

Witness present and duly sworn on 16.02.2023.

3. Cross examination by Sri.UA for the respondent: I

know the respondent. We had business transaction relating to fastags. He had requested me to supply 6,000 fastags. It is true that on my demand the respondent transferred the amount towards 6,000 fastags. I do not remember if he transferred Rs.8,35,000/- to me. It is true

that the payment made by the respondent is reflected in my bank statement. It is also true that the respondent made entire payment on account.

4. Out of 6,000 fastags, I supplied 2,300 fastags to the respondent. It is true that whatever fastags I supplied to the respondent was worth only about Rs.3,10,500/-. I was supposed to supply the fastags for the balance amount of Rs.5,24,500/-. It is not correct to suggest that I did not supply the same to the respondent. Witness volunteers, the respondent refused to receive the same as there was delay.

5. It is true that there were several discussions between me and the respondent with regard to the balance fastags and the balance amount. We even had email conversations in this regard. It is true that since the discussion was not fruitful, the respondent lodged a police complaint against me. In this connection, I attended the police station during June or July 2020.

6. It is true that only thereafter the plaintiff issued me the legal notice and I have replied the same. I have not mentioned my permanent address in the reply but my advocate has mentioned the same by mistake. I had even received notice from the District Legal Services Authority with regard to pre institution mediation proceedings at the instance of the respondent and I appeared before the said authority only once. Witness volunteers, I could not go on the next hearing date because I and my child were not well but my husband was told that the proceedings were closed and informed that it was left to Mr.Somashekhar to decide what he wants to do.

7. It is true that the plaintiff filed the suit mentioning the same address where I was served with his legal notice and notice of pre institution mediation proceedings. I am not aware if the suit summons was sent to the same address. It might have been returned with endorsement "door locked" as my parents-in-law must have gone out side, but I do not know. It is false to suggest that the summons was not received at my instructions.

8. I do not know if the respondent took out summons by paper publication because I had not subscribed for any newspaper during Covid-19. It is false to suggest that till date all communications are received by me in the same address as shown in the plaint. It is true that the rent agreement Ex.P1 is in my husband's name and his permanent address is shown as No.54/4, 2nd Cross, 20th G Cross, EG Pura, Bengaluru - 560 047.

9. It is true that I knew that the suit was pending against me. Witness volunteers, I was not aware of the judgment. During November 2022, I came to know that there was a judgment against me in the respondent's suit. My previous advocate demanded fee of Rs.2.5 Lakhs, as such I engaged another advocate. I deny that I was aware of the decree in the respondent's suit in the month March 2022 itself.

10. It is false to suggest that the respondent informed me in August 2022 about the decree in Com.OS.635/2021. I do not know if the respondent has filed execution proceedings against me. It is false to

suggest that despite knowing that there was judgment and decree against me, I have filed this suit by making false claims.

Re-examination: Nil.

(Typed to my dictation in the open court.)

R.O.I & A.C.,

**LXXXIV ADDL. City Civil & Sessions Judge,
(CCH-85) Commercial Court, Bengaluru**