

Duly sworn on 30/11/2018.

Examination in-chief by Sri RCK, Advocate for Plaintiff:

I have filed my affidavit in lieu of examination in-chief. I know the contents of the affidavit. It is prepared at my instructions. The contents of the affidavit are true and correct. The affidavit bears my signatures.

In support of my case, I have produced the following documents:

Certified copy of the encumbrance certificate is marked as **EX.P.1**. Property register extract is marked as **EX.P.2**. Acknowledgement issued by Police is marked as **EX.P.3**. Registered sale deed dated: 07/11/1997 is marked as **EX.P.4**. Tax paid receipts are marked as **Exs.P.5 to P.7**. Certified copy of the order passed by Land Tribunal, Bangalore South Taluk, is marked as **EX.P.8**.

Typed copy of Ex.P.8 is marked as **EX.P.8(a)**.
Endorsement issued by Tahasildar, Bangalore
South Taluk, is marked as **EX.P.9**. Office copy of
the police complaint is marked as **EX.P.10**.

Therefore, I pray for judgment and decree as
prayed in the Plaint.

Cross-examination:

Cross-examination is deferred at the request
of Sri HVR, Advocate for Defendants.

(Typed to my dictation in the open Court, as the
deposition is proceeded with).

R.O.I. & A.C.

(A.VIJAYAN)
LXVI Addl.City Civil & Sessions
Judge, Bangalore City.

Witness is recalled and duly sworn on 04/01/2019.

Cross-examination by Sri HVR, Advocate for Defendants:

Now, I see the certified copy of the Memorandum of Complaint in O.S.No.9592/2014, wherein, I have been arrayed as Defendant No.21. Since the witness admitted the document, certified copy of the Memorandum of Complaint in O.S.9592/2014 is marked as **EX.D.1.** It is true to suggest that in O.S.No. 9592/2014, I appeared before the court on 07/01/2015 through my counsel. Now, I see the certified copy of the written statement filed jointly with other Defendants in O.S.No. 9592/2014. Since the witness admitted the said document, same is marked as **EX.D.2.**

It is true to suggest that this suit schedule property is also the subject matter of O.S.No. 9592/2014. It is false to suggest that I had knowledge in the year 2015 itself that the suit schedule property is situated within the territorial jurisdiction of the City

Civil Court, Bangalore. It is false to suggest that though the City Civil Court has got the jurisdiction to try the suit, intentionally I have filed suit before the Bangalore Rural Court and obtained injunction order in order to harass the Defendants.

It is true to suggest that I have mentioned about the earlier suit filed by Defendants in O.S.No. 9592/2014 in the present Plaint. It is false to suggest that in order to obtain ex-parte interim order, I have suppressed earlier suit filed in O.S.No.9592/2014.

I have not obtained legal opinion from any Advocate before purchasing the suit schedule property. I have purchased the suit schedule property on 07/11/1997. It is true to suggest that I have applied for obtaining khatha in the year 2017. I have filed this suit on 30/01/2016. It is false to suggest that I have not produced any tax paid receipts between 1997 and 2016. It is true to suggest that Exs.P.5 to P.7 are the tax paid receipts subsequent to filing of this suit. It is

true to suggest that Ex.P.2 is a fabricated document. I have not produced copy of application and the receipt for having paid the amount towards obtaining Ex.P.2.

One Pullappa is the grand father of Defendants herein. It is true to suggest that said Pullappa had two sons, i.e., Munishamappa and Ramakrishnappa. It is true to suggest that Sy.No.60 is measuring 03 acres 39 guntas. I do not know whether Pullappa and his sons have partitioned the property in Sy.No.60 on 13/03/1992. I do not know that, in the said partition, Munishamappa, the father of Defendants, derived 01 acre of land. I do not know whether the suit schedule property is situated in the 01 acre of land derived by Munishamappa.

It is false to suggest that myself and Pullappa, by colluding together, have fabricated documents in order to grab the land allotted to Munishamappa. I do not know whether the Government had imposed condition at the time of granting land in Sy.No.60 to Pullappa

not to alienate the said land for a period of 15 years from the date of grant.

(At this stage, further cross-examination is deferred at the request of counsel for the Defendants).

(Typed to my dictation in the open Court, as the deposition is proceeded with).

R.O.I. & A.C.

(A.VIJAYAN)
LXVI Addl.City Civil & Sessions
Judge, Bangalore City.

Witness is recalled and duly sworn on 11/06/2019.

Further cross-examination by Sri HVR, Advocate for Defendants:

It is not correct to suggest that without getting the previous sanction, the property was sold to me. The open site appearing in the photographs now shown to me is the suit property. The said photographs are **Exs.D.3 to 7.**

It is correct to suggest that I have lodged police complaint even before the date of Ex.P.10. It is correct to suggest that I have not furnished the copy of the said complaint. It is not correct to suggest that Ex.P.10 is the complaint lodged at the time of filing the suit. Witness volunteers that it was lodged after filing the suit.

It is correct to suggest that the suit property is a vacant site till date. It is not correct to suggest that I have not produced any document to show my possession over the suit property as on the date of

filing the suit. It is not correct to suggest that I have come up with this suit to harass the Defendants.

Re-examination: - Nil -

(Typed to my dictation in the open Court, as the deposition is proceeded with).

R.O.I. & A.C.

(Smt. Kathyayani)
LXVI Addl.City Civil & Sessions
Judge, Bangalore City.