

Witness present and duly sworn on 31.10. 2025.

EXAMINATION-IN-CHIEF BY SRI.UF ADVOCATE FOR DEFENDANT No.1 and 2:- (through VC)

I have filed affidavit in lieu of my examination in chief and I further verify and confirm that what are all stated in my affidavit are true to the best of my knowledge and information.

THE DOCUMENTS PRODUCED BY ME MAY BE EXHIBITED ON MY BEHALF

SL. No.	Particulars of documents	Exhibits
1	Original GPA dated. 26.04.2019	Ex.D.10

I pray to dismiss the suit.

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

It is true to suggest that Raja farm property belongs to my H.U.F. It is true to suggest that the HUF has entered into an agreement dated 19-05-2012 with D3 and D4.I have read the plant in the present suit.

2.If it is suggested to me that in the Plaint no relief of specific performance or compensatory reliefs are sought, I say I do not recollect. If it is suggested to me that D3 and D4 have acted as per the agreement executed by the HUF, I say they have not and that is why the agreement was cancelled. If it is suggested to me that I have not produced any document to show that the agreement has been cancelled, I say I do not recollect. It is false to suggest that the agreement between HUF and D3 and D4 has not been cancelled. It is false to suggest that even as on date, the GPA dated 19-05-2012 has not been cancelled, and it is still in force. If it is suggested to me that under the agreement and GPA, the HUF has allowed the D3 and D4 to operate the bank accounts of the HUF, I say that there are in fact two GPAs, both dated 1905-2012, and in one GPA between HUF and D3 and D4, they have been permitted to operate the bank account only of the project.

3.If it is suggested to me that in respect of delay alleged by me by the plaintiff in completion of the project, the HUF has not sought to impose any liquidated damages or sought any compensation from the plaintiff, I say in the arbitration proceedings we have raised the counterclaim.It is true to suggest that plaintiff herein is not a party in the arbitration proceedings. It is true to suggest that for this reason, no counterclaim is raised by the HUF either in the present suit or in the arbitral proceedings.

4.I do not know If it is suggested to me that plaintiff has raised invoices against all the defendants in respect of the work completed by the plaintiff. I do not know if it is suggested to me that plaintiff has completed its job to the full satisfaction of all the defendants.

5.It is false to suggest that the HUF is liable to pay the suit claim to the plaintiff. It is false to suggest that in spite of the receipt of the invoices, the HOF has not cleared the same.
Cross examination by Learned Counsels for D3 and D4 deferred at request :-

6. At this stage, it is to be noted that since the plaintiff is the contesting party as against D1 and D2, normally this court would have expected D3 and D4 to first cross examine the witness and thereafter allowed the plaintiff to cross examine the witness. But in this case, since Counsel for Plaintiff has submitted that he has no serious objection for D3 and D4 to cross examine the witness after his cross-examination is concluded, the plaintiff has been permitted to cross-examine this witness at the very outset and hence the cross-examination by D3 and D4 is deferred.

(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.

