

DULY SWORN ON: 06-09-2025

CROSS-EXAMINATION BY Sri. SS THE COUNSEL FOR Petitioner :

12. It is true to suggest that document now confronted to me is the cancellation of JDA dated 16-02-2022 and it is signed by me and since witness has admitted the said document, the said deed of cancellation of JDA dated 16-02-2022 is now marked as **Ex. P.12**. It is true to suggest that document now confronted to me is the document of revocation of GPA and it is signed by me and since witness has admitted the said document, the said deed of revocation of GPA is now marked as **Ex. P 13**.

13. It is true to suggest that as per the clause 5 of Ex. P12, the parties agreed that possession of the schedule property remains with the landowners except the third party rights already created. If it is suggested to me that as per Ex. P13, only those acts done by the developer after cancellation of GPA would be illegal and all acts done prior to cancellation would be legal, I say it is not the complete truth and we had already issued paper publication.

14. Now Ex. P6 is shown to witness and suggested that in the said notice there is no mention about any paper publication of cancellation and there was no impediment to mention the same in the said legal notice and witness answers I do not remember.

15. If I am asked whether the reference to persons who gate crashed into the property made in paragraph 4 of Ex. P6 is reference to representatives of petitioner, I say I do not know. It is true to suggest that the reference to clients in said paragraph is reference to R1 to 3 herein. Now, the photograph at Ex. P1 is shown to witness and asked whether he is referring to that incident of 27-11-2022 in Ex. P6 and witness says, I have no idea. If I am asked what those person said when I questioned them, I say I was not there at the spot at that time. I do not remember what those person said when my employees or representatives questioned them.

16. Now Ex. P1 photographs are shown to witness and asked whether these photographs pertain to commercial premises and witness says I am not able to make out. If it is suggested with me that building in Ex. P1 and P11 are photographs of the same building, I say it doesn't seem like that. If I am asked whether it is my answer that building in Ex. P1 is not my building, I say I do not know. It is false to suggest that I have deployed Mr. Vishwanath and Mr. Tiwari as my representatives at the commercial premises. Witness volunteers, they are not deployed by me.

17. If I am asked whether I have no interaction with them, I say I have interaction with them, but they are my equals and partners and I have not deployed them. I do not recollect giving them any instructions relating to the petitioner herein. If I am asked whether I have not spoken to them at all regarding this issue I say, I have spoken to them, later on. If I am asked what I mean by later on, I say probably 2023.

18. If I am asked whether subsequent to issuance of reply at Ex. P6 I have taken any acts of self-defense as mentioned in last unnumbered paragraph of Ex. P6, I say I do not remember. If I am asked whether before signing any document, I will understand the contents and only then sign the same, I say I will try to understand the contents. If it is suggested to me that photographs now shown to me are photographs of commercial premises with material placed by the petitioner for fit out activities, I say it does not look like that and since witness has not admitted the said photographs, it cannot be marked.

19. If it is suggested to me that on 16-11-2022 petitioner has sent the entire set of petition with enclosures intimating me about the ad interim order dated 15-11-2022, I say we did not receive it. Now, certain postal receipts available in the file of Commercial AA 571 of

2022 is shown to witness and suggested that said postal receipts relate to communication sent to R-1 to 3 on 16-11-2022 and witness says, "It has not come to my notice." Now a compliance notice available in the file of Com. AA 571 of 2022 is shown to witness and suggested that it is the notice intimating R1 - 3 about ad interim order immediately after passing of the ad interim order and witness says I have not received it and it has not come to my notice.

20. Myself and R2 and R3 came to know about the interim order dated 15/11/2022 in second week of January 2023. As on 15-11-2022, the security were deployed by me at the commercial premises. The security guards keep changing. The security agency also keeps changing.

21. If it is suggested to me that on 24/11/2022 at 7 a.m., the employees of the petitioner tried to enter the schedule premises to carry out fit-out activities in terms of the court order I say, I do not recollect. I do not know If it is suggested to me that at that time Mr. Vishwanath and Mr. Tiwari, who is the President and Office Bearer of Association, were present at the spot at that time. I do not know If it is suggested to me that at that time Mr. Padmajan, the representative of petitioner, informed them about the interim order of the court. I do

not remember If it is suggested to me that then Mr. Vishwanath and Mr. Tiwari informed me about the same. It is false to suggest that then Mr. Vishwanath and Mr. Tiwari informed Mr. Padmajan that I have instructed them not to allow the representative of Petitioner to enter the premises. Witness volunteers, I have not spoken to them.

22. If it is suggested to me that Mr. Vishwanath and Mr. Tiwari informed the representative of Petitioner that they have been deployed there by me, I say I do not know. If it is suggested to me that the entire incident continued till afternoon of that day and it culminated in Talgatpura police station, I say, I was called to Talgatpura police station. If it is suggested to me that I was called to Talgatpura police station because a complaint was filed against me, Vishwanath and Tiwari, I say I do not know. It is true to suggest that when I went to the police station, Vishwanath and Tiwari were also present.

23. I do not know if it is suggested to me that Ex. P5 is the NCR registered by Thalghatpura Police on the basis of complaint given by representative of petitioner. It is true to suggest that the complaint which is also part of Ex. P5 was a complaint given by representative of petitioner to Talgatpura police station. Witness volunteers, I do not

know the contents of the same. It is true to suggest that the statement which is also part of Ex. P5 at page 3 of Ex. P5 was statement given by me to the Talgatpura police station on that day. The same is in my handwriting and also signed by me. If it is suggested to me that the said statement was written by me after being made aware of the interim order passed by this court, I say I wrote the same on the instruction of the Talgatpura police. It is true to suggest that this was after he informed me about the court order.

24. I do not know if the document now shown to me was a statement given by representative of petitioner at that time. If it is suggested to me that in the statement given by me before Talgatpura police, I have stated that petitioners should not carry out any activities and said statement is directly contrary to court order, I say I was not aware of the court order.

25. At this stage, the Learned Counsel for Petitioner seeks to defer further cross-examination. The said prayer is rejected since this is the second date on which cross-examination is being conducted and this is a Misc. petition. At this stage again, counsel for petitioner has made a request for deferring cross examination on the ground that he is unable to locate a document which has to be confronted to the

witness. And in view of this submission, further cross examination deferred subject to cost of Rs 1,000/= with understanding that cross examination should be concluded on the next date without fail.

(Computerized to my dictation in the Open Court as deposed by the Witness)

R.O.I.& A.C,

(SUDINDRANATH.S.)

LXXXIII ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.