

OS No. 141/2016

PW- 1

Witness duly sworn on 08-01-2026

Cross examination by: Defendant Sri. Preetam Masurkar
party in-person

It is true to suggest that we have sent a mail as per Ex.P.13 to the defendant. It is also true to suggest that in Ex.P.13 it is mentioned that unless and until payment is made no warranty certificate will be issued. That means we have stop the services. It is

true to suggest that in the Ex.P.8 it is mentioned that the date of completion of work is shown as 29.07.2013. Witness voluntarily deposes that the said letter pertaining to the work order executed between the defendant and MES who is the main contractor under whom we have obtained sub contract.

It is true to suggest that without any gate pass we cannot enter into the premises of NAVAL base, Karwar. It is true to suggest that there is no title in the Ex.P.2, but the witness voluntarily deposes that the said Ex.P.2 pertains to the contract agreement entered into and by and between the plaintiff and defendant. I have produced the documents showing the statement of payment and due in respect of the work carried out by our company before this court. The documents got exhibited by the plaintiffs are shown to the witness and upon seeing those documents he deposed that the exhibit P.5 is the document showing the statement of payment.

It is false to suggest that when the defendant is requested the plaintiff to rectify the termite re infestation. I have not produced the documents showing the work completion certificate issued by defendant before this court. Witness voluntarily deposes that the work was entrusted for more than Rs.6,00,000/- which is an open order and against the said order we have completed the work to the tune of more than Rs.4,00,000/- and out of which the defendant has paid only Rs.2,21,000/- and Rs.2,11,000/- is an outstanding

amount due from the defendant and hence defendant not issued the completion certificate.

It is false to suggest that unless and until the terms and conditions of the contract executed between the plaintiff and defendant are fulfilled , like issuing guarantee certificate, taking joint measurement , rectifying the defects, plaintiff cannot claim the payment.

It is false to suggest that my suit claim is illegal and not proper without joint measurements. It is also false to suggest that a false suit was instituted by me for unjust enrichment. It is false to suggest that the instant suit filed by me by suppressing the material facts. It is false to suggest that I am not entitled for any claim as sought by me in the suit.

Re examination : – Nil–

(Dictated in open court and typed as per the dictation)

R.O.A.C.

Prl. J.M.F.C., Kavar.