

KABC170027102025



DATED: 09.02.2026 DW.3 PRESENT AND OATH IS ADMINISTERED.

FURTHER EXAMINATION IN CHIEF BY ADVOCATE FOR DEFENDANT:

Today, I have filed my affidavit in lieu of examination in chief and the contents therein are true and correct, it bears my signature.

I have filed following documents in support of my case. They are marked as under:

Ex.D.19	Printout of the registration certificate issued by the BBMP.
Ex.D.9(a).	Signature on Ex.D.9.

CROSS EXAMINATION BY SRI.LMK ADVOCATE FOR PLAINTIFF:

It is false to suggest that I am not a valuator. If it is suggested that I am only a registered civil engineer and not a valuator, witness says valuation is a part of civil engineering services and it comes under it. I have not registered under IBBI (Insolvency and Bankruptcy Board of India). It is true that BBMP licence for civil engineers will be issued when the person

having completed civil engineering undertakes 5 years of practice and gets himself registered with association of civil engineers. Witness says he has undergone the same. If it is suggested that license by BBMP will be issued only for undertaking the plan work required for construction, witness says along with it as part of engineering services they are empowered to visit the premises. I have not obtained any course completion certificate from Registered Valuers Organization (RVO).

2. Apart from BE, Civil I have also undertaken courses in Vastu, Quality Control and also obtained the required approval for undertaking valuation. I can produce the relevant certificates with regard to the above if required. It is false to suggest that I do not possess any additional qualifications required to undertake quality inspections. I have not looked into the Agreement between plaintiff and defendants and I have not seen the structural plan. Witness volunteers that he has visited the site and inspected the construction at the site. The witness is shown printouts of the construction and it suggested that it belongs to the subject site witness says it may be but at the time of his inspection there was foundation and columns

raised. These photographs are marked as **Ex.P.16** along with Certificate u/S 63(4) of BSA, 2023. When I visited the spot the construction was up to the lintel level which progresses beyond what is seen in the photographs at Ex.D.3. I have not taken any photographs at the time of inspection.

3. I have not issued any notice to the plaintiff at the time of inspecting the site. It is true that the steel used at the site was JSW FE550. I cannot say the cement used was Birla Super 53 grade. It is true that the sand used for double wash sand. It may be true that plaintiff had used high standard construction material. If it is suggested that the laying of foundation and raising of columns are the major work in a construction witness says every stage of construction is to be treated as a major work as it will have over all impact on the entire structure. It is true that the laying of foundation and raising of columns must be through consultation with qualified engineers. Column No.2 1st part of the last page of my report will not apply to the plaintiff.

4. The rates quoted in the report is as per IS standards. It is true that the rates are determined as per the

KPWD and CPWD valuation guidelines. Witness further says IS standards are determined as per those guidelines. The rate for earth filling as mentioned in the report is as per the geographical location of the site. It may be true that as per the KPWD valuation earth filling per CFT is Rs.6/-. If it is suggested that the rate for PCC flooring as per KPWD is Rs.5664/- I say it may be but I have determined the rate as per the nature of the material used at the site. For the purpose of footing concrete one or two labours is sufficient. It is false to suggest that 5 to 6 labourers are required for the said purpose. If it is suggested that the rate for RCC works as per KPWD is Rs.6219/- I say it may be true but there are different grades used and depending on it the rates of fixed. At the time of my inspection I have found the grade used is M15 or M20 and not M25. Witness also say for that kind of work usually M25 is used. Based upon bare vision I say the grade of cement used. If it is suggested that grade of the concrete can be determined only by using non destructive test and ultra sonic pulse velocity test. Witness says if such tests are employed it is still better otherwise also by bare vision one can say the grade of concrete used. If it is suggested that by bare vision the grade of concrete

cannot be made out, witness says he had not gone for testing the concrete but for inspection and out of his experience of more than 25 years he was able to say about the grade of the concrete.

5. I do not possess any qualification in structural engineering but having worked with major structural engineers I have gained the experience to say about the structure quality. With regard to using of over reinforcement I say the same based on my experience. I have not obtained design basis review report. I have undertaken structural design check. The rates fixed as mentioned in my report is inclusive of labour and transportation. I do not remember now how many columns were there in the building as it is more than 2 years now since inspected. There were honey combs found at the time of inspection. Witness also says he did not find any gunny bags being wrapped for curing at the time of his inspection. If it is suggested that gunny bag curing was done to the columns witness says at the time of his inspection there was construction up to lintel level and where the columns were found there were no gunny bags covered. Witness also says he does not know how many days had lapsed since curing when

he inspected. It is not possible now to produce any photographs with regard to honey combs formed in the columns. It is false to suggest that no honey combs were formed in the columns and it was only in the one of the plinth. Formation of honey combs in the columns is a common process. It is a rectifiable defect but the same was not undertaken.

6. It is false to suggest that as on 05.08.2024 no honey comb was seen in the structure. It is true that honey comb may be found when sheet centring are removed. I do not know whether the honey comb found in the part of the plinth was immediately removed and rectified to the satisfaction of the owner during the month of May 2024. It is false to suggest that if curing work is not done properly there will be white patches visible on the structure. It is false to suggest that the defects so mentioned can be ascertained only when the above tests are conducted. It is false to suggest that my report is not based upon the KPWD or CPWD guidelines. It is false to suggest that as I hail from the same place as that of the defendant and also as of DW.2 in order to favour the defendants I have issued a false report. It is false to suggest that I do not possess the

required qualification to issue the report as per Ex.D.9. It is false to suggest that to help the defendant I depose false 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.**