

Witness duly sworn on 31.10.2023.

12. Further cross examination by Sri.RAC for D1: I

I agree that the notice Ex.P9 is issued on the behalf of M/s G.K. Ispat and not the plaintiff. G.K. Ispat and G.K. Steel are not one and the same. Ex.P15 dated 26.02.2016 is the 1st defendant's reply to Ex.P9 stating that the suit properties are mortgaged to defendants 2 and 3.

13. According to me Ex.P3 is executed in 2014. I am not aware of the plaintiff issuing rejoinder to Ex.P15 claiming that there was already a mortgage in its favour. It is false to suggest that rejoinder was not issued as there was no mortgage in favour of the plaintiff.

14. I am not aware of the plaintiff supplying steel worth Rs.95,00,000/- to the 1st defendant in 2011. I agree that Ex.P9 refers to debit note No.GKS11-12/363 for Rs.53,43,130/-. It is false to suggest that the 1st defendant is not liable to pay any amount with respect to this debit note and plaintiff has concocted the same.

15. I was present when the mortgage deed was executed. Except Srinivasa Raju who has signed the mortgage deed I do not remember the name of the others present at the time of execution. It is false to state that Ex.P3 is created by us and Srinivasa Raju has not executed the same.

16. Now, I see Ex.P8 dated 18.12.2015. It is true that the certified copies of the all the title deeds of the suit properties are stated to be deposited with us. I do not know what is these documents are but we have them. I can produce the same before the court.

17. We had passed resolution with regard to sanctioning loan to the 1st defendant. The said resolution is not produced in this case. As per Ex.P9 the 1st defendant had placed orders for supply of iron and steel for more than Rs.25 Crore. We had good business relationship with the 1st defendant. It is false to suggest that because of the good relationship we had loan of Rs.05 Crore was advanced without interest.

18. It is false to suggest that on 16.11.2022 and 05.01.2023 when the 1st defendant issued cheques for Rs.50,00,000/- each, we insisted that it should be issued in the name of G.K. Steels. I agree that Ex.P10 and P11 are not relevant to this case.

Cross examination by D2, 3, 4 and 6: Nil as there is no representation for defendants 2 to 4 and 6th defendant has remained absent.

Re-examination: Nil.

(Typed to my dictation in the open court)

R.O.I & A.C.,

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