

Witness recalled and duly sworn on 28.08.2019**Cross-Examination by Sri.M.K.M., Advocate for Defendant No.40 & 41 :**

It is true to suggest that after the death of my grand mother, the Khatha of the land bearing Survey No.19/4 measuring 3 acres 28 guntas got transferred to the name of my mother's brothers. It is true to suggest that my mother has not objected for transferring Khatha of the said land to her brothers' names. My mother got the knowledge about the said change of Khatha in the year 2005. It is true to suggest that we have not challenged the said recording of Khatha before the revenue authorities. It is true to suggest that as per the Ex.P.13, the defendant No.10 has purchased an extent of 2 acres 10 guntas of land in the said Survey No.19/4 from my maternal uncles and their children. It is false to suggest that the defendant No.10 has got converted from agricultural purpose to non-agricultural purpose an extent of 26 guntas out of 2 acres 10 guntas purchased by him.

It is true to suggest that the defendant No.40 has purchased an extent of 23.02 guntas out of the said converted 26 guntas of land in land bearing Survey

No.19/4. It may be true that the remaining extent of 2.14 guntas of land has been acquired for the purpose of formation of road. It is true to suggest that the Khatha of the said land is in the name of defendant No.40. It is true to suggest that the defendant No.40 has also put up construction in the said land by obtaining the licence. Witness volunteers that the said licence is a bogus licence. It is true to suggest that the defendant No.40 has inturn sold an extent of 3035.25 sq ft area in the said 23.02 guntas in favor of defendant No.41. Witness volunteers that the said Sale deed came to be executed after the filing of this suit. It is false to suggest that the defendants No.40 and 41 did not have the knowledge of the pendency of the above suit.

It is true to suggest that suit in O.S. No. 4100/2005 was filed by Teresamma and her son Pathiraj seeking for partition. It is true to suggest that in the said suit my mother has also filed an impleading application and became one of the contesting defendant and also filed the counter claim. Witness volunteers that since the said Teresamma did not contest the said suit, same came to be dismissed. My mother had not deposed as a witness in that case. It is true to suggest that the counter claim

made by my mother also came to be dismissed. In the year 2010, we came to know about the dismissal of the said suit. We did not had any impediment to file an application to restore the said case. We had impediment to seek the relief sought in this suit in that suit itself. I don't know what is the said impediment. It is false to suggest that since we had all made internal arrangements to settle the matter within the family we have not pursue the said case. It is false to suggest that we have filed this suit to gain wrongfully.

It is false to suggest that on 26.08.1987, Pappamma, Mariyappa, Teresamma and Rayappa have executed a sale agreement dated 26.08.1987 in favor of one C.T.Selvaraj to sell the property bearing Survey No.19/4 measuring 3 acres 28 guntas. It is false to suggest that the above said persons have also executed a General Power of Attorney dated 17.02.1988 in favor of the said Selvaraj. It is false to suggest that said C.P.Selvaraj has formed a layout named Bethalnagar in the said property. It is false to suggest that in the said layout about 150 sites have been formed. It is false to suggest that out of the said sites site No.153, measuring 8400 sq ft has been sold by the said Selvaraj in favor of

one Sabu Mathew under Sale deed dated 16.03.1988. It is false to suggest that the said Selvaraj has executed Sale deed in favor of one Madhu Jacob to an extent of 8400 sq ft under a Sale deed dated 21.03.1988. is false to suggest that the said Selvaraj has executed Sale deed in favor of one Suma to an extent of 8400 sq ft under a Sale deed dated 19.03.1988. It is true to suggest that we have not challenged the above said Sale deeds, General Power of Attorney and affidavit in this case. It is false to suggest that defendant No.40 after coming to know about the Sale deed executed in favor of Madhu, Sabu Mathew and Suma, he got the confirmation deed from them by paying additional sale consideration. It is false to suggest that in the said suit the above said Madhu, Sabu Mathew and Suma were also arrayed as defendants No.2 to 4. It is false to suggest that since defendant No.40 has settled the claim of defendants No.2 to 4 in O.S. No. 1812/2009, the 10 defendant has withdrawn the suit filed by him in respect o said sites.

I don't know defendant No.10 has filed the suit in O.S. No. 1812/2009 on the file of this Court. I have not gone through the written statement averments filed by the defendants No.40 and 41. It is false to suggest that

defendants No.40 and 41 are the bonafide purchasers for valuable consideration and are entitled for exemptions from this case. It is true to suggest that the major portion of Survey No.19/4 has already been developed into residential layout. It is true to suggest that we have not made any constructions over the land bearing Survey No.19/4. It is false to suggest that we are not in possession of the above said property and inspite of that I am deposing falsely before this Court.

Re-Examination: Nil

(Typed to my dictation in open court.)

R.O.I & A.C.

(MAANU K.S)
XXX Addl. City Civil & Sessions
Judge, Bangalore.