

WITNESS CALLED AND DULY SWORN ON 15.12.2023.**FURTHER CROSS EXAMINATION BY SRI.S.M.S., ADVOCATE FOR THE DEFENDANT NO.1:-**

Ex.P.25 shown to the witness. It is true to suggest that, in Ex.P.25, the present case number is not mentioned. Witness volunteers As per the clause no.5 and 15, I am authorized to represent the case on behalf of the plaintiff. It is false to suggest that, Ex.P.25 authorization is given to only for new cases, not for pending cases. It is false to suggest that, I am not an Executive Director of plaintiff company. It is false to suggest that, I have not produced any documents to shows that I am Executive Director of plaintiff company. Witness volunteers I have produced Ex.P.24. It is true to suggest that, apart from Ex.P.24, I have not produced salary slip, PF and other remuneration details to shows that, I am an Executive Director of plaintiff company.

It is false to suggest that, I am not personally participated in the discussions and deliberations before executing Ex.D.2 and 3. It is true to suggest that, there is no email correspondence from me to defendant no.1 prior to Ex.D.2 and 3. It is false to suggest that, plaintiff's memorandum of associations does not permit plaintiff to deal in industrial UPS products. It is false to suggest that, I have not produced memorandum of association, because not to disclose the main objects of the company. Advocate for defendant confronted copy of the memorandum of association. Witness sought time for verification.

It is false to suggest that, prior to 2006, the plaintiff never dealt with industrial UPS products.

It is false to suggest that, there was no condition attached to payment of Rs.2.00crores by plaintiff to defendant no.1 in terms of Ex.D.2 and 3. It is false to suggest that, there was no discussions of due diligence of defendant no.1 company. Witness volunteers our reports was accepted and disclosed in the financial year March-2008 and March-2009, outcome of information made necessary provisions in the financial years. It is false to suggest that, there was due diligence carried out in the year 2006.

It is false to suggest that, I am not aware of that, the documents handed over 06.10.2006. Witness volunteers we got entire information only in the month of October-2007.

It is false to suggest that, there was no urgent financial commitment to repay the SBI loan by defendant no.1. Witness volunteers Director of defendant company i.e. defendant no.2, 3, 5 and 7 met and submitted the financial of 31.03.2006, given wrong financial information to us and mentioning that, need of repayment of secured creditors of SBI, Peenya branch, which is outstanding amount of Rs.6.00croes as on 31.03.2006. It is false to suggest that, I was not part of this meeting. I have not produced any documents to shows that, I was the part of this meeting.

Question: After execution of Ex.D.2 and 3, what is the value of purchase orders placed by plaintiff on defendant no.1 company ?

Answer: Ex.D.2 and 3 were cancelled by signing the MOU clause no.22.

It is false to suggest that, at the time of transfer of Rs.200.00lakhs, defendant no.1 provided all the information as requested by the plaintiff.

FURTHER CROSS EXAMINATION: DEFERRED AT THE REQUEST OF ADVOCATE FOR DEFENDANT NO.1.

(Typed to my dictation in open court.)

R.O.I & A.C.,

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