

OS No.: 33/2018

D.W.:1

Duly sworn on Dt: 30-09-2022

(ಸಾಕ್ಷಿದಾರರು ಸಂಪೂರ್ಣವಾಗಿ ಹಿಂದಿ ಭಾಷೆ ಮಾತನಾಡುವವರಾಗಿದ್ದು ಆದ್ದರಿಂದ ಈ ನ್ಯಾಯಾಲಯದ ವಕೀಲರಾಗಿರುವ ಶ್ರೀ ಎನ್.ಎಫ್.ಡಿ. ವಕೀಲರನ್ನು ಸಾಕ್ಷಿದಾರರು ಹಿಂದಿ ಭಾಷೆಯಲ್ಲಿ ಹೇಳುವ ವಿಷಯವನ್ನು ಕನ್ನಡ ಭಾಷೆಗೆ ಭಾಷಾಂತರ ಮಾಡಿ ನ್ಯಾಯಾಲಯಕ್ಕೆ ತಿಳಿಸಲು ನೇಮಿಸಿಕೊಳ್ಳಲಾಯಿತು. ಶ್ರೀ ಎನ್.ಎಫ್.ಡಿ. ವಕೀಲರು ತಮಗೆ ಹಿಂದಿ ಮತ್ತು ಕನ್ನಡ ಭಾಷೆ ಗೊತ್ತಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಶ್ರೀ ಎನ್.ಎಫ್.ಡಿ. ವಕೀಲರಿಗೆ ಪ್ರಮಾಣ ವಚನ ಭೋಧಿಸಲಾಯಿತು)

Further Cross examination by: Sri A.D.C Advocate for Plaintiff:

At the time of execution of the Ex.D5 Gift Deed Abdul Razak was aged about 79 to 80 years and the age of Kulsumbi Abdul Latif Momin was aged about 65 to 69 years. I do not belong to Momin family. I belong to Sayyed Family of Cancona in Goa. Witness volunteers that his mother belongs to Momin family and after marriage she belongs to Sayyed family. It is true that in Ex.D5 Gift Deed it is not mentioned as to Whose sister's son. It is false to say that I am not related to Khatija Abdul Shaikh. Witness volunteers that she is my grand mother. It is true that Fatimabi is my mother and I claim to be son of Fatimabi. It is true that I have not produced to show my relationship with Fatimabi. Witness volunteers that I can produce documents. It is false to say that at the time of registration of Gift Deed Kulsumbi Abdul Latif Momin and Adbul Rajak were not keeping good health. It was 3.30pm at the the time of registration of Gift Deed. It is true that generally in Mohammandan Law when a person gifts his property he has to retain 1/3rd portion to meet his funeral expenses. It s true that it was not mentioned in the Gift Deed regarding retaining 1/3rd portion to meet funeral expenses. At the time of executing Gift Deed Kulsumbi Abdul Latif Momin and Adbul Rajak have taken consent of near relatives. Abdul Rajak's brother's son's by

name Nizaar Momin, Shabeer Momin, Mansoor Momins consent was obtained at the time of execution of Gift Deed. It is false to say that their signature s are not obtained in the Gift Deed. Witness volunteers that Nizaar Momin has signed. Mariyam Khazi is the distant relative of Kulsumbi. Ex.D5 Gift Deed was draft by Advocate Khazi. Mariym Khazi is the wife of Advocate Khazi. It is false to say that Mariyam Khazi is distant relative of Kulsumbi. It is false to say that we have colluded with each other and created a bogus Gift Deed. It is false to say that the Gift Deed is not converted as Sale Deed. Witness volunteers that he has also paid Stamp Duty. Kulsumbi died after 2 years of execution of Gift Deed. It is false to say that Kulsumbi died in the year 2014. Witness volunteers that she died on 22-11-2015. It is false to say the that I have not performed the funeral right of Kulsumbi. Her burial was done in Sunkeri Small Masjid. It is true to suggest the at the time of burial the person in-charge of Masjid will issue burial certificate. Witness volunteers that he has obtained the certificate. It is false to say that the funeral right of Abdul Rajak was performed by the plaintiff. It is true that Plaintiff has produced the burial certificate of Abdul Rajak.

It is false to say that in my written statement I have mentioned that I am residing in India and not over seas. It is false to say that when the case was pending I was over sea. Witness volunteers that he was present whenever his presence was required. Whenever I was present that matter was adjourned and due to Corona pendamic I could not return from over seas. It is false to

say that I have two ration cards in my name. It is false to that the my gas connection card my name is entered as Momin. It is false to say that the my name is in my mother's ration card. It is true that in ration card shown to me now my name is shown in my mothers ration card. Witness volunteers it was during his childhood days. It is false to say that the Gift Deed and Ration card produced by me are created documents. It is false to say that Ex. D5 created bogus Gift Deed. I can examine the witness and scribe of Ex. D5 Gift Deed if necessary. IT is true that Abdul Rajak and the plaintiff were residing together, but it was long time back almost 15 to 20 years back. It is false suggest that till the death of Abdul Rajak and Kulsumbi the plaintiff had taken their care. Witness volunteers that he has taken the care. It is false to suggest the medicals bill produced by me are not related to Abdul Rajk and Kulsumbi. It is true that I was residing in Gulf country but I was regularly coming to India to look after Abdul Rajak and Kulsumbi. It is false to say that after going to Gulf country it takes almost 2 years to return. Witness volunteer that he could travel to India whenever he required. It is true that travel entries will be available in my passport. It is false to say I have no document to show my presence in India at the the time of death of Abdul Rajak and Kulsumbi. Witness volunteers that he can produce the documents.

(Further cross deferred on request on counsel for plaintiff)

(Typed to my dictation in the Open Court.)

R.O.I. & A.C.

Sd/-

Prl. Senior Civil Judge,
Karwar.