

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

T.O.S.No.11 OF 2022

Date : 24.02.2026

Time :02:35 PM

Name : Mr.M.Selvakumar (PW2) (attesting witness)

PW1 Cross Examined by Learned counsel for the Defendant 3 & 4
Mr.M.Sridhar.

Solemnly Affirmed:

Q1:Are you received any summon from this Court to depose evidence?

A:No. I have not received any summons from the court.

Q2:How many siblings you have?

A:I have 3 elder brothers, 4 elder sisters.

Q3:Who called you to depose evidence?

A:My advocate.

Q4:Who is the testator of the WILL(Ex.P5)?

A:My father Mr.M.Munusamy is the testator of the WILL.

Q5: I put it to you that your wife is the beneficiary of this WILL.

A:Yes.

Q6: I put it to you that no one of your siblings attested as a witness in the WILL.

A:Yes.

Q7:I put it to you that no one of your siblings were accompany your father on the date of registration of the WILL(Ex.P5) to the register office.

A:Yes.

Q8: I put it to you that you have owned another shop at Koyambedu Vanigavalagam.

A:I had the shop but not now.

Q9:What is the shop number of that shop?

A:A12.

Q10:Whether your father can read and write English?

A:I do not know.

Q11:What is the educational qualification of your father?

A:I do not know.

Q12: I put it to you that your father had executed another WILL(Ex.P7) before the execution of Ex.P5 WILL regarding his property.

A:Yes.

Q13: I put it to you that no one of your father's son or daughter had stood as a attesting witness in Ex.P7 WILL.

A:Yes.

Q14:I put it to you that no one of your siblings were accompany your father on the date of registration of the WILL(Ex.P7) to the register office.

A:I do not know.

Q15:When did you know about the Ex.P7 WILL?

A:I do not remember the exact date and year I came to know about that WILL when my father intimated about the same.

Q16: Do you know in whose custody Ex.P7 WILL was and to whom it was handed over after the death of your father?

A:I do not know. My brothers Narayanan and Aadhimoolam would know the same.

Q17: When did you divide the property between your siblings on the basis of Ex.P7 WILL?

A: After the demise of my father according to the WILL Ex.P7 the legal heirs of my father have brought the WILL to the registrar office and executed deeds in their favour according to the time permitted to them.

Q18: When did you got the property as per Ex.P7 WILL in your favour?

A: I do not remember the exact year. But it will be prior to 10-15 years.

Q19: The plaintiff has marked certified copy of Ex.P7 WILL in this suit. Where is the original?

A: It should be in the custody of my brother Aadhimoolam.

Q20: How is the relationship between you and your siblings?

A: As on date we are in cordial relationship.

Q21: Do you know when Ex.P5 WILL was executed?

A: Both the execution and registration happened on the same date. If my memory is correct it is on 22.01.1997.

Q22: Where did your father reside at the time of execution of Ex.P5 WILL?

A: He was residing at his own house situated at No.5, Ganapathy Street, Puthapedu, Chennai-89.

Q23: I put it to you that your father would be 85 years at the time of execution of Ex.P5 WILL?

A: I deny. He would be approximately 80 Years. We do not have any record for his birth.

Q24: Who brought your father to the register office to register Ex.P5 WILL?

A: Is Kumastha Subramani and his friend Dhanraj accompanied with my father to the register office.

Q25:Who intimated Kumastha Subramani and his friend Dhanraj regarding registration of WILL (Ex.P5)?

A:My father.

Q26:Whether anybody accompanied with your father rather than Kumastha Subramani and his friend Dhanraj?

A: No.

Q27:At which register office the WILL (Ex.P5) Registered?

A: At Virugambakkam, Register office.

Q28:What is the distance between your house and Virugambakkam, Register office?

A:Approximately 4 to 5 kms.

Q29:Can you produce any document to show that you are also residing along with your father at No.5, Ganapathy Street, Puthapedu, Chennai-89?

A:Yes, I have.

Q30:What is the document?

A:My driving license and copy of the Ration card.

Q31:Can you file both the above said documents before this Court?

A:Yes, I can.

Q32: When your father, Kumastha Subramani and his friend Dhanraj were proceeded to the register office?

A:In the afternoon.

Q33:What is the time?

A: I do not know the exact time. After finishing our lunch.

Q34:What did your father intimated you before registration of WILL?

A:He intimated me that he is going to register a WILL in favour of my wife.

Q35:Where did you go after finishing your lunch?

A:We had gone to Virugambakkam, Register Office.

Q36:When did you reach Virugambakkam, Register Office?

A:I do not remember the time.

Q37:Had you register the WILL immediately you reached Virugambakkam, Register Office?

A:No.

Q38:What did you do prior to registration of WILL?

A:We have prepared the WILL at document writers office.

Q39:What is the name of document writer?

A:Kuppusamy Pillai drafted the WILL.

Q40: Whether you have acquaintancy with that Kuppusamy Pillai

A:No. I do not have any acquaintancy with him. But my father know him.

Q41: I put it to you that this Kuppusamy Pillai has not drafted Ex.P7 WILL.
What do you say.

A:I do not know. Witness adds: Ex.P7 WILL was registered at Kundrathur.

Q42:How many documents were prepared on that day?

A:Two documents. One is Power of Attorney and another one is the WILL (Ex.P5).

Q43:Which one is drafted First ?

A: I do not remember which one is drafted first.

Q44:Who has given the instruction to prepare the WILL?

A:My father Munusamy Naicker.

Q45:Is the WILL typed directly on the stamp paper according to the instruction given by your father?

A: It was drafted by Kuppusamy Pillai and then only it was typed.

Q46: Whether the WILL was typed after the draft is prepared?

A: I do not remember.

Q47: Whether the draft was typed or handwritten by Kuppusamy Pillai?

A: I do not remember.

Q48: Whether any corrections made in the draft?

A: I do not know.

Q49: Whether you and your wife were along with your father at the time of preparation of the draft of the WILL?

A: No.

Q50: Whether Kumastha Subramani and his friend Dhanraj were along with your father at the time of preparation of the draft of the WILL?

A: Yes.

Q51: So, you have no knowledge what your father has instructed to Kuppusamy for the drafting of the WILL?

A: Yes.

Q52: (Ex.P5 WILL & Ex.P12 are shown to the witness) I put it to you that there are hand written inclusions in both the documents.

A: Yes. As per Ex.P5 WILL and Ex.P12 allotment order number was included in hand written.

Q53: Who made that inclusions?

A: I think it is who drafted the document.

Q54: Whether the side initial of your father is found near the inclusions in Ex.P5 & Ex.P12?

A: No.

Q55:(Ex.P5 & Ex.P12 are shown to the witness) Can you confirm whether the allotment number mentioned in Ex.P5 & Ex.P12 are the correct allotment number?

A: Yes. It is the allotment number.

Q56:Can you read the allotment number mentioned in Ex.P5 & Ex.P7?

A: Yes. I can GT/A4/1850 K4/2345/94. Witness adds: GT/A4/1850 is the application number and K4/2345/94 is the allotment number.

Q57: (Ex.P6 is shown to the witness) In 1st page of Ex.P6 whether the application number GT/A4/1850 is found?

A: No. but it was found in 2nd page.

Q58:What has written in 2nd page of Ex.P6?

A:Application number 1850 was found.

Q59: I put it to you that in Ex.P1 it was mentioned as Letter number K4/2345/94 which is the allotment number. What do you say.

A:Yes. After that it was mentioned as Your application number A4/GT/1850.

Q60: I put it to you that there was no mentioned in Ex.P5 which is the application number and which is allotment number.

A:Yes.

Q61: I put it to you that in Ex.P5 as well as in Ex.P12 there is no mention about the allotment order date.

A:Yes.

Q62: In which documents (Ex.P5 or Ex.P12) your father has signed first?

A: I do not remember.

Q63:where did your father signed in both the document?

A:In front of Virugambakkam, Register office.

Q64: Who were all present at the time of signing of those documents by your father?

A: Myself, Kalaivani Staff of document writer, my wife Vijayalakshmi, Kumastha Subramani and my father friend Dhanraj.

Q65: Whether Dhanraj was the best friend of your father?

A: Yes. He is the close friend of my father.

Q66: I put it to you that neither your father's close friend Dhanraj nor his Kumastha Subramani were attesting witness in the WILL (Ex.P5).

A: Yes.

Q67: I put it to you that neither your father's close friend Dhanraj nor his Kumastha Subramani were attesting witness in the Power of Attorney (Ex.P12).

A: Yes.

Q68: When did both the documents were submitted before Registrar, Virugambakkam for registration?

A: Approximately between 5 to 6 PM.

Q69: Whether both the documents were signed and submitted before the registrar, Virugambakkam?

A: No. There were two Registrars. One Sub-Registrar and one Registrar were present on that day at Virugambakkam Register office.

Q70: Why those documents were submitted before different registrars?

A: I do not know.

Q71: I put it to you that you do not know what has happened at register office.

A: I deny. I know, One registrar registered the WILL and the other registrar registered the Power of Attorney.

Q72:When did the registration of both the documents completed?

A:Around 6 PM.

Q73:Who received the WILL and Power of Attorney after registration?

A:My father.

Q74:Whether the execution of WILL intimated to your siblings by your father?

A:Yes.

Q75:When did you receive the WILL (Ex.P5) and Power of attorney (Ex.P12)?

A: I do not remember.

Q76: Whether you or your wife read the WILL to your siblings after the demise of your father?

A:No. But I have served the copy of the WILL to all my siblings.

Q77:Have you received receipt for the served copy of the WILL from your siblings?

A:No.

Q78: I put it to you that you have neither intimated about the WILL and nor served the copy of the WILL to your siblings.

A:I deny.

Q79: Against whom you have filed OS.No.174/2020 before III ADJ, Poonamallee?

A: I have not filed that suit. It was filed by my brother Aadhimoolam against Shanthi and Narayanan.

Q80: I put it to you that in that suit your brother Aadhimoolam is the 1st plaintiff and you are the 2nd plaintiff. (Counsel for plaintiff objected this question stating that it is beyond the scope of the case)

A: Yes.

Q81: In Ex.P5 your father has not stated why he has bequeathed property to his legal heirs?

A: Yes. He already given due shares to his legal heirs as per 1994 Ex.P7 WILL.

Q82: I put it to you that your father has no right in the property of Ex.P5. Since he has no sale deed in his favour on the date of execution of Ex.P5.

A: I deny.

Q83: I put it to you that except the allotment order no document stands in the name of your father on the date of execution of Ex.P5 WILL.

A: Yes.

Q84: So, your father has no right to execute Ex.P5 WILL in favour of your wife?

A: I deny.

Q85: I put it to you that Ex.P5 WILL was not executed by your father and that WILL was fabricated by you and your wife.

A: I deny. Because it is a registered WILL.

Q86: I put it to you that if your father executed that WILL (Ex.P5) he would call his friend Dhanraj and Kumastha Subramani as attesting witness.

A: I deny.

Q87: I put it to you that you father has no intention to execute WILL in favour of your wife.

A: I deny.

Time : 04:15 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