

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

T.O.S.No.11 OF 2022

Date : 01.02.2026

Time :12:50 PM

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

PW1 Cross Examined by Learned counsel for the Defendant 5
Mr.G.Jermiah.

Solemnly Affirmed:

Q1:What is your wife's name?

A:Vijayalakshmi.

Q2:Can you tell this court for what purpose she has filed this Suit?

A:To probate the WILL. She filed the suit.

Q3:Whose WILL was sought to be probated?

A:It was executed by Munusamy Naicker who is my father and father-in-law of my wife Vijayalakshmi.

Q4:When did you know about the WILL(Ex.P5) executed by your father?

A:On 22.01.1997 when my father executed the WILL and he intimated us regarding the execution and registration of the WILL.

Q5:Prior to 22.01.1997 you do not have the knowledge of your father's intention. Is it correct?

A:No. I have knowledge of my father's intention.

Q6:How did you acquire the knowledge?

A:Before execution of WILL my father has sent letter to CMDA for name changing to my wife and he has also filed an affidavit to that effect before CMDA so, I acquired knowledge about his intention.

Q7:Which year your father has submitted the affidavit to CMDA for effecting name transfer?

A:I do not remember the exact year but it would be in the year 1995.

Q8:In the year 1995 you have a shop at Koyambedu Market?

A:Yes.

Q9:What was the health condition of your father at the time of execution of the WILL(Ex.P5)?

A:He was in a hale and healthy condition and good state of mind and he was also came to the shop for conducting business and in a conscious state of mind at the time of execution of the WILL.

Q10:(Ex.P5 is shown to the witness) Is it the original WILL executed by your father?

A:Yes.

Q11:(Ex.P5 is shown to the witness) Please read the recital at Page No.2 of Ex.P5 WILL?

A: தற்போது எனக்கு உடல்நிலை ஒரு சமயம் இருப்பது போல் மறு சமயம் இல்லாமையின் காரணத்தினாலும், என்னுடைய ஜீவித காலத்திற்கு பிறகு இந்த சொத்துக்களை யார் அடைவது, அனுபவிப்பது, என்பது குறித்து எந்தவித பிரச்சனையும் எழுா வண்ணம் இருக்கும் பொருட்டு, இந்த உயில் சாசனத்தினை எழுதி வைக்க முற்பட்டேன்.

Q12: I put it to you that you have stated that your father was hale and healthy at the time of execution of WILL is contrary to the recital found in Ex.P5.

A:I deny. My father was hale and healthy till his demise and he also conducted the business in the shop at Koyambedu.

Q13:When did your father informed you to come for attesting the WILL(Ex.P5)?

A:He intimated about the execution of WILL prior to the execution of the WILL and on the date of registration while he was at register office he intimated me to come for attesting the WILL.

Q14:Who accompanied your father to the register office?

A:His Kumastha Subramani and his friend Dhanraj, my wife Vijayalakshmi the another attesting witness Kalaivani and myself.

Q15:Is it correct to state that your wife was along with your father at the register office till the registration of the WILL?

A:Yes.

Q16:(Ex.P5 is shown to the witness) Who are the attesting witnesses in Ex.P5?

A:Myself and Kalaivani.

Q17:Is it correct to state that Kalaivani is the close friend of your family?

A:No. I deny.

Q18: So, you do not know Kalaivani prior to the attestation of the WILL?

A:Yes.

Q19:Your wife the petitioner has stated in her cross examination that Kalaivani is known person to us?

A:After attesting the WILL only we know about Kalaivani.

Q20:You have stated that Kalaivani has accompanied with your father to the register office?

A:She was working in the Document writer office and she came along with my father to register office at the time of registration of the WILL.

Q21: I put it to you that the close friend of your father Dhanraj was present but a stranger asked to attest the WILL.

A: I deny. Kalaivani was working at the document writer's office she would have known to my father so that he would have called her to attest the WILL.

Q22: Who were present while your father signed the WILL(Ex.P5)?

A:My father signed the WILL in the presence of Registrar, Kalaivani and myself were also present.

Q23:Did you see your father affixing his signature in Ex.P5?

A:Yes.

Q24:How many times your father signed in Ex.P5?

A:He signed in the 1st page, 2nd page and 3rd page of the WILL.

Q25:Did Kalaivani also see your father affixing his signature in Ex.P5?

A:Yes.

Q26:Did you affix your signature in Ex.P5?

A:Yes.

Q27:Who were the persons who saw you while affixing your signature in Ex.P5?

A:The Registrar, My father and Kalaivani were the persons who saw me while affixing my signature in Ex.P5.

Q28:Who were the persons who saw Kalaivani while she affixing her signature in Ex.P5?

A:The Registrar, My father and myself were the persons who saw Kalaivani while she affixing her signature in Ex.P5.

Q29: I put it to you that the registrar will not permit any document to be signed in his presence.

A:I deny.

Q30: I put it to you that Ex.P5 WILL is fabricated document and not executed by your father.

A:I deny. It is a registered WILL.

Q31: I put it to you that taking advantage of your father's intention to transfer his shop in the Koyambedu Market in favour of Vijayalakshmi you took advantage and created Ex.P5.

A:I deny.

Q32: The fact that none of your brothers and sisters were present during the execution of Ex.P5 would established that Ex.P5 has been clandestinely created by you?

A:I deny. In the 1994 WILL executed by my father he distributed all his properties to his legal heirs.

Q33:In 1994 WILL were you also allotted properties?

A: Yes.

Q34: I put it to you that in 1997 your father was not in a good health and mental conditions to execute the WILL(Ex.P5)

A:I deny. It is a registered WILL.

Time : 01:20 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