

BEFORE THE ADDITIONAL MASTER II,
HIGH COURT, MADRAS
C.S.No.149 of 2015

Date : 12.03.2024

Time : 03.40 P.M.

Name : R.Murali (PW2)

PW2 Examined in cross by Learned counsel for the 1st, 2nd and 4th defendant Mr.J.Antony Jesus.

Solemnly affirmed:

Q44: What is the amount by cash which you handed over to the 1st defendant at the time of sale agreement?

A: Rs.30 lakhs by cash. Which was given by me directly.

Q45: Whether you had that cash in your hand or you got it from bank?

A: I had some amount on hand and also myself mobilize by pledging my wife jewels.

Q46: What is the amount you had in your hand and what is amount you mobilize by pledging your wife jewels?

A: I had Rs. 22 lakhs on hand and Rs.8 lakhs obtain by jewel loan.

Q47: Have you mentioned this Rs.22 lakhs in your IT return?

A: Yes.

Q48: Have you produced the IT return before this Hon'ble High Court?

A: I produced the same into the RCOP Court.

Q49: Can you produce the IT return before Hon'ble High Court?

A: Yes.

Q50: You say Rs.8 lakhs mobilize by pledging jewels have you produced any receipt before this Hon'ble High Court?

A: No.

Q51: Can you produce the receipt for pledging jewels?

A: Yes.

Q52: Have you mentioned your plaint regarding you have Rs.22 lakhs on your hand and Rs.8 lakhs mobilize jewel loan?

A: No.

Q53: What is the place where you handed over the above amount to the D1?

A: Green Park Hotel, Chennai.

Q54: Was there anybody who accompanied you when it was handed over to the D1?

A: My wife is present there.

Q55: Was there anybody else who saw the handing over the money to D1?

A: India Bulls Pvt. Company Manager Mr.Murugan also present there.

Q56: Did you take him along with you or did he present there accidentally?

A: I have requested Mr.Murugan to come to the Hotel.

Q57: What is Mr.Murugan relation with you and why he come with you, leaving his regular work?

A: He is not my relation. I applied only for loan through Mr.Murugan.

Q58: Is there any other person who saw to handing over the money to D1?

A: Mr.Amalraj also present.

Q59: Who is Amalraj?

A: He only shown me the property.

Q60: Who was the witness to the sale agreement?

A: My wife and Mr.Amalraj.

Q61: Who are the witnesses to the rental agreement Ex.P16?

A: Nobody is there Mr.Amalraj came to my house and put his signature in the rental agreement.

Q62: Was there any other witness for the rental agreement?

A: No.

Q63: Is rental agreement Ex.P16 executed after the sale agreement?

A: After the first rental agreement, sale agreement was executed and I was asked to continue to pay for the EMI which D1 and D2 was paying into the bank and the 2nd rental agreement for the purpose of IT returns was signed by me as asked by Mr.Amalraj.

Q64: I put it to you that you never saw the D1 and handed over money and you sent only Amalraj to handover the cheque for Rs.20 lakhs which was never encashed.

A: I gave Rs.30 lakhs by cash and 2 cheques each Rs.20 lakhs to redeem the mortgage of D1 and D2 with HDFC Bank.

Q65: You say 2 cheques each Rs.20 lakhs was handed over. Whether they were it was encashed?

A: No. The both cheques were not encashed.

Q66: You say that you agreed to pay the EMI on behalf of D1, did you paid any EMI on behalf D1?

A: Rs.40,000/- EMI paid. Not directly. Through Mr.Amalraj.

Q67: How many EMI's you paid?

A: So far Rs.60 lakhs I paid. I do not remember the exact number of EMI.

Q68: You paid through Amalraj by what mode of payment and by what mode of payment Amalraj paid EMI?

A: I paid to Amalraj through cheque in the name of D1.

Q69: Whether those cheques were encashed?

A: Yes.

Q70: Have you produced your account statement showing the payment of EMI's before this Hon'ble High Court?

A: No. But I can produce.

Q71: I put it to you that you have not given any EMI and you are lying and you cannot produce any statement.

A: I deny.

Q72: I put it to you that you gave only one cheque for Rs.20 lakhs and it was never encashed by D1 and you have not paid any amount to D1 and you have no proof for payment of money.

A: I deny.

Q73: The above said Amalraj according to your case for rental agreement Ex.P16. Can you examine the Amalraj as a witness in this case signed as a witness?

A: I do not have contact with him. He came along with D1.

Q74: You say that sale agreement was executed why it was not registered?

A: Since the property was under mortgage, it was not registered.

Q75: What is the time for executing the sale deed as per the sale agreement?

A: Three months.

Q76: after the execution of sale agreement when did you ask D1 for execution of sale deed ?

A: I did not ask D1 since the mortgage was not redeemed.

Q77: Is it correct to state that you did not demand D1 to execute the sale deed with in the 3 months period?

A: I did not ask by sending notice, I demand for execution of sale deed by orally.

Q78: I put it to you that you never demanded execution of sale deed with in stipulated period as per the agreement?

A: I deny.

Time : 04.20 P.M.

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

ADDITIONAL MASTER-II