

R.C.S. No 24/2013

Exh. 131

Further examination in chief by Adv. Shri V.D. Mule on S.A.

1] The contents of my affidavit are in English and same are explained to me by my advocate in Marathi. The contents are true and correct and accordingly I have signed the affidavit.

Cross-examination by Adv. Ahri Pande.

2] I am educated up to matirck. Chandrabhagabai is my mother whereas Kamlabai is my maternal aunt. In the year 1979 partition was effectuated through Court. I don't know who has filed this suit in Court. What were the averments in this suit, what were the particulars of suit property therein and what was the outcome of the suit, I am not knowing. In the year 1979, my age was 28 years old. I was born in the year 1951. Since her marriage my mother was residing at her matrimonial house. My aunt Kamlabai was residing in her matrimonial at Tekadi. The suit properties are situated at Tisti. At Tisti Dadarao and his father used to stay. Dadarao is the husband of defendant no. 1. It is true say that the suit property was possessed by Thakre family. It is not true to say that the suit property was cultivated by Dadarao till his demise. The suit properties involved in this suit bear survey no. 290,291,292 and 307. I cannot depose individual area and boundaries of these survey numbers. I don't know the old survey number of these properties. I have seen the revenue records of these survey numbers. These properties are standing in the name of Gendrao, Bayabai, Rekhabei, Durgabai, Chayabai and Tanba. Apart from these people no other persons name is mutated in revenue records of these properties. It is true to say that there was no parition between my mother and my maternal aunt. Witness voluntarily deposes that the properties were jointly possessed by them. I have heard about the name of Madhukar Dongre. I don't know Madhukar's relationship with these suit properties. I don't know what were his litigations

in respect of these properties. I personally don't know about the litigations which were pending in respect of the suit property including revenue proceedings. I don't know whether survey no. 290,291 and 307 are in the possession of Shobhabai and her son. It is not true to say that in the year 1980, my mother Chandrabhaga and my aunt Kamlabai have relinquished their right in suit property in Dadarao's favour. I don't know whether on the basis of relinquishment deed all the suit properties were mutated in Dadarao's favour. I don't know whether after this mutation there were revenue proceedings initiated before different revenue forums. So also I don't know the order passed in this revenue proceedings. It is not true to say that we are not having any relationship with the suit properties.

I don't know Ashabai Nilkanth Jiwtode. Witness volunteers that he knows Nilkanth Jiwtode. My mother used to do thump impressions. I can identify her thumb impression. I can identify my signature. The document now shown to me does not bear the thumb impression of my mother nor bear my signature. (This answer is given right after an attempt for objection towards the proposed question of the defendant by plaintiff's Id. Counsel.)The document now shown to me, bears my signature. Said document is at **article A** for identification. I have gone through the document. It's contents are wrong. The contents of this document are in respect of one sell transaction in respect of land survey no. 290,291,292 and 307 situated at Mouja Tisti. This document was entered into between myself and Nilkanth Jiwtode. This transaction was proposed to be entered into on 20-7-1991. In this document it was proposed that these properties shall be sold by my mother which are devolved upon her through partition to Ashabai Jiwtode for consideration amount of Rs. 40,000/-. In this document the amount of Rs. 10,000/- was accepted by me as earnest amount is written.

Que:- Whether this transaction was completed?

Ans:- No. this transaction was never completed.

This transaction being revoked between the parties as deposed by me is not in the written form specifically given by the vendee to me. It is

not true to say that as my mother was not having any title in the year 1991 to alliterate the suit properties, the above proposed transaction could not be finalized. It is not true to say that my mother has not executed any sale deed in Gendrao's favour and whatever document has been executed same is false. It is not true to say that after 1980 and after the demise of Dadarao the suit properties are exclusively in possession of Shobhabai and her children. It is not true to say that the contents in my evidential affidavit are false.

Date:- 12-7-2018
Kalmeshwar

Before me
R.O.A.C.

Jt. C.J.J.D., Kalmeshwar