

DULY SWORN ON: 28-04-2025
CROSS-EXAMINATION BY Sri. TMV THE COUNSEL
FOR Defendant No 1 and 2 :

Plaintiff partnership firm has got two partners. I say that plaintiff partnership firm is in the business of land developers and the same is stated in the Plaintiff. It is false to suggest that I have deposed falsely in this regard and same is not stated in the Plaintiff. Before filing the present suit, plaintiff has not issued any notice to the defendants. Witness volunteers, before filing the present suit, we have instituted pre-institution mediation. (Witness has referred to pre-institution mediation as arbitration.) The notice in the said proceedings has been duly served on the defendants.

2. I am aware of the contents of Ex. P1.
3. Question, I suggest to you that in Ex. P1 non-starter report of PIM, it is stated that the notice is not served because the opposite parties were not residing in the address given. [Question disallowed because it is

regarding contents of document which is already marked in evidence and therefore subject matter of argument and not subject matter of cross-examination.]

4.It is false to suggest that plaintiff has not given the correct address of defendants at the time of PIM. Both the partners of Plaintiff Partnership Firm have invested about Rs. 2.5 to 3 crores equally in the partnership firm business. It is false to suggest that since in the partnership deed, the investment is shown as only Rs 20 lakhs, plaintiff did not have the financial resources to pay Rs 90 lakhs to the defendants. Witness volunteers, the amount is transferred to the defendants by way of bank transfer and cheque. If it is suggested to me that at the time of exiting the partnership firm, I have taken back my investment of Rs. 10 lakhs, I say apart from the amount advanced to the defendants, the remaining amount has been taken back.

5.It is false to suggest that Ex. P2 is created for the

purpose of this case. I have transferred the sum of Rs. 80 lakhs and Rs. 10 lakhs to Mahila Bank. The said amount is paid by way of RTGS and cheque. We have transferred Rs. 90 lakhs by way of RTGS and Rs. 10 lakhs by way of cheque. The RTGS is made to the same bank. If I am asked to tell the name of the bank, I say, I can tell the correct name if I am allowed to look into the records and I say that the said amount was transferred to Tumkur Mahila Bank. We have stated in the notice and in all other documents and Plaint that the amount was transferred to the said bank.

6. Three persons were working in plaintiff partnership firm, namely Santosh, myself and Lakshmi pathy. The payment of amount to defendants is reflected in plaintiff's income tax returns. I have not produced income tax returns in this case. There is no impediment to produce the same. If I am asked how much amount is declared in the income tax returns as having been

transferred to the defendants, I say the income tax returns will be prepared by the accountant and will be supervised by Lakshmipathy and I have not seen the income tax returns of the plaintiff and therefore, I cannot say.

7.Question, whether in the bank statement, the bank to which amount is transferred is stated. [Question disallowed because it is regarding content of document already marked in evidence and therefore document can be looked into by the court and therefore it is a matter for argument and not cross-examination.]

8.If I am asked whether there is a RTGS facility in D1 Bank, I say D1 Bank has not got facility for direct RTGS transfer, but they have got to tie up with some other bank.It is false to suggest that since defendant No.1 bank has not tied up with any other bank, I have deposed falsely and plaintiff has never transferred any amount to D1 bank.

9.I do not know If it is suggested to me that D1 has filed police complaint stating that cheque in respect of which plaintiff has filed cheque bounce case had been misplaced and lost. If it is suggested to me that myself and Lakshmipathy had appeared before Tumkur Town Police Station, in respect of the said complaint lodged by D1 in respect of the lost cheque, I say, we had appeared in Tumkur Police Station, but it was in respect of seizure of a car and not in respect of complaint relating to lost cheque. It is false to suggest that although I am aware of all the facts and aware that the cheque was misplaced, I have filed a false cheque bounce case against the defendants. It is false to suggest that although plaintiff has never transferred any amount to defendants, and amount is transferred to some other bank, plaintiff has filed a false suit against the defendants.It is false to suggest that by producing created documents at Ex. P1 to P16, plaintiff has filed a

false suit against the defendants.

10. Plaintiff has not taken any receipt from the defendant for having transferred the money to the defendant. Witness volunteers, the money was transferred by RTGS and cheque and for repayment of the same defendant has also issued cheque.

11. If I am asked for what kind of deposit the money was transferred to D1 bank, I say the president of D1 bank came to our office and said that they want to expand the D1 bank and open a second branch and for that purpose they want money and therefore requested us for deposit. The President of D1 approached me and Lakshmi pathy in this regard. I do not think this fact about the president of D1 approaching us in the above manner has been stated in my affidavit evidence. It is false to suggest that what I have stated above is false because it is stated in my affidavit evidence that I was approached. Witness volunteers, they approached both

me and Lakshmipathy.

12. It is false to suggest that only to trouble the defendants, I filed a false suit and deposed falsely. I have sworn to the affidavit evidence in city civil court complex.

Re-examination : 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.