

Witness called and duly sworn on 17.12.2022.

Further cross-examination by Sri.A.S.G Advocate for Defendant :

It is true that on 03.10.2018 the defendant had sent email for terminating the earlier contract and refund of the amount of Rs.27,00,000/-. Now the witness is confronted with the email dated 03.10.2018 and the same is admitted and marked as Ex.D.6.

Q: Defendant had given oral instruction to you and sent email dated 03.10.2018 not to present the cheque as she had instructed the bank to stop the payment?

A: Defendant had issued the cheque dated 01.10.2018 and the email was sent on 03.10.2018 and the cheque was already presented for encashment.

It is true that I have given a complaint against the defendant before the R.T.Nagar Police Station and the said complaint is confronted to the witness and the same is admitted and marked as Ex.D.7. I have given the complaint without any force or coercion. The content of Ex.D.7 is true and correct. It is true that I have given a settlement report dated 04.10.2018 before the R.T.Nagar police station and the witness admits the document and marked as Ex.D.8. Witness volunteers she was force to give the settlement report. It is

true that the defendant has given undertaking letter before the R.T.Nagar police station and the witness admits the document and marked as Ex.D.9. It is true that I have given a request for cancellation of trade licence to BBMP and the witness admits the document and marked as Ex.D.10. It is true that on 06.12.2018 I have issued a notice through my counsel to the defendant intimating in regard to the cancellation of trade licence to the BBMP and the witness admits the document and marked as Ex.D.11. It is true that I have issued a notice to my Landlord Naga for requesting to transfer the lease deed dated 25.09.2017 to the defendant and the witness admits the document and marked as Ex.D.12. It is true that my landlord Naga had replied to my notice and in his reply has stated that I have violated the clause 12 of the lease agreement by subletting the premises and the witness admits the document and marked as Ex.D.13. It is true that on 31.12.2018 I have given rejoinder to the reply notice of my landlord and the witness admits the document and marked as Ex.D.14. It is true that I have intimated to the defendant about the rejoinder sent to my landlord Naga and the witness admits the document and marked as Ex.D.15. It is true that on 06.02.2019 my landlord Naga has issued a termination notice

of lease against me and the witness admits the document and marked as Ex.D.16. I have not challenged the termination notice at Ex.D.16. I do not know whether my landlord had closed the premises as I have not taken action against the termination notice. I do not know landlord Naga had let out the premises to Expression Unisex Saloon. It is true that my saloon was above the store of 'More Super Market'. It is true that I have sent a notice dated 20.02.2019 to my landlord Naga and the witness admits the document and marked as Ex.D.17. It is true that I have sent a notice dated 20.02.2019 to the defendant and the witness admits the document and marked as Ex.D.18.

Q: Have you try to negotiate with the landlord Naga after the termination of your lease to let the premises for the defendant?

A: My landlord Naga had called for the negotiation and informed to take Rs.6 lakhs as a final settlement towards the saloon instead of Rs.29 lakhs from the defendant for which I have disagreed.

I do not have any documents to show that there was a negotiation with the landlord and was informed to take Rs.6 lakhs as a final settlement instead of Rs.29 lakhs from the defendant.

Q: You have agreed to transfer the possession, trade licence, amendment of lease from the landlord Naga after the realization of the cheque?

A: Whatever the agreement says.

Q: Do you have any documents to show that the defendant is a proprietor of Purple Tree Unisex Saloon as per Ex.P.7?

A: Defendant herself has given the document.

It is true that the defendant has admitted that she is in possession as a running concern in Ex.P.7.

Q: Have you produced any document to show that you have handed over the entire possession of the Saloon to the defendant?

A: The defendant herself admits to be in possession. Witness shows Ex.P.7.

(Further cross examination deferred on request)

(Typed to my dictation in the open court)

R.O.I. & A.C.

**[Nerale Veerabhadraiah Bhavani]
LXXXVI ADDL. CITY CIVIL JUDGE
BENGALURU CITY.**