Witness called and duly sworn on : 04.12.2025
Chief Examination by Smt. V.R.K. for Plaintiff:

1. I have filed my Affidavit in lieu of my examination and contents are true and correct.

2. I have produced the suit documents as follows:
   a) Original Application for Term Loan dtd: 29.01.2018 is marked at Ex P-1.
   b) Original Composite Hypothecation Agreement dtd: 07.03.2018 at Ex P-2.
   c) Computerised Ledger Extract of Loan Account of Opponent A/C. No. 5299910001042 at Ex P-3.
   d) Original Stamped Receipt dtd: 07.03.2018 at Ex P-4.
   e) Original Letter of Revival dtd: 01.03.2021 at Ex P-5.
   f) Office Copy of Legal Notice dtd: 12.09.2022 at Ex P-6.

g) Original Postal Receipt at Ex P-7.

h) Postal Cover as “Unclaimed” at Ex P-8.

i) Non-Starter-Certificate at Ex P-9.

Cross-examination: Shri A.N.S. for Defendant:

3. I am presently working as Senior Manager in the plaintiff Bank. I am deposing on behalf of the Bank on the basis of the Power of Attorney and letter of authority issued in my favour. I have not produced said power of Attorney and letter of authority in the suit.

4. I was not working in the plaintiff Brach when the loan was advanced to the defendant. I had no personal knowledge regarding the loan transaction. Witness said that he is deposing on the basis of the documents available in the plaintiff Bank. As per Ex P-2 utensils and machineries were hypothecated. It is true that normally what are the items which will be hypothecated will be shown in detail in the hypothecation agreement. I cannot specify as to which are the utensils and machineries hypothecated to our Bank.

5. No separate list of utensils and machineries were attached to Ex P-2 agreement. We have not shown the details and Sl. Numbers of the utensils and machineriers. We have not produced the invoice, purchase bill and delivery notes in respect of hypothecated items. We have not produced any

documents to show that defendant is the owner and in possession of hypothecated items. It is true that we have to inspect the hypothecated items and prepare valuation report before advancing the hypothecated loan.

6. We have not produced valuation report and inspection report in this regard. We have also not produced the stock register, collateral register in which the hypothecation of the machineries were recorded. I know that there is RBI guidelines for advancing the hypothecation loan. It is true that in the absence of the proper identification of the hypothecated articles it cannot be considered as secured loan. In the present suit we have not produced any documents relating to the identification of the hypothecated items. It is false to suggest that I am not competent to depose on behalf of the plaintiff Bank before this Court.

Re-Examination: Nil.

(Typed to my dictation in the Open Court)

R.O.I.&A.C.

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