

DEPOSITION FORM

IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE-CUM-ASSISTANT SESSIONS  
JUDGE, MEDCHAL, MEDCHAL-MALKAJGIRI DISTRICT.

O.S. No.535/2015

|                           |                             |
|---------------------------|-----------------------------|
| Witness No. PW-1          |                             |
| Name: B. Chakradhri       | Occ: Pvt Employee           |
| S/o: B. Seetharama sharma | Address: ECIL, Secunderabad |
| Age: 45 Yrs.              | Date: 23.12.2022.           |

Oath administered in accordance with the provisions of Oath Act, 44 of 1969 by the presiding officer, Sri. B.Ramesh, Senior Civil Judge-Cum- Assistant Sessions Judge, Medchal, Medchal Malkajgiri District.

Note: PW 1 is recalled for further cross examination as per orders in I.A 560/2021 Dt: 20-12-2022.

**Cross-Examination by Learned Counsel for Defendant No.3.**

I have filed suit for specific performance against minor defendants Rep. By their guardian Smt. Deepthi. I have family relations with Smt., Deepthi's family, thereby I came to know about the suit property. I know the Defendants family, since 2005. In the year 2010 my annual income was Rs.15 to 20 Lakhs which includes Agricultural income. It is true that in the year 2010 financial status of D3 was not fine. In the year 2010 the relationship between Smt. Deepthi with C. Rajesh was cordial. It true that after 2010 Rajesh and Deepthi took divorce, but I do not know in which particular year it happened. D3 has approached me for hand loan of Rs.12 Lakhs. I have friendly relations with Deepthi and I also know her father. Deepthi sought loan citing Educational needs of her children (I.e D1 and D2). In the month of November 2010 Deepthi requested me to provide hand loan as refereed above. There was no formal loan agreement but I paid the amount through a cheque dated 24.11.2010.

The Cheque was account payee cheque. The Cheque was encashed by with her defendant. It is not true to suggest that I never advanced loan to Deepthi as stated above. I have not filed the details of honoring of the cheque drawn infavour of 3<sup>rd</sup> Defendant. According to the 1<sup>st</sup> paragraph of the plaint the cheque was encashed by the 3<sup>rd</sup> Defendant.

Q. Can you elaborate what is meant my encashment refereed in 1<sup>st</sup> paragraph of the plaint.

Ans: According to me encashment means depositing of amount in the account. Witness earlier has stated that it means that withdrawing the amount from the bank counter.





I have taken 50% of loan amount from my father and paid to 3<sup>rd</sup> defendant. I have not refereed about taking of 50 % of loan amount from my father in the complaint. I have not refereed the loan transaction with 3<sup>rd</sup> defendant in my Income Tax transaction towards loans and advances. I have not demanded in the receipt from 3<sup>rd</sup> defendant since we were family friends. The discussions took place in the house of the 3<sup>rd</sup> defendant at Maredpally. The loan was agreed to repay after 5 years. In between 12.11.2010 to 24.01.2015 there were several oral discussions with 3<sup>rd</sup> defendant with regard to re payment of loan. It is true that initially the loan was paid with intention to repay with in 5 years by the 3<sup>rd</sup> Defendant and there was no intention to enter into an agreement of sale. Witness added that in the month of January 2015 3<sup>rd</sup> defendant approached him with the request of agreement of sale. I don't know by January 2015 Rajesh and Deepthi were separated or not. As 3<sup>rd</sup> Defendant assured that obtain required Decree from the court to execute sale deed thereby I entered into the agreement in respect of the minor's property with the guardian of the minor. I never met D1 and D2. At the time of the transaction D1 and D2 were attending high school. The agreement of sale was entered perhaps in the month of July or August 2015. My advocate has drafted Agreement of sale.

Rajesh is aware of the discussion took place between 3<sup>rd</sup> Defendant and myself. Ex.A1 was signed in the house of 3<sup>rd</sup> Defendant. One Mr. Rajesh Mr. Sampath and Mr. B. Venkat Ramana, have witnessed execution of Ex.A1. C. Rajesh was husband of 3<sup>rd</sup> Defendant. Sampath is Rajesh neighbour and Mr. Venkat Ramana is my friend. It is not true suggest that neither 3<sup>rd</sup> Defendant saw Exhibit A1 nor she signed on it. It is not true to suggest that deliberately I omitted to took signatures of 3<sup>rd</sup> Defendants relatives. I do not know couple of years prior to Execution of Exhibit A1, Deepthi and Rajesh were separated ( Though not divorced), and they were not in talking terms. It it not true to suggest that Ex.A1 is forged and created by Rajesh and myself. It it not true to suggest that the loan refereed above was also advanced to Rajesh and it was never advanced to Deepthi. It it not true to suggest that when Deepthi informed her intention to divorced her husband, thereby Rajesh and myself have hatched a plan and filed the present Suit.

Basing on the prevailing market value per sq yard basis i.e., 2918X514 Sq yds the sale price was fixed. Under Ex.A1 an open plot of 257 Sq Yds each was agreed to be sold. It it not true that as on the date of Ex.A1 each plot was costing around Rs.7.5 Lakhs. Ex.A4 and A5 were given to me by Deepthi. It it not true to





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3<sup>rd</sup> defendant suggest that Ex.A4 and A5 were in the custody of Rajesh and he handed over to me and not Deepthi. It is not true to suggest that I am acquainted only with Rajesh but not with Deepthi. It is not true to suggest that has the file years have elapsed from alleged advancement of loan thereby I have created Ex.A1. It is not true to suggest that basing on the false assertions I have the present suit. It is not true to suggest that 3<sup>rd</sup> Defendant had sufficient income source there is by salary as well as rental income, thereby she had no necessity of raising loan to meet educational expense of D1 and D2. It is not true to suggest that father of D3 was also financially well settled and now and then he was taking care financial needs of Deepthi in case of need. It is not true to suggest that I have procured Ex. A4 and A5 unauthorizedly. It is not true to suggest that since Ex. A1 is a fake document thereby it was not registered.

**Cross Examination of D1 and D2 adopted cross examination of D3.**

**Re-examination:** nil.

  
Deponent

*Typed to my dictation in the open court,  
read over and explained/interpreted to the  
witness, admitted by him to be correct.*

PRL SENIOR CIVIL JUDGE  
MEDCHAL MEDCHAL DISTRICT