

WITNESS CALLED AND DULY SWORN ON 12.06.2025.**CROSS EXAMINATION BY SRI.A.K.S., ADVOCATE FOR THE DEFENDANT:-**

1. I am a Chartered Accountant. I am not the employee of Plaintiff No.1 and 2. I am running Chartered Accountant office by name 'Sunil Swamy and Co', having its office at No.8/4, 3rd floor, Gurumurthappa Garden, Sarakki Main Road, JP Nagar 1st phase, Bengaluru – 78. My e-mail ID is sunil@sunilswamy.in It is true to suggest that, Plaintiff No.1 and 2 are my clients.

2. I was not provided any service to Embassy group or its sister concern. I am unable to say exact date of plaintiffs engaging me in providing C.A.service. I was not present at the time, when the terms and conditions of the Tenancy were finalized by the Plaintiff and Defendant as stated in the Plaint. It is true to suggest that, I am bound by the duty to maintain the confidentiality of the information given by any party in respect to their service. It is true to suggest that, the Defendant firm sent information to me because I am the C.A. of Plaintiff firm.

3. I don't have any knowledge to certify the title of immovable property. I am not aware about the Company Application No.242/23 filed in the Hon'ble High Court of Karnataka by the Plaintiff No.1. I am not aware about the order passed on 14.03.2025 by the Hon'ble High Court of Karnataka in Company Application No.242/23 to inter alia declare the sale deed dtd.21.05.2012 executed in favour of plaintiff No.1 to be void.

4. Based on the information provided by the plaintiff, I have stated in my affidavit evidence as the plaintiffs are the absolute owner of the Suit Schedule Property. I am unable to recall which document I had gone through to conclusion that at the time of preparing my evidence affidavit, as the plaintiffs are the absolute owner of the Suit Schedule Property.

5. I have not provided any C.A. services to 'United Greweries holdings Ltd.' I had given C.A. service to 'UB Global'. I am not aware about V.Shashikanth being the partner of 'UB Global'. I am not aware about V.Shashikanth is Son of T.B.Venkatesh. I am not aware about the who are the partners of plaintiff no.1 on 21.05.2012, because I have started my service to the plaintiff only in 2016. None of the plaintiffs are the part of e-mail which was produced at Ex.P.9 and 12. Page no.43 at Ex.P.12 is issued by me, it is marked as Ex.P.12(a).

6. I am not aware about the partners when the firm was incorporated. As on 04.08.2022, I cannot recall that, who were the partners of the Plaintiff firm. On the oral authorization of the plaintiff, I am deposing before the court. On the basis of Bank statement, I can say that, Defendant has paid the Rent upto 2018. Witness volunteers that, I have not seen the bank statement in Court file, that must be in my office.

Question: On basis of which document, have you made your statement in para no.4 of your evidence affidavit and please identify the document ?

Answer: On the basis of previous Invoice before I started the service to the plaintiff, I have prepared the calculation of Rent.

7. It is true to suggest that, I have not produced any document to substantiate what is stated in para no.4 of my evidence affidavit. It is true to suggest that, I have not produced any document to substantiate what is stated in first 4 sentences in para no.5 of my evidence affidavit. It is false to suggest that, I have not produced any document to substantiate what is stated in para no.6 of my evidence affidavit, witness volunteers that, he had produced e-mails. E-mail as per Ex.P.12(a) I have mentioned the information in para no.6 of my evidence affidavit. I don't know the discussions between the Defendant and plaintiff regarding to payment of delay and interest of Rent.

8. I am unable to identify the e-mail in court file as plaintiff have made several attempts to resolve the issues amicable with Defendant as stated in para no.7 of my evidence affidavit. E-mail dtd.07.03.2018 at 13.53pm is the basis of which I have made statement in para no.7 of my evidence affidavit that the Defendant had acknowledged the amounts due.

FURTHER CROSS EXAMINATION: DEFERRED AT THE REQUEST OF ADVOCATE FOR DEFENDANT.

(Typed to my dictation in open court.)

R.O.I & A.C.,

sd/-

(VIDYADHAR SHIRAHATTI)

LXXXII ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.