

BEFORE THE ADDITIONAL MASTER-II
HIGH COURT, MADRAS

C.S.No.761 OF 1990

Date : 29.10.2025

Time : 10:50 AM

Name : D.V.Mahesh (PW1)

PW1 Cross Examined by Learned counsel for the D7
Mr.G.Veerapathiran.

Solemnly affirmed:

Q1:What are you in the plaintiffs Charity/Trust?

A:I am working as head Clerk in the Plaintiffs Charity/Trust.

Q2:When did you join in the Charity/Trust?

A:In the year 2020.

Q3:I put it to you that you have no personal knowledge what had happened
in the Charity/Trust before your appointment.

A:Yes, But I know through records

Q4:When did the Charity/Trust commenced?

A:In the year 1920.

Q5:Have you filed any document to prove the same?

A:Yes.

Q6:What are the documents you have filed to prove the Charity/Trust
commenced in the year 1920?

A:I have filed Ex.P2 to prove the same.

Q7:Whether Ex.P2 (Will) is probated?

A:Yes.

Q8:Whether you have filed the probate order in this case?

A:No.

Q9:What is the number of the Probate OP?

A:I do not remember.

Q10:I put it to you that you have never probated the WILL(Ex.P2) till date.

A:I deny.

Q11:I put it to you that the WILL has not been probated till date it has no legal sanctity.

A:I deny.

Q12:Do you know how many acres of land owned by the Charity/Trust inside and outside of Chennai?

A:I do not know the exact extent of the land owned by the Charity/Trust.

Q13:Do you know what is the income derived by the Charity/Trust per year?

A:I do not know.

Q14:Whether the Charity/Trust rented out land or building to the 7th defendant ?

A:The Charity/Trust rented out Land alone.

Q15:I put it to you that the Charity/Trust has granted permission to construct building in the land to the 7th defendant.

A:I deny.

Q16:For what purpose the Charity/Trust lease the land to the 7th defendant?

A: The Charity/Trust had leased out the land to the Vummadi Gangai Chetty and Gurusamy & company in the year 04.04.1945. The lease period is 21 years and after that they can renew the lease for further 21 years. In mean time they have sub-leased the land to the 7th defendant without our knowledge.

Q17:Have you filed the lease deed dated 04.04.1945 before this Court?

A:Yes.

Q18:I put it to you that you have never filed any document 04.04.1945.

A:The date may vary. The year of the lease is 1945.

Q19:I put it you that according to the lease deed (Ex.P3) the Charity/Trust permitted Vummadi Gangai Chetty and Gurusamy & company to construct building in the land.

A:Yes.

Q20:I put it to you that according to the lease deed (Ex.P3) the Charity/Trust permitted Vummadi Gangai Chetty and Gurusamy & company to sub-lease the land to 3rd party.

A:Yes.

Q21: I put it to you that according to the lease deed (Ex.P3) Vummadi Gangai Chetty and Gurusamy & company sub-leased the land to 7th defendant.

A:Yes.

Q22:According to the Clause (e) in the Ex.P3, lease deed 7th defendant has constructed building in the Charity/Trust land?

A:Yes.

Q23:I put it to you that the Charity/Trust has never objected while 7th defendant constructed building in the land.

A:The Charity/Trust did not know about the construction made by the 7th defendant.

Q24:Whether the 7th defendant constructed the building within a day?

A:The Charity/Trust has not raised any objection for the construction made by the 7th defendant at that time.

Q25:Do you know whether property tax levied for the building constructed by the 7th defendant?

A:I do not know.

Q26:I put it to you that the property tax levied for the building in the name of 7th defendant and it was very well known to the Charity/Trust Secretary Jayaram.

A:I do not know.

Q27:The building constructed by the 7th defendant prior to 1954. Is it correct?

A: Yes.

Q28:Do you know the Ejectment Act came into force in the year 1954?

A:I do not know.

Q29:I put it to you that according to the Section 9 of Ejectment Act amended by 2 of 1990 if the building is constructed by the tenant in the vacant land then the tenant is entitle to purchase the land.

A:I do not know.

Q30:For what purpose you have filed Ex.P9 & P10?

A:To show the exemption available to the public trust.

Q31:I put it to you that your Charity/Trust is a private Charity/Trust.

A: I deny. It is a public Charity/Trust.

Q32:I put it to you that according to Ex.P2 only you have conducted the trust for the welfare of the particular community. Is it correct?

A: Yes.

Q33:I put it to you that ex.P9 & P10 exempted from the Rent Control Act 18 of 1960 as amended by 23/1973. Is it correct.

A: Yes.

Q34:I put it to you that both of the Act repealed by New Act Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017(RLTOP Act). Is it correct.

A: I do not know.

Q35:I put it to you that both the Act repealed by New Act there is no exemption to the trust.

A: I do not know.

Q36:I put it to you that according to the New Act, Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017(RLTOP Act) even though there is any exemption it will not applicable to your trust.

A:I do not know.

Time : 11:30 AM

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-II