

**IN THE COURT OF THE PRL.CIVIL JUDGE & JMFC.
AT KUNIGAL.**

Dated this the 22ND day of February 2017.

O.S.NO. 165/2008

**PRESENT; Sri. Sagar G.Patil, B.A.,LL.B.,
Prl.Civil Judge & JMFC.,
Kunigal.**

Plaintiff:- Sri.Ramachandraiah,
S/o Late Narasigowda @ Motaiah,
Aged about 55 years,
R/o Naganahalli village,
Huthridurga hobli,
Kunigal Taluk.

(Represented by Pleader Sri.K.N.R..)

Vs.

Defendants: 1. Channamma W/o Late Narasimhaiah,
Aged about 54 years,
2. N.Ramachandraiah S/o Late Narasimhaiah
Aged about 45 years,
3. Puttalakshamma,
D/o Late Narasimhaiah,
Aged about 35 years,
4. Late Narayanappa
S/o Late Narasigowda @ Motaiah,
a. Aravindamma,
W/o Late Narayanappa,
Aged about 60 years,
b. Krishna S/o Late Narayanappa,
Aged about 42 years,

Working as a teacher,
Government primary school Dombarahatti,
Kenchanahalli Post,
Huliyurduga Hobli,
Kunigal Taluk.

c. Lakshamma D/o Late Narayanappa,
Aged about 40 years,
R/o Naganahalli Village,
Huthridurga Hobli,
Kunigal Taluk.

d. Gangamma,
W/o Nagaraju(Advocate)
D/o Late Narayanappa
R/o Ajjanahalli Village,
Madbal Hobli,
Magadi Taluk.

e. Nagamma W/o Byregowda,
D/o Late Narayanappa,
Aged about 36 years,
R/o Madegowdana Doddi,
Chinnasandra Post,
Kootgal Hobli,
Ramanagara Dist.

f. Sridhara S/o Late Narayanappa,
Aged about 34 years,
R/o Naganahalli Village,
Huthridurga Hobli,
Kuniugal Taluk.

g. Roopa D/o Late Narayanappa,
Aged about 32 years,
R/o Naganahalli Village,
Huthridurga Hobli,
Kunigal Taluk.

(Defendant 1 and 2 :By pleader Sri.K.N.R.. ..)
Defendant No.3: by Sri.A.R.R.)

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Date of Institution of the suit	06.06.2008
Nature of the (suit on pronote, suit for injunction etc.) suit	Partition and Separate Possession.
Date of the commencement of Recording of the evidence.	04.03.2011
Date on which Judgment was pronounced.	22.02.2017
Total duration.	Year/s Month/s Days/s
	08 08 16

(Sri. Sagar G. Patil)
Prl. Civil Judge & JMFC,
Kunigal .

JUDGEMENT

The plaintiff has filed this suit for the relief of Partition and separate possession in respect of the suit properties and for declaration that to declare the alleged sale-deed dated 26.12.2003 and 27.12.2003 executed by defendant no.2 in favour of defendant no.3 with respect to suit items 2 to 5 and 11 are null and void and not binding to the extent of plaintiff's share and for costs and such other reliefs.

2. The brief facts of the plaintiffs' case is as under: -

The Original propositus Narasegowda @ Motaiah had 3 sons. They are Naasimhaiah, Narayanappa i.e defendant no.4 and Ramachandraiah- the plaintiff. The said Narasegowda @ Motaiah died during the year 1981 and his wife Channamma died during the year 1996 . The defendant no.1 is the wife of Late Narasimhaiah who is the elder son of Narasegowda @ Motaiah. The said Narasimhaiah died during the year 1981 . The defendants 2 and 3 are the son and daughter of said Narasimhaiah. The plaintiffs and defendants are living in the Hindu undivided joint family . There is no partition in the joint family. The suit schedule properties are the ancestral and joint family properties of the plaintiff and defendants and they are in joint possession and enjoyment of the same. The suit item no.6 was granted in the name of defendant no.4 on behalf of the joint family by the Land Grand Committee, Kunigal . The suit item no.6 is also the joint family property. The suit items 3 to 5 and 7 to 12 are the ancestral and joint family properties of the plaintiff and defendants. After the death of Channamma the said properties mutated in the name of defendant no.4 as he is

managing the suit properties . The defendant no.4 being the kartha of the joint family started to mismanaging the suit properties without maintaining proper accounts as to the income derived from the suit properties. The defendants 1 to 4 started to alienate the suit properties.

3. The Plaintiff is working as Conductor in K.S.R.T.C. and he has contributed money for the development and management of the suit items of properties and contributed for improvement of the joint family. The plaintiff and defendants has been cooking separately, but there is no partition in the joint family. The defendants colluded each other and managed to get mutation in their names behind the back of the plaintiff. The plaintiff came to know that the defendants are trying to create encumbrance over the suit properties with an intention to defraud the legitimate share of the plaintiff. Hence, the plaintiff demanded partition and convened panchayath. But, the defendants refused to allot the share to the plaintiff. Hence, this suit.

4. In pursuance of the suit summons, the defendant NO.3 and 4(f) have put their appearance through their counsel and filed separate written statements. The defendant no.3 in the written statement admitted the relationship of the parties and denied all the other plaint averments. There is no cause of action for the suit. The father of defendants 2 and 3, plaintiff and defendant no.4 were partitioned their ancestral and joint family properties through Panchayath Vibhaga pathra dated 10.5.1993 . In the said Panchayath Vibhaga pathra some of the suit properties fell to the share of husband of the defendant no.1 and some of the suit properties fell to the share of defendant no.4 and the plaintiff . The plaintiff and defendant no.4 were living separately and they have been enjoying their respective shares. On the basis of Panchyath Vibhaga Pathra khata and pahani mutated in their names with respect to the properties fell to their share respectively. After the death of husband of defendant no.1 and father of defendants 2 and 3 they sold some properties in favor of defendant no.3 for a valuable sale consideration under a registered sale-deeds dated 26.12.2003 and 27.12.2003. As per the sale-deeds the khata and

pahani mutated in the name of defendant no.3 and the defendants 1 and 2 delivered the possession to defendant no.3 on the date of execution of the sale-deed. Since then the defendant no.3 is in possession of some of the suit properties. The defendant No.3 had filed suit in O.S.No.234/2008 On the file of the Addl.Civil Judge, Kunigal for permanent injunction and the same is pending for adjudication. Hence, prayed to dismiss the suit.

5. The defendant no.4(f) in his written statement admitted the relationship of the parties and denied all the other plaint averments. The suit is not maintainable either in law or on facts. He has contended that his grandmother Channamma acquired 8 landed properties and two site properties from her father Late .Patel Channarayagowda. He further contended that his grandfather Sri.Narasegowda @ Motaiah purchased 6 landed properties. The defendant no.4 (f) has given detailed description of these properties. The plaintiff acquired 5 landed properties in the name of his wife Siddalingamma. This defendant submits that his father Late Narayanappa acquired property in old Sy.No. 53/1 new khata no.230 and house no.17 measuring 4-1/2 guntas

under the compromise decree in O.S.NO. 332/91 on the file of the Munsiff and J.M.F.C., Kunigal. The suit item no.6 was granted in the name of father of this defendant. The plaintiff late S.N.Narasimhaiah and deceased Narayanappa entered into Panchayath Vibhaga Pathra on 10.5.1993 and their mother Smt.Channamma also affixed her L.T.,M. on the said Vibhaga pathra. In the said Vibhaga pathra dated 10.5.1993 A schedule properties fell to the share of Late S.N.Narasimhaiah , the B schedule properties fell to the share of Narayanapa and C schedule properties fell to the share of the plaintiff. On the basis of the Panchayath Vibhaga pathra the revenue authorities effected mutation in the name of three brothers to the properties fell to their shares respectively. The plaintiff has deliberately suppressed the Panchayath Vibhaga Pathra .

6. The plaintiff has acquired 4 landed properties and one house property in the name of his wife Smt.Siddalingamma out of the joint family nucleus and the plaintiff has not included the said properties in this suit. The father of this defendant Narayanappa became owner of the properties fell to his share. The plaintiff is not in joint

possession and enjoyment of the suit properties. The suit of the plaintiff is one for partial partition and therefore, the same is not maintainable. The suit is bad for non-joinder of necessary parties. There is no cause of action for the suit. This court has no pecuniary jurisdiction to try this suit. The father of this defendant and Late S.N.Narasimhaiah were entitled for share in the properties acquired by the plaintiff in the name of his wife Siddalingamma. The valuation of the suit is not proper and the court fee paid is insufficient since the plaintiff is not in joint possession and enjoyment of the suit properties is required to pay court fee under Section 35(1) and not under Section 35(2) of Karnataka Court Fees and Suits Valuation Act. Hence, prayed to dismiss the suit.

7. On the basis of the above pleadings, this Court has framed the following issues :-

1. Whether the Plaintiff proves that suit schedule properties are ancestral joint family properties of plaintiff and defendants.?
2. Whether the plaintiff is entitled to the relief sought.?
3. What order or decree.?

Addl.Issue framed on 03.02.2011

1. Whether the plaintiff proves that the Sale deed dated 26.12.2003 and 27.12.2003 executed by 2nd defendant In favour of 3rd defendant in respect Of suit item no.2 to 5 and 11 is null and void and not binding to the extent of his share.?

Addl.Issues framed on 18.02.2016

1. Whether the Legal representatives of ‘ Defendant no.4 prove that , the suit Of the plaintiff is bad for partial partition.?
2. Whether the defendant proves that there was a partition of joint family and ancestral properties under a partition on 10.05.1993.?
3. Whether the properties purchased under Sale-deed dated 26.12.2003 and 27.12.2003 are the self acquired properties of defendant No.3.?

8. In order to prove the case of the Plaintiff, the Plaintiff has got examined himself as Pw.1 and two witnesses as Pw.2 and 3 and got marked 35 documents as Ex.P.1 to P.35. On the other hand, the defendant No.3 has got examined her self as Dw.1 and two witnesses ;as Dw.2 and 3 and got marked 20 documents as Ex.D.1 to D.20 . The defendant no.4(b) has got examined himself as Dw.4 and got marked 138

documents as Ex.D.21 to D.158 and got examined two witnesses as Dw.5 and Dw.6.

9. Perused the records. Heard arguments.

10. My findings on the above issues are as under:

Issue No.1 – **In the Negative**

Issue No.2- **In the Negative ,**

Issue no.1
framed on 3.2.2011- **In the negative**

Issue No.1 framed
on 18.02.2016. - **In the Negative**

Issue No.2 framed **In the Affirmative**
On 18.02.2016.

Issue No.3 framed - **In the Affirmative**
18.02.2016 -

Issue No. 3 - **As per final order,**

for the following:

REASONS

11. **Issue No.1 and Addl. Issue No.2** : - The relationship of the parties is not in dispute. The plaintiff in order to substantiate his claim got examined himself as Pw-1 and two witnesses as Pw-2 and Pw-3. The Pw-1 has filed evidence an affidavit in lieu of his examination in chief by reiterating the plaint averments and got marked 35 documents

as Ex.P1 to Ex.P35. The RTC extracts of the suit properties are placed at Ex.P1 to Ex.P. 23, wherein the suit item 1 to 3 and 11 stands in the name of defendant No.3 and suit items No.6, 8 to 10 stands in the name of defendant No.4 and suit items 4 and 5 are shown as phade. The same reveals that suit item No.1 to 3 and 6 to 11 stands in the name of family members. The tax demand registered extracts are placed at Ex.P24 to P28, wherein the suit items No.12 stands in the name of defendant No.3 and suit item No.13 stands in the name of defendant No.4. The same reveals that the suit items 12 and 13 also stands in the name of the family members.

13. On the other hand in order to establish their case the defendant have got examined defendant No.3 as DW-1 and defendant No.4 (b) as DW4 and three witnesses as DW2, 3 and 5. The defendants have got marked 158 documents as Ex.D1 to D.158. The Panchayath Vibhaga patra dated 10.05.1993 is at Ex.D12, wherein three sons of Narasigowda i.e. is Narasimhaiah, Defendant No.4 and the plaintiff got partitioned their joint family properties. The plaintiff has denied the execution of the Panchayath Vibhaga Patra. The DW-1 and DW4 have filed

affidavits in lieu of their examination in chief by evidence reiterating their respective written statement averments. The DW1 during her cross examination at the bottom of page No.7 admitted that the suit properties are the ancestral and joint family properties of her grand father Motaiah Urf Narasigowda. As borne out from the records it is clear that except two or three properties all the suit properties belonged to original properties Motaiah Urf Narasigowda. The crux of the matter that whether the defendants are able to prove the earlier partition or not. The answer to this question is going to decide the fate of this case. If the defendants succeeds to prove the earliar partition the plaintiff will be out of court and if the defendants fails to prove the earlier partition the plaintiff will get share in the suit properties. The Dw2 and Dw3 are the attesting witnesses to the panchayat vibhag patra at ExD12. The Dw2 and Dw3 both have filed evidence on affidavit in lieu of their examination in chief and deposed that there was oral partition in between three sons of Narasigowda and subsequently the same was reduced into writing on 10/05/1993 and all the three brothers signed the document and their mother Channamma subscribed her thumb impression on the document by giving her consent and they have signed the document as

attesting witnesses. They have also identified the signatures of the parties to the document, attesting witnesses and the scribe Bategowda. The Dw2 during his cross-examination has denied the suggestions that no Panchayat Vibhag Patra was made. Further during his cross-examination at page No.5 the stated that during 1993 plaintiff's mother Channamma was living and she put her thumbs impression to the document and she also told all the properties shown in the Parikath are the joint family properties. The Dw3 during his cross-examination at the bottom of page No.3 stated that there was partition in the year 1993 as per ExD12 but he does not know the exact date and month. He further stated he does not know the contents of the affidavit filed in lieu of his examination in chief, it is material to note that he stated there was a partition in the year 1993 as per ExD12 then how it can be believed that he doesn't know the contents of his examination in chief. This is nothing but lack of knowledge among the rural folk as to the legal terms such as ಮುಖ್ಯ ವಿಚಾರಣೆ ಪ್ರಮಾಣ ಪತ್ರ . Since the Dw3 has reiterated the contents of his examination in chief in his cross-examination it can not be said that Dw3 does not know the contents of his examination in chief. Therefore, it can be said that nothing material is elicited from the

month of Dw2 and Dw3. The scribe of the document at ExD12 is one Bategowda and he is no more. The son of Bategowda is examined as Dw6. The Dw6 in his examination in chief identified signature of his father Bategowda at ExD12. The Dw4 during his cross-examination at page No.12 stated that he was also present at the time of execution of Panchayat Parikath on 10/05/1993 and denied the suggestions that the plaintiff was not present at the time of Panchayat Parikath and he was on duty in KSRTC. During the cross-examination of Dw2 to Dw4 and Dw6 nothing material is elicited. The same reveals that on 10/05/1993 three brothers i.e., Narasimhaiah, Narayanappa i.e., defendant No.4 and Ramachandraiah i.e., the plaintiff entered into Vibhaga Patra.

14. Apart from this during the trial the defendant No.3 has filed the application seeking to refer the disputed signature of the plaintiff at ExD12 to compare the same with the admitted signatures to the hand writing expert. This court has referred the disputed signature and the admitted signatures to the hand writing expert . After examination and comparison the handwriting expert has submitted his report and opined that the disputed signatures at ExD12 and the admitted signatures are on

and the same. The expert opinion is in consonance with the oral and documents evidence on record therefore, this court find it proper to believe the expert opinion since the expert opinion is tally with the evidence on record this court has no second opinion except to believe the expert opinion.

15. Now the question comes for consideration is that whether the report of the hand writing expert can be considered as evidence without examination of an expert . At this stage it is very relevant to refer the provisions of order 26 rule 10 (2) of CPC, which reads as order.

“ Report and depositions to be evidence in suit: The report of the commissioner and the evidence taken by him(but not the evidence without the report) shall be evidence in the suit and shall form part of the record, but the Court, or, with the permission of the Court , any of the parties to the suit may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to his report, or as to the manner in which he has made the investigation.”

16. In view of the above provision the expert opinion can be admitted evidence though the expert is not examined as witness.

The plaintiff's counsel Mr. G.N has argued that an alleged vibhaga patra dated 10/05/1993 is unregistered document and hence the same can not be admitted in evidence. The counsel for defendant

No.3 Mr. A.R.R argued that the Vibhaga Patra in question is not partition deed but memorandum of earlier partition and therefore the same need not be registered. On perusal of the Vibhaga Patra dated 10/05/1993 there is a recital that oral partition took place 10 years back and they are in exclusive possession of their respective shares and the some one was reduced into writing for the purpose of effecting khata in their names, the same reveals that the document at ExD12 is a memorandum of earlier oral possession. It is settled Law that the document evidencing the partition required to be registered but a memorandum of partition recording earlier oral partition is not required to be compulsorily registered. At this stage it is useful to refer the decision of the **Hon'ble High Court of Karnatraka in Patel Munireddy (Died) by his L.Rs. Vs. Appaiah Reddy and Another.**, reported in **2015 (1) KCCR 214** , Wherein, the Hon'ble Court held that:

“ A. REGISTRATION ACT, 1908- Section 17- Oral Partition –Subsequent document/Palupatti found to be only memorandum of partition – Does not require registration.”.

The above principle of law is apply applicable to the case at hand and therefore the document at ExD12 does not require

registration since the same is memorandum of partition recording earlier - partition and not recording the partition for the first time.

17. The mutation register bearing No.8/98-99 is ExD20, Wherein mutation was effected on the basis of the Vibhaga Patra at ExD12. On perusal of the same , it is clear that the mutation was effected in the year 1999 and till now the plaintiff has not challenged the same. The conduct of the plaintiff reveals that he has also admitted the partition. The RTC extracts at ExD49, D50, D53, D54 to D56, D59 to D64 and ExD116 to D154 reveals that on the basis of Vibhaga Patra revenue records were mutated in the name of Narasimhaiah and defendant No.4. The same indicates that the partition deed at ExD12 is acted upon. The RTC extracts of the suit properties at ExD47, D48, D53, D57, D58 shows that earlier the suit properties were standing in the name of Narasegowda Urf Motaiah . These documents coupled with the admission of Dw.1 during her cross examination that the suit proeprteis belonged to her grandfather Narasegowda makes it clear that the suit properties were the ancestral and joint family properties. The discussion made supra indicates that there was a partition between three brothers i.e Late Narasimhaiah, defendant no.4 and the plaintiff in respect of the suit properties .

18. The suit item no.6 i.e. property measuring 4 acres in sy.no. 76 is not the subject matter of the Vibhaga pathra at Ex.D.12. The defendant no.4 (f) in his written statement contended that the said property was granted in the name of his father defendant no.4 by the Land Grant Committee. The R.T.C.extract at Ex.P.6 shows that suit item no.6 stands in the name of the defendant no.4 and the entries in column no.11 indicates that it was granted by the government. The plaintiff has tried to made out a case that the defendant no.4 was acting as kartha of the joint family and therefore, the same granted in his name for and on behalf of the joint family. Under the Hindu Law, the rule is normally the elder member of the family is the Kartha of the joint family. But, in exceptional cases i.e. to say when the elder member is not in the family the younger members can act as kartha of the joint family. In the case at hand, the defendant no.4 is not the elder member of the joint family and therefore, the heavy burden is on the plaintiff to prove that the defendant no.4 was acting as the kartha of the joint family. But, except the oral testimony of the plaintiff there is nothing on the record that the defendant no.4 was acting as the kartha. The

plaintiff has also not produced any documents to show that the suit item no.6 was granted in the name of defendant no.4 for and on behalf of the joint family. The defendants have placed on record the cancellation of mortgage deed dated 22.09.2012 at Ex.D.31, wherein the defendant no.4 got cancelled the mortgage made by him in favour of I.C.I.C.I. Bank Ltd. The same reveals that the defendant no.4 was exercising ownership rights over the suit item no.6. The same indicates that the suit item no.6 was the self acquired property of deceased defendant no.4.

19. By considering the oral and documentary evidence on record this court is of the considered opinion that the suit schedule property were the ancestral and joint family properties of the plaintiff and defendants and there was a partition in the joint family and thereby the suit properties lost the characteristic of the ancestral and joint family properties. Hence, **I answer issue no.1 in the Negative and Addl.Issue no.2 in the Affirmative.**

20. **Addl. Issue framed on 03.02.2011 and Addl.Issue no.3:**
: - On persusal of the Vibhaga pathra at Ex.D.12 it is clear that the suit items 2 to 5 and 11 fell to the share of Narasimhaiah .

After his death the defendants 1 to 3 inherited the said properties. The original registered sale-deeds dated 26.12.2003 is at Ex.D.1 , wherein the defendants 1 and 2 executed the sale -deed in favour of defendant no.3 in respect of the property measuring 1 acre in sy.no.88. The registered sale-deed dated 27.12.2003 is at Ex.D.2 , wherein the defendants 1 and 2 executed the sale-deed in favour of defendant no.3 in respect of suit items no.1 to 3 and 11 . The same reveals that the defendant no.3 acquired the said properties through sale-deed. The R.T.C. extracts at ex.D.4 to D.7 shows that on the basis of the sale-deeds at Ex.D.1 and D.2, revenue records were mutated in the name of defendant no.3 . The Judgment and decree in O.SNO.234/2008 at Ex.D.13 and 14 reveals that the defendant no.3 herein had filed suit against the plaintiff herein for the relief of permanent injunction and the same was decreed restraining]the plaintiff herein from interfering with the possession of defendant no.3 herein . The same reveals that she is in possession of the properties purchased under the sale-deeds at ex.D.1 and D.2. The Patta book is at Ex. D.9 and Tax paid receipt at Ex.D.10 and 11 reveals that the defendant no.3 is exercising her ownership right over the said properties. The above documents make it clear that the

defendant no.3 is in possession of the suit items 1 to 5 and 11. These properties became the absolute properties of defendant no.3 by virtue of the provisions of Section 14 of the Hindu Succession Act. Since the plaintiff, the husband of defendant no.1 Late Narasimhaiah and the defendant no.4 got partitioned the joint family properties and the suit items 1 to 5 and 11 fell to the share of Narasimhaiah the plaintiff has no right, title or interest over the suit items 1 to 5 and 11. Therefore, he cannot challenge the sale-deeds at ex.D.1 and D.2. Since the defendant no.3 purchased the suit items 1 to 5 and 11 from its lawful owners for a valuable sale consideration the same are her self acquired properties. Hence, **I answer Addl. Issue framed on 3.2.2011 in the Negative and Addl. Issue no.3 in the Affirmative.**

21. Addl.Issue No.1: The Mutation Register at Ex.D.15, 16, the R.T.C. extracts at ex.D.17 is the copy of Patta book at ex.D.19, the sale deeds at Ex.D.21 to 23 the mutation registers at ex.D.42 to 44,. The R.T.C. extracts at Ex.D.70 to 73 shows that number of properties acquired in the name of Siddalingamma who is wife of the plaintiff. But, the defendants have failed to prove the joint

family nucleus to acquire these properties. Moreover, since the partition is proved it cannot be said that these properties have acquired by utilizing the joint family funds. Apart from this, since these properties were acquired in the name of female the same became her absolute property by virtue of section 14 of Hindu Succession Act. Therefore, the property which stands in the name of Siddalingamma are here absolute properties and not the joint family properties. Hence, the said properties need not be included in the suit. Therefore, the suit is not one for partial partition. Hence, I answer **Addl.issue No.1 in the Negative.**

22. **Issue No.2:** In view of the findings on issues no.1 and Addl.Issue No.2 the plaintiff is not entitled for any of the reliefs prayed in the plaint. Further the plaintiff has placed on record the R.T.C.Extract at Ex.P.34 and endorsement issued by the Jodi Hosahalli Grama Panchayath and argued that these documents reveals that the properties that were allotted to the plaintiff's share in the partition at Ex.D.12 are not the joint family properties. In this case, the partition is proved by the defendants and therefore, if the partition is inequitable the remedy left open for the plaintiff is to file a suit challenging the Vibhaga pathra at Ex.D.12 ,but he cannot assert that there was no partition. For

all these reasons the plaintiff is not entitled for any of the reliefs claimed in the suit.

23. **Issue No.3:** For the foregoing reasons , I proceed to pass the following:

ORDER

The suit of the plaintiff is hereby dismissed with costs.

Office to draw decree accordingly.

(Dictated to the Stenographer, transcribed and computerized by her, corrected by me and then pronounced by me in the open court on this the 22nd day of February 2017.)

**(Sri. Sagar G.Patil,)
Prl.Civil Judge & JMFC.,
Kunigal.**

ANNEXURE

1. List of witnesses examined by the plaintiff :

Pw.1 - Ramachandraiah

Pw.2 - Kollapuraiah

Pw-3 - Narayanappa

List of documents marked by the plaintiff :

- Ex.P.1 to Ex.P23 - RTC Extracts
- Ex.P.24 to Ex.P28 - Tax Demand Register Extracts
- Ex.P.29 - Revenue receipt
- Ex.P.30 - Certified copy of the sale deed dated 27.12.2003
- Ex.P.31 - Certified copy of the sale deed dated 27.12.2003
- Ex.P.32 - Certified copy of the judgment in C.C.181/11
- Ex.P.33 - Certified copy of the Attendance Register extract
- Ex.P.34 - RTC extract
- Ex.P.35 - D.Hoshalli Grama Panchayath Endorsement

2. List of witnesses examined by the defendant :

- Dw.1 - Lakshamma
- Dw.2 - Channarayappa
- Dw.3 - Kambaiah
- Dw.4 - N. Krishna

- Dw.5 - Prakash
Dw.6 - Krishnaiah

3. List of documents marked by the defendant :

- Ex.D.1 & D2 - Sale deed dated 26.12.03 & 27.12.03
Ex.D.3- - Encumbrance certificate
Ex.D.4 to D7 - RTC extracts
Ex.D8 & 9 - Patta Books
Ex.D10 & 11 - Revenue receipts
Ex.D12 - Vibhaga patra dated 10.05.1993
Ex.D13 - O.S.No.234/08(Judgment(Certified copy)

Ex.D14 - O.S.No.234/2008 Decree copy.
Ex.15 & 16 - 2 Mutation registers
Ex.D. 17 & 18 - RTC Extracts
Ex.D19 - Patta Book
Ex.D20 - Mutation Register
Ex.D.21 - Registered Sale deed dated 25.10.1990
Ex.D.22 - Registered sale deed dated 17.01.1990
Ex.D.23 - Registered sale deed dated 20.1.1994

- Ex.D.24 - Panchayath Vibhaga Patra
10.05.1993
- Ex.D.25 - Mutation register Extract 8/98-99
- Ex.D.26 - Death Certificate
- Ex.D.27 - O.S. No.332/1991 Order copy
- Ex.D.28 - Application No.1(Form No.)
- Ex.D.29 - Order copy
- Ex.D.30 - Original Registered Hypothecation
deed dated 3.8.1964.
- Ex.D.31 - Cancellation Mortgage deed
dtd.22.9.2012.
- Ex.D.32 - Encumbrance certificate
- Ex.D.33 - Patta Book & Receipt book
- Ex.D.34 & 35 - Voter list for the year 2005 and
2010.
- Ex.D.36 - Original Hypothecation deed dated
10.06.1986.
- Ex.D.37 - Tax demand register extract
- Ex.D.38 & 39 - Notices
- Ex.D.40 - M.R. No.27/1984-85
- Ex.D.41 - Tax demand register extract
- Ex.D.42 - M.R. No.18/1989-90

- Ex.D.43 - M.R. No.12/1993-94
- Ex.D.44 - M.R. No.14/1990-91
- Ex.D.45 to 48 - 4 Handwriting RTC Extracts
- Ex.D.49 & 50 - Computer RTC extracts
- Ex.D.51 to 54 - RTC extracts
- Ex.D.55 to 56 - RTC extracts
- Ex.D.57 to 61 - RTC extracts
- Ex.D.62 to 64 - Computer RTC extracts
- Ex.D.65 - Handwriting RTC extract
- Ex.D.66 - Sale deed dated 26.12.1991
- Ex.D.67 - Mutation register
- Ex.D.68 & 69 - RTC extracts
- Ex.D.70 - Computer RTC Extract
- Ex.D.71 to 92 - RTC extracts
- Ex.D.93 - Mutation register
- Ex.D.94 - Mutation register
- Ex.D.95 - Mutation register
- Ex.D.96 & 97 - Complaint and FIR
- Ex.D.98 - Final report
- Ex.D.99 to 109 - C.C.No.391/08 evidence of

witnesses

Ex.D.110 to 112	-Statements
Ex.D.113	-C.C.No.391/08 Judgment Copy
Ex.D.114	-C.C.No.391/08 Order copy
Ex.D.115	-Dtd. 8.7.68 certified copy
Ex.D.116 to 156	-RTC Extracts
Ex.D.157	-Death certificate
Ex.D.158	-Death certificate
Ex.D.159	- Death Will.

Prl. C.J & JMFC, Kunigal.