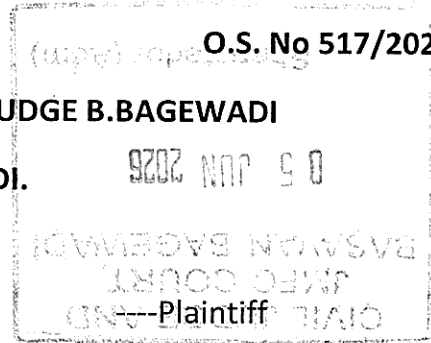


O.S. No 517/2021

IN THE COURT OF THE PRI CIVIL JUDGE B.BAGEWADI

AT: B.BAGEWADI.

1) Dastagirsab S/o Husenbasha Hiriyal



Versus

1) Imambu W/o Ibrahimsab Honnutagi

And another

-----Defendants

AFFIDAVIT OF WITNESS OF PLAINTIFF U/o 18 RULE 4 OF C.P.C IN LIEU OF HIS

CHIEF EXAMINATION

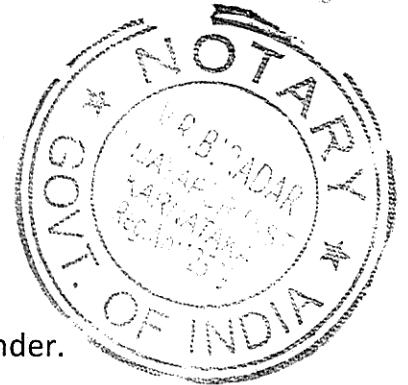
P.W-3

Name: Hasandongri S/o Ummarsab Nadaf

Age: 56 years, Occupation: Agriculture,

R/o: Kudagi, Tq: Kolhar, Di: Vijayapur

I do hereby state on solemn affirmation as under.



1) I am the resident of Kudagi village and hence I know the plaintiff and the defendants in the above suit and hence I know the facts of the case.

2) I states that the plaintiff has filed the suit seeking a decree for permanent injunction as against the defendants restraining the defendants and their henchmen from causing obstructions to his peaceful possession and enjoyment of the property bearing its V.P.C No 678 which is bounded as under:

Towards east: the property of the plaintiff

Towards west: Road,

Towards North: property of plaintiff and others

Towards South: property of Sharavva Siddappa Choudari

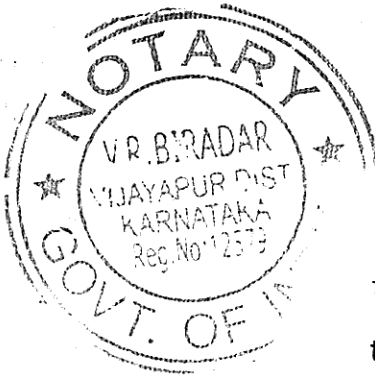
NO OF CORRECTIONS

NOTARY VIJAYAPUR

HUNDRED

The above said property is the suit property in the suit.

- 3) I states that the suit property was earlier owned and possessed by one Ismail S/o Modinsab HiriyaI who was resident of village Kudagi. After his demise the plaintiff being his heir succeeded to the suit property and accordingly he came into actual peaceful possession and enjoyment of the suit property. The said Ismail S/o Modinsab HiriyaI is the distinct relative of plaintiff i.e. the uncle of the plaintiff.
- 4) This being the facts the defendants by creating certain illegal and fake documents have got entered the name of the defendant No 1 in the V.P.C extract of the suit property and due to this the plaintiff approached the Gram Panchayat Kudagi and accordingly the Gram Panchayat Kudagi have passed a resolution on 11/08/2016 and accordingly the name of the defendant No 1 has been deleted and accordingly the name of the deceased Ismail S/o Modinsab HiriyaI is restored to the suit property and accordingly the name of the said Ismail S/o Modinsab HiriyaI is appearing in the V.P.C extract of the suit property. Due to this the defendant No 1 has filed the suit as against the Gram Panchayat Kudagi at O.S. No 419/2016 and the said suit came to be dismissed on 21/10/2019 for non prosecution.
- 5) I states that it is the plaintiff who is in actual possession and enjoyment of the suit property and the defendants have no right, title and interest over the suit property.
- 6) I states that this being the real facts the defendants all of a sudden started to construct the construction in the suit property and for which the plaintiff has filed a complaint before the Kudagi P.S on 28/5/2021 and also submitted the objections to the P.D.O Gram Panchayat Kudagi and accordingly the said P.D.O has issued a notice to the defendants to stop the construction work.



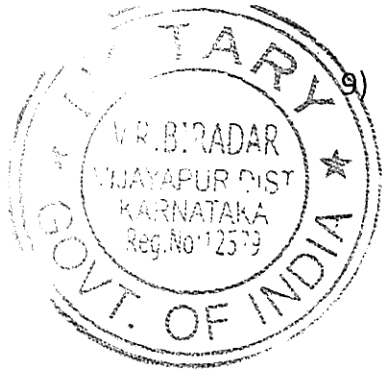
NO OF CORRECTIONS

NOTARY VIJAYAPUR

H. V. S. D. P.

7) I states that the suit property is standing in the name of Ismail S/o Modinsab Hiriya and it is in possession of the plaintiff but the defendants though they have no way concerned to the suit property and to the Ismail S/o Modinsab Hiriya without obtaining any permission from the Gram Panchayat Kudagi have started the construction in the suit property and even the Police have not ready to take action against the defendants saying that the matter is of a civil nature. Thus the defendants doing illegal activities and hence the plaintiff has filed this suit restrung the defendants from doing the illegal activities.

8) The say of the defendants that towards east of the suit property there is a Masjid exists is false.



9) The say of the defendants that the late Ismail S/o Modinsab Hiriya during in his life time bequeathed the suit property through oral Gift to the defendant No 2 on 10/02/1977 and thereafter the defendant No 2 after lapse of some years bequeathed the suit property in favor of defendant No 1 through oral gift etc. are all false. It is false to say that as per the said oral gift the name of the defendant No 1 is recorded in Panchayat extract of the suit property and since from 1977 to this day the defendants are owners and in possession of the suit property are all false.

10) It is false to say that the defendants are residing in the suit property since from last 42 to 45 years and accordingly they have paid the electrical bill and water bill and accordingly since from last 5 to 6 years the name of the defendant No 1 is appearing in V.P.C extract of the suit property in the office of Gram Panchayat and the plaintiff colluding with the official of Gram Panchayat deleted the name of the defendant No 1 from the Panchayat extract of the suit property is all false.

NO OF CORRECTIONS

H. V. S. D. G.

NOTARY VIJAYAPUR

H. V. S. S.

V R BIRADAR B.A., LL.B. (Sp)
Advocate, High Court of India
VTIYAPUR 586109

ದಿನಾಂಕ: 05.06.2026 ರಂದು ಸಾಕ್ಷಿಯನ್ನು ಕರೆಯಿಸಿ ಪ್ರಮಾಣ ಮಾಡಲಾಯಿತು

ಮುಖ್ಯವಿಚಾರಣೆ ವಾದಿಯ ಪರ ಶ್ರೀ. ಎಂ.ಹೆಚ್.ಕೆ. ವಕೀಲರಿಂದ:-

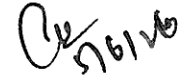
ನಾನು ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಬದಲಾಗಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸುತ್ತಿದ್ದೇನೆ. ಅದರಲ್ಲಿ ಬರೆದಿರುವ ಸಂಗತಿಗಳು ಸತ್ಯವಾಗಿರುತ್ತವೆ. ಸದರಿ ಸಂಗತಿಗಳನ್ನು ನಾನೇ ಹೇಳಿ ಬರೆಸಿರುತ್ತೇನೆ ಅದರಲ್ಲಿ ಬರೆದಿರುವ ಸಂಗತಿಗಳನ್ನು ಓದಿ ತಿಳಿದುಕೊಂಡು ಸಹಿ ಮಾಡಿರುತ್ತೇನೆ.

ಪ್ರತಿವಾದಿಗಳ ಪರ ವಕೀಲರು ಪಾಟೀ ಸವಾಲಿಗೆ ಕಾಲಾವಕಾಶ ಕೋರಿದ್ದರಿಂದ ಪಾಟೀ ಸವಾಲಿಗೆ ಮುಂದೂಡಲಾಯಿತು.

(ತೆರೆದ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನನ್ನ ಉತ್ತರ ಲೇಖನದಂತೆ ಬೆರಳಚ್ಚು ಮಾಡಲಾಯಿತು)

H: V S D

ಓ ಹೇ ಕೇ ಸರಿ ಅದೆ.



(ಶ್ರೀ ಅಮಿತ್ ಘಟ್ಟಿ)

ದಿವಾಣಿ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು

ನ್ಯಾಯಿಕ ದಂಡಾಧಿಕಾರಿಗಳು

ಬಸವನ ಬಾಗೇವಾಡಿ.