

PW1 in O.P. Has been examined in Master Court on 06.08.2009 and Ex.P1 to Ex.P10 have been marked.
Joint trial.

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

O.P.133 of 2009
&
Tr.C.S.507 of 2011

Date : 08.09.2023
Time : 11.02 A.M.

Name : Mrs.V.Sathyabama (PW 1)

Age : 64 Years

Husband's Name : Mr.R.Ganesan

Residential Address : No.11, Subramaniam Salai, Bharathidasan Nagar,
2nd Cross Street, Alapakkam, Chennai 600 116.

PW1 examined in chief by Mr.R.Suresh, Learned Counsel for the
Plaintiff.

Solemnly affirmed:

I am the Petitioner in O.P.133/2009 and 2nd defendant in
Tr.C.S.507/2011 herein. I am filing my additional proof affidavit stating
the facts of this case and the same may be treated as part and parcel of
my examination-in-chief.

Time: 11.07 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**

O.P.133 of 2009
&
Tr.C.S.507 of 2011

Date : 16.11.2023

Time : 01.15 P.M.

Name : Mrs.V.Sathyabama (PW 1)

PW1 cross examined by Mr.V.M.Venkatramana, Learned Counsel for the Plaintiffs in C.S.507 of 2011 and Respondents in O.P.133 of 2009.

Solemnly affirmed:

Q1: What is your Educational Qualification and what is your occupation and your present status?

A: Old S.S.L.C., Worked as Manager in Chennai Corporation, Retired on 30.06.2017.

Q2: Is it correct that you are receiving pension after your retirement?

A: Yes.

Q3: With whom you are residing?

A: I am residing with my mother and brother.

Q4: Is it correct to state that, you had prior knowledge about Mr.R.Ganesan's engagement with Kowsalya for marriage.

A: I do not know.

Q5: Have you informed about your marriage arrangements with Mr.R.Ganesan to Mr.R.Ganesan's parents?

A: No. My marriage was a love marriage. Witness Adds: The same fact was already known to the parents of Ganesan.

Q6: Is it correct to state that Mr.R.Ganesan got married with Kowsalya on the seventh day of your register marriage?

A: I came to know the same only after 6 months or one year.

Q7: I put it to you that you compelled Mr.Ganesan to marry you and got it registered?

A: I deny.

Q8: I also put it to you even after knowing the fact that already Mr.Ganesan's engagement with Kowsalya, you compelled him for marriage in between you and Mr.Ganesan?

A: I deny.

Time: 01.35 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**

O.P.133 of 2009
&
Tr.C.S.507 of 2011

Date : 09.01.2024

Time : 12.50 P.M.

Name : Mrs.V.Sathyabama (PW 1)

PW1 cross examination continuation by Mr.V.M.Venkatramana, the learned counsel for the Plaintiffs in C.S.507 of 2011 and Respondents in O.P.133 of 2009.

Solemnly affirmed:

Q9: Is it correct that after your marriage on 12.08.1983 you went to your house and R.Ganesan went to his house?

A: Yes.

Q10: In the light of the fact that your marriage with R.Ganesan on 12.08.1983 and G.Kousalya's Marriage on 19.08.1983, Is it correct to state that you did not live with R.Ganesan after your marriage?

A: I lived with Ganesan, He came to my house and told me his father was admitted in Hospital for which he had to be present in the Hospital.

Q11: Thereafter when did he come to your house?

A: I do not remember the date, Witness Adds: He stayed in my house often.

Q12: Is it correct to state that you did not give any Police Complaint against R.Ganesan soon after you came to know about his marriage with G.Kousalya?

A: Yes.

Q13: Why did not you give any Police Complaint against R.Ganesan?

A: I thought that it would affect R.Ganesan if complaint is given. Therefore I did not give any complaint against him.

Q14: When did you come to know about R.Ganesan being blessed with two children out of his wedlock with G.Kousalya?

A: I came to know later, I do not know the year exactly.

Q15: From 1983 to 1988 for five years you did not take any legal actions against R.Ganesan. Why?

A: It would affect R.Ganesan if complaint is given. I was threatened by his family members to leave him. I told the same to R.Ganesan, for which he asked me to file a complaint against him.

Q16: You have not stated about the threatening by R.Ganesan's Family members and R.Ganesan's advice to file a case against him in your pleadings or in your proof affidavit in this case. Why?

A: Not stated. I thought that all those things need not be mentioned.

Q17: As per Ex.P2 your H.M.O.P No.633 of 1988 was dismissed for default on 08.01.1990. Why you did not take any action against the dismissal order?

A: I thought that it would affect R.Ganesan, if I take any legal steps against Ex.P2.

Q18: Is it correct to state that you have not produced any Documentary Evidence to show that you lived with R.Ganesan from 1983 to 2007 (till the death of R.Ganesan)?

A: Yes, I have not produced.

Q19: I put it to you that you were not at all interested in living with R.Ganesan and that is why you did not file H.M.O.P. for restitution of conjugal rights immediately after 12.08.1983?

A: I deny. Witness Adds: He used to visit my house often.

Q20: I put it to you that you were also not interested to continue to the marital relationship with R.Ganesan that is why you allowed the H.M.O.P.633 of 1988 to be dismissed for default.

A: I deny.

Time: 01.15 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

O.P.133 of 2009
&
Tr.C.S.507 of 2011

Date : 15.03.2024

Time : 01.05 P.M.

Name : Mrs.V.Sathyabama (PW 1)

PW1 cross examination continuation by Mr.V.M.Venkatramana, the learned counsel for the Plaintiffs in C.S.507 of 2011 and Respondents in O.P.133 of 2009.

Solemnly affirmed:

Q21: Is it correct to state that the reliefs sought for by R.Ganesan in Ex.P3 that is O.S.104 of 1989 is to declare your Marriage with R.Ganesan as Null and Void and also for injunction restraining you from claiming status as Wife?

A: Yes.

Q22: Is it correct to state that after institution of Ex.P2 and Ex.P3 cases there was no co-habitation in between you and R.Ganesan?

A: We lived together even after Ex.P2 and Ex.P3.

Q23: Is it correct to state that you have not stated as that you lived together after Ex.P2 and Ex.P3 anywhere in the Written Statement in Tr.C.S.507 of 2011, petition in O.P.133 of 2009 and in your proof affidavit?

A: Not stated.

Q24: I put it to you that R.Ganesan did not recognise you as his wife during his lifetime and that is the reason he sought for null and void for the Marriage Declaration and Injunction against you in Ex.P3?

A: I deny.

Q25: I put it to you that your Marriage with R.Ganesan took place only on force, coercion and compulsion and thus your marriage is not a valid marriage?

A: I deny.

Q26: In Ex.P5 your letter 19.06.2007 addressed to Mambalam Gunidy Taluk you have mentioned that some people have applied for Legal Heir Certificate of R.Ganesan. When you know about the Marriage of R.Ganesan with Kowsalya within 6 months from 19.08.1983 why did you not mention the name of Kowsalya, Kalaiyaran and Dilli Kannan in Ex.P5?

A: I have not mentioned because, I do not like to mention the same.

Q27: In para 9 of Proof Affidavit in Tr.C.S.507 of 2011 and para 10 of Proof Affidavit in O.P.133 of 2009 you have stated that Thasildar, Mambalam Guindy conducted an enquiry pursuant to Ex.P5. What happened to the said Enquiry?

A: I do not know.

Time: 04.55 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

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

O.P.133 of 2009
&
Tr.C.S.507 of 2011

Date : 29.04.2024

Time : 12.05 P.M.

Name : Mrs.V.Sathyabama (PW 1)

PW1 cross examination continuation by Mr.V.M.Venkatramana, the learned counsel for the Plaintiffs in C.S.507 of 2011 and Respondents in O.P.133 of 2009.

Solemnly affirmed:

Q28: Is it correct to state that Kowsalya, Dilli Kannan, Kalayasaran are the legal heirs of R.Ganesan and the Legal Heir Certificate issued by the Tahsildar, Mambalam – Guindy Taluk, has not yet been cancelled?

A: I do not know.

Q29: Have you filed any case to cancel the said Legal Heir Certificate?

A: No case has been filed but a objection letter has been sent to The District Collector.

Q30: Is it correct to state that R.Ganesan got employment in CMWSSB (D1) in the year of 1988?

A: I do not know.

Q31: When you come to know that R.Ganesan got employment ?

A: I do not know when he got employment but I got employment prior to his employment i.e., 1979. He got employment after our

marriage.

Q32: Ex.P6 is shown to the Witness. Is it correct to state that as per Ex.P6 Mr.Ganesan at the time of employment on 16.09.1988 itself has shown Mrs.G.Kowsalya as his wife in his service records?

A: Yes, It is there.

Time: 12.20 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

O.P.133 of 2009
&
Tr.C.S.507 of 2011

Date : 29.07.2024

Time : 12.20 P.M.

Name : Mrs.V.Sathyabama (PW 1)

PW1 cross examination continuation by Mr.V.M.Venkatramana, the learned counsel for the Plaintiffs in C.S.507 of 2011 and Respondents in O.P.133 of 2009.

Solemnly affirmed:

Q33: What steps did you take to include your name in the Service Records of R.Ganesan as his wife?

A: He has to take steps to include my name as nominee.

Q34: Is it correct to state that Ganesan lived with Kousalya till his death?

A: No.

Q35: Till when he lived with you?

A: Till his death he lived with me.

Q36: Is it correct to state that Ganesan's Funeral expenses of Rs.5000/- was paid to Kousalya by the first defendant?

A: I do not know who has received the money. My mother-in-law's family members have not informed me about Ganesan's death.

Q37: Is it correct that you have not gone to the funeral of Ganesan?

A: Yes, I did not attended. I was not informed.

Q38: Para 2 of your Written Statement and Para 3 of your Proof Affidavit is shown to the witness. You have mentioned as that Kowsalya and her two sons have conveniently not disclosed the immovable properties of the deceased R.Ganesan for the reasons best known to them. Is it right?

A: Yes.

Q39: Does it mean that you do not know about the property details of R.Ganesan?

A: I deny. Witness Adds: Ganesan had two properties one in Teyanmepet and another in Ashok Nagar.

Q40: Why you have not mentioned those properties in your Case?

A: I do not know to give particulars about the properties.

Q41: You do not have any objection to declare Kalaiyaran and Dilli Kannan as legal heirs of R.Ganesan. Is it right?

A: Yes.

Q42: You do not have any objection to share the death benefits of R.Ganesan to Kalaiyaran and Dilli Kannan. It is right?

A: Yes.

Q43: Have you included R.Ganesan as your husband in your Service Register?

A: No. I have joined in Employment before my marriage. So, I have given my mother's name as nominee in the Service Register.

Q44: Why you have not included your husband name after your marriage in the Service Register?

A: After my marriage I came to know about the marriage with Kowsalya. So, I am not interested to include his name in my Service Register.

Q45: I put it to you that after your knowledge about Ganesan's marriage with Kowsalya, you did not consider him as a Husband so you have not included his name in your Service Register?

A: I deny.

Q46: Since you yourself have independent source of income as Pension why cant you relinquish your claim with respect to R.Ganesan's Death Benefits and Pension, after all it was Kowsalya who looked after R.Ganesan till his death?

A: I am the legally wedded wife of R.Ganesan. I cannot relinquish my rights.

Q47: Have you know the livelihood income of Kowsalya?

A: She is receiving rental income from the properties.

Q48: How do you come to know about the rental income of his properties?

A: From the beginning we are close friends and our family resided in rental house owned by R.Ganesan before marriage.

Q49: In the absence of any other sources of income to G.Kowsalya is it correct to state that R.Ganesan's Family Pension and death benefits will be helpful to make G.Kowsalya's both ends meet?

A: I do not want to answer to this question.

Q50: I put it to you that as you took care of yourself as these years without any support from R.Ganesan you will be able to take care of yourself with your pension itself and without R.Ganesan's death benefits?

A: Even I am capable of taking care of myself, I am having right to receive the Death Benefits.

Q51: You have instituted O.P.133 of 2009 and contesting Tr.C.S.507 of 2011 only to defeat the rights of Kowsalya, Dilli Kannan and Kalaiarasan?

A: I deny.

Q52: Is it correct to state that your marriage is a Self-Respect Marriage?

A: Yes, Love Marriage.

Q53: Where was your marriage Conducted?

A: At Saidapet Sub-Registrar Office.

Q54: In Ex.P1, the place of marriage was mentioned as No.4, Anna Nedunsalai, M.G.R.Nagar?

A: Yes. That was my Aunt's Address. Marriage Ceremony was conducted in that address.

Q55: Whether Marriage took place in No.4, Anna Nedunsalai, M.G.R.Nagar or Saidapet Sub-Registrar Office?

A: Pre-Marriage Ceremonies was conducted at M.G.R.Nagar after that marriage was registered at Saidapet Sub-Registrar Office.

Q56: In Ex.P1 the date of marriage was mentioned as 12.08.1983 and date of registration was also mentioned as 12.08.1983. I put it to you that both conducting the marriage and the Registration could not be done in a single day?

A: I deny.

Q57: In your earlier answer you have stated as R.Ganesan's father was ill lying in the hospital. Therefore he immediately left after marriage. I put it to you that no person would perform marriage while his father is in hospital. Therefore the marriage did not take place. Ex.P1 is a fabricated one?

A: I deny.

Q58: Since you yourself have not shown R.Ganesan as your husband in your Service Records, you have no right to claim death benefits of R.Ganesan?

A: I deny.

Q59: Is it correct to state that except Ex.P1 you have not filed any other documents to show you claiming to be wife of R.Ganesan?

A: Yes.

Q60: I put it to you that G.Kowsalya is the legally wedded wife of R.Ganesan and it is G.Kowsalya who lived with R.Ganesan till his death and thus G.Kowsalya, Dilli Kannan and Kalaiyarasan are entitled to get benefits of R.Ganesan?

A: I deny.

Q61: Is it correct to state that there are no children born out of Wedlock between you and R.Gansesan?

A: Yes.

Q62: Therefore I put it to you that Tr.C.S.507 of 2011 should be allowed and O.P.133 of 2009 is liable to be dismissed?

A: I deny.

Time: 01.15 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