

O.S.NO.127/2018

IN THE COURT OF SENIOR CIVIL JUDGE MUDDEBIHAL

AT: MUDDEBIHAL

1) Shrinivas s/o Kanakappa @ Kankayya Kanakagiri -----Plaintiff

V/s

1) Venkatesh s/o Kanakappa @ Kankayya Kanakagiri

And others

-----Defendants

AFFIDAVIT

(Examination in chief under Order 18 Rule 4 of CPC)

Herein, I, Vasantbhatta S/o Appannabhatta Joshi, Age: 70 years,
Occ: Purnahit, R/o: Talikoti, Tq: Talikoti, Dist: Vijayapur, do hereby
solemnly affirm and state as under:-

- 1) I know the Plaintiff. I know the defendants. I know the facts of the case.
- 2) The father of Plaintiff was my close friend. The father of Plaintiff used to consult with me in respect of his family affairs.
- 3) The father of Plaintiff called me on 14-10-1984 and other witnesses by name 1) Narayan, 2) Shridhar, 3) Satyanarayana 4) Chandrashekhar, 5) Vidhyadhar, 6) Vajrakumar and expressed his desire that during his life time only he wanted to effect oral partition in respect of immovable properties held by the then Hindu joint family among his sons in order to avoid future dispute among them after his demise and requested me and

Received
by
Advocate

① One
of
L.B. PATIL
NOTARY,
MUDDEBIHAL

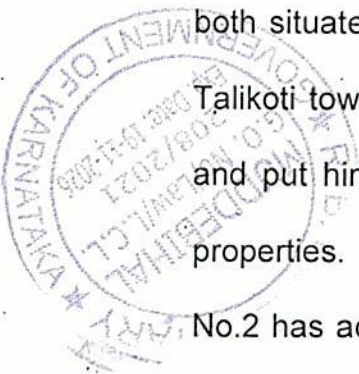
27 JUN 2026

V.A. Joshi

D. W3.
27/6

above named witnesses to act as elders to the said oral partition cum arrangement for which we are agreed for the same.

4) I state that on 14-10-1984 father of Plaintiff made oral family arrangement cum partition among his sons in respect of lands and plots etc held by the then Hindu joint family among his sons in my presence and in presence of above named witnesses. In the said oral partition the suit land bearing R.S.No.505/2A measuring 5Acre-05Gunta and plots bearing No.8, 9, 10, 11, and open space abutting to plot No.10 situated in R.S.No.284 of Talikoti town were allotted to the share of defendant No.1 and further put the defendant No.1 in actual possession and enjoyment of the above referred properties and as such by virtue of said partition the defendant No.1 has acquired exclusive title and possession over the above referred properties and the name of defendant No.1 came to be recorded in R/R pertaining to the above referred properties showing him absolute owner and in possession of the above referred properties. In the said oral partition the father allotted the suit land bearing R.S.No.505/2B measuring 7Acre-05Gunta and R.S.No.289/2 measuring 8Acre-09Gunta both situated at Talikoti town and plot bearing No.1,2,3 and 4 situated in Talikoti town in R.S.No.284 of Talikoti town in favour of defendant No.2 and put him in actual possession and enjoyment of the above referred properties. Hence by virtue of oral partition referred supra the defendant No.2 has acquired exclusive title and possession over the above referred



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(V. ADHIKARI)

properties and the name of defendant No.2 came to be recorded in R/R pertaining to the above referred properties.

In the said oral partition the father allotted plot No.5,6 7 formed in land bearing R.S.No.284 situated at Talikoti town in favour of plaintiff and put him in actual possession and enjoyment of the above referred plots and as such the plaintiff has acquired exclusive title and possession of above referred plots and the name of plaintiff came to be recorded in R/R pertaining to the above referred plots. Thereafter in order of evidence the oral family arrangement cum partition father has filed a wardi on 15-10-1984 which was mutated at M.E.No.827 of Talikoti town and in pursuance of which a separate R/R in the name of plaintiff and defendants No.1 and 2 came to be made and prepared by revenue authorities in the name of plaintiff and the defendants NO.1 and 2 to the properties allotted to them by their father in a oral partition referred supra. Hence the joint family of the plaintiff and defendants No.1 and 2 have separated in the year 1984 itself during the life time of the father himself who has effected oral partition. Hence an oral partition was already taken place in respect of suit property in between plaintiff and defendants No.1 and 2.

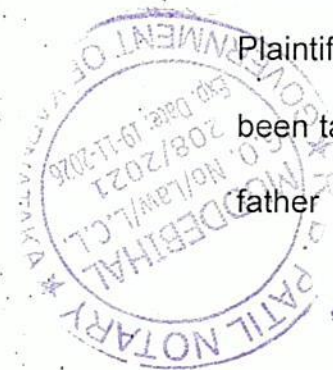
5) The plaintiff has also acted upon oral partition of the year 1984 in view of the fact that the plaintiff in order to meet his family and legal necessity has sold plot bearing No.5,6, 7 under registered deed dated 12-10-2009 for consideration amount of Rs.3,06,000/- in favour of


R. D. PATIL
NOTARY,
MUMBAI


(V. N. D. L.)

Mallanagouda Patil. Hence the plaintiff by his conduct has clearly shown that he has acted upon the partition of the year 1984. The defendant No.1 has transferred the plots No.8,9,10,11 in favour of his son defendant No.3. Hence there is separate dealing by the plaintiff and these defendants in respect of properties including suit properties allotted to them in the above referred partition and alienation made by the plaintiff in respect of property allotted to him and further transfer made by defendant No.1 in favour of his son/defendant No.3 and separate payment of tax by the plaintiff and these defendants separately goes to show that partition was already taken place and the partition was also acted upon by the parties to the suit. Similarly the defendant No.2 in the capacity of absolute owner of the plot bearing No.1, 2, 3 and 4 alienated them by executing separate sale deeds in favour of purchasers.

6) I have also learnt that the defendant No.1 has effected partition in between himself and his son defendant No.3 wherein he transferred the suit land bearing R.S.No.505/2A in favour his son defendant No.3 which is evident from M.R.No.H241/2015-16. Hence the father of Plaintiff in my presence and in presence of above named witnesses has effected oral family arrangement cum partition and the same has been acted by the Plaintiff and Defendant No.1 and 2. It is false to aver that no partition has been taken place in respect of suit property. It is false to aver that Plaintiff father has not effected oral partition in respect of suit property. The




R. B. PATIL
NOTARY,
BANGALORE

27 JUN 2026


(V. A. J. D. L.)

Plaintiff has filed this false suit against the defendants claiming partition on false and concocted grounds.

Hence this affidavit.

Place: Muddebihal

Date: 27-06-2026




Deponent

Herein, I, Vasantbhatta S/o Appannabhatta Joshi, the Deponent, today at Muddebihal, do hereby solemnly affirm and state that the contents of above para No.1 to 6 are read over and explained to me in Kannada and the same are true and correct to the best of my knowledge and belief.

Place: Muddebihal

Date: 27-06-2026

I know the Deponent


Deponent


R.B. PATIL
NOTARY,
MUDDEBIHAL


Advocate

R.B. PATIL
NOTARY,
MUDDEBIHAL

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ದಿನಾಂಕ: 27.06.2026 ರಂದು ಸಾಕ್ಷಿಯನ್ನು ಕರೆಯಿಸಿ ಪ್ರಮಾಣ ವಚನ
ಬೋಧಿಸಲಾಯಿತು.

ಮುಖ್ಯ ವಿಚಾರಣೆ - 1 ರಿಂದ 3 ನೇ ಪ್ರತಿವಾದಿಯರ ಪರ ಶ್ರೀ. ಎಂ.ಆರ್.ಪಿ.
ವಕೀಲರಿಂದ-

ನನ್ನ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಬರೆದಿರುವ ಎಲ್ಲ ವಿಷಯಗಳನ್ನು ಓದಿ,
ತಿಳಿದುಕೊಂಡು ಅದಕ್ಕೆ ನನ್ನ ಸಹಿಯನ್ನು ಹಾಕಿರುತ್ತೇನೆ. ಅದರಲ್ಲಿನ ಎಲ್ಲ ಸಂಗತಿಗಳು
ಸತ್ಯವಾಗಿರುತ್ತವೆ. ಅದನ್ನು ನಾನೇ ಹೇಳಿ ಬರೆಸಿರುತ್ತೇನೆ.

ಟೀ ಸವಾಲು: ವಾದಿಯ ಪರ ಶ್ರೀ.ವಿ.ಎಂ. ಎನ್. ವಕೀಲರಿಂದ.

ವಾದಿ ಪರ ವಕೀಲರು ಪಾಟೀ ಸವಾಲಿಗೆ ಸಮಯ ಕೋರಿದ್ದು, ಸಮಯ
ನೀಡಲಾಯಿತು.

(ತೆ ನ್ಯಾ ನನ್ನ ಹೇ ಬೆ ಮಾಡಲಾಗಿದೆ)

ನನ್ನ ಸಮಕ್ಷಮ,

ಓ.ಹೇ.ಕೇ.ಸರಿ.ಇದೆ.

ಹಿರಿಯ ದಿವಾಣಿ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು

ಪ್ರ.ದ.ನ್ಯಾ.ದಂ. ಮುದ್ದೇಬಿಹಾಳ


(V.A.T.)


27/6/26