



**WITNESS IS PRESENT AND DULY SWORN ON 22.08.2022**

**EXAMINATION-IN-CHIEF BY ADVOCATE FOR PLAINTIFF:**

I am the plaintiff in this case. Today, I am filing my affidavit in lieu of my examination-in-chief. The contents of the said affidavit are true and correct to the best of my knowledge, belief and information and it bears my signature.

**(At this stage further examination in chief is deferred at the request of counsel).**

(Typed to my dictation in the open court)

ROI and AC

**(YASHAWANT)**

C/c. XL Addl. CC & SJ, Bengaluru.

WITNESS IS PRESENT AND DULY SWORN TODAY ON 24.01.2023

FURTHER EXAMINATION-IN-CHIEF BY SMT. SG/MPS ADVOCATE FOR PLAINTIFF:

The certified copy of sale deed dtd:27.08.2020. It is marked as **Ex.P.1**. Katha Certificate issued by BBMP. It is marked as **Ex.P.2**. Property Extract is marked as **Ex.P.3**. Today, I produced tax paid receipt and it is marked as **Ex.P.4**. The certified copy of sale deed dtd:06.03.2018 and it is marked as **Ex.P.5**. The certified copy of layout plan is marked as **Ex.P.6**. Hence, I pray to decree my suit.

CROSS-EXAMINATION: Smt. JR for MJN advocate prays time. Hence, cross is deferred on her request.

(Typed to my dictation in the open court)

ROI and AC

**(SOMASHEKHAR C. BADAMI)**  
XL Addl. CC & SJ, Bengaluru.

Witness is present and duly sworn on 03.07.2024

Cross-Examination by Sri. VH Advocate for defendant:

The plaintiff No.1 is my wife. The defendants No.1 and 2 are not acquainted with me. The defendant No.1 and 2 are husband and wife. I have studied B.E. and MBA and working as quality and Assurance Manager at EM Pocket Company. I have purchased the suit property in the month of September 2019. Before purchase I have verified history pertaining to the flow of title and Encumbrance Certificate pertaining to the suit property. It is true to suggest that apart from these documents I have not verified any other documents. PW1 volunteers that all the documents were given to his advocate for legal opinion and his advocate secured all the miscellaneous documents and gave legal opinion. I do not remember the date on which the legal opinion was given. An advocate by name Sri. Shankar G., gave the opinion. I handed over the Certified copies of the title deeds and Encumbrance Certificate to my advocate and he secured other documents required for the purpose of registration. I do not know about the documents obtained by my advocate. The advocate did not opinion in writing it was just a consultation with the advocate. It is false to suggest that I have not taken legal opinion before purchase of property. One Sri. Venkataramanaswamy is my vendor. The site was situated in the BDA layout. Before

purchase, I have not made any attempts to conduct survey from the BDA authorities. It is true to suggest that before purchase of property, I have not obtained any document pertaining to the measurement of the locality. No agreement of sale was entered into between myself and my vendor and it was a direct registration of sale deed. It is false to suggest that in the year 2020, the defendant had already put-up construction of his building. It is true to suggest that the defendants are the owners of site No.14. It is true to suggest that before purchase I did not get measured my site. PW1 volunteers that his vendor had already measured his site, it was a vacant site when I purchased it. I do not have any document to show that my vendor has measured the site before sale. It is false to suggest that during the ownership of my vendor in site No.15, the defendants had already constructed building in site No.14. I do not know when the defendants have taken sanction plan for construction. I do not know when the house warming ceremony done by the defendants. Before I purchase the site No.15 the defendants had done house warming ceremony and occupied the building. PW1 volunteers it was a vacant site. It is false to suggest that the measurement shown in the plaint was not in existence of title deeds of my vendor and as well as my sale deed. I do not remember the mode of acquisition of title by my vendor. It is true to suggest that before filing the suit, I

have verified the documents. I have glanced the documents before adducing the evidence. It is false to suggest that only to escape from the liability I am deposing that, I do not remember about the documents. The extent of site in my vendor title deed measuring east-west: 6.10 meters and north-south: 12.20 meters and it approximately measures 20x40 feet. One Sri. Ramachandra sold site in favour of my vendor and I do not remember the date. The same measurement is mentioned in the title deed of Sri. Ramachandra. Sri. Ramachandra acquired the site from BDA. I do not remember the date or year, when it was acquired.

**(Further cross examination is deferred at the request of counsel for defendant).**

(Typed to my dictation in the open court)

ROI and AC

(VEENA N.)

XL Addl. CC & SJ, Bengaluru.

Witness is present and duly sworn on 12.09.2024

Further Cross-Examination by Sri. VH Advocate for Defendant:

It is true to suggest that the 'B' schedule property is not measured through any surveyor. We purchased the suit 'A' schedule property from one Venkataramana. Venkataramana purchased the said property from one Ramachandra. BDA allotted the said property to Ramachandra. I have seen the possession certificate issued by BDA and I do not remember whether the said document is in my custody. I am not aware of the allotment letter issued by BDA to Ramachandra. I do not remember the date when the BDA has executed conveyance deed to Ramachandra. I do not know whether the said conveyance deed is in my custody or not. I do not remember the year when the allotment was made to Ramachandra. It may be true that the allotment was made to Ramachandra on 14.09.2018. It is true to suggest that towards eastern side of suit property there exists compound wall of University. I do not remember the date when the compound wall was constructed but since my childhood, I have seen the compound wall. I was not born in the said locality. It may be true that University has issued work order on 08.08.2003 and the construction of compound wall was completed in the year 2004. I did not find any necessity to give representation to University to ascertain as to whether

they have encroached my property. I had not given any representation to the BDA to measure the eastern side and western side of my property. PW1 volunteers that since, the adjacent land is vacant site, I didn't find necessary to given representation to BDA and since, BDA has allotted the site and it was presumed that BDA has measured the property. It is false to suggest that at the time of purchase of suit property construction was already commenced in site No.14 and three floors were completed. I have informed my vendor to measure site No.15 at the time of purchase. I have no documents to show survey is conducted pertaining to suit property. I do not know whether site No.1 to 15 exists in the lane. PW1 volunteers that site No.14 and 15 exists and I do not know about the other sites. I didn't find it necessary to measure site No.1 to 15 upto the wall of University before filing this suit. PW1 volunteers that I was concerned about my site and I have got it measured. I cannot say the extent of each site in the said lane. I cannot say as to whether the University has encroached my property at the time of construction of compound wall because at that point of time the layout was not formed. I do not know about the survey number of the property adjacent to BDA layout and University property.

It is true to suggest that defendant is owner of site No.14. Before filing of the suit, I have obtained the certified



copy and ascertained the extent of property of defendant. The extent of site No.14 is approximately 30x40 feet but, the measurement is shown in meters in the sale deed. I do not know the extent and the owner of site No.13. I do not remember the vendor of the defendant and the date of sale of site No.14. I do not know about the extent mentioned in the document of the vendor of the defendant. The entire area is allotted by BDA. I do not know as to whether there was fencing in site No.14 when the vendor of defendant purchased the property. I am not aware of the fact that site No.14 was allotted to Rama on 12.03.2001 by BDA, either after filing of this suit or at the time of purchase of site No.15. It is false to suggest that at the time of purchase of site No.15, I had knowledge of lesser extent in the said property. It is false to suggest that 'B' schedule property is not in existence. It is true to suggest that towards the eastern side of my property, in the sale deed and in the plaint schedule it is not mentioned as to the existence of compound wall of University or property of University. PW1 volunteers that it is shown as private property and in the normal course the compound wall will not be shown in the boundary. Towards northern side of my property there exists University property. It is false to suggest that the boundary mentioned in my sale deed and in the plaint schedule is not correct and is misleading. I do not remember whether my advocate has issued legal notice

before filing this suit. It is false to suggest that the defendant has constructed house within the extent of his site No.14 and is in lawful possession of the same. I have no objections to get the site No.1 to 14 measured through BDA. It is false to suggest that the defendant has constructed house legally in site No.14 without creating any problem to my property. At the time of construction by defendant, I did not filed complaint before police because, I knew that it is a dispute of civil nature and I have to approach the court. It is false to suggest that there was no cause of action on 05.01.2021 to file this suit. It is false to suggest that the measurement of site No.15 mentioned in BDA records is different from the factual position. It is false to suggest that I have no right over 'B' schedule property. It is false to suggest that only with an intention to extract money from the defendants I have filed this suit and my affidavit by making false averments. I do not know the year of construction in site No.13.

**Re-Examination:** Nil

(Typed to my dictation in the open court)

ROI and AC

(VEENA N.)

XL Addl. CC & SJ, Bengaluru.