

IN THE COURT OF THE PRL. CIVIL JUDGE AND J.M.F.C.,
MADHUGIRI

O.S. No. 160/2015

Plaintiffs: Nagaraju and Others

Versus

Defendants: Kyathaiah and Others

D102

Chief Examination by way of Affidavit of the 4th Defendant:

Name: Ramachandraiah

Father's Name: Late Anchemallaiah

Age: 70 years

Occupation: Agriculturist

Address: Keregalapalya, Kasaba Hobli, Madhugiri Taluk

I, Ramachandraiah, the 4th defendant in the above case, do hereby solemnly affirm and state on oath as follows:

1. The suit filed by the plaintiffs is not maintainable either in law or on facts. The description of the suit schedule property is incorrect, and the boundaries mentioned therein are wrong. The allegations made in paragraph 2 of the plaint are false. It is untrue that P.S. Ramakrishna Rao was cultivating Sy. No. 71 and that his wife thereafter executed a sale deed in favour of Eranna, father of the plaintiffs. It is further false that mutation was transferred to the name of Eranna in MTNSR 21/94-95. It is also false that the Assistant

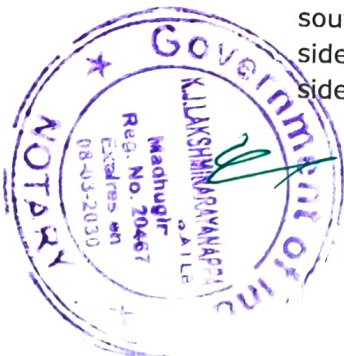


Ramachandraiah

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Commissioner, Madhugiri, regularized the unauthorized cultivation of Eranna. The allegation that the plaintiffs dug an open well and installed an I.P. set in the suit land is also false. In fact, Sy. No. 71/24 has not been measured so far, and its boundaries have not been fixed.

2. It is false that the defendants have no right, title, or possession over the suit schedule property. One D. Venkategowda was cultivating 4 acres in Sy. No. 71, situated on the northern side of the suit schedule property. He sold the said land to Fakruddin, son of Hussain Sab, under a registered sale deed. Fakruddin, in turn, sold the same 4 acres in Sy. No. 71 to my mother, Lakshamma, under a registered sale deed dated 12.08.1976. Since then, my mother was in possession of the said land. Subsequently, myself and my brothers divided Sy. No. 71 along with other family properties. In that partition, the western portion measuring 1 acre 13 guntas in Sy. No. 71 fell to my share, and I have been in possession of the said land. I mortgaged the said 1 acre 13 guntas to Sharada, wife of Nagabhushana (the 2nd defendant), on 23.02.2014, and thereafter sold the same to her on 02.04.2014, agreeing to execute a registered sale deed. Since then, Sharada and the 2nd defendant have been in actual possession of the said property.
3. The boundaries given in the suit schedule and the sketch annexed to the plaint are wrong. On the northern side lies my land and my brothers' land in Sy. No. 71 measuring 4 acres, and thereafter Sy. No. 236. In the sketch, the *halla* is wrongly shown on the southern side, whereas it actually lies on the western side. Sy. No. 236/1 is wrongly shown on the western side, but it is in fact situated on the northern side after



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my land in Sy. No. 71. Sy. No. 72 is wrongly shown on the northern side. It is false to state that I have no land on the northern side in Sy. No. 71.

4. It is false that myself and other defendants attempted to encroach upon the suit schedule property from the eastern side by cutting ridges. At no time have we attempted any encroachment. These false allegations have been made only for the purpose of this case.
5. The suit schedule property is not identifiable, and therefore the plaintiffs are not entitled to any reliefs sought in the plaint. Ramakrishna Rao was never the owner or in possession of the suit schedule property, and his wife had no legal right to alienate the same in favour of Eranna. There are no trees in the suit schedule property as alleged by the plaintiffs. The trees are in our land in Sy. No. 71. In my share of 1 acre 13 guntas in Sy. No. 71, situated on the northern side of the suit schedule property, I have dug an open well, installed an I.P. set, and am using it.
6. There is no cause of action for the suit, and the alleged cause of action is false. The plaintiffs have filed this suit only to harass us. The suit has no merit and is liable to be dismissed. All other allegations made in the plaint, which are not specifically admitted herein, are denied as false. Admittedly, Sy. No. 71 measures more than 200 acres. The Government has not measured the suit property, nor has it carved out the suit schedule property from the whole survey number. The *haddbust* of the suit property has not been fixed. Therefore, the boundaries mentioned in the suit schedule are incorrect, and its existence is false.
7. It is submitted that the orders of the Deputy Commissioner, Assistant Commissioner, and Tahsildar,



Ramakrishna Rao

Deputy Commissioner

Madhugiri, have been set aside by the Hon'ble High Court of Karnataka in W.P. No. 36929/2018, thereby confirming our right and title with respect to the suit schedule property in Sy. No. 71.

8. The plaintiffs have not approached this Hon'ble Court with clean hands. They have suppressed material facts. Hence, they are not entitled to any discretionary reliefs from this Hon'ble Court.

Wherefore, I pray that this Hon'ble Court be pleased to dismiss the suit of the plaintiffs with costs, in the interests of justice.

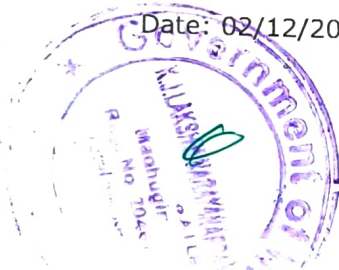
I do swear in the name of God that the contents of this affidavit are true and correct to the best of my knowledge, information, and belief.

Identified by me:

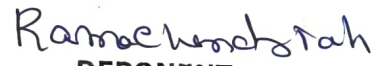

Advocate,

Madhugiri

Date: 02/12/2025



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DEPONENT

Sworn Before Me


K. LAKSHMI NARAYANAPPA

BA, LLB

NOTARY Reg.No. 20467

DDPI Office Road,

Extension, MADHUGIRI

ದಿನಾಂಕ: 08.06.2026

ಸಾಕ್ಷಿಗೆ ಪ್ರಮಾಣ ವಚನ ಭೋದಿಸಲಾಯಿತು.

ಮುಖ್ಯ ವಿಚಾರಣೆ: ಪ್ರತಿವಾದಿಗಳ ಪರ ಶ್ರೀ ಆರ್.ಇ. ವಕೀಲರಿಂದ:

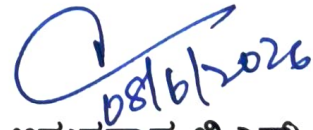
ನಾನು ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆ ಬದಲಾಗಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೇನೆ ಸದರಿ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿರುವ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ತಿಳಿದುಕೊಂಡು ಸರಿ ಇರುತ್ತದೆಂದು ಎಂದು ಒಪ್ಪಿಸಿಹಿ ಮಾಡಿರುತ್ತೇನೆ.

(ಪ್ರತಿವಾದಿಗಳ ಪರ ವಕೀಲರ ಕೋರಿಕೆಯ ಮೇರೆಗೆ ಮುಂದುವರೆದ ಮುಖ್ಯ ವಿಚಾರಣೆಯನ್ನು ಮುಂದೂಡಲಾಯಿತು.)

(ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಾಕ್ಷಿಯ ಹೇಳಿಕೆಯಂತೆ ಕಂಪ್ಯೂಟರೀಕರಣಗೊಳಿಸಿ ಪ್ರಿಂಟ್ ತೆಗೆಯಲಾಯಿತು.)

Ramachandiah

ಓ. ಹೇ. ಕೇ. ಸರಿ. ಇದೆ.



(ಶ್ರೀ ಅಮರನಾಥ ಬಿ.ಎನ್)

ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು

ಜೆ.ಎಂ.ಎಫ್.ಸಿ. ಮಧುಗಿರಿ