

WITNESS IS PRESENT AND DULY SWORN ON 11.04.2023.

Cross examination by Sri.S.N advocate for defendant No.2:

I am one of the members of Executive Committee of defendant No.1 association. I was not holding any official post in defendant No.1 Association between October and December 2018. There were 13 members in the executive committee in defendant No.1 association. None of them are now holding any official post in the executive committee of the defendant No.1 association. I have no personal knowledge about the things that transpired between October and December 2018 subsequently I became the president of the association and I came across records and I am deposing on the basis of records and the discussions I had with previous executive committee members.

I had discussions with Sri.Subendu Dash and Gr. Captain Rajeev Kapoor. They are still continuing as

members of the association. All the 13 previous office bearers are continuing as members of the association. All the previous 13 office bearers are healthy. When this case was filed I was the president of the association as such I have come to the Court to depose before the Court. I was the president of the association from 2020 to 2022.

The Krishvi Gavakshi Apartment Complex is situated at Kadubeesanahalli, Panattur, Bengaluru (Urban). My daughter owns Apartment No.C393 in Krishvi Gavakshi Apartment. I do not own any apartment Krishvi Gavakshi Apartment. The spouse/children of apartment owners may become the members of association. They are treated as deemed members. The deemed members have same voting rights as that of members. My daughter has purchased apartment not from the builder from the previous owner of the apartment. The Corporate area of my daughter's apartment is above 1257 Sq., Ft. (Sri.D.N.G advocate for defendant No.1 objects the question posed by Sri.S.N

advocate on the ground that there are no pleadings in the written statement of defendant No.2 as such the said question is irrelevant question). Keeping open the question of relevancy the said question and answer given by the witness is recorded.

From January 2023 to March 2023 we have paid maintenance charges at Rs.3.05 per sq., ft., per month. The water and electricity charges are paid separately. I do not know the maintenance charges paid to the plaintiff during July 2019. I do not remember maintenance charges paid to defendant No. 2 in September 2018. I do not know the overdue amount towards maintenance charges payable to defendant No.2 during December 2018. When I was president of defendant No.1 association, I did not make any inquiry about the arrears of maintenance charges payable to defendant No.2. Approximately 30-35 persons are required for facility maintenance at our apartment complex. Currently there are 30-35 persons are engaged in

providing facility maintenance. I do not know the number of persons providing facility services during July 2019 or prior to September 2018. The persons engaged in facility services have uniforms. One can identify who is providing facility services at our apartment by looking at personnel. The plaintiff provided housekeeping and security services from 15th October 2018 to 31st October 2018. For providing housekeeping and security services approximately 30 persons were engaged. The plaintiff provided housekeeping and security services for the months of November 2018 and December 2018. The services was not shifted from defendant No.2 to plaintiff in October 2018. The plaintiff was working for defendant No.2, that is what the record shows. I have not furnished any records. The witness deposes that we have furnished invoices raised by defendant No.2 for payment to plaintiff. The witness deposes he has exhibited Ex.D.4(1) to (5) and Ex.D.5 as the documents furnished to show that the plaintiff was

working for defendant No.2. It is not true to suggest that Ex.D.4(1) to (5) and Ex.D.5 do not show that the plaintiff was working for defendant No.2. The defendant No.2 was providing housekeeping and security services from October 2018 to December 2018. The 30 persons who were engaged in housekeeping and security services were engaged by plaintiff. I don't remember who has engaged the persons to provide housekeeping and security services during period from 15th October 2018 to 31st December 2018. From 15th October 2018 to 31st December 2018 the plaintiff has provided housekeeping and security services. It is not true to suggest that the defendant No.1 had requested defendant No.2 to assist the plaintiff in terms of knowledge transfer to perform their duties in a better fashion for the period from 15th October 2018 to 31st October 2018. It is not true to suggest that the defendant No.1 had requested the defendant No.2 to assist the plaintiff for collection of maintenance charges for the period from November 2018

and December 2018. It is not true to suggest that in October 2018, 4-5 persons and 2 persons in November and December 2018, from defendant No.2 assisted the plaintiff for knowledge transfer and for collection of maintenance charges.

Further cross examination: Deferred at the request of Sri.S.N advocate for defendant No.2.

(Typed to my dictation in the open court)

ROI and AC

(S J KRISHNA)

LXXXIX Addl. CC & SJ, Bengaluru.