

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.581 OF 2015

Date: 18.07.2024

Time: 02.50 P.M.

Name : Mr. V. S. Kumaran (PW2)

Cross Examination by Mr.Prashant Rajagopal , Learned counsel for the 2nd and 3rd Defendant.

Solemnly Affirmed:

Q1: What is the nature of your business?

A: My business in selling UPS, Inverters and Batteries.

Q2: What is Kelcom Power Systems?

A: This is my name of the company.

Q3: Is it a proprietorship or partnership firm?

A: It is a proprietorship firm.

Q4: (Ex.P24 is shown to the witness). This is a Workshop Labour Invoice. Who has issued this invoice?

A: Susee Trucks Pvt. Ltd.

Q5: Are they the plaintiff in the suit?

A: Susee Cars Pvt. Ltd is a plaintiff. Witness adds: Susee Trucks Pvt. Ltd is a group of company.

Q6: How do you know P2?

A: I know him since 1990. We are customer with each other.

Q7: You are here to depose the excellence service provided by Susee groups. Is it correct?

A: Yes.

Q8: (Ex.P27 is shown to the witness). This is a Ledger Account. In whose name it stands?

A: My wife Gayathri Kumaran's name is mentioned.

Q9: Have you been authorized to depose evidence on behalf of your wife?

A: Yes.

Q10: Have you filed any document you authorized to to depose evidence on behalf of your wife?

A: No.

Q11: What is the defamation that plaintiff has afforded?

A: Mr.Manivannan is a MD of the company. I came to know that the dealership was cancelled due to poor service and came to know through paper publication.

Q12: So, Mr.Manivannan has informed about the cancellation of dealership. Is it correct?

A: When I came through the paper publication I called Mr.Manivannan and asked about the news. He told me that it was purposefully done by the company then he explained me all the issues.

Q13: Who asked you to come to the court and depose?

A: Mr.Manivannan.

Q14: (Ex.P25, 26 and 27 are shown to the witness). Do these all relate to the service records of your vehicle?

A: Yes.

Q15: (Ex.P25 is shown to the witness). All these service was done by Susee Trucks Pvt.Ltd?

A:Yes.

Q16: Are you aware whether Susee Trucks Pvt.Ltd was terminated due to poor performance in sales excellence?

A: No.

Q17: (Ex.P26 and P29 are shown to the witness). These do not pertain to you. Am I correct?

A: No, it is in my wife's name.

Q18: I say that you are not competent at all to depose and talk about about these Exs.P24 to Ex.P31

A: Yes, I am competent. These documents pertaining in my company and my wife's name.

Q19: (Ex.P26 and P27 are shown to the witness). Is these documents pertain to you?

A: My wife's name.

Q20: (Ex.P26 and P27 are shown to the witness). So, it does not pertain to you?

A: It pertains to me.

Q21: So, you have come here to depose for your wife's company and your's company?

A: Yes.

Q22: (Proof affidavit is shown to the witness). Have you said in your proof affidavit and tell me if you stated so?

A: No.

Q23: So, you have come to this Court only on the request of Mr.Manivannan?

A: Yes.

Q24: I say that you are not competent to say about Susee Cars Pvt. Ltd., since the documents that you filed pertain only to Susee Trucks Pvt. Ltd., this company has nothing to do with this defamation suit.

A: I deny. Witness adds: I have given records. Because, I got two cars in my name from Susee Cars Pvt. Ltd and two cars in my wife's name from Susee Cars Pvt. Ltd.

Time: 3.20 p.m.

Continuation Time: 3.21 p.m.

Cross Examination by Ms.Niranjana for M/s. Surana and Surana , Learned counsel for the 1st Defendant.

Q1: What kind of business are you dealing with?

A: I am into Sales and Service of UPS, Inverters and Batteries.

Q2: How do you know the plaintiff?

A: I know him since 1990. We are mutually customers.

Q3: Have you filed any documents pertaining to business transactions between you and the plaintiff from 1990?

A: I am not sure. I will check my records.

Q4: Can you produce those records from 1990 onwards?

A: Whatever records I have, I have given.

Q5: (Ex.P24 to P31 are shown to the witness). I put it to you that you filed documents only from the year 2011.

A: Yes, it is from 2011 only. But, I know him since 1990.

Q6: (Proof affidavit is shown to the witness). You purchased two wheelers from Susee Motors. Have you filed any invoices pertaining to the same?

A: No.

Q7: You have stated that you have purchased two cars Hyundai Accent and Hyundai Getz . Have you filed any invoices pertaining to the same?

A: Invoice is not filed. Hyundai Accent was purchased in the year of 2003 and Hyundai Getz in the year of 2007.

Q8: As you have not filed these invoices I put it to you that you have never purchased these two vehicles and you said it in proof affidavit only for the purpose of this suit.

A: I deny. I have a proof.

Q9: In Para.No.6 of your proof affidavit you have stated that you purchased Polo Cars in 2014. Have you filed any invoices pertaining to the same?

A: No.

Q10: In Para.No.7 of your proof affidavit you have stated that you purchased Zeta Cars in 2015. Have you filed any invoices pertaining to the same?

A: No.

Q11: I put it to you that you have not purchased any of the vehicle mentioned in your proof affidavit.

A: I deny. I have purchased.

Q12: (Ex.P24 is shown to the witness). What are these pertaining to?

A: Tata Ace vehicle purchased in my name.

Q13: (Ex.P24 is shown to the witness). Are all these invoices pertaining to the same vehicle?

A: Yes.

Q14: Is it correct to state that all these invoices pertaining to Susee Trucks Pvt. Ltd and not Susee Cars Pvt. Ltd?

A: Yes. It is a group of company.

Time : 03.35 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