

BEFORE THE ADDITIONAL MASTER – III
HIGH COURT MADRAS

C.S. No.79 of 2011

Date :13.03.2025

Time :11.50 A.M

Name : J. Raja Ananthan (DW1)

Cross Examination by Mr. A.Ganesh, Learned Counsel for the plaintiff.

Solemnly affirmed:

Q97: Is it correct to that, you have entered an appearance on February 2011 and filed vakalat and also filed in application number 813/2011 to vacate the interim injunction in this case?

A:Yes.

Q98:Is it correct to that, you know what are the reliefs asked by the plaintiff from Feb 2011 ?

A:Yes.

Q99:Is it correct that, the Hon'ble High court has directed to you that deposit security amount of Rs.1,37,99,860/-?

A:I Deny Witness adds: the Hon'ble High court has directed me to deposit balance amount of Rs.40 Lakhs.

Q100:Is it correct that, as the order passed by the Hon'ble High Court dated 14.02.2011 you have produced immovable property documents of you and your two brothers and third party namely Mahalakshmi?

A:Yes.

Q101: Is it correct that, after you have submitted that documents the Hon'ble High Court has directed the Assistant Registrar, High Court to value the property and file a report?

A:Yes.

Q102:I put it to you that, the Hon'ble High Court ordered with the Registrar filed a report if it is less than the suit claim Rs.1,37,99,860/- if it so you have to furnish the bank guarantee for the difference amount between the suit claim and valuation made by the Assistant Registrar.

A:I deny.

Q103:I put it to you that, you have given the documents as well as bank guarantee the interim injunction was vacated and you are permitted to clear the 52 containers of Oil.

A: I deny. Witness adds: I have not furnished bank guarantee.

Q104:Is it correct that, you have filed a case in CS.No.162/2011 against D5 MSC Agency (India) Pvt.Ltd., in this court

A:I do not remember.

Q105:I put it to you that, you have filed an application No. 1390/2011 in CS.No.162/2011 to release the 14 containers out of 52 containers since the 5th defendant refused to release 14 containers for the reason of no such original bill of lading.

A:I deny.

Q106:Do you know that in the valuation report filed by the Assistant Registrar stated that there is difference of Rs.20 Lakhs between your documents and the assessed value in this report dated 16.03.2011?

A:I do not know.

Q107:Do you know the Hon'ble High Court has ordered that you have to deposit the balance difference amount Rs.25 Lakhs within 4 weeks?

A:I do not remember. Witness adds: already we have paid Rs.78 Lakhs to the plaintiff through Bank Channel. For the balance of Rs.50 Lakhs I have produced the documents into the court.

Q108:These are all happened in the month March 2011 and in turn to the order of Hon'ble High Court you have released 52 containers?

A:After clearing the payment of demurrage and detention around 1 Crore and then we took the 52 containers.

Q109:If it so why you transferred an amount of US Dollar 98,130.60 to the plaintiff when the case is pending?

A: The plaintiff has filed the suit for balance amount so I paid the balance amount in US Dollar 98,130.60 through Tamilnadu Mercantile Bank to the plaintiff and request to return my documents.

Q110:Have you filed any application to return of your documents?

A:Yes. Witness adds: I have also filed suit.

Q111:I put it to you that, you have not filed any such application as alleged by you and you never transferred any amount to the plaintiff as per Ex.D23.

A:I deny. Witness adds: I have produced the documents to prove the payment.

Q112:I put it to you that, ordinarily No prudent man send any amount to the opposite party while the case is pending you have falsely depose before this court.

A:I deny. Witness adds: It is 100 percent that I paid the amount and after that I have filed the suit.

Q113:Is it correct that, so far now you have not return back any documents security deposit which was filed in this court?

A:Yes. Witness adds: Because of case pending, I have not applied copies for the return of documents and security deposit.

Q114:Do you know that the custom's duty that you paid to the customs are refundable?

A:I do not know.

Q115:Is it correct that, you have paid Rs.4,86,709/- as a custom duty to clear the fuel oil in invoice Number 000674?

A:Yes.

Q116:Is it correct that, you returned back the goods?

A:Yes. Witness adds: Court order is there.

Q117:Have you advance any argument when this Hon'ble Court passed an order to re export the fuel oil vide invoice number 000674 you did not asked for refund of custom duty paid by you?

A:No. Witness adds: custom duty and re export goods value are deducted from the claim amount and I entitle for remaining balance.

Time: 12.55 P.M

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

ADDITIONAL MASTER-III