

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.
C.S. No. 581 OF 2015

Date: 25.06.2025

Time: 11.50 A.M.

Name : Mr. V.Ramachandran (DW1)

Continuation of cross examination by Mr.S.Subbiah, learned Senior counsel for the Plaintiff.

Solemnly affirmed:

Q123: (Ex.P19 is shown to the witness). Ex.P19 relates to the list of overall zone parts sale performance. Am I correct?

A: Yes, it is specific to overall zone parts sale performance.

Q124: (Ex.P19 is shown to the witness). Can you find out the rank of 1st plaintiff company in Ex.P19?

A: It is 6th position from the top in Ex.P19.

Q125: (Ex.P20 is shown to the witness). What is Ex.P20?

A: 2012 H1 Hyundai Dealer CSI.

Q126: Is 4206 is the number assigned to the 1st plaintiff company?

A: Yes.

Q127: (Ex.P20 is shown to the witness). Can you tell from Ex.P20 of the rank of the 1st plaintiff?

A: Overall ranking is 113 out of 301.

Q128: (Ex.P20 is shown to the witness). Whether Ex.P20 is for entire India?

A: I think so.

Q129: (Ex.P20 is shown to the witness). What is the CSI score? Is it not 822?

A: Yes, it is.

Q130: (Ex.P20 is shown to the witness). Hyundai average score is 818. Am I right?

A: Yes.

Q131: (Ex.P20 is shown to the witness). Whether the 1st plaintiff has the score more than the average of Hyundai?

A: The score is above Hyundai average.

Q132: (Ex.P21 is shown to the witness). Whether Ex.P21 is the market share analysis for January to February 2012?

A: Yes.

Q133: (Ex.P21 is shown to the witness). Can you say from Ex.P21 what is the percentage of the work growth in the industry in entire India?

A: All India industry growth is 9.9.

Q134: (Ex.P21 is shown to the witness). What is the percentage shown by 1st plaintiff?

A: Industry growth in Vellore is 17.3% and not for Susee.

Q135: (Ex.P21 is shown to the witness). What is the growth of Susee?

A: Hyundai's growth is 27.4%. Witness adds: These are all only referral points because we cannot compare the volume of Vellore with respect to Tamilnadu or other cities and hence the growth rate could be higher for Vellore.

Q136: (Ex.P21 is shown to the witness). Market share is 1.5% growth for the 1st plaintiff at Vellore. Is it correct?

A: Yes, it was 1.5%.

Q137: Can you name the officers ranking in respect of Tamilnadu next to the position of Mr.Lee?

A: I do not know. Witness adds: Mr.Lee is the Zonal Manager for entire South India and there is a Regional Manager below Mr.Lee for Tamilnadu.

Q138: I put it to you that you know the name of the person but you are deliberately saying as if you do not know.

A: I deny.

Q139: Do you know Mr.Karthick in Logistics section?

A: Yes, I know.

Q140: Is he still in service of the 1st defendant's company?

A: Yes.

Q141: I put it to you that Mr.Karthick is aware of the entire matter in between the 1st defendant and the 1st plaintiff.

A: I do not know.

Q142: Can you assign any reason as to why Mr.Karthick was not examined while he knows the entire affairs being the subject matter of the present suit?

A: I do not know. Witness adds: It is our management decision.

Q143: Can you say from the records whether there was any complaint from any one of the customers relating to the quality of the services done by the 1st plaintiff company?

A: I am not in a position to say this. Witness adds:The relationship is for very long time. There could be many major or minor complaints. I am not aware of it.

Q144: I put it to you that is it your impression that "there could be many major or minor complaints".

A: It is not an impression, it is my experience based on having dealt with dealerships across the years.

Q145: In so far as 1st plaintiff is concerned can you point out atleast one instance?

A: I do not remember.

Q146: I put it to you further that there was no such complaint as against the 1st plaintiff from its customers for service and the spare parts.

A: I do not know.

Q147: I put it to you that because the 1st plaintiff company was not prepared to act to the whims and fancies of Mr.Lee, and at his instance and instructions a false report had been created and the publication made in Ex.P6.

A: I deny this.

Q148: I put it to you that you did not know anything about the subject matter of the suit.

A: I deny.

Q149: (Ex.P6 is shown to the witness). I put it to you that only because of this false publication made in Ex.P6, the name of the 1st plaintiff as well as the 2nd plaintiff got damaged.

A: I deny. Witness adds: In Ex.P6, the article is written based on information collected from various sources and Hyundai's Spokesperson's statement is also included in that.

Q150: You said from various sources to the answer to Q.No.149. Can you name the person who had collected from various sources?

A: I think the Journalist must have collected from various sources and also has included Hyundai Spokesperson's statement.

Q151: So, you do not know the name of the Journalist?

A: Under the article in Ex.P6 the name of the Journalist is Nandini Sengupta.

Q152: Did the 1st defendant's company contact Nandini Sengupta regarding this report under Ex.P6?

A: They may have but I am not aware.

Cross examination by Mr.Prashanth Rajagopal, learned Senior counsel for the D2 and D3.

Q1: Would it be correct to state that the 1st plaintiff dealership was terminated for poor performance?

A: As per records, yes.

Q2: Was the dealership terminated after issuance of show cause notice?

A: Yes.

Q3: (Proof affidavit is shown to the witness). In Para.4 and 5 of your proof affidavit you have mentioned that the 1st plaintiff by letter dated 18.02.2012 Ex.P2 admitted to poor performance. Is it not?

A: Based on records, yes.

Q4: After termination of the 1st plaintiff dealership, would it be correct to state that they issued an indemnity to you vide Ex.P23?

A: As per records, yes.

Q5: Post termination, have the plaintiffs filed any case against you either for damages or for restoration of the dealership?

A: No.

Q6: (Ex.P6 is shown to the witness). Please see Ex.P6, does it mention termination of four dealers?

A: Yes, article mentions.

Q7: The 1st plaintiff is also included in the aforesaid four dealers. Is it not?

A: Yes.

Q8: (Ex.P6 is shown to the witness). Does the news article Ex.P6 make any mention about the method or manner of termination of the 1st plaintiff?

A: The news article does not specifically talk about the 1st plaintiff.

Q9: (Ex.P6 is shown to the witness). Is there any mention of Jain Cars in the Article?

A: No.

Q10: Was there any press meet regarding termination of 1st plaintiff?

A: No, there was no press meet.

Q11: Was there any ulterior motive on your part while passing on news to Times of India regarding the termination of four dealers?

A: There was no ulterior motive. Witness adds: Hyundai does not have any press meet for termination of dealership.

Q12: (Plaint is shown to the witness). Can you tell me what is the prayer in this suit?

A: It is the defamation case and claim damages.

Time : 12.40 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER-III