

Witness is duly sworn as PW-1 on 22.11.2025.

Examination in Chief of Petitioner No.3 by Miss. KH advocate for Petitioner :

I have filed my affidavit in lieu of examination in chief. The contents of my affidavit are true and correct. It bears my signature. , I have produced the following documents.

1. Certified copy of order sheet of O.S. 25878/2013 – **Ex.P1.**
2. Certified copy of the plaint O.S. 25878/2013 – **Ex.P2.**

(Further chief of PW.1 is deferred at the request of Counsel for Plaintiff)

(Typed to my dictation in open court)

R.O.I & A.C.

[Sreepada.N]

LXXII Addl.City Civil &
Sessions Judge, (CCH-73) Bengaluru

Witness is duly sworn as PW-1 on 28.2.2026.

Cross Examination of Petitioner No.3 by Sri. NMB advocate for Respondents No.12, 13 and 313:

1. I studied upto SSLC. I am a house wife. Petitioner No. 1 and 2 are my elder sisters. It is true to suggest that, myself and petitioner No. 1 and 2 have filed O.S. 25878/2013 against the several Defendants. Petitioner No.1 is aged about 74 years and she is having aged related diseases and Petitioner No.2 is heart patient as such they can not depose before the court in this petition. It is true to suggest that, both Petitioner No. 1 and 2 are personally present before the court today.
2. It is true to suggest that, when the suit O.S. 25878/2013 was posted for hearing on application for temporary injunction, we were regularly attended the court. It is true to suggest that, this court had rejected the application filed by us for temporary injunction on 8.1.2020. It is true to suggest that, against the order of dismissal of our application by this court, we preferred MFA No. 2693/2020 before the Hon'ble High Court of Karnataka. We have engaged another advocate before the Hon'ble High Court of Karnataka through the advocate who appeared on behalf of us in O.S. 25878/2013. Our high court advocate still saying that, the said MFA No. 2693/2020 is pending before the Hon'ble High Court of Karnataka. I do not

know if it is suggested that, MFA No. 2693/2020 has been dismissed by the Hon'ble High Court of Karnataka on 28.2.2024. The witness has been shown online status of MFA No. 2693/2020 on seeing the same witness states that, in this document it is mentioned that, MFA No. 2693/2020 is dismissed on 28.2.2024.

3. It is false to suggest that, since our temporary injunction application had been dismissed on 8.1.2020 we had not shown interest in prosecuting the O.S. 25878/2013. We were regularly attending the court in O.S. 25878/2013.
4. In O.S. 25878/2013 we initially engaged an advocate by name Somashekhar but he has not properly conducted our case. As such we changed the advocate by name K. Varaprasad and thereafter appointed another advocate. Accordingly we changed 3 advocates in O.S. 25878/2013.
5. The petitioner No.1 is resident of Kaverinagar, Bengaluru. The petitioner No.2 is resident of coles road, Bengaluru and I am the resident of Bhadravathi. The petitioner No.1 and 2 are house wives.

6. The children of all the petitioners are educated. We were discussed with our children about the proceedings of O.S. 25878/2013. We were not went to the office of advocates by name Syed Imran and Imran Pasha. The witness volunteers that, we were going to the office of builders in the said office only those advocates were coming. We have paid advocate fees to our previous advocates through our builders as we paid the advocate fee to builders and in turn the builders paid the money to our advocates. The witness volunteers that, we paid advocate fee upto Rs. 5,00,000/- to them. It is true to suggest that, we have not produced any documents to show that, we have paid the advocate fee by transfer of funds as stated in para No. 8 of my examination chief affidavit. We have attended the advocate office of Somashekhar and K. Varaprasad but not attended the advocates office of Syed Imran and Imran Pasha. It is false to suggest that, since we had not provided proper address proof of the respondents as mentioned in para No. 7 of my examination chief affidavit in O.S. 25878/2013 as such the suit against them has been dismissed. We have paid proper process charges and RPAD charges for issuance of notices to the persons as shown in para No. 7 of my examination chief affidavit.

7. I do not know if it is suggested that, what purpose in the present petition also we have not taken any steps against the respondent No.14 to 312 and later we deleted them in this petition.

8. In the year 2022, myself and Petitioner No.1 and 2 once again approached our previous counsels to know about the status of O.S. 25878/2013. Accordingly, in the year 2022, we visited the office of Imran Pasha. We have requested our previous advocates to take necessary steps against other Defendants but they did not have taken steps against them. It is true to suggest that, we were having information about usual adjournments of suit O.S. 25878/2013.

Q. From 2.1.2021 to 26.8.2022 you have not given proper instructions to your advocate to represent suit O.S. 25878/2013?

A. Our advocate informed us that, since it is a COVID-19 pandemic you can not come to court.

9. We have not produced any documents to show that, on 15.11.2021 itself our case paper has been handed over to one Imran Pasha advocate. In the year 2021 itself we received case file of O.S. 25878/2013 from K.Varaprasad.

(Further cross of PW.1 is deferred at the request of Counsel for Respondents No.12, 13 and 313)

(Typed to my dictation in open court)

R.O.I & A.C.

[Sreepada.N]

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