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Witness is present and duly sworn on 20.03.2025.

**Examination in chief for the defendant No.1 : by Sri. GK counsel
for defendant :**

I have filed my affidavit in lieu of my examination in chief and whatever I stated in my affidavit is true and correct. The affidavit contains my signature.

(Plaintiff counsel prays time for cross examination. Time granted).

(Computerized to my dictation in the open court as deposed by the witness.)

R. O. I. & A. C.,

(MAMTAZ)

IX Addl. C.C. & S.J., Bengaluru.

Witness is present and duly sworn on 01.08.2025.

Cross examination : by Sri. ARM counsel for plaintiff :

1. SLV Chit Fund Pvt. Ltd. belongs to me. My wife is also the Director in the company. I am running the chit fund. Plaintiff Sri Rama is not a member of the chit fund company. It is not correct to suggest that plaintiff Sri Rama was also the member of the chit fund company and he was regularly paying the chits to the company. It is not correct to suggest that I have issued circulars from the chit fund

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company to the plaintiff. It is not correct to suggest that plaintiff was regularly paying the chits. It is not correct to suggest that the plaintiff is having the habit of collecting the last chit from the company. Witness says that he is not a member.

2. It is correct to suggest that I am also doing the land development business. I used to form the sites and selling the same to the customers. It is not correct to suggest that along with this plaintiff the plaintiffs of the other suits are also the members in land development business. It is not correct to suggest that I have sold two sites to the plaintiff. It is not correct to suggest that plaintiff Sri Ram has collected the last chit of Rs.15,00,000/- and I have paid him Rs.15,00,000/- in cash. Witness says that he is not a member. It is not correct to suggest that after collecting the Rs.15,00,000/- I have not registered the sites in favor of Sri Ram. Witness volunteers that plaintiff has not booked any sites, nor he is the member of the chit fund and there is no transaction in between myself and plaintiff at any point of time.

3. It is correct to suggest that I am not issuing any receipts to our customers. I am running the chit fund company from 2005. It is not correct to suggest that I have issued two cheques as Ex.P.1 and Ex.P.2 in favor of the plaintiff. Ex.P.1 and Ex.P.2 belongs to me but I have not issued the same to the plaintiff. Witness volunteers that Sri Ram has misused the cheques which are in possession of one K.V.Shankar who is my friend. In view of our friendship and transaction along with K.V.Shankar I have issued him cheques. I have not issued Ex.P.1 and Ex.P.2 cheques in favor of Ambabai

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as shown in Ex.P.1 and Ex.P.2. Ex.P.1 and Ex.P.2 cheques are not encashed by K.V.Shankar. Ex.P.1 and Ex.P.2 cheques are of the date 24.10.2018 and 18.10.2018. Witness says that I have issued blank cheques with my signature to K.V.Shankar. I have requested K.V.Shankar why Ex.P.1 and Ex.P.2 cheques are not encashed till 2025. Witness says that the said Shankar has told me that those cheques are missed in his office and he will give it back after tracing the same.

4. Only after receiving the notice I came to know that the said cheques are in the hands of the plaintiff. I have not taken any action against the plaintiff when I came to know that those cheques are in his hands. I have not lodged police complaint against plaintiff in this regard. I have not taken any legal action against plaintiff after I come to know that Ex.P.1 and Ex.P.2 cheques have been misused by the plaintiff. Witness says that Shankar told me that he is ready to come before the court to give evidence on my behalf. Shankar has told me that Ex.P.1 and Ex.P.2 cheques has been missed in his office. I have told Shankar with regard to the suit filed by plaintiff.

5. I do not know whether the said Shankar has taken any legal action against plaintiff with regard to Ex.P.1 and Ex.P.2 cheques. It is not correct to suggest that I have not transacted with the Shankar with regard to Ex.P.1 and Ex.P.2 cheques. Witness says that except giving the blank cheques I have not transacted with Shankar.

6. In view of the transaction in between myself and Shankar I have issued him blank cheques. Even after Ex.P.1 and

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Ex.P.2 cheques I have issued him some other blank cheques also. It is not correct to suggest that I do not know for what purpose I have issued the aforesaid blank cheques in favor of the Shankar. Witness says that those cheques are issued as a matter of friendship. It is correct to suggest that the signatures found in Ex.P.1 and Ex.P.2 belongs to me.

7. I have no connection along with Sri Ram. I do not remember whether I have told in my written statement that I have no connection along with Sri Ram. It is not correct to suggest that in my written statement I have stated that I have issued Ex.P.1 and Ex.P.2 cheques to the plaintiff through my friend. It is correct to suggest that in my written statement I have contended that I have taken a hand loan of Rs 2,50,000/- from the plaintiff. Witness says that it is a different transaction and there is no connection to this case and as well as that transaction. It is correct to suggest that I have stated in my written statement that the availment of hand loan of Rs.2,50,000/- is reflected in my income tax returns. Witness says that it is a different case. I will not produce those income tax returns before this court because there is no connection between those income tax returns as well as this case. I have produced the income tax returns in that case. Witness further says that if I have not produced it I am ready to produce it in the further dates. It is not correct to suggest that since those income tax returns reflects all my transactions I can produce the same before this court. Witness further says that there is no connection between that case as well as this case. It is not correct to suggest that I am not mentioning all my

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transactions in my income tax returns.

8. It is not correct to suggest that I could not have issued Ex.P.1 and Ex.P.2 cheques in favor of Ambabai without any reason. Witness says that I have no connection with Ambabai. It is not correct to suggest that I have issued two cheques in favor of Sriram in O.S.7739/2019. It is not correct to suggest that even in that case also by issuing the two cheques in favor of Sriram I am contending that I have not issued the cheques at all. It is not correct to suggest that even though I have issued the cheques to Sriram I am contending that I have not issued the cheques at all and further for that reason I have not taken any action against her.

9. It is correct to suggest that I have received the information from the bank with respect to dishonor of Ex.P.1 and Ex.P.2 cheques. I have not taken any action against Ambabai when I came to know that Ex.P.1 and Ex.P.2 cheques are dishonored. Witness says that since I am completely aware that there is no connection between the plaintiff and Ex.P.1 and Ex.P.2 cheques I have not taken any action. It is not correct to suggest that I am fully aware that Ambabai has given Rs.14,22,480/- to me after collecting the chits.

10. I am maintaining the statement of accounts in my chit fund.

Question : Can you produce the statement of accounts of the chit fund pertaining to the year 2018-19?

Answer : Once the group is closed we will handover the same to Chit Fund Society.

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11. It is correct to suggest that those documents are available in Chit Fund Society. I have impediments in order to produce those documents before the court. It is not correct to suggest that I have intentionally suppressed those documents before the court thinking that my entire transactions will be known to the court. It is not correct to suggest that I am deliberately lying before the court that I have not issued Ex.P.1 and Ex.P.2 cheques in favor of the plaintiff. It is not correct to suggest that I am duty bound to pay Rs.14,22,480/- in favor of the plaintiff upon Ex.P.1 and Ex.P.2 cheques. It is not correct to suggest that I am deposing falsely before the court even though I know everything about this case.

Re-examination : Nil.

(Computerized to my dictation in the open court as deposed by the witness.)

R. O. I. & A. C.,

(PRASHANTHI.G)
IX Addl. C.C. & S.J., Bengaluru.