

Witness is present and duly sworn on 08.11.2024

Examination-In-Chief by Smt. AC Advocate for Defendant:

I am the Defendant No.2 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.

I am producing the following documents,

Ex.D.1	Certified copy of sale deed dtd:12.03.2001.
Ex.D.2	Certified copy of gift deed dtd:25.05.2013.
Ex.D.3	Certified copy of sale deed dtd:06.03.2018.
Ex.D.4	True copy of utara patra.
Ex.D.5	True copy of Katha Certificate.
Ex.D.6	Property register extract.
Ex.D.7	Tax paid receipt.
Ex.D.8	Approved plan.
Ex.D.9	Certified copy of the bank statement for the period 17.03.2018 to 31.08.2018.
Ex.D.10 & 11	2 Service certificates.
Ex.D.12 & 13	2 bill receipts.
Ex.D.14	Document obtained under RTI Act including the copy of the work order.
Ex.D.15	Certified copy of sale deed dtd:13.02.2006.
Ex.D.16	Document issued by BESCOM.
Ex.D.17	Receipts issued by BESCOM.

Ex.D.18 to 29	12 photos.
Ex.D.30	Certificate.

In view of my pleadings and evidence, I pray to dismiss the suit as prayed.

(Cross examination is deferred).

(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 16.01.2025

Cross Examination by Smt. GS Advocate for Plaintiff:

I have personal knowledge about contents of my chief affidavit. As per Ex.D.1, towards western side site No.13 is situated, towards eastern side there exists site No.15 and towards north private property and towards south road. It is true to suggest that the BDA has formed the said layout. It is true to suggest that in the year 2001 the BDA has sold the property mentioned in the schedule of the sale deed in favour of Smt. T. Rama. It is true to suggest that in Ex.D.2 the same boundary is mentioned. Site No.14 measures east west 9.14 meters, north south 12.20 meters. I have verified the title deeds of the said property before purchase. It is true to suggest that in Ex.D.3 the boundary and extent mentioned in Ex.D.1 and 2 is shown. In the month of December 2017 for the first time, I visited site No.14. It is true to suggest that I purchased vacant site. I have seen the layout plan prepared by BDA. It is true to suggest that in the layout plan towards western side of site No.14 there is site No.13. Towards eastern side of site No.14 there is one site and towards western side there are 13 sites in one row. It is true to suggest that Ex.D.20 shows site No.15 on the eastern side of site No.14. Ex.D.20 shows the stone built compound wall and its height is about 9 to 10 feet. Ex.D.19 shows site No.14 and Ex.D.18 shows both site

No.13 and 14. It is true to suggest that in the month of December 2017 there was already a building constructed in site No.13. It is true to suggest that at that point of time site No.14 and 15 were vacant. It is true to suggest that towards northern side of site No.14 and 15 there existed a stone built compound wall. It is true to suggest that the said compound wall is the end of BDA layout. It is true to suggest that the said compound wall is built by Bangalore University. It is true to suggest that towards northern side of my site and site No.15 the property of Bangalore University is situated. My vendor identified site No.14 at the spot and I had also verified the documents and thereafter purchased the property. The compound wall shown in Ex.D.19 was put up by me after purchase. I have no other document to show the identification of the site by my vendors. The officials of BDA have also identified site No.14 as per requisition submitted by me. I have not produced any document to show that the officials of BDA visited the spot and identified site No.14. The officials of BDA came to the spot verbally identified site No.14 by saying that there are 13 sites on eastern side of site No.14 and I can measure site No.14 after site No.13. The officials of BDA did not identify the site No.15. After filing the present suit, site No.15 is measured. Even before filing the present suit, I had measured site No.15. The said site No.15 was not seriously measured by me since no suit was

filed at that point of time. I measured my site starting from site No.1 to 13. Each site on the front side measures 30 feet east to west. Initially, I had no knowledge about existence of site No.15 towards eastern side of my site. My vendors have not informed me about the property situated on the eastern side of my site. The BDA officials also did not identify the property situated on the eastern side of my site. It is true to suggest that as per my title deeds towards eastern side there is site No.15. It is false to suggest that at the time of putting up compound wall I have not measured site No.15. After filing the present suit, I came to know about the measurement of site No.15 and its extents did not match with the documents. It is true to suggest that the boundary shown to site No.15 in Ex.P.1 is correct. It is true to suggest that towards eastern side of site No.14 there is site No.15. It is true to suggest that in Ex.P.1 the extent of site No.15 is shown as east west 6.10 meters and north south 12.20 meters. When, I measured the said site the said extent was not available. I have no document to show I measured site No.15 before filing suit. At the time of measurement the existence of site No.15 at the spot came to my knowledge but the extent was quite odd. I measured site No.1 to 14 on feet basis. It is true to suggest that as per the sanction plan I have to leave 1 meter set back area on the left side of my property i.e., on the eastern side. I have not left exact 1 meter set back it is reduced to some

extent. The plaintiffs have not threatened me. The plaintiffs have not caused any interference by influencing the political persons. I do not know that the plaintiffs are land grabbers and are involved in land-mafia. The plaintiffs have not demanded for any money from me. The plaintiffs have not forced me to pay money to withdraw the suit.

(Further cross examination is deferred).

(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 06.08.2025

Further Cross Examination by Smt. GS Advocate for Plaintiff:

It is true to suggest that my site and the site of plaintiff is situated in the layout formed by BDA. I have seen the said layout plan. It is true to suggest that as per layout plan suit schedule property site No.15 is situated towards eastern side of my property. I have no objection to raise in respect of Ex.P.1 which is the sale deed of site No.15. It may be true that the plaintiff has purchased site No.15 from earlier owner Venkataramanaswamy and he in turn had purchased the property from Ramachandraiah, in whose favour BDA had allotted the site. It is true to suggest that in Ex.P.1 towards western side of site No.15 there is site No.14. I have constructed house in site No.14. I do not know that site No.14 is situated on the western side of measurement shown in schedule of Ex.P.1. It may be true that katha is effected to the name of plaintiff as per Ex.P.1 and he is paying tax to the authority. It is true to suggest that Ex.P.5 is my sale deed. It is true to suggest that in the schedule towards eastern side of my site, site No.15 is situated. Ex.P.5 shows measurement of my site. It is true to suggest that in the layout plan each site is described with dimension. It is true to suggest that I have not produced any document to identify site No.14 in the layout. It is true to suggest that Ex.P.6 is the layout plan wherein site No.14 and 15 exists. DW1 has identified the site No.15 and 14 in the said layout plan and the said area is marked as **Ex.P.6(a)**. It is true to suggest that as per Ex.P.6(a) towards northern and

eastern side, compound wall is constructed by Bengaluru University. It is true to suggest that after the compound wall on the northern and eastern side of site No.14 and 15, property of Bengaluru University is in existence. I have obtained building plan for construction of house. It is true to suggest that as per Ex.D.8, I have to leave set back of 1 meter on eastern side. I have left set back area to lesser extent and to an extent of 1 meter. I have no objection to conduct local investigation and to measure site No.14 and 15. It is false to suggest that without identifying my site No.14, I have encroached the site of plaintiff and put up construction. I fixed the point at site No.13 and measured site No.14. I also measured site No.1 to 13 and fixed the point at site No.13 and measured site No.14. I could not measure site No.15 from the compound wall as I had no relevant document. According to me, the other owners of site No.1 to 13 were necessary parties to the suit and since Bengaluru University also owns property, it is also a necessary party to the suit. I do not know the owners of site No.1 to 13 have not encroached the property of plaintiff. It may be true that if owners of site No.1 to 13 have encroached each others property, the said site No.13 would merge with site No.14. I have not initiated any action against the owner of site No.13.

(Further cross examination is deferred).

(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 03.09.2025

Further Cross Examination by Sri. GS Advocate for Plaintiff:

Towards eastern side of my property approximately, I have left 1 meter set back. It is false to suggest that I have not left 1 meter set back on the eastern side of my property and on the other hand I have encroached the 'B' schedule property. I did not measure the 13 sites on the western side on the basis of documents, as the documents are not available. It is false to suggest that at the time of purchase I measured my site from the western side of the building which was already constructed and I am not measured the property from the eastern side i.e., from site No.15. It is false to suggest that since suit 'A' schedule property was vacant, with an oblique motive that if I put up construction in an extent of 30 feet, the owners of site No.15 cannot claim any right, I have illegally put up construction by encroaching suit 'B' property. I do not remember the measurement of entire 'A' schedule property. It is false to suggest that knowing fully well that I am encroaching 'B' schedule property, I have encroached the said property and put up illegal construction over the same. I do not remember the built up area in my site. I now see the E-katha of my property and it is true to suggest that it shows the built up area is 3,600 sq.ft. Hence, the said document is marked as **Ex.P.7**. It is false to suggest that I

have put up construction contrary to the sanction plan and exceeding the built up area and encroached the 'B' schedule property of plaintiff.

Re-Examination: Nil

(Typed to my dictation in the open court)

ROI and AC

(VEENA N.)

XL Addl. CC & SJ, Bengaluru.