

**Witness duly sworn on 17-04-2018**

**Further Examination-in-chief** by: Sri GHM, Adv., for Plf.,:

Ex.P5            Cc of FIR,  
Ex.P6            Cc of Complaint.

**Cross examination** by: Sri DS, Adv., for Def.,:

Prior to execution of Ex.P1, myself and defs., have discussed about the terms and conditions of the sale including price of the property and also finalized terms of agreement. The attesting witnesses to Ex.P1 were aware of the terms and condition of Ex.P1. Both the attesting witnesses are my cousin brothers. Defs., have got typed the contents of Ex.P1. When the parties have signed Ex.P1, it was completely typed in computer. Parties have signed Ex.P1 in Udupi Kalsanka Nagabrahma sthana. At the time of Ex.P1, the parties and the witnesses signed were only present.

As on the date of execution of Ex.P1, 2<sup>nd</sup> def., had corrected '12' as '16'. I requested the 2<sup>nd</sup> def., to make initials in the corrected portion, but the 2<sup>nd</sup> def., assured not to worry about this. Likewise, 2<sup>nd</sup> def., also added Sy.No.44/3 in pen. All the three corrections in Ex.P1 was made at a time by the 2<sup>nd</sup> Def., by using same pen. Corrections was done by using blue ballpen. It was decided a sum of Rs.18 lakhs in lumpsum to be paid in respect of the suit schedule property. As on the date of Ex.P1 a sum of Rs.12 lakh paid as earnest money. I am pharmacist, working in Mumbai. I am working in the medical shop of Prakash L. Jain as a pharmacist. I started earning when I was aged about 22-23. I started earning as a

pharmacist. I did diploma in Pharmacy. Apart from pharmacist work, I have no other source of income. Initially I was paid a sum of Rs.7,000/- per month. For a initial period of five years, I was paid a sum of Rs.7,000/- per month. Afterwards from 2002-2004, I was paid monthly salary of Rs.25,000/- per month. Afterwards, upto 2016 I was paid monthly salary of Rs.38,000/-. I am an income tax assessee. From 2015, I am regularly submitting income tax returns. Prior to that I was not submitting any income tax returns.

Since 1998, I am having bank account. I am having records to show my monthly salary. My owner had given in writing regarding salary given to me. My wife, daughter and mother are depending on me. My wife is also working in Mumbai and earning Rs.20,000/- per month. She is working as a sales girl in medical shop. I have no records to show regarding my wife working as a sales girl. Witness volunteers that, the said records have been handed over to bank. It is not true to suggest that, my wife is not working as a sales girl in medical shop. And further, it is not true to suggest that, I have not income as stated by me. My daughter is aged about 4½ years. I am residing in rented house along with my wife and daughter at Cuffe-parade. Since 6-7 years I am residing in the rental house after marriage. About 6 years ago I got married.

I used to pay Rs.8,000/- rent. Apart from rent, I incur 4-5 thousand expenses to maintain the family. To some extent the amount deposited in my bank account is reflected in the pass book. I have disclosed true facts in income tax returns.

**Further Cross examination** : deferred on request.

Dictated in open Court to Typist transcribed by her on this day of 17<sup>th</sup>

April, 2018.

R.O. I. A. C.,

Prl. Sr. Civil Judge and  
C.J.M., Udupi