

PW 1 present. Duly sworn on 08.08.2023.

Further Cross Examination by Sri.KM Advocate On behalf of defendant

No.1:

I have mentioned in plaint the words Managing Director since the the Managing Director is used in the document Ex.P.14. I donot remember who told me to use word “ Proprietary Concern”. I have signed in Ex.P.14 at page No.6 as a Director. In page No.6 below the signature of the plaintiff No.1 it is written as Coparcener / member of Boda Suryanarayana Murthy HUF. There is no word Director. In respect of the defendant No.10 I have not produced Income tax returns. Ex.P.22 and 55 are pertained to the defendant No.10 business. In Ex.P.22 and 55 are shown with Karnool Andharapradesh address. As per the Ex.P.10 the address of the defendant No.10 at Narolchar Rasta, Ahamahadabad, Gujarath, witnesses volunteers that there were some branches are opened. I have not produced documents to show about opening of the branches but Ex.P.11 shows the Karnool Branch. Ex.P.11 pertained to the defendant No.11 and not defendant No.10. It is true to suggest that, I have not signed the Ex.P.10 witnesses volunteers that as on the date of the execution of the Ex.P.10 I was minor. I have not applied for GST, VAT, Income tax records and other

Govt. Compliance after becoming major. I have not produced such documents before this Court. Defendant No.10 has become inactive when I am minor. Witness volunteers that he doesn't know how the defendant No.10 is run after attaining majority.

I cannot produced sale deed in respect of sale pertained to the flat at Ahamadabad as mentioned in para 18. It is true that I have not produced any document to show the entire transaction of sale of my flat. I am contending that, the funds of the defendant No.10 are also used for purchase of the schedule A to C properties. The funds of HUF as per Ex.P.9 would have been used for purchase of the property. Ex.P.51 is the HUF loan account. It is not mentioned suit schedule. As per Ex.P.51 the last transaction is dtd:24.03.2001. I am not aware that Ex.P.51 account is closed on 26.03.2021.

It is true that, Mandenties Agree Bio-tic as per the SI.No.1 in Para-8 is the defendant No.16. In the same way SI.No.2 is the defendant No.15. SI.No.3 to 5 are defendant No.14. SI.No.6 is the defendant No.13. Defendant No.12 in para 12(b) SI.No.3. I can't say defendant No.12 is closed on 31.03.2005, when the witnesses is asked about the awareness

of the closer or running of the defendant No.12, witnesses answered that it is inactive. It is inactive since 31.03.2005. Defendant No.15 business was running as on the date of the filing of the suit in the year 2014. It is false to suggest that, defendant No.15 is closed on 31.01.2011.

It is false to suggest that, the defendant No.11 business has been closed by February 2004. I can't produce I.T returns and other document pertaining to the defendant No.11 subsequent to the period of 2004. I can't produce the sale tax, VAT and GST registration pertained to the defendant No.11. I have not done online search about the VAT and GST registration of defendant No.11. It is false to suggest that, I cannot produce the above documents as the business of defendant No.11 is not at all existence. It is false to suggest that, for purchase of the suit schedule A, B and C defendants have paid out of their personal savings.

I have not gone through the documents produced by the defendant along with written statement. It is false to suggest that, for purchase of the schedule A to C properties TDS is paid from the personal savings of the defendants. It is false to suggest that, for purchase of the Item No.1 to 7 of the A Schedule properties the individual PAN cards of the defendant No.1, 2 and 3 is submitted. It is false to suggest that, the PAN card used bearing

No.PAN:AHXPB2557R is individual PAN card of the defendant No.1. in Ex.P.4, 6 and 8 . It is false to suggest that, for purchase of property under in Ex.P.5 individual PAN card of the Boda Prabhavathi Murthy PAN No:AIBPB2053R of defendant No.2 is furnished. It is false to suggest that, for purchase of property under in Ex.P.7 individual PAN No:AIIPB6255G of defendant No.3 is furnished. I can't say the word HUF is not used in Ex.P.1, 2, 4 to 8.

It is false to suggest that, there is no PAN card for defendant No.17 as Boda Surya Narayamurthy HUF. It is false to suggest that, defendant No.17 Boda surya Narayamurthy HUF has not filed any I.T. returns as head of the HUF. I Can't produce I.T returns filed by the defendant No.17 as head of the HUF. It is false to suggest that, I have not paid any consideration for purchase of the suit schedule A, B and C property. I have no document to show that I have contributed amount for purchase of the suit schedule A to C property.

(Adjourned as court time is over)

(Typed by the typist to my dictation in the open Court)

R.O.I. & A.C.

(Gagnesh Gangadharappa Kuruvatti)
XXIX Addl. City Civil &
Sessions Judge, Bengaluru.