

DULY SWORN ON: 07-07-2025

**CROSS-EXAMINATION BY Sri. RK THE COUNSEL
FOR Plaintiff :**

I admit that D3 is the power of attorney holder of D1. It is true to suggest that D3 was instrumental in getting the contract executed between D1 and plaintiff. The two agreements between D1 and plaintiff for which D3 signed as the attorney holder of D1 are for internal electricity work and second for plumbing and sanitation.

2. It is true to suggest that the document now shown to me is the above agreement for internal electricity work and since witness has admitted the said document it is now marked as **Ex. P.13** (Document No. 2 produced along with the Plaint at page 18 to 89). It is true to suggest that the document now shown to me at Ex. P. 2 is the work order dated 7/4/2014 executed by D3 on behalf of D1 for plumbing and sanitation work. It is true to suggest that as the power of attorney holder of D1, I have negotiated the terms of the two agreements for

internal electricity work and plumbing and sanitation with the plaintiff. Witness volunteers, the negotiation was done along with D4, who was the facilitator. It is true to suggest that the said terms and conditions of the agreements negotiated by D3 was also accepted by D1 who is the principal employer.

- 3.If it is suggested to me that being the representative and having full authority to represent D1 under the power of attorney, I have entered into the contracts with plaintiff, I say. I have entered into contracts with the plaintiff under the terms of the tripartite agreement and also the power of attorney. The said, tripartite agreement is between D1, D3 and D4.It is true to suggest that plaintiff is not a party to the said tripartite agreement. It is true to suggest that under the GPA dated 19-5-2012, authority is given to D3 by D1 to represent D1 and to make payment to all the vendors including the plaintiff.

Witness volunteers, the name of the plaintiff is not specifically mentioned but authority is given to make payment to all the vendors which includes the plaintiff since plaintiff is also a vendor. It is true to suggest that said GPA is at Ex. D5 which is now shown to me.

4. IF it is suggested to me that under Ex. D5, D3 has opened bank account in the name of D1 and made certain payments to the plaintiff, I say the bank account was actually opened by D1 - HUF itself, but we were given the authority to operate the said bank account. It is true to suggest that in operating the said bank account, certain payments are made to plaintiff.

5. It is true to suggest that I have not produced any document or material in support of my statement that the said GPA dated 19/5/2012 has been terminated on 26/6/2019. It is false to suggest that I have not produced any material because the said GPA has not

been terminated. It is true to suggest that I have not produced any material to show initiation of arbitration proceedings between D1 and D3. It is true to suggest that D3 has acted on behalf of D1 and acted as the power of attorney holder of D1 as per the powers conferred on D3 under the above GPA dated 19.5.2012.

6. It is false to suggest that D3 is also jointly and severally liable to pay the suit claim to the plaintiff, since D3 is the power of attorney holder of D1 and under the power of attorney D3 also has a responsibility to make payment to the plaintiff. It is false to suggest that D3 is liable to pay the suit claim to the plaintiff. It is false to suggest that although D3 has admitted the due amount in the written statement, D3 has wrongly shifted the liability to the plaintiff only to unjustly enrich it itself.

Re-examination by counsel for D3 : I put it to you that as per the terms, the payment has to be made to the

plaintiff from a particular bank account. Can you tell which is that bank account? (Question disallowed because it is not directed towards any ambiguity brought out in cross-examination and hence impermissible in re-examination. **Hence, re-examination taken as nil.)**

**(Computerized to my dictation in the Open Court as
deposed by the Witness)**

R.O.I. & A.C.,

(SUDINDRANATH.S.)
LXXXIII ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.