

Witness called and duly sworn on 13.12.2022.

Cross-examination by Sri.NGK Advocate for Defendant No.1 to 3 :

Plaintiff firm carries on consultancy services such as Hardware, Manpower Services, Engineer Service etc.,. I am the proprietor of the plaintiff firm. I am the sole decision making of the plaintiff firm. Since 2017 I know the defendant company. I do not know the services provided by the defendant company. Defendant have sent the mail and called me. I have produced the mail sent by the defendant.

Q: Can you say what does the mail discloses?

A: In the mail, the defendant has sought for computers.

I have responded to email of the defendant by stating in regard to the configuration and the price list etc., I have not produced the said mail before the court. Witness volunteers the said mail is not produced as it pertains to Broad Vision Prospective (Studio-56), which is the sister concerned of the defendant. It is false to suggest that the defendant has not sent a email requesting for the services.

Q: Can you briefly explain your business?

A: Company will ask for the requirement and will provide the services in respect of Mechanical, Automotive, Aerospace, System

services, Server, High end Work station, Storage etc.,

Q: How do you raise the invoices?

A: On a monthly basis.

Q: Do you have agreements with the other companies?

A: I have agreements with the big companies. Usually small companies do not enter into the agreements.

I do not have service agreement with the defendant.

Q: Your arrangement with the defendant company is on month to month basis?

A: No. Witness volunteers at the initial stage the prices are fixed between the plaintiff and the defendant based on the configuration and different systems and on that basis the invoices are sent.

It is true that as and when the defendant requires services, the plaintiff has provided the service.

Q: As and when the defendant made the request, the software will get change?

A: I am not involved in software but only hardware.

It is false to suggest that the defendant has sent several mails in regard to my deficiency. I only provide systems. I am not involved in software or its up-gradation. I do configuration. Witness volunteers

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PW.1

M.S.Sudarshan

configuration and software up-gradation are different. It is false to suggest that in the month of December 2018, the defendant has requested the plaintiff for configuration up-gradation in the system provided by me. In the year 2018 the dispute between the plaintiff and defendant aroused but I do not remember the month. I have raised the invoice from 2017 till the dispute as arisen. It is true that the defendant has paid the bills raised against the invoice for the year 2017-18. Witness volunteers the defendant has made delayed payments. I have sent email in regard to the delayed payments. I have produce the email correspondence in regard to the delayed payments for the year 2017-18. There was delay of 4 to 6 months in making payment.

Q: Do you continue to provide services inspite of their being a delay of 4 to 6 months?

A: I have provided the services inspite of delayed payments. Witness volunteers all the hardware is with the defendant and they have to provide service.

Q: If the defendant fails to make payment for one long years, do you still provide services?

A: I can not sustain for one year.

I have not personally approach the defendant company in regard to the delayed payments. Witness volunteers he has sent emails. I was not personally aware of the directors of the defendant and as such I could not contact. Witness volunteers he was constantly sending emails to the coordinate of the defendant.

Q: Do you know who is Kalyan?

A: I know Kalyan.

I do not know his position in the defendant company. Witness volunteers he was coordinating with Kalyan. I have not made any attempt to contact the directors of the defendant company in regard to the delayed payments for the year 2017-18. Witness volunteers many of the company make delayed payment. I know where the defendant company is situated. Witness volunteers he has not visited the defendant company but his boys have visited to supply the systems. It is false to suggest that I have visited the defendant company and thereafter sent 3 to 4 emails.

Q: Now the witness is confronted with the email dated 04.02.2019 marked at Ex.P.6 and the relevant page is marked as Ex.P.6(a) and asked the said email is address by you to the defendant?

A: Yes.

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PW.1

M.S.Sudarshan

(Further cross examination deferred on request of the counsel

for the defendant)

(Typed to my dictation in the open court)

R.O.I. & A.C.

[N.V.BHAVANI]

LXXXVI ADDL. CITY CIVIL JUDGE

BENGALURU CITY.