

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.952 of 2010

Date : 26.10.2022

Time : 12.37 P.M.

Name : Mrs.S.Vanitha (PW 1)

Age : 51 Years

Father's Name : Mr.B.Soundararajan

Residential Address : Apartment No.A2, at premises No.2, Kalashetra
Road, Ayodhaya Villa, Thiruvannamipur,
Chennai – 600 041.

PW1 examined in chief by Mr.N.Chandrasekar, Learned Counsel for the
Plaintiff.

Solemnly affirmed:

I am the Plaintiff herein. I am filing my proof affidavit stating the
facts of this case and the same may be treated as part and parcel of my
examination-in-chief.

Time: 12.40 P.M.

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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.952 of 2010

Date : 09.11.2022

Time : 02.41 P.M.

Name : Mrs.S.Vanitha (PW 1)

PW1 examined in chief by Mr.N.Chandrasekar, Learned Counsel for the Plaintiff.

Solemnly affirmed:

The following documents may be marked as exhibits.

Ex.P1 is the certified copy of the partition deed dated 27.11.1954.

Ex.P2 is the online certified copy of the sale deed dated 10.09.1986.

Ex.P3 is the certified copy of the sale deed dated 29.07.1987.

Ex.P4 is the certified copy of the sale deed dated 05.12.1979.

Ex.P5 is the certified copy of the sale deed dated 05.12.1979.

Ex.P6 is the certified copy of the sale deed dated 05.12.1979.

Ex.P7 is the certified copy of the sale deed dated 05.12.1979.

Ex.P8 is the original Marriage Invitation of the plaintiff dated 15.12.1989.

Ex.P9 is the original death certificate of late.Mr.Bangarusamy dated 06.12.2005.

Ex.P10 is the original legal heir certificate of late.Mr.Bangarusamy dated 06.02.2006.

Ex.P11 is the office copy of the legal notice dated 29.09.2010.

Ex.P12 is the original postal acknowledgment.

Ex.P13 is the original postal acknowledgment.

Ex.P14 is the original postal acknowledgment.

Ex.P15 is the original postal acknowledgment.

Ex.P16 is the original postal acknowledgment.

Therefore, it is prayed, that, this Hon'ble Court may be pleased to pass a judgment and decree as prayed for in the plaint with cost and further relief may be granted as this Hon'ble Court may deem fit in the facts and circumstances of the present case and thus render justice.

Time: 02.50 P.M.

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 - I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.952 of 2010

Date : 22.01.2023

Time : 11.05 A.M.

Name : Mrs.S.Vanitha (PW 1)

PW1 Cross Examination by Mr.N.Nithiyanadan, the learned counsel for the Ist defendant.

Solemnly affirmed:

Q1: Are you willing to give equal share along with yourself, first defendant, second defendant, fifth defendant and defendants 3 and 4 jointly?

A: Yes, I am willing.

Q2: Do you agree that the first defendant is entitled to 1/5 th share in the suit schedule property?

A: Yes, I agree. Witness Adds: Even if the properties which are not covered in the suit schedule also all are entitled to equal share, 3rd and 4th defendant also jointly entitled to one share.

Q3: Are you pressing for the reliefs sought for in (c) and (d) of the Plaint?

A: I am not pressing the reliefs claimed in (c) and (d).

Time: 11.15 A.M.

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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.952 of 2010

Date : 01.03.2024

Time : 11.05 A.M.

Name : Mrs.S.Vanitha (PW 1)

PW1 Cross Examination by Mr.A.S.Vijaya Raghavan, the learned counsel for the 2nd defendant.

Solemnly affirmed:

Q1: You are the plaintiff. Is it correct?

A: Yes.

Q2: What is your educational qualification?

A: B.Com., (Discontinued).

Q3: Can you tell what is the educational qualification of your brother Babu Raj(the second defendant)?

A: 10th Standard (fail).

Q4: Your husband B.Soundarajan is your maternal uncle. Is it correct?

A: Yes.

Q5: Is your sister Chitra elder to you or younger to you?

A: Elder sister.

Q6: Chitra married B.Prabhakaran, who is another maternal uncle. Is it correct?

A: Yes.

Q7: Both B.Soundarajan and B.Prabhakaran are uterine brothers. Is it correct?

A: Yes.

Q8: Can you tell the Court how many brothers your mother has?

A: 2 brothers.

Q9: Is your brother-in-law Sudhakar Reddy, husband of the 5th defendant Krishnakumari is related to you even before their marriage?

A: No.

Q10: Can you tell the Court what is the occupation of your father?

A: He is a PWD Contractor.

Q11: Whether he is a class I contractor?

A: I do not know.

Q12: If I tell that he is a Class I Contractor, can you deny it ?

A: I do not know.

Q13: What is your age, when your father expired?

A: 45 years.

Q14: He died on 21.11.2005. Is it correct?

A: Yes.

Q15: Your father is an Income Tax Assessee. Is it correct?

A: Yes.

Q16: Your mother, the first defendant Dayavathi is a house wife only. Am I correct?

A: No, she was doing business.

Q17: Can you tell the Court what was the nature of the business, your mother was doing?

A: She was doing Milk Business.

Q18: Whether she was having Cows or Buffaloes on her own or she was procuring milk from outside?

A: She had own Cows and Buffaloes.

Q19: Can you say from what period she was doing this business?

A: When I was aged 5 years.

Q20: How many years she was doing the milk business?

A: I do not remember.

Q21: What is the occupation of your husband Mr.D.Soundarajan?

A: PWD Contractor.

Q22: Do you know whether he is a Class I or Class II Contractor?

A: I do not know.

Q23: What is the occupation of Mr.B.Prabakaran?

A: PWD Contractor.

Q24: You do not know whether he is a Class I or Class II Contractor?

A: I do not know.

Q25: Can you tell whether Mr.Soundarajan and Mr.B.Prabakaran are Income Tax Assessess or not?

A: Yes, they are.

Q26: From which Assessment year Mr.Soundarajan was filing Income Tax Returns?

A: I do not remember.

Q27: Similarly, you do not know from which Assessment year Mr.Prabakaran was filing Income Tax Returns?

A: I do not know.

Q28: You have marked Ex.P1 Partition Deed dated 27.11.1954. Can you tell where your father Bangaru Samy was residing at that time?

A: I do not know.

Q29: When your father and mother got married?

A: I do not know.

Q30: Do you know the age of your parents at the time of their Marriage?

A: Mother was aged 10 years and my father was aged 28 years.

Q31: Do you know the name of your father's father?

A: Babu Reddiar.

Q32: Do you know the occupation of your Grandfather Babu Reddiar?

A: He was Land Lord.

Q33: Where he was living till his death?

A: Kodur Village.

Q34: What is the order of birth of your brother and sisters?

A: Chitra, Krishnakumari, Vanitha and Baburaj.

Q35: What is the date of birth of Chitra?

A: I do not know.

Time: 11.41 A.M.

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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.952 of 2010

Date : 02.04.2024

Time : 04.15 P.M.

Name : Mrs.S.Vanitha (PW 1)

PW1 Cross Examination Continuation by Mr.A.S.Vijaya Raghavan, the learned counsel for the 2nd defendant.

Solemnly affirmed:

Q36: Your father used to purchase property from and out of his earning in the name of all his children as well as his wife?

A: Yes.

Q37: He has also purchased a property in the name of his wife and his brother?

A: Yes.

Q38: Similarly your father purchased a property jointly in the name of your mother and his son-in-law Prabhakar?

A: I do not know.

Q39: Can you tell the details of the properties which were purchased in the name of his children?

A: Ambathur, Kodur and Perundhuravu.

Q40: Can you tell the measurement of the properties purchased at Kodur?

A: I do not know.

Q41: Can you give the survey number, name of the Village and the extent of the property purchased by your father in your name?

A: Nothing is purchased.

Q42: Your father purchased an extent about 6,700 Sq.ft in the name of Dayavathi, his wife and his brother Sundara Reddiar?

A: No.

Q43: I put it to you that in T.Nagar, a house property was purchased by your father on 14.07.1972 in the name of your mother and Sundara Reddiar?

A: I deny.

Q44: I put it to you that Sundara Reddiar released his half share in favour of your mother under the Will dated 10.01.1981 in the above said T.Nagar property?

A: Yes.

Q45: After the death of Sundara Reddiar the Will was probated in the Hon'ble Court in O.P.No.27 of 1995?

A: Yes.

Q46: Upon acquiring the entire T.Nagar property by your mother, your mother settled the half share of the property each to you and your sister Krishnakumari under two registered settlement deeds dated 05.03.2003?

A: Yes.

Time: 04.35 P.M.

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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS
C.S.952 of 2010

Date : 11.07.2024
Time : 10.45 A.M.

Name : Mrs.S.Vanitha (PW 1)

PW1 Cross Examination Continuation by Mr.A.S.Vijaya Raghavan, the learned counsel for the 2nd defendant.

Solemnly affirmed:

Q47: You have filed Cont.P.1949 & 1915 of 2014 along with A.No.4352 of 2014 in the present suit. Are you aware?

A: Yes.

Q48: Who are the parties arrived in the above petitions?

A: Mother.

Q49: Kindly think over again and tell Mother alone is the party or Brother Baburaj also is a party to the above petition?

A: I remember that my mother alone is the party.

Q50: Can you tell the Court why you have filed the above petitions?

A: I asked for the share from the income of my father's property.

Q51: A.No.6671/ 2010 was filed by you to direct the tenants in the occupation of several flats to pay the rent to the credit of the suits and that application no. 6671/ 2010 was allowed on 16.08.2011. Is it correct?

A: Yes.

Q52: Similarly A.No.6672/2010 was filed by you for a direction against your mother first defendant and the second defendant your brother to deposit rent received by them to the tune of Rs.8,64,000/- once in every six months. That application also was allowed on 16.08.2011?

A: Yes.

Q53: Your mother first defendant alone filed O.S.A.No.409 & 410 of 2010 against the orders dated 16.08.2011. Are you aware?

A: I do not remember.

Q54: The above said O.S.As were dismissed by Division Bench of Hon'ble High Court on 06.01.2014 after your appearance in those appeals and in the presence of your counsel. I suggest that you are not coming out with truth while saying you do not remember of the appeals of the Original Side?

A: I deny.

Q55: You filed an application A.No.238/2014 seeking appointment of the receiver which was dismissed on 25.04.2014. Do you remember atleast this application?

A: Yes.

Q56: Can you tell the Court against which respondent you filed this application?

A: Against my mother (D1).

Q57: Do you remember that your brother Baburaj, the second defendant is also a party to the A.No.4352/2014?

A: Yes.

Q58: You also filed O.A.No.531 of 2014 to permit you to visit the suit schedule properties against the first defendant and the second defendant. Am I correct?

A: Yes.

Q59: You withdrew O.A.No.531 of 2014 on 18.12.2015 and it was dismissed as withdrawn. Am I correct?

A: Yes.

Q60: Are you aware that a common order in Cont.P.1949 and 1950 of 2014 and A.No.4352 of 2014 was passed by this Hon'ble Court on 18.02.2015 after you and the first defendant filed a joint memo dated 18.02.2015?

A: Yes.

Q61: Though second defendant was the party to the Cont. P and applications, you have not chosen to enter into the compromise with him. Can you explain the Court as to why he was left out from the Compromise?

A: He replied me as that he has no connection with that.

Q62: Accepting that reply as true you left out him from the compromise?

A: Yes.

Q63: Can you shortly tell the Court as to the terms of the Compromise?

A: The income to be shared which is accured from our father's suit property.

Q64: Is it correct as per the clause A, the first defendant shall manage and maintain all the suit properties pending disposal of the suit. Under clause B first defendant shall receive all incomes from the suit properties and maintain proper accounts for the same.?

A: Yes.

Q65: Under clause D the first defendant shall pay property tax. Water and sewage charges, electricity charges, etc for the suit property payable from 2015 and maintain accounts for the same. Is it correct?

A: Yes.

Q66: Under clause E after spending for such expenses for the suit properties the first defendant shall pay 1/5th share to you and the second defendant 1/5th share to defendants 3 & 4 jointly, 1/5th share to the fifth defendant and retain the balance 1/5th share to herself on and from the month of January 2015 payable every month payable on or before 15 of the calender month. Is it right?

A: Yes.

Q67: Have you ever asked your mother and obtain accounts statements from your mother from January 2015 till date?

A: Yes.

Q68: Have you produced those before Hon'ble Court?

A: I have not produced.

Q69: Can you produce those statements obtained from your mother in the next hearing?

A: She has given 3 months accounts. After then I have not asked for the statement of accounts.

Q70: Can you produce those three months statements obtained from your mother in the next hearing?

A: I would try.

Q71: Even as accepted by you the entire suit property is on the control of the first defendant. Am I correct?

A: Yes.

Q72: In the Written statement filed by the second defendant there are some other properties standing in you fathers name, are not included in this case?

A: I have included all the properties which I know.

Time: 11.30 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS
C.S.952 of 2010

Date : 04.09.2024

Time : 11.55 A.M.

Name : Mrs.S.Vanitha (PW 1)

PW1 Cross Examination Continuation by Mr.A.S.Vijaya Raghavan, the learned counsel for the 2nd defendant.

Solemnly affirmed:

Q73: Item 6 in the Suit Schedule Property relates to 15.29 acres of Agricultural Land in Survey No.43/1B. Have you stated anywhere in your Complaint that this property was purchased by Bangarusamy or his predecessors and under which Sale Deed it was purchased?

A: I do not know.

Q74: Without knowing that this property belongs to Bangarusamy or that it is available for Partition how did you file the suit including this property as Item 6 in the suit schedule property?

A: Property stands in my father's name.

Q75: Where do you get it?

A: From Sub-Registrar Office.

Q76: Have you filed any document issued so called Sub-Registrar Office?

A: Yes, I have filed the copy of the document.

Q77: Specify the document number you have marked?

A: I do not know the number of the document.

Q78: I suggest that no document relating to item no.6 in the Suit Schedule Property is filed before this Court?

A: I deny. Document is filed.

Q79: Ex.P1 is shown to the witness. Whether any mention in Ex.P1, from whom your father or forefather purchased this property under which document?

A: My Grandfather Babu Reddiar has given the property to my father. I do not know from whom my grandfather purchased the property.

Q80: With whom the Partition Deed has been executed?

A: Pattibiram Reddiar, Sundar Reddiar (My father's elder brothers) along with my father has been executed the Partition Deed.

Q81: I put it to you that Ex.P1 Partition Deed is not between 3 people it is between 6 people?

A: I do not know.

Q82: I put it to you that you have not read the Partition Deed fully?

A: Yes.

Q83: Pg 2 of the Ex.P1 is shown to the witness. In Page 2 there is no recital from whom the properties allotted to Sundara Reddiar were purchased?

A: I do not know.

Q84: Similarly in the entire Ex.P1 no recitals could be found about the acquisition of the properties dealt with in Ex.P1?

A: I do not know.

Q85: Plaint is shown to the witness. Have you pleaded in your Plaint as to the fact from whom properties listed in Item 5 of the Suit Schedule were purchased?

A: No. It was not stated in the Plaint.

Q86: Without verifying whether the properties listed as Item No.5 of the Suit Schedule Property belong to the family of Babu Reddiar merely on the basis of Ex.P1 you have filed the Suit?

A: I have verified the same. The properties transfer to my father from my grandfather.

Q87: From whom did you verify?

A: From my Parents.

Q88: Have you produced any document to show that you have verified with your Parents?

A: No.

Q89: A document is shown to the witness. I suggest to you that the Item 5 in Survey No.107/1B Kodur Village presently is included in Patta No.673 as belonging to one Trackia Infra Developers Pvt Ltd?

A: I deny. I do not know the document.

Q90: I suggest to you that the Survey No.108/3A, 238/3, 238/4 and 239/4B & 6 of Kodur Village included as available for Partition in Item 5 of the suit schedule property does not belong to the family but they belong to somebody else as per the Patta given by the Revenue Officials? (The learned counsel for the Defendant objects that as the same is not pleaded in the written statement filed by D2)?

A: I deny.

Q91: A Document is shown to the witness. See Patta No.176 generated from Computer, in that Patta your grandfather and your father's name is found. Is it right?

A: Yes, Patta is in my father's name.

Q92: A Document is shown to the witness. Survey No.230/10, 230/07, 223/12, 223/7, 223/9, 238/2, 251/3 are some of the properties stands in the name of Bangaru samy reddiar as per Patta No.176. Have you included these properties in Suit Schedule?

A: I have included the property to my knowledge and also pleaded for left over properties.

Time: 12.55 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I