X 60 feet respectively. It is true to suggest that, towards western side of the suit property there is 30 feet road. It is true to suggest that, after 30 feet road there is a plot No.141 belonging to defendant No.2 and 3. I do not know whether at the time of measurement of my property whether notice has been issued to the adjoining owners including plaintiff. The notice has been issued to me prior to measurement. Now I do not remember as to when the notice has been issued to me with regard to measurement of my property. The Municipality Engineers have come to measure my property. Now I do not remember with regard to encroachment of Basaveshwara layout towards western side. I know the contents of my chief affidavit. I am an MSc graduate. It is true to suggest that, the contents of my affidavit at para

No.3 are stated by me. I came to know the fact with regard to encroachment made at para No.3 of my affidavit, now he cannot exactly say from whom he came to know the above said fact. It is true to suggest that, without measurement of the property the encroachment cannot be decided. If it is suggested to me that, if my property is to be demarcated then the entire layout has to be measured. Witness says that his property has been measured by Municipality.

Q: Whether 149 property has been measured prior to measurement of my property.

Ans: I have measured from the eastern portion of property bearing No.149.

Now Ex D 28 is shown to the witness, at Ex D 28 notice has been not issued to plaintiff. Prior to Ex D 28 whether Panchanam is drawn, witness says that Panchanma is drawn. I do not know whether Panchanama is produced before this court or not. It is false to suggest that, Ex D 28 has been not issued by Municipality and it is created by me. It is false to suggest that, I have constructed the compound illegally without fixing the boundaries. I have objection for measurement of the property. It is false to suggest that, since I have encroach the suit property, hence I am not ready to measure the same. It is false to suggest that, I have constructed the compound wall on the suit property belonging to plaintiff.

It is false to suggest that, during the year 2017 plaintiff

has obtained construction permission for construction of compound wall, witness says that he has co-operated. Plaintiff has not constructed the compound wall. If it is suggested to me that, I have objected the plaintiff saying that, plaintiff is encroaching my plot No.150, witness says that plaintiff has come to encroach his property and for this aspect he has given police complaint. I have not produced the police complaint copy before this court. It is false to suggest that, I am deposing falsely stating that, I have lodged the complaint against plaintiff. It is true to suggest that, plaintiff has suggested to jointly survey the properties and later construct the compound wall. It is true to suggest that, private surveyor has measured the property. If it is suggested to me that, when private surveyor has measured the property from the house of the defendant No.2 my property bearing No.150 towards East-West it was measuring 23 feet and North-South 60 feet, witness says that there was 80 feet. It is true to suggest that, towards eastern side of my property is plot No.151. I do not know if it is suggested to me that, from the plot bearing No.151 when it is measured towards the Western side it is seen that, East-West 27 feet and North-South 60 feet has been encroached by the defendant No.2 and 3. It is false to suggest that, illegally I have constructed the compound wall.

As per the contents of my affidavit at para No.3 are shown to the witness, witness says that, now he do not remember

even after reading the contents of the same. The plot bearing No.131 to 140 are situated towards Western side of defendant No.2 property. I do not know if it is suggested to me that, as stated by me from plot No.131 to 140 without fixing the boundaries of the above said plots the encroachment of the suit property and also my plot cannot be decided, witness says that, he has already fixed the boundary. It is false to suggest that, I have constructed the compound wall illegally without measurement.

**Cross Examination of DW 1 : by Sri. IMP counsel
for the defendant No.2 and 3:-**

I do not know if it is suggested to me that, defendant No.2 and 3 have not encroached any property.

Further cross examination of DW 1 : NIL

(Typed by Typist in Open Court as per my dictation)

Prl. Sr.C.J. & CJM, Raichur