

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.822 of 2017

Date : 14.02.2023

Time : 03.10 P.M.

Name : Mr.Chirag N Maher (PW 1)

Age : 50 Years

Father's Name : Mr.Narendra Maher

Office Address : Makanji House 2nd Floor, 49 (Old No.25),
Barnaby Road, Kilpauk, Chennai – 600 010.

PW1 examined in chief by Mr.Jayesh B.Dolia, Learned Counsel for the Plaintiff.

Solemnly affirmed:

I am the Managing Director of the Plaintiff Company herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. The following documents may be marked as exhibits.

Ex.P1 is the true copy of the letter dated 01.02.2012.

Ex.P2 is the true copy of the letter dated 20.03.2012.

Ex.P3 is the original promissory note dated 01.04.2013.

Ex.P4 is the original letter dated 31.03.2014.

Ex.P5 is the original letter dated 31.03.2015.

Ex.P6 is the original cheque bearing no.023589 with return dated 19.01.2016.

Ex.P7 is the served copy of the letter dated 17.02.2016 with acknowledgement cards (3nos).

Ex.P8 is the served copy of reply notice dated 29.02.2016.

Ex.P9 is the office copy of the legal notice dated 04.07.2017.

Ex.P10 is the certified true copy of the board resolution dated 29.05.2017.

Ex.P11 is the printout of statement of accounts (affidavit under Sec.65 B of IEA is filed).

Therefore, it is prayed, that, this Hon'ble Court may be pleased to pass a judgment and decree as prayed for in the plaint with cost and further relief may be granted as this Hon'ble Court may deem fit in the facts and circumstances of the present case and thus render justice.

Time: 03.24 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 - I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.822 of 2017

Date : 04.09.2023

Time : 12.50 P.M.

Name : Mr.Chirag N Maher (PW 1)

Age : 51 Years

Father's Name : Mr.Narendra Maher

Office Address : Makanji House 2nd Floor, 49 (Old No.25),
Barnaby Road, Kilpauk, Chennai – 600 010.

PW1 examined in chief by Mr.Sai Syaam, Learned Counsel for the Plaintiff.

Solemnly affirmed:

I am the Managing Director of the Plaintiff Company herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. The following documents may be marked as exhibits.

Ex.P12 is the certified copy of the petition filed under Section 7 of IBC before NCLT dated 23.03.2018 (subject to proof and relevancy).

Ex.P13 is the certified copy of the agreement of settle financial debt dated 16.09.2019 (The learned counsel for the defendant objects to mark this document on the ground that the document is insufficiently stamped under the Indian Stamp Act, cannot be construed as admission of liability and subject to proof and relevancy)(The learned counsel for the plaintiff objects that it cannot be taken on record as 'denial of admission of liability').

Ex.P14 is the certified copy of the NCLT Order recording the same compromise dated 16.09.2019 (subject to proof and relevancy).

Time:12.57 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 - I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.822 of 2017

Date : 07.01.2025

Time : 03.10 P.M.

Name : Mr.Chirag N Maher (PW 1)

PW1 cross examination by Mr.Vaibhav R Venkatesh, Learned Counsel for the Defendants.

Solemnly affirmed:

Q1: What line of business is the plaintiff company into?

A: Plaintiff is Narendra Properties Ltd. We are into development of properties.

Q2: Is the Plaintiff Company a Banking Company registered under the RBI?

A: It is not a Banking Company.

Q3: Is it a non-banking financial company (NBFC) registered under the RBI?

A: No.

Q4: Refer to the list of exhibits marked by the plaintiff. Has the plaintiff produced any loan agreement allegedly executed between the plaintiff and the defendant?

A: I do not remember. (Counsel for the defendant refreshed the memory of the witness by showing the list of document and the copies). (After seeing the documents, the witness answers)

No. There is no loan agreement executed between the plaintiff and the defendant.

Q5: Refer to the list of exhibits marked by the plaintiff. Is there any memorandum of deposit of title deeds or Mortgage Deed or any form of mortgage deed, with regard to the alleged loan, allegedly executed between the plaintiff and the defendant?

A: No.

Q6: Refer to the list of exhibits marked by the plaintiff. Is there any security interest created over any property, coupled with the alleged loan transaction, allegedly executed between the plaintiff and the defendant?

A: No.

Q7: Is there any form of any written loan contract allegedly executed between the parties prior to the alleged transactions?

A: No.

Q8: Has the plaintiff annexed/ filed any special Board Resolution authorizing the alleged act of disbursement of loan by the plaintiff company?

A: I do not remember.

Q9: (Witness is shown the list of documents) Please answer the previous question?

A: I do not remember. Witness Adds: There is a Board Resolution marked as Ex.P10.

Q10: Ex.P10 is shown to the witness. What is the date of this document i.e., Board Resolution?

A: 29th May 2017.

Q11: In Q.No.8 you were specifically asked if the plaintiff annexed/ filed any special Board Resolution authorizing the alleged act of disbursement of loan by the plaintiff company. But this alleged Board Resolution (Ex.P10) is dated 29.05.2017 i.e., five years after the alleged transactions. Can you reaffirm if this is the Board Resolution authorizing the disbursement of loan by the plaintiff company prior to the transactions?

A: No. This is not the Board Resolution authorizing disbursement of loan by the plaintiff company prior to the transactions.

Time: 03.20 P.M

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

ADDITIONAL MASTER – I

