

Spl.C.S 33/2022.  
Kashiram Vs. Hansraj  
Exh.No. 123 Contd.

**Resumed**

**Further examination in Chief on oath of Hansraj Amarsingh Salam by the learned Advocate M.C.Khangare appearing for defendant :**

19. I have filed my affidavit of examination-in-chief. The contents of my affidavit are read over and explained to me in vernacular, contents therein are true and correct. It bears my signature.

20. In support of my contention I have filed following documents

i) Notice issued by the office of District Collector (Soil Conservation) as **Exh.No.131**.

ii) Office copy of the application dated 21.10.2015 filed by me before the Tahasildar, Saoner. Contents therein are true. It is marked as **Exh.No.132**.

iii) The order of Deputy Collector, Nagpur dated 12.02.2015 & 10.12.2013 are marked as **Exh.133 & 134** respectively.

iv) The report of SDO, Saoner submit the report dated 10.10.2013 to Collector, Nagpur. It is marked as **Exh.No.135**.

v) The notes of office of District Collector, Nagpur dated 02.12.2013. It is marked as **Exh.No.136**.

vi) The copy of the application filed by the plaintiff to the Collector, Nagpur. It is marked as **Exh.No.137**.

vii) The application dated 20.07.2015 was filed by me with the Tahasildar, Saoner. The copy of the same is at marked as **Exh.No.138**.

viii) I have filed the copy of the application by which prayed to stop the proceeding initiated by my application is marked as **Exh.No.139**.

ix) Seven Index Copies issued by the Sub-Registrar Office, Saoner. They are marked as **Exh.No.140 to 146**.

**Examination in chief is completed.**

**Cross examination by Adv. Shri S.M. Pande for the plaintiff is deferred.**

R. O. A. C.  
Before me,

Place : Saoner.

Date : 11.10.2024

sd/-  
( S. A. Sardar )  
Civil Judge Senior Division, Saoner  
Tahsil Saoner, District Nagpur

Spl.C.S 33/2022.  
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**Cross examination of Hansraj by Adv. Shri S.M. Pande for the plaintiff on oath.**

21. It is true to say that, Bayabai Govinda Masram is my grandmother (Nani). It is true to say that, after the death of Bayabai the suit property came on the name of my mother Chandrabhaga. It is true to say that, after the death of my mother Chandrabhaga, my father, myself and my sister became the owner of suit property. It is true to say that, myself and the plaintiff are from the same community, but he is not my relative.

22. At the time of preparing my affidavit of examination-in-chief and written statement, I have told to my advocate that plaintiff is my relative. It is true to say that, plaintiff is of village Pareghat (M.P.). It is true to say that, there is his agricultural land. It is true to say that, he is serving in WCL and residing at Khaparkheda.

**Que.** Plaintiff came to your house to negotiate the agreement to sale of the suit property in the month of June 2010 ?

**Ans.** I do not recollect, but he used to visit our house frequently.

23. It is true to say that, we have two fields bearing No. 165 and 184, admeasuring 1.90 H.R. and 0.66 H.R respectively. It is true to say that, both these our fields are Class-II land. It is true to say that, in year 2009 we applied for conversion of land from

Class-II to Class-I. It is true to say that, Sub-Divisional Saoner converted our land into Class-I on 30.04.2010. It is not true to say that, on 19.07.2010 we execute the agreement to sale of field Survey No. 184, admeasuring 0.66 H.R. in favour of the plaintiff in presence of two witnesses. It is true to say that, the agreement to sale bears our photographs, photographs of plaintiff and witnesses. I have no any enemical terms with witnesses Pandurang Selare, Anandiprasad Tiwari and Adv. D.G. Kedar.

**Que** On 19.07.2010 you, your father and sister Rekhabai agreed to sale the field Survey No. 165 admeasuring 1.90 H.R. out of that 0.81 H.R. land to the plaintiff ?

**Ans.** Witness is not answering.

24. It is true to say that, the agreement to sale bears our photographs and signatures. I am unable to read whether the signature of witnesses and Adv. Kedar were on the agreement to sale or not. It is not true to say that, we have received Rs. 1,50,000/- and Rs. 2,00,000/- in part performance of contract of field Survey No. 184 & 165 respectively till execution of the agreement to sale. It is not true to say that, on 19.07.2010 plaintiff has paid Rs. 50,000/- each towards the earnest amount of two fields on the day of execution of agreement to sale. It is true to say that, I have not issued any notice to the plaintiff and witnesses, so also I have not lodged report against the plaintiff and witnesses to the police station alleging that they have prepared a false document against me. It is not true to say that, I myself, my father and sister have executed agreement to sale of both the field Survey

No. 165 and 184 by accepting part consideration amount on 19.07.2010.

25. It is true to say that, I belongs to Gond (गोंड) which came under the Schedule Tribe, therefore, there is a ban to sell out the property of the person of the S.T. community to other person.

**Que.** On the day of execution of agreement to sale, plaintiff is kept in possession of the suit property by you ?

**Ans.** We are not handed over the possession but he is in possession by way of Theka (ठेका).

26. It is true to say that to transfer the property of the S.T community person there is need to obtain the permission from the Collector. It is true to say that, my father and my sister appointed me as their power of attorney on 10.12.2010. It is true to say that, plaintiff had given no objection to appoint me as the power of attorney of my father and sister in the form of consent letter.

**Que.** On the same day with the help of the Adv. Kedar you all have registered the power of attorney in the office of Sub-Registrar, Saoner ?

**Ans.** Witness is not replying.

27. It is not true to say that, on 18.08.2010 myself, my father and sister have applied to District Collector, Nagpur for permission to sell out the suit property. It is not true to say that, on the same day as per the direction of the concerned authority, we were applied the second application along with the signature as a

vendee to the District Collector, Nagpur. It is true to say that, I have no cross terms with the Collector, SDO, Tahasildar. I have not any report against these authorities with the police station. It is true to say that, prior to grant the permission, Collector used to send the case to the SDO.

**The Court time is over, hence remaining cross examination is deferred.**

R. O. A. C.  
Before me,

Place : Saoner.

Date : 19.11.2024

( S. A. Sardar )  
Civil Judge Senior Division, Saoner  
Tahsil Saoner, District Nagpur