

DULY SWORN ON: 04-02-2025

CROSS-EXAMINATION BY Sri. HCP THE COUNSEL FOR Respondent :

1. My education qualification is BTech. My residential address is Sri Krishna Galaxy Apartments as stated in my affidavit evidence. I am residing in the said address for the last one year. Earlier to that I was residing in Hyderabad and after my marriage I have shifted to Bangalore. If I am asked whether I was staying in Orissa, I say I have never been a resident of Orissa, but I used to visit Cuttack occasionally.

2. I have not been involved in the business between the petitioner and respondent. My father-in-law, Dharmaananda Patra, has instructed me what to say in my affidavit evidence. I do not have personal knowledge about the business transactions and contract between the petitioner and respondent. I do not have personal knowledge in respect of the service of summons on the defendants in the original suit. From what has been told to me by my father-in-law, I say that there was business transaction between my father-in-law and SKL Graves from the year 2018.

3. If I am asked whether I have seen the records in Com O.S. No. 328 of 2020, I say we have seen the said papers only after

receiving the notice in execution case. After receiving the notice in execution case from Cuttack court, I have seen all the records and papers of commercial O.S. No. 328 of 2020.

4. It is true to suggest that the document which is now shown to me is the plaint in Com O.S. No. 328 of 2020 and since witness has admitted the same, the same is now marked as **exhibit R1**. It is true to suggest that the address of the defendants mentioned in the said plaint and the address of the petitioners mentioned in the present petition are one and the same. It is true to suggest that the address mentioned in the postal envelopes which are marked as Exhibit P4 are also the same as those mentioned in the plaint and in the present petition.

5. It is false to suggest that though the same address was mentioned in Com. OS 328 of 2020, I have deposed falsely that the defendants did not receive the suit summons in the said case. If I am asked on what basis I mentioned in paragraph 7 of affidavit evidence that the plaintiff has manipulated the suit summons as if it is served on the defendants, I say I have made that statement because we have not received the suit summons. Now attention of the witness is drawn to paragraph 10 of affidavit

and suggested that in the said paragraph you have admitted that petitioners are liable to pay sum of rupees 458,300 to the respondent and witness says, yes, we have admitted so but we have already deposited the said amount in the present petition. It is true to suggest that I am aware that we are liable to pay Rs. 458,300 as on 1-11-2019 to the respondent herein.

6. We have not made any attempt to pay the said amount to the respondent till receipt of summons in the execution case from Cuttack court. I am not aware of the demand notice/ legal notice issued by the plaintiff prior to the institution of the suit. It is false to suggest that although the suit summons were duly served in commercial O.S. No. 328 of 2020, we have deliberately not contested the said suit and remained exparte. It is false to suggest that I have deposed falsely.

RE-EXAMINATION : NIL

**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.