

**IN THE COURT OF THE III ADDL. SENIOR CIVIL JUDGE AND C.J.M.,
DHARWAD.****C.C.No. 3224/2022**

D.W.2

Duly sworn on 19-07-2023

(Sri. MYJ advocate is appointed as translator as he know the Marathi language)

Further Cross Examination by: Sri. S S P Advocate

I know little bit English reading and writing. I might have received the Invoices for the year 2014-15. Said Invoices confronted to the witness, he admit the same and same is marked as Ex.P-58 collectively in 27 pages. Witness voluntaries that he do not know the contents of said Invoices.

I might have received the Invoices for the year 2015-16. Said Invoices confronted to the witness, he admit the same and same is marked as Ex.P-59 collectively in 36 pages. Witness voluntaries that he do not know the contents of said Invoices.

I might have received the Invoices for the year 2016-17. Said Invoices confronted to the witness, he admit the same and same is marked as Ex.P-60 collectively in 8 pages. Witness voluntaries that he do not know the contents of said Invoices.

It is false to suggest that complainant sold 157 Tractors to me. I cannot say how may Tractors I have purchased from the

complainant. I cannot exactly say how much amount I have paid to the complainant. It is false to suggest that the complainant has supplied Tractors to me worth or Rs.7,62,33,687/-. I cannot say exactly for how much amount the complainant has supplied Tractors to me. I cannot exactly say how much amount I have paid to the complainant. It is suggested that Rs.70173030/- has been paid by accused to the complainant, for that question the witness answer that he has to verify and say about the same. It is false to suggest that I am liable to pay principal balance amount of Rs.60,60,657/-. I have deposited amount to the complainant bank account after purchase of Tractors from him. Witness voluntaries and states that I have paid some amount by way of cash. I cannot say exactly how much amount I have paid by way of cash. I have no documents to prove how much amount I have paid by way of cash. It is false to suggest that I have not paid any amount by way of cash. I have bank statement to prove the amount paid to the complainant through bank. I have no problem to produce said bank statement. It is false to suggest that the complainant will not receive amount by way cash. I have to verify and say whether I have received the Tractors from the complainant after 2016 or not. It is true to suggest that from 2017 onwards I have purchased Tractors directly from the International Tractors Ltd., It might be true that the complainant has supplied Tractor to me till July-2016 only.

It is true to suggest that I have filed a suit against present complainant and International Tractors company in OS No.74/2019 at Malegaon. It is true suggest that I am plaintiff

No.1 in that suit and one Ayush Motors is plaintiff No.2. It is true to suggest that International company is defendant No.1 and 2 in that suit and the present complainant is defendant No.3 in that suit. It is false to suggest that I have not made any claim against the present complainant in that suit. I do not know whether Ayush Motors has withdrawn said suit or not.

It is true to suggest that the present complainant has filed a Commercial Suit No.93/2022 against me in Mumbai court. I have no knowledge the interim order passed in that suit. It is true to suggest that I have filed Writ Petition No.955/2023 challenging the interim order passed in Commercial Suit. The order passed by Commercial Court in Commercial Suit No.93/2022 confronted to the witness he admits the same and same is marked as Ex.P-61. The copies of 4 E-mail sent by the witness to the complainant confronted to him he admits the same hence the same are marked as Ex.P-62 to 65. It is true to suggest that as per said E-mails complainant sent accounts statement copy for the year 2016-17. Copy of the said account statement is marked as Ex.P-66. Witness voluntaries that he has to verify the said document.

It is false to suggest that I have to make payment within 30 days from the date of purchase of the Tractors from the complainant. It is false to suggest that there is agreement if I fails to pay that amount in time I have to pay interest on that amount. It is false to suggest that the complainant over phone has stated me about the balance amount and interest amount and requested to pay the same. It is false to suggest that as on

30.09.2017 the balance amount payable by me to the complainant was Rs.95,74,600/-. It is false to suggest that for the payment of said amount I have issued 10 cheques to the complainant. It is true to suggest that those cheques were bounced for the reasons funds insufficient and payment stopped. Witness voluntaries that I have issued those cheques for other purpose. It is true to suggest that I have issued reply notice to the complainant as per Ex.P-54.

It is true to suggest that I have not produce the documents which are attached to the Mail which is produced at Ex.D-1. It is false to suggest that I am liable to pay the cheque amount to the complainant. It is false to suggest that by knowing said fact I am falsely deposing before the Court.

Re Examination: NIL

(Typed in the open court in my dictation)

R.O.I & .A.C.

3rd Addl Sr. Civil Judge & CJM.,
Dharwad.