

Witness present and duly sworn on 05.08.2024.

**Cross examination by Sri.AKA for the defendant:-**

6. Because of Covid-19 the plaintiff firm has stopped the business. Now, it starts in Tirupati as we all as HSR layout, Bengaluru. No intimation was given to the defendant through email or letter immediately regarding the plaintiff will not continue the business after lifting Covid-19 in the month of June 2020. Witness volunteers it was not in June 2020 but July 2020. Now, the witness is shown Ex.P14. It is stated in the Ex.P14 regarding good business of my restaurant only on Saturdays and Sundays. I do not want to comment on other restaurants regarding their business on Saturdays and Sundays.

7. I have not produced any documents to show that who had been to the defendant to recollect the equipments fixed there, on which date and time. Witness volunteers that but I have sent an email in month of August 2022. Before also I had sent an another email but there was no answer by the defendant. It is false to suggest that I have not sent any email as I depose. I do not know the financial position and business model in respect to the defendant. It is false to suggest that I have not mentioned anyone of the any one of the equipment fixed in the defendant mall either in my affidavit or in the plaint. It is false to suggest that I am deposing falsely.

8. The time limit fixed in Ex.P1 is 60 days. There is no letter correspondence between the plaintiff and defendant regarding extension of time, immediately after expiry of the time mentioned in Ex.P1. It is true to suggest that regarding all the payments, discussions, negotiations and emails only I have dealt with the defendant not by the Proprietor of the plaintiff firm. Witness volunteers that I am a power of attorney holder for the proprietor. It is true to suggest that I interacted with Vaibhav More, Gourav and Sreenivas as well as Ashwin while dealing with defendant.

9. Now, the witness is shown a copy of the email dated 03.11.2020 regarding New Franchisee. Since the witness has identified the document, it is marked as **Ex.D7**. Go Italia was our one of known friend who wanted to come and take over this unit and clearing all pending payments. There was approximately Rs.3.00 Lakhs balance. The plaintiff firm has succeed in bringing the new Franchisee and cleared the balance. The Franchisee was an individual and he is Prasanna Kumar. I have not produced any documents regarding the Franchisee - Prasanna Kumar. Witness volunteers that Prasanna Kumar had paid Rs.5.00 Lakhs to me to clear the pending payments and move on with the agreement but I received the email from the defendant to pay Rs.6.00 Lakhs. Hence, the Franchisee stepped back.

10. I paid Rs.3.00 Lakhs to the defendant. Now, the witness is shown Ex.P12. Approximately, two three days prior I have started with Junior staff. Approximately during Christmas

2020 I started with Senior staff. It is true to suggest that the defendant has no concern for with I started my business with junior staff or senior staff. It is false to suggest that only apart from security deposit of Rs.9,75,400/- paid in February 2020 and the rent of Rs.1,82,875/- paid in the month of February 2020 and Rs.16,872/- paid in April 2020 and till December 2020 I had not paid any amount.

12. Now, the witness is shown Ex.P17. There is no mention regarding payments during April 2020 to November 2020 in Ex.P17. Witness volunteers that in October 2020 itself the plaintiff wanted to exist. Hence, no question of payments after October 2020. I made payment of Rs.3.00 Lakhs in the month of January 2021. It is true to suggest that as per Ex.P1 the rent free period is 30 days only from the date of signing the LOI or store operation.

13. **Question:** Immediately after expiry of 30 days as per Ex.P1, did you start operation?

**Ans:** I was not allowed in the Mall.

14. No complaints have been lodged regarding not allowing me in the Mall to operation. It is false to suggest that I have not sent any email or write any letter to defendant requesting allow me to go inside the Mall and start my restaurant. Witness volunteers that I have sent email. I can produce the emails.

**(For further cross examination - deferred)**

(Typed to my dictation in the open court)

R.O.I & A.C.,

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