

கோயம்புத்தூர் வணிக வழக்குகள் நீதிமன்றம் (மாவட்ட நீதிபதி நிலை),
கோயம்புத்தூர்

COS.No. 18 of 2024

2025 ஆம் ஆண்டு ஜூலை திங்கள் 22 ம் நாள் செவ்வாய்க்கிழமை 1969 ம் ஆண்டின் 44 வது சட்டத்தின் ஏற்பாட்டின் திரு.கி.ஹரிகரன், எம்.எல்., நீதிபதி, வணிக வழக்குகள் நீதிமன்றம், (மாவட்ட நீதிபதி நிலை), கோயம்புத்தூர் அவர்களால் ஆணையிட்டு பிரமாணம் செய்து வைக்கப்பட்டது.

பெயர்	DW1- Mr.Ashok Sharma	கிராமம்:	
த.பெ.	Mr.Shiv Lal Sharma	வேலை:	
வயது	61	செல்போன் எண்	

Chief Examination:

My name is Ashok Sharma S/o. Shiv Lal Sharma, aged 61 years. I do swear that the contents of the affidavit are true and correct to the best of my knowledge and conscience and I request to treat my proof affidavit as my chief examination and also request to mark the list of documents filed by me in this suit. The witness is examined as DW1 in chief on proof affidavit.

- 1) 27.09.2024– Board Resolution (True copy)
- 2) 11.01.2021– Proposal provided by plaintiff (Original)
- 3) 27.01.2021– Proposal provided by plaintiff (Web copy)
- 4) 17.04.2021– Purchase order along with annexures (Original)
- 5) 01.04.2021– Ledger statement of the plaintiff (Web copy)

- 6) 09.01.2025– List of the defects and missing supplies (Photocopy)
- 7) 21.06.2022– Email Communication sent by plaintiff to the defendants (Web copy)
- 8) 11.07.2022– Email Communication sent by plaintiff to the defendants (Web copy)
- 9) 04.07.2022– Minutes of meeting/Activity Sheet (True copy)
- 10) 13.09.2022– Email Communication sent by plaintiff to the defendants (Web copy)
- 11) 29.11.2022– Email Communication sent by plaintiff to the defendant (Web copy)
- 12) 08.12.2022– Email Communication sent by plaintiff to the defendant (Web copy)
- 13) 12.12.2022– Email Communication sent by plaintiff to the defendant (Web copy)
- 14) 19.12.2022– Email Communication sent by plaintiff to the defendant (Web copy)
- 15) 20.12.2022– Email Communication sent by plaintiff to the defendant (Web copy)
- 16) 06.01.2023– Email Communication sent by plaintiff to the defendant (Web copy)
- 17) 06.01.2023– Email Communication sent by plaintiff to the defendant (Web copy)
- 18) 07.01.2023– Email Communication sent by plaintiff to the defendant (Web copy)

- 19) 09.01.2023– Email Communication sent by plaintiff to the defendant (Web copy)
- 20) 13.12.2022– Email sent by the plaintiff to the defendants along with the attached minutes of the meeting dated 13.12.2022 and project activity sheet (Web copy)
- 21) 03.12.2022– Email Communications between the plaintiff and defendants regarding payments (Web copy)
- 22) 03.12.2022– Email Communications between the plaintiff and defendants regarding payments (Web copy)
- 23) 11.12.2022– Email Communications between the plaintiff and defendants regarding payments (Web copy)
- 24) 11.12.2022– Email Communications between the plaintiff and defendants regarding payments (Web copy)
- 25) 10.01.2023– Email Communications between the plaintiff and defendants regarding payments (Web copy)
- 26) 15.02.2023– Minutes of the meeting (Original)
- 27) 17.02.2023– Legal Notice issued by the plaintiff to the defendants (Office copy)
- 28) 07.03.2023– Reply Notice issued by the defendants to the plaintiff (Web copy)
- 29) 01.03.2023– Demand notice issued by the plaintiff to the defendant with proof of delivery (Photocopy)
- 30) 07.01.2025– PIM report issued by DLSA in PIM 1194/2024 (Original)
- 31) Bills regarding food and accommodation for defendants' employees (Original)

- 32) Bills and receipts for procuring missing and additional spares for the plant (Original)
- 33) 09.09.2024– Certificate issued by the Chartered Accountant (Original)
- 34) 07.01.2024, 14.05.2023, 06.04.2023, 20.03.2023, 17.03.2023– Invoices towards raw materials/scrap metal purchased for the plant (Original)
- 35) 16.06.2023, 08.05.2023, 07.02.2023, 28.07.2023, 12.06.2023, 05.04.2023, 07.02.2023, 25.02.2023, 17.04.2023, 08.08.2023, 13.06.2023, 06.07.2023, 07.07.2023, 05.07.2023, 21.07.2023, 21.07.2023, 04.07.2023, 02.03.2023– Invoices towards various consumables purchased for the plant (Original)
- 36) Provident Fund challans and Employee State Insurance Corporation (ESIC) e– receipts lodged towards employees' salaries (Web copies)
- 37) 07.07.2023– Electricity Bill
- 38) Auditors report with financial statements for FY 2023 – 2024 (Original)
- 39) 07.02.2024– Invoice towards sale of iron castings and relevant e–way bill (Original)
- 40) Picture of the iron castings supplied
- 41) May–July, 2023– Production details of the plant for the months of May 2023 (trial period), June 2023 and July 2023 (True Copy)

In the above list of Doc.Nos.1 to 41 the Doc.No.1 Board resolution true copy was earlier filed and now substituted with the original and the original has been taken up for marking as Ex.B.1.

List of Doc.No.2 and 4 were also taken up for marking as Ex.B.2 and B.3.

List of Doc.No.6 is the photo copy of the list of defects and missing supplies and the same has been substituted with the original and the original is marked as Ex.B.4.

List of Doc.No.7, 8 9 and 10 in the proof affidavit are marked as Ex.B.5 to B.8.

List of Doc.No.11 to 19 are filed as one single documetn with different pages carrying different email as listed in LW11 to LW19. That bunch of email filed as list of document no.11 to 19 are marked as Ex.B.9 series.

List of Doc.No.20 is marked as Ex.B.10.

List of Doc.No.21 to 25 are filed as one single documetn with different pages carrying different email as listed in LW21 to LW25. That bunch of email filed as list of document no.21 to 25 are marked as Ex.B.11 series.

List of Doc. No.26, 27, 28, 30, 31, 32 and 33 are marked as Ex.B.12 to B.18.

The List of Doc.No.34,35,37 and 39 are marked as Ex.B.19 to B.22.

List of Doc. No.36, 38, 40 and 41 are not marked. Since the same was not filed in this suit.

The list of Doc.No.3, 5 and 29 were photocopies. Hence those three documents were also not marked.

Chief examination completed.

Cross examination on the side of the plaintiff:

Plaintiff counsel was present. The plaintiff counsel has not come forward to cross examine the DW1. Hence the opportunity to cross examine the DW1 is closed.

Sd/-K.Hariharan
Judge,
Commercial Court
(District Judge Cadre),
Coimbatore.