

**OS No.: 33/2018**  
**D.W.:1**

***Duly sworn on Dt: 03-11-2022***

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

I do not know the exact meaning of Gift deed. Ex.D5 is drafted by advocate Khazi. The lawyer has explained to me the contents of Ex. D5. He told me that it is a sale deed. Advocate told me to consider Ex.D5 as sale deed. Ex. D5 there is no mention that it is sale deed. Witness volunteers he has paid stamp duty. As per my lawyer Ex.D5 is not a Gift deed. According to me Ex.D5 is sale deed. I have purchased the property from Abdul Razak and Kulsumbi. It is not true to suggest according to my version all the contents of Ex.D5 are false. I do not know as per law whether it is gift deed or sale deed my lawyer told that it is gift deed. Witness volunteers that initial gift deed was drafted and later stamp duty is paid as per sale deed and hence it is converted as sale deed. I do not know whether Ex.D5 is recorded as sale deed in the Revenue record. It is true that it is not mentioned in Ex.D5 as to why Abdul Razak and Kulsumbi are gifting the said property to me. It is true that in my written statement of objections it is not mentioned that Ex.D5 is sale deed. Witness volunteers since it is mentioned as Gift deed in the documents it is stated as Gift deed in written objections. It is not true that it is not mentioned in Ex.D5 that I was looking after Abdul Razak and Kulsumbi. It is not true that it is not mentioned in Ex.D5 that I am looking after them as my parents. Similarly, It is not true to suggest that it is not mentioned in Ex.D5 that Abdul Razak and Kulsumbi were treating me as their son. It is true that the name of Fatimabi is not mentioned as Sister's son in Ex.D5 document.

I cannot say exactly the no. of documents which I have produced in this case. I have produced nearly 8 to 10 medical bills of Kulsumbi. Kulsumbi has taken treatment some time at Mangalore, some times at Goa and some times at Karwar. The bills

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are itself documents to show that I have accompanied Kulsumbi for her medical treatment. It is true that there is no mention in the medical records of Kulsumbi to indicate that I have accompanied here during her treatment. Witness volunteers that bills are as per prescription and they do not put the name of the person who has accompanied. Kulsumbi had Kidney problem. It is true that time I was in Gulf country however, whenever she needed I use to come to India. I can submit the passport copies to show my visit to Karwar.

Abdul Razak was bed ridden for 6 months. During this 6 months my wife was there and I was also present for 3 to 4 months. I can produce documents to show my presence for said 3 to 4 months. During his last days taking treatment at Goa and Mangalore. It is true that Abdul Razak and Kulsumbi were taking treatment as per their sickness and requirement. It is false to say that Abdul Razak and Kulsumbi were taken care and looked after by the plaintiff. It is false to suggest that Ex.D5 was made in a hurry. It is true that in Ex.D5 the name of witness is mentioned as Mr. Mariyambi. It is false to say that Abdul Razak was unaware of Ex.D5. It is false to say that Ex.D5 is bogus document. According to me Ex. D5 is original document.

( Typed to my dictation in the Open Court. )

R.O.I. & A.C.

Sd/-

Prl. Senior Civil Judge,  
Karwar.