

Witness duly sworn on 02.08.2023.

8. Further cross examination by Sri.PRJ for the

respondent: I am not aware of the petitioner company sending email to the respondent on 30.10.2021 to execute affidavit. I do not know that it was not necessary for the respondent to execute any affidavit in terms of employment agreement and separation agreement.

9. I deny that from October 2021 to January 2022 the petitioner did not give any reasons for not paying the EMI. I deny that the petitioner has breached Clause 3.1 of separation agreement. I do not recollect producing any threatening communication from the respondent to the petitioner and the petitioner's advocate as stated in para 18 of my affidavit. I deny that the respondent never issued threatening communications to the petitioner and his advocate and forcefully sought subsequent monthly installments.

10. It is true that on 09.02.2022 notice was issued alleging violation of the separation agreement. I deny that

this notice did not furnish details of alleged violation. I deny that the said notice was issued to escape the defaults made by the petitioner in payment of EMI. It is not correct to suggest that there is no clause in the Employment Agreement or the Separation Agreement to restrict the respondent from joining any other company.

11. It is true that the petitioner was served with notice of caveat dated 23.02.2022 filed before the City Civil Court by the respondent on 24.02.2022. The caveat was filed with respect to a original suit and we filed Sec.9 petition so notice to the respondent's counsel was not warranted. I deny that the notice was not purposely served on the respondent's counsel. I do not recollect if service of the notice on the caveator was not brought to the knowledge of the court on 28.02.2022.

12. It is true that respondent is shown to be residing at **F-1404**, Freedom Park Life, Sector 57, Gurugram, Hariyana-122002 in the Employment Agreement as well as the Separation Agreement. It is true that in Ex.P2, letter **"F"** is not shown in the respondent's address. I

deny that this is a deliberate attempt to see that the respondent is not served with notice of the petition. I deny that because of such omission the court notice was not served on the respondent. I deny that letter **"F"** is omitted with malafide intention to initiate contempt proceedings against the respondent.

13. It is true that the court granted interim order on 28.02.2022 and with regard to compliance affidavit, the RPAD was booked on 02.03.2022 addressed to the respondent by omitting the letter **"F"** from his address. I deny that the postal track report does not say that the respondent has refused the notice.

14. It is true that we sent an email dated 22.04.2022 intimating the respondent about the interim order dated 28.02.2022. I deny that the email was deliberately sent on the last Civil Court's working day before the summer vacation to see that the respondent will not be in a position to engage a counsel to contest the matter. It is false to suggest that the respondent has not disobeyed the interim order passed by the court much less the one

dated 28.02.2022. I deny that the respondent left ANAROCK only on 31.05.2022 but the web page was not changed as it was handled by a third party.

15. I deny that the petitioner has not approached the court with clean hands. I deny that I do not have locus standi to give evidence in this case. It is not correct to suggest that I am deposing falsely before the court.

Re-examination: Nil.

(Typed to my dictation in the open court.)

R.O.I & A.C.,

**C/c LXXXVIII Addl. City Civil & Sessions Judge,
(CCH-89) Commercial Court, Bengaluru**