

Witness present and duly sworn on 15.11.2025.

Further cross examination by Sri.HPL advocate for the D.Hr:-

Note:- Counsel for D.Hr drawn attention to para 15 of cross examination of witness, wherein witness has admitted to have filed OS.No.489/2022 as per Ex.P30. However, documents pertaining to said suit is marked as Ex.P31 and hence, said word "Ex.P30" statement shall be read as "Ex.P31".

17. I had not received certificate of fit for occupation though I had applied for it. There is a Sharing Agreement in order to show sharing of Apartments units between Developer and Owner in the ratio of 60:40. I have orally requested extension of time for completion of project in view of pendency civil suit. I had not made such request in writing. It is false to suggest that I am

not party in OS.No.489/2022. Witness volunteers, we ourselves have filed said case. It is true to suggest that in said case, D.Hrs are not party. Witness volunteers, said suit is between myself and other customers.

18. It is false to suggest that Ex.P42 to P48 photos are created for the purpose of this case. It is false to suggest that the completion work visible in Ex.P41 to P48 has been carried out by the D.Hrs themselves and not by me. It is false to suggest that D.Hrs have completed construction of said apartment on their own costs after cancellation of Joint Development Agreement.

19. It is false to suggest that all Sale Deeds produced by me in this case, which depict sale of units in favour of 3rd parties are being created for the purpose of cheating D.Hrs. Witness volunteers, after completion of project, same have come to my share and I have sold the same to buyers. It is false to suggest that till today, the shared units of Apartments are not yet identified between myself and D.Hrs.

20. It is false to suggest that as per Ex.P10, I was bound to form a co-operative society. Witness volunteers, it is not related to me and owners have to form such residents association of unites. It is true to suggest that

till today, khatas of plots are not effected by Revenue Authority of Chandapura. Witness volunteers, though I had filed application for granting e-khata, same is not done due to objections raised by other side. I had addressed Ex.P14 letter to BESCO authority to cancel power sanctioned in the name of other party for the project. It is false to suggest that till 08.01.2025, there was no power connection to entire building of the project. It is false to suggest that till today, I have not produced the work order with regard to supply of electricity by BESCO authority.

21. As per Ex.P16 certificate, I have obtained documents from Sub Registrar office. I have not produced documents showing applying of digital certified copies of above sale deeds. It is false to suggest that D.Hr has sold plot No.03 on 15.02.2023 after completion of project by them. Witness volunteers, they have sold it after completion of project by me. It is false to suggest that on 03.08.2022 to 12.11.2024 I was residing in my address mentioned in Joint Development Agreement and address of cause title of this petition. It is false to suggest that in order to avoid notice of execution petition, I have falsely stated with regard to shifting my place from above address to the address of HSR Layout. Witness

volunteers, since beginning I was residing at the address of HSR Layout.

22. It is false to suggest that a warrant had been issued in respect of cheque case pertaining to legal notice dated 12.11.2024. It is false to suggest that till 12.11.2024, I have avoided service of summons, notices to my address mentioned in cause title and subsequently, I have created the new address to avoid further service of such processes.

23. I am aware about amendment of present petition and I had approached Hon'ble High Court of Karnataka in that regard. I have not challenged amendment as I was not aware about filing of this case itself. It is true to suggest that at the time of filing petition before Hon'ble High Court of Karnataka, I had given instructions to my counsel by giving amended petition. It is false to suggest that after knowing amendment of prayer (a) and (b) of the petition, I had challenged the same before Hon'ble High Court of Karnataka as an appropriate remedy.

24. It is true to suggest that I have not filed rejoinder to objections statement filed by D.Hr in Writ Petition No.594/2025. I do not know if, D.Hr has cancelled

my GPA on 11.06.2018. It is false to suggest that for said reason, I had no right and authority to sell the flats / units of project Apartment after 11.06.2018. Till today, I have not challenged revocation of GPA deed. Till today, I had not paid Rs.18.00 Lakhs damages as per compromise effected before Arbitration Tribunal. Witness volunteers, as I completed the building work, there was no need of paying said amount.

25. It is true to suggest that purchasers who had purchased flats in apartment had approached Consumer Forum against me. It is true to suggest that as per sale deeds produced by me, I have sold the flats in capacity of GPA holder. Nanjappa had expired even prior execution of JDA. It is true to suggest that on 07.05.2007 Nanajappa was alive. I do not know correct date of death of Nanjappa. It is false to suggest that at the time of execution of all sale deeds produced by me, Nanjappa was not alive. It is false to suggest that Nanjappa expired in the month of October 2007 and I was aware about said facts.

(At this stage, further cross examination of witness is deferred as heavy matters are posted today)

(Typed to my dictation in the open court)

R.O.I & A.C.,

(ANAND T. CHAVAN)
LXXXIV Addl. City Civil & Sessions Judge,
(CCH-85) Commercial Court, Bengaluru