

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

Date: 22.01.2026

Time: 12.20 P.M.

Name : Mrs.Nandini Sengupta (DW2)

Cross examination by M/s.S.Subbiah, learned Senior counsel for the Plaintiff.

Solemnly affirmed:

Q1: What is your educational qualification?

A: Graduate in English Literature.

Q2: When did you join Times of India?

A: May 1995.

Q3: Whether you joined Times of India immediately after your graduation?

A: No. Witness adds: After graduation I worked in Sunday Magazine, Economic Times and Business Today. Then joined in Times of India.

Q4: What was your headquarters ?

A: I was working in Delhi, Chennai and Pondicherry.

Q5: (Ex.P6 is shown to the witness). Are you the author of this?

A: Yes.

Q6: (Ex.P6 is shown to the witness). In this report, you have made so many sequences. Is it correct?

A: I do not understand.

Q7: (Ex.P6 is shown to the witness). As per this report, you have contacted not only Hyundai but also Auto dealers and financiers. Is it correct?

A: Yes.

Q8: (Ex.P6 is shown to the witness). What is the exact date you commence this investigation?

A: I do not remember. This is many years ago.

Q9: (Ex.P6 is shown to the witness). Do you maintain any diary or file regarding this report?

A: No.

Q10: (Ex.P6 is shown to the witness). Atleast at the relevant point of time when this report was made, did you create any file on the captioned subject?

A: I do not understand.

Q11: (Ex.P6 is shown to the witness). Did you record any statement from Hyundai, auto dealers and auto financiers regarding this report?

A: Whatever information I had is in the story.

Q12: Can you name the spokesperson of Hyundai?

A: I do not remember his name.

Q13: How many times you have visited the office of Hyundai in Chennai?

A: Many times. Witness adds: I am a business journalist along with other companies. I meet Hyundai officials from time to time.

Q14: In this connection, you have got the acquaintances from top to bottom officers from Hyundai company?

A: No. Witness adds: I only speak to spokesperson and not top to bottom officers.

Q15: How many spokespersons were there in Hyundai during the relevant point of time?

A: One spokesperson.

Q16: Whether the spokesperson was a male or female?

A: Male.

Q17: Is it correct to state that to collect the information and other details from the spokesperson to Hyundai you come to Chennai?

A: Yes.

Q18: Did you make any notes by recording the spokesperson's statement in general?

A: In general, Yes. I would make notes.

Q19: (Ex.P6 is shown to the witness). In this story, have you recorded any minutes?

A: Yes. Witness adds: This was many years ago. I do not have those records.

Q20: Can you trace out those records?

A: No.

Q21: So, I put it to you that you cannot produce those records before this Hon'ble Court.

A: Whatever records I have, I have put it in the story. Ex.P6 is the only available story.

Q22: Do you refer any record of anyone either Hyundai or any other persons in Ex.P6 story?

A: Yes.

Q23: Did you receive any complaint from any customer of the products of Hyundai namely the person/consumer who purchased the car or any other vehicle?

A: No.

Q24: Did you make any effort to meet any consumer who have possession of Hyundai car or any other vehicle?

A: No. Witness adds: This story is about dealerships and not consumers.

Q25: Is it correct to state that Hyundai is the company wholly owned by private

individuals and shareholders?

A: I do not know the ownership.

Q26: Is it a government owned company?

A: No.

Q27: Is it correct to state that you have contacted auto financiers and dealers and all of them are private individuals?

A: Yes.

Q28: Whether the story was investigated either by you individually or at the instructions of the management or any other persons?

A: Me.

Q29: What prompted you to make this kind of investigation?

A: Information from my sources.

Q30: What are those sources?

A: As a journalist I am not at liberty to reveal those sources.

Q31: Is it confidential?

A: The sources speak to media anonymously so, they cannot be disclosed.

Q32: I put it to you that this is not that kind of information that requires concealment of the source.

A: Journalists do not reveal their sources.

Q33: I put it to you that you are bound to disclose the sources when another party is affected.

A: I deny. Witness adds: I am only doing my job.

Q34: I put it to you that it is only a paid news that is why you are refusing to disclose the source.

A: I strongly deny.

Q35: Have you gone through the entire Ex.P6 story before entering into the witness box to refresh yourself?

A: Yes.

Q36: Can I take it that first you contacted the spokesperson of Hyundai and thereafter you contacted the auto financiers and other dealers and thereafter for clarification again you came back to the very same spokesperson of Hyundai?

A: No. Witness adds: That is not how it worked.

Q37: I put it to you that a reading of Ex.P6 story says that after contacting the spokesperson of Hyundai you contacted the other auto dealers and financiers and for clarification again you came back to the very same spokesperson of Hyundai.

A: I would like to answer this in detail. The information from sources in auto industry came to me. I then spoke to financiers and dealers and then contacted Hyundai's spokesperson.

Q38: I am only saying, first you went to spokesperson of Hyundai and then you went to other persons.

A: No.

Q39: I put it to you that only at the instance of Hyundai, you started the investigation to defame their dealers.

A: I strongly deny.

Q40: In this Ex.P6 story you have named 4 dealers of Hyundai. One each from Salem, Madurai, Vellore and Coimbatore. Is it correct?

A: Yes.

Q41: Who furnished you the names of 4 dealers?

A: Industry sources.

Q42: Can you say what is that industry sources?

A: I am not at liberty to disclose.

Q43: I put it to you that because you have been paid by Hyundai you are refusing to divulge the source.

A: I strongly deny.

Q44: Did you contact atleast that 4 dealers named in your Ex.P6 story?

A: No. Witness adds: Because the story was anti-Hyundai and pro-dealers and I needed to, therefore, include Hyundai's official comment.

Q45: Once you say that it is a anti-Hyundai and then 4 dealers were also anti- Hyundai. Was there any specific reason for not contacting any one in Hyundai or all the 4 dealers?

A: I have contacted Hyundai. Witness adds: The story was about Hyundai "abruptly" terminating 4 Tamilnadu dealerships and the problem it may have caused the said dealerships. It is anti-Hyundai and pro-dealers.

Q46: In this Ex.P6 story you have recorded the dealers and also auto financial sources, however said many of these dealerships were shut down "abruptly and arbitrarily" without offering the dealers a chance to explain why their performance was not "upto the mark". Is it correct?

A: Yes.

Q47: Inspite of the same, you have not contacted the aggrieved dealers of Hyundai. Am I right?

A: I have answered this question.

Q48: I put it to you that you have not answered to my Q.No.47.

A: I deny.

Q49: I again put it to you that you did not contact any of the dealers deliberately and knowing the implication therefore just to defame the dealers.

A: I strongly deny it.

Q50: Have you recorded the response given by the spokesperson of Hyundai after the informations collected from auto dealers and auto financiers?

A: Yes.

Q51: Can you give any special reason as to why even after recording the response from the spokesperson of Hyundai, you did not choose to contact all the 4 dealers, even after you were aware of the names of all the four dealers?

A: Because the story was criticizing Hyundai not the dealers.

Q52: Does it not strike you that you have strong reasons to put it against Hyundai if all the genuine reasons given by all the four dealers were also recorded?

A: This was a news report very short not long format. So, only Hyundai's reasons for abrupt termination could be included.

Q53: Atleast after knowing that the terminations were arbitrary and abrupt, to find out whether those termination orders were passed arbitrarily and abruptly to verify and check those two reasons, did you make any endeavor to find out whether they are correct or not?

A: I sent a detailed list of questions to Hyundai.

Q54: What are those questions detailed by you and sent to Hyundai?

A: This was 12 years ago. I do not remember the details.

Q55: But, you remember that you have sent a list of questions to Hyundai?

A: Yes.

Q56: Have you referred to the same in your proof affidavit?

A: It refers to the fact that the Hyundai's spokesperson confirmed the story.

Q57: I put it to you that you know the entire contents of that list sent to Hyundai and also you have that list with you and that can be produced before this Court and you are deliberately making a statement contrary to the truth.

A: I strongly deny.

Q58: Do you know when the contracts were terminated by Hyundai in respect to the 4 dealers?

A: No. Witness adds: Because that was not the story.

Q59: Do you know in so far as the Susee Motors Limited, Vellore is concerned the termination was dated 20.06.2012?

A: No, because that was not the story.

Q60: Your story in Ex.P6 was published on 05.07.2014. Can you explain the delay of two years in between?

A: That is not the story. Witness adds: The story was Hyundai terminating dealerships. The dates are not part of the story's focus.

Q61: Did you require the copy of the order of termination passed by Hyundai when you sought for clarification from Hyundai?

A: No, because that is an internal document which the company may or may not want to share.

Q62: Are you aware that the orders of termination were the cause for investigation leading to write this Ex.P6 story?

A: Yes. Witness adds: But the Ex.P6 story was about Tamil Nadu dealerships being terminated not individual details.

Q63: Susee Motors is in Vellore i.e., in Tamil Nadu. Do you know that?

A: Yes.

Q64: The Hyundai company is giving lot of advertisements to all the newspapers belonging to the group of Times of India at the time of Ex.P6 story and continued to give all their advertisements. Is it correct?

A: I do not know.

Q65: Because Hyundai company is giving a number of advertisements to Times of India, I put it to you that to oblige them you have defamed the name of plaintiffs at the instructions of Hyundai company.

A: I strongly disagree and deny.

Time : 01.30 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