DEPOSITION OF WITNESS
IN THE COURT OF ADDITIONAL COMMERCIAL COURT,
EGMORE, CHENNAI.

Dated:28-02-2025

Case Number	:	**C. O.S. No.717/2022**
Deposition	:	**PW1**
Name	:	**Mr.B.Venkateswaralu**
Father Name	:	
Age	:	
Nationality	:	**Indian**
Occupation	:	
Address	:	

Solemnly affirmed in accordance with the provisions of Act X of 1872 of Indian Evidence Act, on the 28th day of February,2025.

Cross

I know maximum facts of this case. I am the proprietor of the plaintiff firm. From 2007 I am running this company. Now also it is functioning. We are doing textile manufacturing trading and supplying. Originally I was having a office and employed 2 persons in Erode, 2 persons in Salem, 2 persons in Chennai but after Corona due to financial difficulties now I am doing trading only from my home. During the suit transaction I am having both office and home the materials will come to office and the communications will come to my home. My office address is R-50, MMDA Colony, Arumbakkam. My house is the address mentioned in the plaint. We provide raw materials for manufacturing in Erode or Salem our staff will go and monitor there. We don’ t have any specific brand for our manufacturing goods. I cannot say my exact yearly turnover. I am filing income tax returns. I cannot exactly say whether there was profit or loss during 2017. Last year also I filed income tax returns. It was within the limit no tax was payable. I have filed this suit for recovery of money. Both D1 and D2 has to pay money for me. Yes, I am a small businessman, as I am doing manufacture I cannot be called as a huge business man. I supplied materials to Sakthi enterprises. Before supply I was told Sakthi enterprises is a partnership concern but after supply I was told it is a proprietory concern. I deny that I well know it is a proprietory concern and I supplied after well knowing it is a proprietory concern. Yes, I have not stated the above fact in my plaint and evidence but I have impleaded both the parties. I deny that I know even before the suit that th 2^{nd} defendant is not related to Sakthi enterprises. Yes, Ex.A3 is the first notice sent by me. Yes, in Ex.A3 I have stated the 1^{st} defendant is the proprietrix and 2^{nd} defendant is the General Manager. I deny that the 2^{nd} defendant has no connection with the reliefs sought in this suit. I deny the suit has to be dismissed for misjoinder of parties. The 2^{nd} defendant contacted me through one Sidduraj of Erode as such I know the Sakthi enterprises. From him I came to know both were partners and the 2^{nd} defendant is also an employee. I did not went to Sakthi enterprises to get order only the 2^{nd} defendant called me several times. They placed orders for cloth materials for Rs.3,28,000/-. Yes, Ex.A1 is the purchase order it contains both signatures. We delivered as per the order. In Ex.A1 the delivery time is shown as 25-12-2015. As per Ex.A2 delivery challan bulk delivery was made on 13-01-2016 by MRL Logistics. The goods was supplied through one Sai Sarvesh enterprises Chennai and they gave the invoice dated 14-01-2016. I deny that the delivery is not effected in due date and also the goods are defective. Yes, the defendant is manufacturing garments. I don’t know whether the defendant purchased materials for supply of goods to France. I don’t know whether the garment prepared through my materials are returned. I deny that due to that the defendants sufferred loss due to which they had financial difficulties. Yes, Ex.A2 invoice is in printed format and the delivery challan is issued by the Logistics. I received the amount by two post dated cheques. The cheque no.507 for Rs.1,50,000/- dated 05-02-2016 and cheque no.508 for Rs.1,74,980/- dated 09-02-2016 both are presented on 22-02-2016 and after return of the cheques I called the defendants through phone and email and asked the amount. The cheques were again represented on 18-03-2016, again they are dishonoured, hence I issued Ex.A3 dated 07-03-2016 but it was sent on 09-04-2016. The 2^{nd} notice was sent by me on 11-07-2017. In Ex.A4 I have not stated when the cheque were represented. I deny that I adduce false evidence that before dishonour of cheque I issued legal notice. I did not filed any cheque dishonour case. I filed complaint before 17th MM Saidapet but as was told that only punishment will be imposed in complaint but I need only cheque amount I not pressed the complaint and filed this suit. I have stated in my plaint that I have filed the complaint but I have not stated that I have not pressed the complaint. I did not there after quarrelled with the 1st defendant. Yes, on 30-06-2016 I gave complaint to Police. I don't know whether the same was stated in my plaint. Yes, the Police enquired both parties. During police enquiry I stated that if the defendants make my payment I will withdraw my complaint. I did not received any amounts from the defendants in the police station. I did not remember the CSR number it is dated 30-06-2016. The defendant has pleaded that I received payment before police. The copy of the CSR shown to me relates to my complaint and the same is marked as Ex.B1. The documents shown to me states that I have stated to not proceed with the complaint but I have to ascertain the truth all of sudden I cannot say now. The signature in the document seems to my name but I cannot ascertain. I deny that I received Rs.50,000/- on 05-07-2016, Rs.50,000/- on 08-08-2016 and the balance amount on 09-09-2016. I deny that I received the above amounts and also gave a receipt before the police because I don't know Tamil in full and only to a small extent I know Tamil the documents are forged documents. I deny that I have filed the suit suppressing the amount received by me hence the suit is not maintainable. The 1st defendant signature in Ex.A2 is an endorsement for the invoice because at the time the 2nd defendant as gone out. The 2nd notice was sent to 1,2 defendants and Sakthivel Jayabalan. As they told me the Sakthivel only sent funds to run business by 1,2 defendants, I sent notice to him. I deny that only to threaten others I sent notice to unncessary parties. Ex.A4 was sent on 11-07-2017 for Rs.3,81,588/-. Yes, after Ex.A4 I filed this suit for Rs.3,26,000/- my advocate only filed that. I deny that often I implead unncessary parties and also change the amounts. I deny that due to delayed supply I am liable for loss to the defendants. I deny the suit is liable to be dismissed.

Taken down by me in the open court and was read over to the witness and accepted by him/her to the correct.

Additional Commercial Judge
Date:28-02-2025