

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.581 OF 2015

Date: 20.08.2024

Time: 11.55 A.M.

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

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

Solemnly Affirmed:

Q15: (Ex.P25 is shown to the witness). What is the nature of the document?

A: It is the account's statement between Kelcom Power Systems and Susee Trucks
Pvt.Ltd.

Q16: What is your relationship with Kelcom Power Systems?

A: I am the proprietor of Kelcom Power Systems.

Q17: Have you filed any documents to show that you are the proprietor of Kelcom
Power Systems?

A: Yes, I have given the Registration copy.

Q18: (Ex.P24 to Ex.P31 are shown to the witness). Please find out from the Exhibits, the
document which you have filed for Registration of Kelcom Power Systems?

A: These documents are only invoice copies. I do not find the Registration Certificate.

Q19: I put it to you that you have not filed any document evidencing that you are the
proprietor of Kelcom Power Systems.

A: I deny. Witness adds: I have given it to my advocate.

Q20: (Ex.P25 and Ex.P27 are shown to the witness). Are the Statement of Accounts filed by you verified and certified by the auditor?

A: No. Witness adds: All are office records and maintained in office.

Q21: (Ex.P26 and Ex.P27 are shown to the witness). Is it correct to state that these documents pertaining to Mrs.Gayathri Kumaran?

A: Yes.

Q22: (Ex.P26 and Ex.P27 are shown to the witness). Are you a party to any of these documents?

A: No. Witness adds: My wife's name is there.

Q23: Have you filed any Authorization Letter from your wife Mrs.Gayathri Kumaran authorising you to depose evidence in this case?

A: No.

Q24: (Ex.P28 is shown to the witness). What is this document?

A: Those are the materials supplied to Susee groups from Kelcom Power Systems.

Q25: Is it correct to state there are only three entries pertaining to Susee Cars Pvt. Ltd,P1?

A: Yes.

Q26: Are these sales details mentioned in Ex.P28 certified by an auditor?

A: No. Witness adds: It is only a sales records.

Q27: Is it correct to state that some of the entries in this statement do not contain the invoice numbers?

A: Yes.

Q28: I put it to you that because these Sales details are not duly certified they are fabricated and are made up for the purpose of this case.

A: I deny.

Q29: Is it correct to state that Ex.P28, P29 and P31 are pertained to sales done by Susee Group of companies.

A: Yes.

Q30: I put it to you that as all the above said Ex.P28, P29 and P31 pertain to sales done by Kelcom and they do not indicate the P1 sales performance.

A: Yes. Witness adds: We are mutually supplying materials. To show the long relationship I produced these records.

Q31: (Ex.P29, P30,P31,P27 and P25 are shown to the witness) I put it to you that Ex.P29, P30,P31,P27 and P25 pertain to Susee Trucks Pvt. Ltd and are not relevant to P1.

A: Yes. Witness adds: Some documents are related to Susee Motors Pvt. Ltd and Susee Trucks Pvt. Ltd. We are dealing with all the companies and having relationship with Susee Groups of Companies.

Q32: How did you find out about the articles about termination of dealership with P1?

A: I came to know through newspaper.

Q33: Have you filed any documents to show that you purchased that newspaper?

A: No.

Q34: Have you read the full articles?

A: Yes.

Q35: I put it to you that the said articles mention that D1 has terminated the dealership of P1 citing poor sales performance.

A: It is 10 years old. I do not remember the exact particulars stated in the article.

Q36: (Ex.P6 is shown to the witness). I put it to you that the said articles do not state that P1's sales performance was poor but it only states that citing such a reason the D1 terminated the dealership.

A: The headline says poor quality of service.

Q37: (Ex.P6 is shown to the witness). Does the content under the said headline expressly and specifically state that the sales performance of P1 was poor?

A: They have mentioned only the poor quality of service.

Q38: (Ex.P7 is shown to the witness). Is it correct to state that this article talks about the stand of both D1 and P1?

A: The content says out of the 24 dealers in Tamil nadu, 4 dealership were cancelled due to poor quality of service.

Q39: (Ex.P7, Pg.No.2 is shown to the witness). Whether the said article in Ex.P7 mention the stand taken by the dealers?

A: Yes. Witness adds: There are so many documents. What is the purpose I said.

Q40: (Ex.P6 and Ex.P7 are shown to the witness). Is it correct to state that you have not read this article and the newspaper you are referring to in your proof affidavit is not pertaining to Ex.P6 and Ex.P7?

A: English paper I have seen long back. But, the Tamil paper I have not seen.

Q41: Do you know the reason of termination of dealership of P1?

A: I do not know. Witness adds: I read it in the paper.

Q42: After reading the article did you enquire with D1 about the truth or veracity of the

article?

A: No. Witness adds: I know my friend Mr.Manivannan and I asked to him.

Q43: Do you have knowledge about the sales targets fixed by D1 to P1?

A: I have no idea.

Q44: Are you aware of any communication sent by D1 to P1 regarding poor sales performance?

A: No.

Q45: Are you aware of the assurances made by P1 to D1?

A: No.

Q46: I put it to you that you are not aware of any business transaction between P1 and D1 and therefore, your evidence in support of P1 is not relevant.

A: I deny. Witness adds: It is relevant and I know they are terminated due to poor sales performance. But, their performance to me was good that is why I came to give evidence.

Q47: I put it to you that as you are not aware of any business transaction between P1 and D1 you do not truly know whether the sales performance of P1 was poor or not.

A: I do not know anything about sales. So, I cannot say.

Q48: Is it correct to state that you have business transactions with Susee Cars Pvt.Ltd, P1 and Mr.Manivannan,P2?

A: Yes. There is no personal transaction but, business transaction with Susee Groups.

Q49: I put it to you that because you have business transaction with P1 you are giving evidence in return of financial gains.

A: I deny.

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