

DATED: 08.01.2026 PW.1 PRESENT AND OATH IS ADMINISTERED.

CROSS EXAMINATION BY SRI.AS ADVOCATE FOR DEFENDANT:

I am acquainted with the plaintiff since 2013. I had joined the plaintiff as accounts assistant. Presently I am working as a senior clerk with the plaintiff. I am a B.A. Graduate. I have not done any course in accounts. Plaintiff is a partnership concern. Smt.Leela and Chaya are the partners. There is a resolution authorizing me to file the suit and conduct the proceedings. The said resolution is produced to the court. It is false to suggest that no such resolution is produced to the court. The firm Rashmi Gas Distributors has been constituted about 25 years back. At that time Leela K Murthy and Sheela Shetty were the partners. I do not know when Sheela Shetty exited from the firm.

2. One Mr.Gopalakrishna Shetty is the owner of the defendant. Swathi Hotels were conducting the business with us since 2013. They had no transactions with us in 2012. They were obtaining cylinders from the plaintiff for their 4 outlets at Rajajinagar, Sahakarnagar, Nagarabhavi and Dasarahalli. Apart from them presently we are also supplying

to 3 other outlets at HSR Layout, Swathi Central Kitchen and at Koramangala. I do not know since when cylinders were supplied to the outlets at HSR, Central Kitchen and Koramangala. Rajajinagar outlet used to take 4 to 5 cylinders per day. To the Sahakarnagar outlet cylinders were supplied 2 to 3 days once about 25 in number. To the Nagarabhavi outlet cylinders were supplied once in 2 days about 10 to 15 in number. To the Dasarahalli outlet cylinders were supplied once in 2 days about 7 to 10 in number. To the HSR outlet cylinders were supplied once in 3 days about 10 in number. To the Koramangala outlet cylinders were supplied once in 3 days about 7 to 10 in number. To the Central Kitchen outlet cylinders were supplied alternate days about 30 in numbers.

3. At the Nagarabhavi outlet there has been a supply of 204 cylinders but I cannot say the date. I cannot say the date and year. After taking supply of 204 cylinders the outlet had not taken any supply for about 15 days. I have produced the delivery receipt with respect to delivery of 204 cylinders. It is true that Nagarabhavi outlet used to take 7 to 8 cylinders per day as per my statement. We have not enquired with in Nagarabhavi outlet for what purpose they require 204 cylinders.

Witness further says they had taken it at the month end before raising of the prices. No indent was placed by the any of the outlets in writing. It used to be either over phone or messages. The indent for 204 cylinders was over phone.

4. I joined the plaintiff in the year 2010. The orders were to be placed with one Suma. Thereafter it was been placed with me and some times with the delivery boys. Suma left the plaintiff in the year 2015. Till then she was receiving the orders for supply. After leaving the plaintiff Suma has not rejoined the plaintiff. Apart from Nagarabhavi outlet no other outlet has taken bulk supply. The prices of the commercial cylinders would vary every month from 2010 to 2017 I have witnessed price variation starting from Rs.4/- to Rs.6/- to Rs.200/- per cylinder. I do not remember in year which there was a price variation of Rs.200/-. I can produce the yearly price variation chart to the court if required. I do not know when the maximum price variation had taken place and in which month during July to December 2013.

5. The defendant was not buying cylinder from any other person apart from the plaintiff. The outlet which had

taken more cylinders would be circulated among the other outlets from where the empty cylinders would be taken. If it is suggested that the accounts pertaining to each outlet for every year would be closed by that year, witness says they would maintain a running account which would be carried forward year to year.

Further Cross Examination: Deferred for want of time.

(Typed to my dictation in the open Court.)

R O I & A C

**(ARJUN S MALLUR)
LXXXV ACC & SJ, BENGALURU.**