

BEFORE THE ADDITIONAL MASTER-II  
HIGH COURT, MADRAS

C.S.No.761 OF 1990

Date : 20.11.2025

Time : 12:46 PM

Name : D.V.Mahesh (PW1)

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

Solemnly affirmed:

Q37:What is the prayer in the plaint?

A:They have to vacate the premises that is our prayer.

Q38:How many defendants are in the suit?

A:8 defendants.

Q39:Whether you have filed suit for eviction against all the 8 Defendants?

A:Yes.

Q40:Whether they have occupied individually or collectively?

A:They are doing business Individually in that premises.

Q41:Whether you have mentioned separate schedule for each defendants or  
you have mentioned collectively?

A: We have mentioned the Schedule collectively.

Q42:So, that you have not specifically mentioned the schedule for 7<sup>th</sup>  
defendant?

A:I deny. I have mentioned the schedule separately for the 7<sup>th</sup> defendant.

Q43:(Plaint is shown to the witness) I put it to you that you have mentioned  
in the plaint only two schedule.

A: Yes, correct.

Q44:In schedule “A” what is the total area mentioned ?

A: 6 Grounds and 54 Sq.Ft.

Q45:In schedule “B” what is the total area mentioned ?

A: 2 Grounds and 2160 Sq.Ft.

Q46:What is the area occupied by the 7<sup>th</sup> defendant?

A: 1520 Sq.Ft.

Q47:Therefore there is no separate schedule was given for 7<sup>th</sup> defendant?

A: Yes.

Q48:Even if you get decree in your favour you cannot execute the decree for want of particular schedule for each defendants?

A: I deny.

Q49:Who is actually doing business in the “A” Schedule ?

A:S.C.Shah, Kashmir Art palace, Refrigerator and Home Appliances (RAHA) and there are other tenants also occupied the A Schedule but I do not remember other tenants name.

Q50:Have you read the plaint before deposing evidence?

A:Yes.

Q51:As per Para 10 of the Plaint you have stated that you have sent notice to 7<sup>th</sup> defendant. Whether you have sent notice to 7<sup>th</sup> defendant?

A: Yes.

Q52:As per Para 10 of the Plaint you have stated that you have sent notice to 7<sup>th</sup> defendant and after receiving the notice the 7<sup>th</sup> defendant has sent a reply stating that they want to become a direct tenant under the plaintiff trust whether you have accepted 7<sup>th</sup> defendant as a direct tenant or not?

A: The 7<sup>th</sup> defendant sent a reply notice stating that they want to become a direct tenant under the plaintiff trust but the trust has not accepted the 7<sup>th</sup> defendant as a direct tenant.

Q53:It has not been mentioned in Para 10 of the plaint that you have not accepted him(7<sup>th</sup> defendant) as a direct tenant. What do you say?

A: Yes.

Q54:From that date to till date the 7<sup>th</sup> defendant is paying the rent regularly and you are collecting the rent regularly from the 7<sup>th</sup> defendant. What do you say?

A: As per the Court order we have collected the damages.

Q55:Whether you have filed the above said court order before this Court?

A: I do not know.

Q56:I put it to you that no such court order and so that only you have not filed that court order before this court.

A: I deny.

Q57:Upto which month and year you have collected rent from 7<sup>th</sup> defendant?

A: I do not remember.

Q58:Originally to whom the entire land was leased out?

A: Sri Vumudi Ramaiah Chetty and Gurusamy & Company.

Q59:You have leased out only the land alone. Is it correct?

A: Yes.

Q60:The Sri Vumudi Ramaiah Chetty and Gurusamy & Company is entitled to construct building in that land. Is it correct?

A:Yes.

Q61: Sri Vumudi Ramaiah Chetty and Gurusamy & Company is also entitled to Sub-lease the premises. Is it correct?

A:Yes.

Q62:I put it to you that you have not objected the construction carried out by the Sub-Lessee. Is it correct?

A:Yes.

Q63:The Proprietor of Vijaya Lodge is Madhava Nair (Madhavan Nair). Is it correct?

A:Yes.

Q64:In the year 1957 itself the corporation authorities collected property tax from the Madhava Nair (Madhavan Nair) . Is it correct?

A:Yes.

Q65:This is the photocopy of the Tax assessment of Corporation stands in the name of Madhava Nair (Madhavan Nair). Is it correct?

A:I do not know.

Q66:(photocopy of the sanction plan of Madras Corporation dated 22.05.1953 is shown to the witness) Madhava Nair (Madhavan Nair) obtained a sanction plan in his name to construct a building in the suit land. This is the sanction plan obtained by the Madhava Nair (Madhavan Nair). Is it correct?

A:I deny.

Q67:(photocopy of the sanction plan of Madras Corporation dated 22.05.1953 is shown to the witness) I put it to you that in that sanction order the signature of Madhava Nair (Madhavan Nair) is found.

A:I do not know, whether it is the signature of Madhava Nair (Madhavan Nair).

Time : 01:30 PM

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