

DATED: 09.02.2026 DW.2 PRESENT AND OATH IS ADMINISTERED.

CROSS EXAMINATION BY SRI.LMK ADVOCATE FOR PLAINTIFF:

I hold Degree in B.E., Civil Engineering. I have undertaken building construction as well as consultation work. I have gone through the agreement entered into between the plaintiff and defendant and I have also gone through the

sanction plan and designs. The printouts of the photographs now shown to me are the photographs pertaining to the building constructed at the site. They are collectively marked **Ex.P.17** (Certificate u/S 63(4) of BSA, 2023 with respect to it are already enclosed with Ex.P.16). Witness is also shown another set of printout of photographs which the witness admits to be of the construction taken up in the schedule site. They are collectively marked as **Ex.P.18** (Certificate u/S 63(4) of BSA, 2023 with respect to it are already enclosed with Ex.P.16). I am aware of the work undertaken at the site from foundation till termination of the contract.

2. There was no agreement with the defendants for supervision but they were paying me monthly a sum for supervision. It is true that the steel used at the site was JSW steel. It is true that the cement used for Birla Super 53 grade. If it is suggested that the sand used at the site was M25 C grade witness says they had used single wash sand and he had advised them to use double wash M sand grade. It is true that the sand, concrete and steel materials were being used by the plaintiff only upon confirmation by the defendant. Witness further says the defendant was consulting with him and after

he had approved such materials were procured. If it is suggested that the plaintiff had secured C grade cement only after being confirmed by us witness says they had not procured required quality of sand. There is no document with regard to plaintiff or the defendant being informed about inferior quality of sand being used. It was communicated over phone to the defendant. There is no report given by me with respect to the materials used being of inferior quality. I have said that based on my experience in that field.

3. If it is suggested that after completion of the foundation work the excavation for the sump would be done which would be used in the foundation witness says in this case they had not planned for the sump at the initial stage but subsequently they had decided. Witness further says it would be proper if sump also planned at the 1st stage itself. I have seen the drawings that was given for the purpose of column, sump and the structure. It is true that construction has been done as per the said drawings. It is true that after termination of the agreement the construction also progressed as per the designs. Witness is shown printout of another photograph and if it suggested that the building as seen in the said photograph

is the present state, witness admits the same. The same is marked as **Ex.P.19** subject to production of the relevant certificate. If it is suggested that the shed seen in that photograph was constructed by the plaintiff, witness says that was told to him as he was not there when the shed was constructed. It is true that the said shed continues to exist even now.

4. I use to visit the construction site at the time of construction almost once in a day. I had informed the site engineers of the plaintiff regarding the shortcomings in the construction either through WhatsApp or over phone. I am unable to produce the printout of the WhatsApp as I no longer have it in my phone. The witness is shown the photos found in page 60 & 62 of Ex.D.3 and if it is suggested that those photographs are one and the same, it may be the witness says. If it is suggested that the defect seen in the photograph at page 59 of Ex.D.3 has been rectified as seen in the photograph at page 63 of Ex.D.3, witness says they have undertaken the rectification subsequently after many days on being suggested about the method of rectifying it. It is false to suggest that the gap seen in the photographs at a page 59 of

Ex.D.3 is called as Honey Comb, it is a major defect in the stage of construction in the weight bearing area. It is false to suggest that such defect has occurred while removing the shuttering.

5. It is false to suggest that no load would fall on the said area. If it is suggested that immediately on the next day the defects have been cured, witness says it has not been done as per the required methodology. If it is suggested whether there were any defects in the plinth area witness says there were overall minor defects with respect to that he has not brought it to the notice of the client. It is true that based on the said foundation itself the present building has been constructed. It is false to suggest that no defects were found in the columns as seen in the Ex.P.17. If it is suggested that around the same columns the wall as seen in the photograph has been constructed witness says they have constructed the wall the bricks were not of good quality. I do not know whether bricks that were chosen by defendant has been used in the constructions. There are no documents available with me for having demolished the earlier construction of wall and reconstructed the same. Photos of it are sent to the client.

6. After termination of the agreement with the plaintiff I have not undertaken the construction. I do not have any document with respect to defendant having spent Rs.3.00 lakhs for rectification of the defective work. I do not have any document with regard to material defect found in the structure. It is false to suggest that to help the defendant I am deposing falsely before the court. It is true that at the time of excavation due to shortage of soil it was also procured from the outside. It is false to suggest that I do not have any qualification to speak to the defects in the structure or in the material. It is false to suggest that to help the defendant I am deposing falsely before the court.

Court Question u/S 168 of BSA, 2023:

Question: When did you inspect the building?

Answer: I do not know the exact date but it was April 2024.

Re-examination: Nil.

(Typed to my dictation in the open court.)

R O I & A C

**(ARJUN S MALLUR)
LXXXV ACCJ, BENGALURU.**