

கூடுதல் மாவட்ட மற்றும் அமர்வு நீதிமன்றம், செங்கல்பட்டு

வழக்கு எண் O.S.No.174/2018

P.W.1

இந்த நீதிமன்றத்து உதவியாளர் திரு.D.கோவர்த்தனகிரி, என்பவரால் வாக்குமூலம் பிரமாணம் செய்விக்கப்பட்டு வாதி தரப்பில் சாட்சியின் வாக்குமூலம் 1873ஆம் ஆண்டு 10வது சட்டத்தின் கீழ் பதிவு செய்யப்பட்டது.

பெயர் Patricia Marlene Mcpherson

தொழில்

த.பெ.

மதம்

கிராமம்

சாதி

வயது

வட்டம்

முதல் விசாரணை - 22.06.2023

நான் இந்த வழக்கில் முதல் வாதி. இன்று இந்த வழக்கில் பிரமாண வாக்குமூலம் தாக்கல் செய்துள்ளேன். அதில் உள்ள சங்கதிகள் தெரியும். அதில் உள்ள கையொப்பம் என்னுடையது தான். 1 முதல் 10 ஆவணங்கள் தாக்கல் செய்துள்ளேன். அவற்றை வாதி தரப்பில் குறியீடு செய்ய வேண்டுகிறேன்.

1. 30.06.1996 – Original Baptism Certificate of 1st Plaintiff – Ex.A.1.
2. 28.11.1968 – Certified copy of Baptism Certificate of 4th Plaintiff – Ex.A.2.
3. 24.06.2017 – Certified copy of Extract of Application to furnish Sale Deed dated 12.08.1964 – Ex.A.3.
4. 07.04.2017 – Certified copy of Death Certificate of Plaintiff's Father – Ex.A.4.
5. 07.04.2017 – Certified copy of Death Certificate of Plaintiff's Mother – Ex.A.5.
6. 05.01.2012 – Certified copy of Settlement Deed executed by Mr.Roystein Joseph Simpson in favour of Defendants – Ex.A.6.
7. 25.04.2014 – Certified copy of Death Certificate of Mr.Roystein Joseph Simpson (Father of defendants) – Ex.A.7.
8. 29.03.2017 – Certified copy of Extract of patta – Ex.A.8.
9. 14.09.2022 – Online copy of Encumbrance Certificate for the period (01.01.2013 to 13.09.2022) – Ex.A.9.
10. 04.10.2017 – Certified copy of Settlement deed Doc.No.8489/2017 – Ex.A.10.

தாவாப்படி தீர்ப்பாக வேண்டுகிறேன்.

பிரதிவாதிகள் தரப்பு குறுக்கு விசாரணை

(பிரதிவாதிகள் தரப்பு வழக்கறிஞர் வேண்டுகோளுக்கிணங்க குறுக்கு விசாரணை ஒத்தி வைக்கப்படுகிறது)

Defendant side Cross Examination

Question: Where is suit property is situated?

Answer: The Suit Property situated at Moovarasampettai.

Question: Who purchased the suit property?

Answer: My father Charles purchased the suit property.

Question: Are filed the copy of the sale deed of my father?

Answer: Yes I filed the sale deed and the same was marked as Ex.A.10.

Question: Who of the defendants and name of the defendants are?

Answer: My diseased brother's son and their names are Dominic Cyril Simpson and Denver Joseph Simpson.

Question: Any construction in the suit property?

Answer: There was a construction in the suit property.

Question: What is the measurement of the suit property?

Answer: I don't know the measurement of the suit property.

Question: This Suit is filed for 1/5th share but you are not entitled for 1/5th share?

Answer: I denied and i entitled for 1/5th share for the suit property.

Question:The defendants are absolute owners of the suit property and they are in possession and enjoyment of the suit property?

Answer: Defendants are not the owners of the suit property.

Question: Who is the possession of the suit property?

Answer: The defendants are staying in the suit property.

Question: Is it true all the revenue records stands in the name of the defendants?

Answer: It is not true.

Question: Is there any structure in the suit property?

Answer: I don't know.

Question: Whether my Father purchased the suit property alongwith structure?

Answer: No, my father purchased the suit property and then the constructed the structure.

Question: Before construction of the property where are you living?

Answer: We are living St.Thomas Mount and later my father purchased the suit

property.

Question: Which year my parents purchased the property?

Answer: In the year of 1964 they purchased the property.

Question: Did you filed 1964 documents before this Court?

Answer: Yes it is filed and marked as documents

Question: How long staying in the suit property?

Answer: We are staying there from 1982 onwards.

Question: Who are taking care of other Plaintiffs?

Answer: Other plaintiffs are under my care only.

Question: Is it true that the father of the defendants executed sale deed in favour of the defendant?

Answer: No

Question: Is is true Charles executed one settlement deed in favour of the defendants dated 05.01.2012?

Answer: Yes it is correct

(At Request PW1 Cross Continuation)

Defendant side Cross Examination Continuation

Question: Whether other Plaintiff's are residing at Canada?

Answer: Yes, One sister is at Australia and one brother and sister are at Canada.

Question: Whether remaining Plaintiff's they are away from India?

Answer: Yes, they are residing outside in India.

Question: The house in the suit property is in dilapidated condition?

Answer: It is not true.

Question: Even today the house is in dilapidated condition ?

Answer: .It is false

Question: The entire suit properties has been used by the public as open toilet?

Answer: It is not correct and false.

Question: The entire suit property has been used for consuming liquors and by the rowdy elements?

Answer: It is false.

Question: In the suit property one portion is running tea shop by one person?

Answer: It is false statement.

Question: The defendant Father had constructed the building in the suit property?

Answer: I denied. My father had constructed the house in the suit property

Question: During the 1993 and 1994 the Father of the Defendant came to India and orally stated to their sons to have the suit properties has is own?

Answer: It is false statement.

Question: Now the defendants are residing in the suit properties

Answer: It is false.

Question: Is is true the Revenue Records of the suit properties stands in the name of the defendants?

Answer: No. All the Revenue Records stands in the name of my Father, after my Father it stands in my name.

Question: The defendants Father maintained the suit properties and construct the compound wall in the suit properties?

Answer: No. it is false statement.

Question: The defendants Father alone is an absolute owner of the suit properties?

Answer: No it is false.

Question: I suggest that the defendant Father had executed Registered Settlement deed on 05.01.2012 infavour of the defendants?

Answer: I denied the settlement deed is false and fabricated one.

Question: The Plaintiff's abandoned in the suit property and left Canada?

Answer: It is not so and it is false one.

Question: The suit filed by the Plaintiff's are liable to be dismissed?

Answer: No.

Re-Examination:-

No.