

PW3 PRESENT AND DULY SWORN ON 14.09.2021.

CROSS EXAMINATION BY SRI.VSK THE COUNSEL FOR DEFENDANT:

I am a Bsc. LLB graduate. I am practicing as advocate from 2013. Earlier to that I was doing interior designing business. I am the son of the plaintiff. The name of my interior designing business firm was Inter Arc solutions. It was established in 2004. It is still running. Earlier it was a partnership firm now it is a company. In 2010 it was converted into company. I am filing income tax return from 2000. The accounts of the said company is available. My IT returns are also available for the year 2007-08. I can produce the said documents. I do not remember my monthly income during 2007-08.

2. I have studied Bsc in Vinayaka Mission university. It is a distance education university which is in Tamil Nadu. I joined Bsc in 2003 and completed in 2005. It is true to suggest that earlier to that I had joined Engineering course. I discontinued Engineering in third year. I do not remember the date of my discontinuing Engineering. I joined Engineering in 1996.

3. The name of my paternal grand father is Ahula Rosayya. I have given instruction to prepare my affidavit for evidence.

4. I was not involved in the suit sale negotiation. I know defendants. They came to be known at the time of the suit sale transaction. Sale agreement was executed in the first defendants house before the afternoon. At that time the defendant No.1, Sujata, my father, Ashok Manvi, V.G.Dharma Kumar and myself were present. I do not know if any other persons were present. I do not remember the denomination of the currency in which the sale consideration was paid. Money was paid in my presence. It is false to suggest that when the agreement of sale was executed on 27.03.2007, I was not present at the spot. It is false to suggest that my signature has been obtained to the sale agreement subsequently so that it helps the plaintiff case. It is false to suggest that PW4's signature has also been obtained subsequently and the said witness was not present at the time of sale agreement.

5. At the time of the sale agreement on 27.03.2007 I have given money to my father. I do not know how much money

I have paid to my father at that time. I have paid in lakhs to my father. I had my savings and also money from my company. I do not remember if I withdrew money from Bank Account and paid my father. I do not know how much money I have paid from company. There may be documents in that respect. It is false to suggest that during 2007-08 I had no employment or company or income of my own.

Further Cross examination: Deferred at request.

Typed to my dictation in the open court.

R O I & A C

(D.S.VIJAYA KUMAR)
C/C IV ACCJ, B'LORE.(CCH-21)

PW3 PRESENT AND DULY SWORN ON 20.09.2021.

FURTHER CROSS EXAMINATION BY SRI. VSK THE COUNSEL FOR DEFENDANT No.2:

6. Madhusudan, Padma Bhushan and Arun Kumar were the partners in the earlier interior designing business- inter arc solutions. It was not a register partnership firm. I do not have partnership deed or copy of the said firm. It is false to suggest that there is no document because there was no such partnership firm. The same firm was continued as Interarc Solutions. Now the document shown to me pertains to Interarc Solutions private limited mentioned above. Since, the witness admitted the document it is marked as Ex.D2. In Ex.D2 the services said to be provided by the company as legal, accounting, book keeping and auditing activities, tax consultancy, market research and public opinion polling which comes under SMEs/MSME and serves at consulting industry is wrong. The address mentioned in Ex.D2 is correct and CIN number is correct. Names of directors mentioned is also correct. They are old details. My name is not there as director in Ex.D2. After I got enrolled as advocate I came out of the said company as directed. In 2009 when I floated the said company, I was a

director in the company. I can produce documents to show that the said company is involved in interior designing business and I was a director therein. It is false to suggest that the said company is not working.

7. Rs.25 lak was paid to defendants at their residence. At that time the defendants, myself, Ashok Manvi, Krishna were present. In the month of May 2008 I paid Rs.20 lak again at the residence of defendants. At that time also the defendants, myself, Ashok Manvi, Krishna were present. It was paid before afternoon. My father raised the said amount from his savings, from friends and myself. I do not remember how much amount I have given exactly. I cannot even say roughly how much I gave. How much and when I had taken money from my company, I don't know. I cannot produce the accounts of the partnership or company to show how much money I have taken from the company. When 25 lak was paid and also 20 lak was paid, on both occasions I have given money to my father. But I do not know how much I have paid and I cannot produce documents in respect of the same. It is false to suggest that since, I have not paid any amount, I am unable to produce documents.

8. I do not know who drafted Ex.P1(a) and (b). I do not know where my father got it typed. It is false to suggest that Ex.P1(a) and (b) have not been executed but they have been created by me for the purpose of the suit. It is false to suggest that no amount either Rs.25 lak or 20 lak was paid on the said dates. It is false to suggest that in collusion with the plaintiff we have forged the signatures of defendant No.1 on Ex.P1(a) and (b).

9. Ex.P1(a) (in miscellaneous case) now shown to me is the handwriting of the my father. My father has written it. (Ex.P1 now shown to witness as miscellaneous case document is different from Ex.P1 sale agreement dtd.27.03.2007 marked in the case. In order to remove doubt the document now marked by confronting to the witness which the witness admitted to be his father's handwriting is now marked as Ex.D3 and it is actually the records of Misc. Petition.No.25199/2011 and the said records is available in this case). I do not know who is M.Muralidhar who has signed as witness in Ex.D3. I do not know that my father and M. Muralidhar are friends. If it is suggested that he is my friend too, I say I do not know who he is at all. I do not know if Ex.D3 is a copy of Ex.P1 sale

agreement. It is false to suggest that at the time of Execution of Ex.P1 sale agreement only Dharma Kumar was present and that myself and Ashok Manvi were not present. It is false to suggest that In view of the said reason only Dharma Kumar has signed as witness. It is false to suggest that subsequently myself and Ashok Maniv have affixed signatures therein at the time of filing the suit.

10. Venkamma is my grand mother and she had her own land. I do not know how much land she owned. I do not know her annual income. I do not know how much money she has given to my father. It is false to suggest that she had no source of income and has not paid any amount to my father.

Q: Your wife has lodged a Criminal complaint against you?

(Relevancy of the question not explained and hence, over ruled.)

Q: Since, you had cheated her also, she had lodged a complaint against you?

(Question is not relevant and hence, over ruled)

11. It is false to suggest that by misusing the signatures of defendant No.2 which had been obtained on blank green

sheet by my father/plaintiff relating to a case, Ex.P1(a&b) have been created. I have not verified documents relating to the Suit Property. On the basis of what defendant No.1 has stated, I have stated that the Suit Property belongs to defendant No.1. It is false to suggest that except Ex.P1 and 2 the defendant No.1 and 2 have not executed any other documents. It is false to suggest that except the amounts received under Ex.P1 and 2, the defendants have not received any other amount from the plaintiff. It is false to suggest that I have colluded with my father and filed a false suit to knock of valuable property of the defendants.

Cross examination by Lr's of D1: No representation taken as nil.

Re-examination: Nil.

Typed to my dictation in the open court.

R O I & A C

(D.S.VIJAYA KUMAR)
C/C IV ACCJ, B'LORE.(CCH-21)

**PW3 RECALLED PRESENT AND DULY SWORN ON
18.11.2021.**

**FURTHER CROSS EXAMINATION BY SRI. SVS THE
COUNSEL FOR LR'S OF DEFENDANT No.1:**

12. I have seen defendant No.1 and 2. I do not have acquaintance with them. It is true to suggest that the defendant No.1 is the owner of the Suit Schedule property. It is true to suggest that defendant No.2 is not the owner of the Suit Property. On 27.03.2007 the plaintiff paid Rs.8 lakh to the defendant No.1 and 2. Earlier to that the plaintiff had paid Rs.2 lakh. In the month of December 2007 the plaintiff paid Rs.25 lakh to defendant No.1 and 2. Plaintiff has paid totally Rs.55 lakh to them. I was present when all the above said amount was paid by the plaintiff. All the said amount was paid by the cash. When the plaintiff paid the said amounts the defendant No.2 was present but the defendant No.1 received the amount. It is false to suggest that the defendant No.1 has not received any amount. It is false to suggest that even though the defendant No.1 has not received any amount, I am deposing false evidence.

13. It is false to suggest that defendant No.1 has not affixed his signature to sale agreement dated.27.03.2007 or any continuation agreement. It is false to suggest that the plaintiff has forged the signatures of defendant No.1 in the sale agreements. I have paid some amount to my father but I do not know how much I have paid. I have not produced documents to show that I have given money to the plaintiff. It is false to suggest that at the said time as I was studying, I was not in a position to help my father by giving money and I am deposing falsely to help my father/Plaintiff.

Re-examination: Nil.

Typed to my dictation in the open court.

R O I & A C

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