

**IN THE COURT OF THE HON'BLE ADDITIONAL SENIOR CIVIL
JUDGE, MEDCHAL-MALKAJGIRI, AT MEDCHAL**

I.A. NO. OF 2023

IN

O.S. No. 535 OF 2015

Between:

B. Chakradhari

Petitioner/Plaintiff

AND

C. Shashir & Anr.

Respondents/Defendants

COUNTER FILED ON BEHALF OF BEHALF OF RESPONDENT NO. 3

I, Smt. Deepthi Balagiri D/o. Late Mr. Sreekakulam Radhaswamy, W/o. Balagiri, aged about 50 years, R/o: R/o. H. No. 13/70, Savitha Bldg, Pestom Sagar Road No. 2, Chembur, Mumbai, Maharashtra – 400089, do hereby solemnly affirm and state on oath as follows:

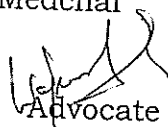
1. I am the Defendant No. 3 herein and as such am well acquainted with the facts detailed below.
2. At the outset the Respondent states that the present application has been filed belated on false, concocted and misleading averments. The application as filed is neither maintainable in law or on the facts of the case and hence deserves to be dismissed.
3. It is most humbly submitted that the Plaintiff filed the above suit in the year 2015 and has moved the present application seeking leave to place on record a bank statement, after 8 years of filing of the suit, which is impermissible under law.
4. It is the case of the Plaintiff that the above application has been filed belatedly only on account of merger of ING Vysya Bank and

Deepthi

Kotak Mahindra Bank, which bears no relevance. The Plaintiff deliberately avoided filing the bank statement at the earliest occasion, inspite of having access to the bank account and now has filed a bank statement, genuinity of which cannot be ascertained.

5. It is submitted that, the bank statement purported to be brought on record is a created and concocted document and the same can be deciphered from the fact that the statement filed is incomplete, signed by an unknown person, without any certificate or confirmation from the said bank and in absence of the Petitioner establishing the validity of the said document as per the procedure laid down under the Indian Evidence Act, it cannot be taken into consideration.
6. Without prejudice to the above, even assuming that the said document can be taken into evidence, it is submitted that, the alleged entry purported to be relied upon by the Petitioner only contains the name 'Deepthi' and this does not in any manner establish that the said amount of Rs. 12,00,000/- was paid to Deepthi in cash or by way of account transfer.
7. It is most humbly submitted that the application filed by the Petitioner/Plaintiff merits no consideration and deserves to be dismissed for having been filed belatedly, in respect of an ingenuine document and to mislead this Hon'ble Court.

Sworn and signed before me on this the
___ day of September, 2023 at Medchal


Advocate


Deponent

IN THE COURT OF PRL.SENIOR
CIVIL JUDGE, MEDCHAL, AT
HYDERABAD

I.A.No. OF 2023

IN

O.S. NO. 535 OF 2015

Between:

B.Chakradhari

PETITIONER/ PLAINEIFF

AND

Shishir & Ors.,

RESPONDENTS/DEFENDANTS

COUNTER FILED ON BEHALF
OF RESPONDENT NO. 3

Filed On: .09.2023

Filed By:

SHRADDHA GUPTA
NIKHITHA HARI
LAKSHMI AISWARYA
ADVOCATES

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