

Witness called and duly sworn on 13.08.2021.

Cross-examination by Advocate for Defendant:

It is true to suggest that the amount stated in Ex.P.3 also includes our profit margin. It is true to suggest that the cost price of the goods is not mentioned either in the plaint or in the invoice. The consignment was picked up from my office. The packaging the consignment was done by us. The packaging was of corrugation box which is the normal way of packaging FMCG products. I have not verified the goods prior issuance of legal notice i.e., Ex.P.5. Witness volunteers that it is not possible for me to verify the goods and it is not a practice. As per the say of the consignee I have quantified the damages.

Question: After knowing that the goods were in a dilapidated condition did you try to salvage the goods?

Ans: The goods were in such a dilapidated condition that the goods were baby products, it was dangerous for us to open the products and hence they could not be salvaged.

It is true to suggest that the assessment of the goods is as per the say of the consignee. It is true to suggest that the goods which were sent to the consignee were on credit basis. I have enquired the defendant after receiving the photographs of the consignment from the consignee. I am not aware of the fact that the goods were damaged in transit from Guhati to Imphal (Manipur). I am not aware of the fact there was a land slide in the National Highway from Guhati to Imphal at the

time of transit and for the that reason the lorry was stranded in the highway for about 15 days. I have not verified as to the land slide and the lorry was stranded in the highway for about 15 days from any independent source. I am not aware of the fact that the land slide was extensively reported in the news paper. I have the habit of reading news paper. The consignment was not insured. It is false to suggest that inspite of all reasonable care taken by the defendant the goods were damaged due to heavy range. It is false to suggest that the damages to the goods was beyond the control of defendant and it is an act of god. It is false to suggest that defendant is not liable to pay the amount claimed in the plaint.

Re-examination : Nil.

(Typed to my dictation in the open court)

R.O.I. & A.C.

**[Sri.Sunil Andaneppa Shettar]
LXXXVI ADDL. CITY CIVIL JUDGE
BENGALURU CITY.**