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Witness is called and duly sworn on 14.01.2026

Cross-examination by Sri S.R.P. on behalf of the plaintiff:

1. Since 2009 I have been working at Panchayat Raj Engineering Sub Division Chikkodi. Since I have been working there since 2009 I am fully aware about the road and its geographical conditions there. It is true

that since I have to visit the site before preparing the plan I know about the conditions of the site. I am aware about the site plan and the construction of road then. When it was suggested to the witness that being a Junior Engineer it is my duty to visit the site daily when the work is going on, witness said that it not possible to visit daily and he use to visit twice or thrice a week. I can identify the photos of the site if it is shown to me. It is true that we have to maintain a field book in respect of our site visit. We have not maintained said field book in respect of the present work at the field. It is false to suggest that in order to hide the truth we have deliberately not maintained the said field book. It is true that it is our duty to maintain the measurement book. We have maintained the said measurement book. When it was suggested to the witness that we have not produced the said book before this Court, witness said that it is at Sub-Division office. We can produce the said book before this Court. It is false to suggest that we have deliberately not produced the said book in order to hide the true facts.

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2. It is true that I have to prepare the running bills in respect of every work on monthly basis. Witness said that after contractor submit the bill they have to prepare the running bills. When it was suggested to the witness that we have deliberately not produced the running bill in respect of present work, witness said that contractor has not produced the bill before them. I say that only after contractor submit the bills we prepare the running bill.

3. It is true that Ex P-25 to P-66 are the photographs of the site. It is false to suggest that as per Ex P-25 to P-39 road passes through black cotton soil. When it was suggested to the witness that as per those photos there are agricultural fields on both the sides of the road, witness said that at some places there are agricultural fields. It is true that as per Ex P-35 photo there is agricultural field on both the sides of the road. It is true that as per the said photo there is standing crop on those agricultural field. It is false to suggest that as per Ex P-35 photo agricultural field is in black cotton soil land. Witness voluntarily said that it is in semi cotton soil land. It is true that as per

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Ex P-43, 44, 46 and P-47 road is running in the Ghat area. It is true that in Ghat area level of the land should be made by filling with mud. It is true that some portion of the Ghat has to be cut to maintain the level of the road.

4. It is true that even after payment of first running bill during March 2011 plaintiff has continued the work. When it was asked to the witness as to whether they have carried out the measurement and maintained the measurement book after payment of first running bill, witness said that in respect of poor quality work they cannot carry out the measurement and maintain the measurement book. It is true that State Quality Monitoring report has been filed. In Ex D-71 report at page 14 and para 10 in respect of cross drainage work it is stated that one cross drainage has been constructed and its quality is acceptable. In the said report in respect of item No.16 and sub item 10 regarding cross drainage work quality of material concrete /brick masonry hume pipes including size and quality of workmanship such as positioning of pipes, wing walls, cushion over, hume pipes etc. is

reported as satisfactory. It is true that in the said report Grade II materials were also reported as satisfactory. It is false to suggest that in my affidavit I have falsely alleged that materials used for cross drainage are of poor quality.

5. I am not well versed with the tender process and procedures. It is true that if the tender is terminated at our instance we have to carry out the measurement of the work already conducted. When it was suggested to the witness that we are also duty bound to prepare the bills in respect of already done work, witness said that if the quality of work is poor they cannot prepare the bill. It is true that if the work can not be measured we have to record the same in the measurement book. It is true we have to obtain the signature of the contractor while carrying out the measurement. It is true that if the contractor is not present at the time of measurement we have to issue notice to him. Witness said that they have issued the notice. When it was suggested to the witness that no such measurement book is produced before this Court, witness said that it is in their Sub-Division

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office. When it is suggested to the witness that we have give to the reply for the notice of the contractor, witness said that their Executive Engineer has to give the reply. It is false to suggest that we have never given any reply to the notices issued by the contractor.

6. We have not carried out the measurement of the half carried out work of the contractor. When it was suggested to the witness that there was no difficulty for us to carry out the measurement, witness said that since it was poor quality work they could not carry out the measurement. It is false to suggest that we have not given reply for the notices issued by the plaintiff in respect of Ghat cutting and partial filling. It is false to suggest that to avoid the payment of work towards the extra work conducted by the plaintiff we have not given any reply for his notices. It is true that before handing over the site to another contractor we have to carry out the measurement of the work carried out by the previous contractor whether the quality of the work is good or not. I say that we have carried out the measurement of the work carried out

by the plaintiff before handing over the site to another contractor. When it was suggest to the witness that we have to make the payment towards the work already carried out by the plaintiff, witness said that if the work quality is poor question of making payment will not arise. We have no difficulties to produce the said measurement book. It is false to suggest that in order to avoid the payment of amount to the plaintiff we are deliberately avoiding production of measurement book before this Court.

7. Ex D-76(5) is the photo of the site. When it was asked to the witness that as per Ex D-76(5) surface dressing is done, witness said that it was not properly done. I have not measured the work of surface dressing.

(At this stage counsel for the plaintiff pray time for further cross. Time granted.)

(Typed to my dictation in the Open Court)

R.O.I.&A.C.

(Manjunath Nayak)
Prl. Dist.& Sessions Judge,
Belagavi.