

DATED: 19.01.2024 DW.1 PRESENT AND OATH IS ADMINISTERED.

CROSS EXAMINATION BY SRI.PNNR ADVOCATE FOR PLAINTIFF:

I lodged Ex.D.2 by personally visiting concerned police station. In pursuance of Ex.D.2 FIR came to be registered against 2nd defendant and others as per Ex.D.1. It is true that against Ex.D.1 and D.2 police recorded my statement on 18.12.2019, said statement is now marked as **Ex.D.3(a)**. It is true that as per Ex.D.3(a) 1st defendant company was registered in my name and one Shankar Lal. I do not know that as per Ex.D.3(a) said Shankar Lal has retired from 1st defendant company. 1st defendant's company account was maintained by 2nd defendant herein. I have not produced any document to show that 2nd defendant alone was maintaining the accounts of 1st defendant company. It is not true to suggest that as per Ex.D.3(a) I have given distribution-ship of 1st defendant products to 9 other persons. It is true that in the said statement I have also mentioned the name of plaintiff herein and the amount received. One or two weeks prior to Ex.D.2 concerned persons / distributors started asking refund of their amount paid towards distribution-ship and thereby I lodged

compliant as per Ex.D.2. It is true that at that time even plaintiff approached me in this regard. The document now shown to me consist of my signature, said document is now marked as **Ex.P.10**. **Ex.P.10a** is my signature (available in page 20 of defendant's documents).

Question: You have mentioned in Ex.D.10 that I am responsible for all business transactions and all your acts shall be binding on the business?

Answer: 2nd defendant has taken my signature on Ex.P.10.

1st defendant company has been closed at that point itself. I have not produced document to establish that 1st defendant company got closed long back.

Question: Whether you have any difficulty in producing bank statement and IT returns of 1st defendant?

Answer: I have to ascertain whether same is available or not.

After one year from opening of 1st defendant company, it came to my knowledge that 2nd defendant is playing fraud on me. It is not true to suggest that prior to said one year I have taken all benefits from 1st defendant company. I have not asked 2nd defendant in this regard either by issuing email on behalf of 1st

defendant or by sending email to him. It is true that I was the authorized signatory to sign the cheques for 1st defendant so also other documents. I have met plaintiff only once that too in the police station when I was present to lodge the complaint. I have not given any notice in writing to the concerned bank asking them not to entertain the cheques issued on behalf of 1st defendant alleging forging of my signature by 2nd defendant. It is true that the signature now shown to me in Ex.P.9 is my signature. Said signature identified by the witness is now marked as Ex.P.9(a) to (h). It is true that plaintiff has deposited Rs.5,00,000/- by online to the 1st defendant company. It is not true to suggest that during October and November of 2019 plaintiff approached me seeking to refund the amount of Rs.5,00,000/- or to supply the materials as per distribution agreement. It is true that plaintiff in this regard lodged complaint against me which is as per Ex.P.3. It is true that in pursuance of Ex.P.3 lodged by plaintiff concerned police registered FIR against myself and 2nd defendant as per Ex.P.2. It is not true to suggest that subsequent to filing of police complaint by plaintiff as per Ex.P.3, I have given police compliant as per Ex.D.2. It is true that plaintiff got issued legal notice as per Ex.P.4 and I have issued reply through my

counsel as per Ex.P.7.

2. It is true that in my Written Statement I have not taken any such defense that I am in no way connected with 1st defendant company. It is not true to suggest that since I am director of 1st defendant company and plaintiff has deposited amount of Rs.5,00,000/- to the account of 1st defendant company, I myself is liable to the claim made by the plaintiff. Except Ex.D.1 and D.2 I have not filed any civil case against 2nd defendant for recovery of amount. It is not true to suggest that 2nd defendant is not at all liable to pay any amount to me. It is not true to suggest that just to decisive the claims of plaintiff I lodged Ex.D.1 and D.2 and deposing falsely before this court in this regard. It is not true to suggest that I am liable to pay the amount claimed by the plaintiff.

Re-examination: Nil.

(Typed to my dictation in the open court.)

R O I & A C

**(LATHAKUMARI M)
LXXXV ACC & SJ, BENGALURU.**