

WITNESS RE-CALLED AND DULY SWORN ON 21.03.2024.**FURTHER CROSS EXAMINATION BY SRI.P.N.R., ADVOCATE FOR THE DEFENDANT NO.5:-**

I do not remember the date of filing this suit. This suit is filed on 16.12.2011. There is Board Resolution on the date of filing the suit against the defendants. It is false to suggest that, we have not produced the Board Resolution before this court authorizing the company to file this suit against defendants. It is false to suggest that, since the Board has not authorized to file the suit against the defendant, so I have not produced the Board Resolution.

It is false to suggest that, as on the date of filing the suit, I have not paid court fee of Rs.4,18,725/- and falsely stated in para no.42 of my Plaint. It is false to suggest that, as on the date of filing suit, we have paid court fee of Rs.3,18,725/- only.

Mr.Saravana, had signed the Plaint. It is false to suggest that, Mr.Saravana had no authority to sign the Plaint from the plaintiff company. I have not disclosed in my affidavit evidence regarding the date of Board resolution, which authorized Mr.Saravana to file the suit against defendant.

It is true to suggest that, this suit is relates to Memorandum of Understanding at Ex.P.2, Business Participation Agreement – Ex.D.2 and Distribution Agreement – Ex.D.3. It is true to suggest that, Mr.Saravana has not signed on Ex.D.2 and Ex.D.3. I have also not signed on Ex.D.2 and Ex.D.3.

I need to verify the records, when the Mr.Saravana was appointed in our company. I need to verify, whether Mr.Saravana was employee of our company on the date of execution of Ex.D.2 and Ex.D.3.

Question: Is it, there is no difficulty to examine Mr.Saravana as witness in this case ?

Answer: He left the company more than 10 years back.

I have to verify whether any documents available in our company to shows that, Mr.Saravana left the company about 10 years back. We have not produced the POA given to Mr.Saravana by the plaintiff company at the time of filing the suit. It is false to suggest that, Mr.Saravana has no authority to file the suit.

Before filing my affidavit evidence, I have discussed with Mr.Saravana about this case. I do not remember the date of discussion. Prior to 5 to 6 years of filing evidence affidavit, I had discussion with Mr.Saravana.

In the year 28.12.2007, we have purchased Stamp Paper for drafting Memorandum of Understanding at Ex.P.2. I do not know who brought Stamp Paper. Witness again stated that, plaintiff company purchased the Stamp Paper. Ex.P.2 drafted and taken printout by employees of plaintiff. Ex.P.2 signed by the parties at Defendant no.1 office, it situated at No.40/1A, Basappa Complex,

Lavelle Road, Bengaluru – 01. On 28.12.2007, Ex.P.2 was signed. I do not remember whether Ex.P.2 signed in only one copy or in more copies. I do not remember whether only Ex.P.2 stamp paper purchased on that day and any other stamp papers purchased on that day. I do not remember, whether only the Ex.P.2 was signed by the parties, not any other counter part.

Question: Is it, on 04.12.2007, defendant no.1 company held Board Meeting an authorized defendant no.2 to negotiate, finalize and settle the terms of Memorandum of Understanding and gave authority to sign the MOU ?

Answer: I don't have Board Resolution copy.

On the basis of Board Resolution which was shown by defendant no.2, I have stated in para no.21 of my evidence affidavit, the defendant no.2 authorized by other defendants to sign MOU. I need to check whether the copy of Board Resolution available in company.

FURTHER CROSS EXAMINATION: DEFERRED AT THE REQUEST OF ADVOCATE FOR DEFENDANT NO.5.

(Typed to my dictation in open court.)

R.O.I & A.C.,

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