

**WITNESS CALLED AND DULY SWORN ON 10.01.2024.****FURTHER CROSS EXAMINATION BY SRI.L.D., ADVOCATE FOR THE DEFENDANT:-**

8. It is true to suggest that, on the basis of the Ex.P.2 and 3, I have filed counter claim in A.C.no.135/2015. It is true to suggest that, Ex.P.6 – minutes of meeting held on 23.05.2015 prior to appointment of Arbitrator of A.C.no.135/2015. In counter claim I have claimed damages. It is true to suggest that, in that counter claim, I have also claimed refund of excess money paid to the defendant, mental agony and loss of image reputation. It is true to suggest that, I have claimed the amount to rectify the works already done by defendant in the said counter claim. It is true to suggest that, the terms mentioned in the Ex.P.6, same were incorporated in Ex.P.7 and settled the matter before the Arbitrator in A.C.no.135/2015. It is true to suggest that, there is no reference in Ex.P.6, 7 and 8, regarding the payment of amount from the defendant to the plaintiff. It is true to suggest that, in turn plaintiff had admitted that, to pay the amount based on progress of the work. It is true to suggest that, said agreed payment is Rs.2,90,00,000/-. It is true to suggest that, after the compromise in arbitration proceedings, I have withdrawn the original documents from the Arbitration Center. It is true to suggest that, the original counter claim petition is in my custody. Advocate for defendant confront the Respondent's copy of counter claim petition. Witness stated that, it is not copy of counter claim filed by him. It is false to suggest that, purposely I have not produced the original claim statement and counter claim statement before this court.

9. It is false to suggest that, what ever claim sought in this suit are already claimed in the A.C.no.135/2015. In May-2016, we have paid Rs.20,00,000/- to the defendant. It is false to suggest that, after May-2016, we have not paid any amount to the defendant. After payment of Rs.20,00,000/-, we have paid Rs.10,00,000/- to the defendant. Again witness stated the Rs.20,00,000/- paid on 02.06.2015. The total amount of Rs.58,90,000/- was paid to the defendant towards Rs.2,90,00,000/-. I have bank statement to shows that, the Rs.58,90,000/- has paid. It is false to suggest that, we have not paid any amount and we do not have any statement in this regard.

10. It is true to suggest that, we have agreed to pay Rs.15,00,000/- to the defendant in respect of house constructed in the portion of the layout. It is true to suggest that, said agreed amount of Rs.15,00,000/- not paid by us to the defendant till today. It is false to suggest that, as per Ex.P.6 and 7, we have not made the payment, so defendant is not able to complete the work as agreed in Ex.P.6 and 7. It is false to suggest that, we have tried to dispossess the defendant from the layout without paying the money. It is true to suggest that, several complaints were lodged before the Tavarekere P.S. between me and defendant.

11. It is false to suggest that, by knowing the loss sustained by the defendant, we have agreed to take additional land measuring 11 acres 20 guntas. It is true to suggest that, we have agreed to purchase the land for Rs.1,275/- per sq.ft. of developed site. Witness volunteers within period of one month. It is false to suggest

that, the defendant written several letters to the society and asked them to inspect the 11 and half acres of land. I do not remember whether we have written a letter to defendant asking whether 11 and half acres are ready for inspection within one month. It is false to suggest that, though we have no intention to purchase the 11 and half acres, but by misrepresenting, I made defendant enter into compromise as per Ex.P.7. It is false to suggest that, until filing of counter claim in Arbitration, we have not demanded the defendant to refund of excess payment.

**FURTHER CROSS EXAMINATION: DEFERRED AT THE REQUEST OF ADVOCATE FOR DEFENDANT.**

(Typed to my dictation in open court.)

R.O.I & A.C.,

(SUMANGALA S. BASAVANNOUR)  
LXXXII ADDL. CITY CIVIL & SESSIONS JUDGE,  
BENGALURU.