

DATED: 02.02.2026 PW.1 PRESENT AND OATH IS ADMINISTERED.

FURTHER CROSS EXAMINATION BY SRI.BSN ADVOCATE FOR DEFENDANT:

8. The document now shown to me is the printout of the excavation layout design of the project. The same is marked as **Ex.D.4**. If it is suggested that there is no mention of sump drawing in Ex.D.4 witness says the drawings with regard to sump would be made subsequently upon the requirements of the client. It is false to suggest that the sump has been got made subsequently intentionally. It is false to suggest that because of the negligence on part of the plaintiff the steels inside the concrete have been exposed and also it has resulted in a big hole. It is false to suggest that because defective concreting there was no strength in the pillar which the defendant got rectified by incurring extra charges. It is false to suggest that we have not mentioned the type of material to be used as per the package agreed by the parties.

9. There were 3 members from plaintiff team by name Rajesh, Manoj and Basavaraj to over see the construction. It is false to suggest that the shed for the purpose of stocking the

material and use of the labour expenses are to be borne by the plaintiff. If it is suggested that as per the terms of the agreement the expenses for construction of the labour shed, sump were all agreed to have been included in the terms of the agreement witness says as the agreement was terminated defendant is liable to pay for it. It is false to suggest that the pillars constructed by us are unable to bear the required load. I do not know whether the defendant have demolished the ground floor wall and reconstructed the same.

10. It is false to suggest that though the defendant had come to the office multiple times to communicate with regard to the defects the plaintiff has remained incommunicado. It is false to suggest that because of lack of supply of materials in time there has been a delay on part of the plaintiff in undertaking the construction. It is false to suggest that because of the work undertaken by the plaintiff using unskilled labourers and because the work being not satisfactory the defendants have terminated the contract. It is false to suggest that we are making a wrongful claim against the defendants. It is false to suggest that we have received amount in excess for the value of work done by us and we are liable to refund the

same to the defendants. It is false to suggest that we have filed false case against the defendants and deposing falsely before the court.

Re-Examination: Nil.

(Typed to my dictation in the open Court.)

R O I & A C

**(ARJUN S MALLUR)
LXXXV ACC & SJ, BENGALURU.**