

Com.O.S. 29/2024
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Witness is called and duly sworn on 29.04.2026

Cross-examination by Sri A.N.S. Advocate on behalf of the defendants:

1. Plaintiff firm is trading enterprises. My father started this business during the year 2010. Our firm is not registered under the small scale industries. My father was the proprietor of the plaintiff firm. I have not produced the trade license to show that my father was the owner of the plaintiff firm, witness said that he has produced GST registration certificate. All this transactions relating to this suit was made by my father. I was not present during those transactions. I

do not have personal knowledge about those transactions.

2. It is false to suggest that after the death of my father I have no right to continue the business in my name since it was a proprietorship concerned. It is false to suggest that I am not the owner of the plaintiff firm. It is true that at present Ajay Enterprises is a new entity. There are other four legal heirs to my father apart from me.

3. I have produced GST registration certificate standing in my name to show that I have become the owner of the plaintiff firm. It is true that I have not produced any documents to show that after the death of my father ownership of the firm was legally transferred in my name. My father obtained the GST certificate during the year 2017. I have obtained GST certificate in my name during May 2020. I have obtained the GST registration certificate not in respect of any fresh business. In order to receive the amount due to my father and for continuing the business I have obtained the new GST registration certificate. I

have not produced the application given to the GST department to show that I have obtained the GST certificate to receive the amount due to my father. I have not issued any intimation in writing to the defendant and other customers of my father informing them about I continuing the business. I have not produced any documents like stock transfer to show that business of my father was legally transferred in my name. There is no documents or acknowledgments by the defendant for having accepted me as the proprietor of the plaintiff firm after the death of my father.

4. I have not produced any other documents except the invoice to show that defendant use to purchase the materials on credit basis. I have not stated as to from to which vendor my father use to procure the materials. I have not produced any such purchase order issued by the defendant. I have not produced any documents which were signed by the defendants for having supplied the materials to him. I do not know as to the name of the representative of the defendant who use to do the transaction with my

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father. I have not produced any transport receipt signed by the defendant for having transported those materials to the defendant. I was not present when the negotiation took place between my father and the defendant. I have not produced the original books of account before this Court. Witness said that he produced the ledger extract.

(At this stage, counsel for the defendant prays time further cross examination. Time granted).

(Typed to my dictation in the Open Court)

R.O.I.&A.C.

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