

Witness duly sworn on 11.10.2023.

4. Further cross examination by Sri.RAC for D1: It is true that we have filed Com.Ptn.No.161/2016 before the Hon'ble High Court, with respect to the same claim. Now I see certified copy of the petition in Com.Ptn.No.160/2016 and it is true that we have filed the

said petition. The same is marked as **Ex.D1**. Witness volunteers the said petition is filed by a different company against the defendant. I am not aware of both matters being clubbed listed together.

5. It is true that the 1st defendant is making payments in Com.Ptn.No.161/2016, but I am not aware of the payments made a Com.Ptn.No.160/2016. We have received Rs.2,35,00,000/- from the 1st defendant as stated in para No.19 of my affidavit. It is true that after filing my affidavit evidence we have received Rs.45,00,000/- in all from the 1st defendant. I agree that this amount of Rs.2,80,00,000/- is received by us in Com.Ptn.No.161/2016.

6. I am not aware of receiving Rs.2,14,00,000/- towards Com.Ptn.No.160/2016 from the 1st defendant. It is false to suggest that on my insistence cheque was issued in favour of GK Steels in Com.Ptn.No.160/2016.

7. We have made payment of Rs.5,00,00,000/- in all to the 1st defendant on 22.05.2012, 24.05.2012 and

25.05.2012 as stated in para No.4 of my affidavit. It is false to suggest that there was no agreement with regard to payment of interest at 24% p.a., the deed of mortgage at Ex.P3 provides for interest at 24% p.a. I do not remember the date of execution of this document, but it was in April 2014.

8. It is not correct to suggest that no date is mentioned in Ex.P3, it is mentioned as 04.04.2014 on the 1st page. It is true that Ex.P3 is stamped on 07.06.2017 and I paid the fees for stamping the document. It is true that 1st defendant and its Directors were not present when Ex.P3 was stamped.

9. Now I see Ex.P3 I agree the date is not mentioned, but month and year of execution is mentioned as March 2014. The promoter of the 1st defendant was the owner of the properties mortgaged under Ex.P3. It is true that the 1st defendant was not the owner of the properties mortgaged under Ex.P3.

10. I have stated in para No.10 of the affidavit that the

parties agreed to the time lines for repayment of money and interest. The timeline is mentioned in para No.1 of Ex.P3. It is false to suggest that Ex.P3 is not executed by the 1st defendant or its Directors. It is false to suggest that we have created this document to over come limitation.

11. I agree that Ex.P3 is not signed by witnesses. I have also not signed Ex.P3. It is false to suggest that the 1st defendant being not a party to Ex.P3 is not liable to pay any interest. It is not correct to suggest that we are filing cases repeatedly against the 1st defendant in respect of the same claim.

(Further cross examination deferred to 31.10.2023 at the request of D1's Counsel finally)

(Typed to my dictation in the open court)

R.O.I & A.C.,

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