

WEB COPY



BEFORE THE HON'BLE MR. JUSTICE P.B.BALAJI

C.S.No.716 of 2015

Date : 05.06.2024

Time :2.35.P.M

Name : Rajasekaran K.S. (PW2)

Age : 58 years

Father's name: Mr.Singaravelu

Address No.15, Thanikachalam Street, Perambur, Chennai-11.

Chief Examination by Mr. Praveen Kumar, Learned Counsel for the plaintiff.

Q1: What is your occupation?

A: I am an Advocate by profession.

Q2: In which year did you enroll as an Advocate?

A: I completed my law degree in Tirupathi and enrolled in Tamil Nadu in 2011.

Q3: Would it be correct to state that your practice is predominantly in conveyance?

A: Yes.

Q4: From when have you been in conveyance?

A: From my father's period.

Q5: Is it correctd to state that both you and your father were working in Tamil Nadu?

A: Yes.

Q6: What was your father?

A: My father was a document writer.

Q7: When did you father die?

A: In 1994.

Q8: In which SRO were you and your father assisting in registrations?



A: All over Chennai.

Q9: Where did you father have his office?

WEB COPY

A: My father had his office at No.318, Paper mills Road, Perambur, Chennai, opposite to the SRO's Office in Sembium.

Q10: Did you take over your father's office?

A: Yes.

Q11. Is it correct to state that since you were working with your father, you are aware of the nuances of the registration process?

A: Yes.

Q12: How did you get your clients?

A: By word of mouth.

Q13: For how many years have you been paying Income Tax?

A: Since 1995.

Q14: Did you maintain a client register?

A: No.

Q15: Did you receive your payment in cash or cheques?

A: In the mode the client pays.

Q16: Did you submit the details of the profit and loss account while you filed your Income Tax returns?

A: I showed only the gross income.

Q17: Did you maintain a daily register /accounts book?

A: No.

Q18: Is it correct to state that if you register a sale deed, two years hence, you would not know the amount received for the registration or other details?

A: Yes.

Q19: Do you have assistants to assist you in document registrations?

A: Yes.

<https://www.mhc.tn.gov.in/judis>

Q20: Did you assist in the registration of Ex.P9 Sale deed?



A: Yes.

Q21: Did you draft Ex.P9 sale deed?

A: Yes.

WEB COPY

Q22: Do you have a copy of Ex.P9 with you?

A: It is available in my computer.

Q23: Did you approach any of the defendants after receiving subpeona notice?

A: No.

Q24: Did any of the defendants approach you after receiving the subpeona notice?

A: No.

Q25: Would you able to identify the signature of the executant or witnesses of Ex.P9 sale deed?

A: No.

Q26: Do you remember who approached you with regard to Ex.P9 sale deed?

A: Usually, it is the buyer who approaches us.

Q27: Did the seller of Ex. P9 sale deed come to your office?

A: I do not remember.

Q28: I put to you that Ex.P9 Sale deed was signed in your office?

A: Yes, it was signed in my office.

Q29: Did you check the title prior to drafting Ex.P9 sale deed?

A: Yes.

Q30: Did you get any approval from the parties after drafting the sale deed?

A: Normally, buyer will take the draft.

Q31: Who purchased the stamp papers for Ex.P9 sale deed?

A: The buyer did.

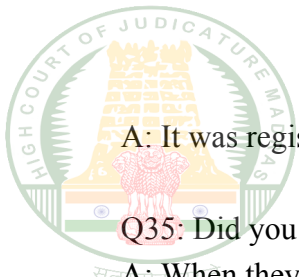
Q32: Did you go to the Sub Registrar's Office during the registration of Ex.P9 sale deed?

A: Yes I did.

Q 33: How long did the registration process of Ex.P9 sale deed take?

A: I do not remember.

Q34: Was Ex.P9 sale deed registered on the day it was signed by the parties or on the next day?



A: It was registered on the same day it was signed.

Q35: Did you get the details of the witnesses of Ex.P9 sale deed?

A: When they came the details were given but I did not venture into the details in depth.

WEB COPY

Q36: Did you negotiate the sale?

A: I do not interfere in the negotiation.

Q37: Do you know as to when, where and how the sale consideration was passed on?

A: I do not remember.

Q38: Did you see any cash transaction happen at the Sub Registrar's Office?

A: No.

Q39: Was the DD handed over at the Sub Registrar's Office ?

A: I do not know specifically. Generally, only after the DD is handed over the Registration is done.

Q40: Is there any endorsement in Ex.P9 sale deed that the DD was handed over in the presence of the Registrar?

A: No.

Q41: Is it correct to state that the second vendor is in no way connected to the property mentioned in Ex.P9 sale deed?

A: Yes.

Q42: Who suggested to include the name of the second vendor in Ex.P9 sale deed?

A: It was me, by way of abundant caution.

Q43: Is it correct to state that the children of the first vendor have not been included by way of abundant caution?

A: No.

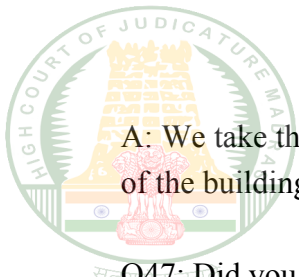
Q44: I put it to you that the DD was not given to the first vendor on 21.08.2012 by the purchaser?

A: I do not know.

Q45: Is it correct to state that you obtained the signatures of the witnesses and the party to the sale deed prior to presenting the sale deed for registration before the Registrar?

A: The signatures of the parties were obtained. However, their thumb impressions were obtained in the Sub Registrar's Office.

Q46: How did you arrive at the valuation mentioned in Annexure 1A?



A: We take the guideline value for the land and the balance sale consideration is shown as the value of the building.

Q47: Did you know whether the purchaser of the property obtained a loan to purchase the property?

A: I do not know.

Q48: Did you draft the sale agreement for the sale transaction?

A: No.

Q49: Did you see the sale agreement prior to drafting the sale deed?

A: No.

Q50: Is it correct to state that you do not know as to how the sale consideration was arrived at and in whose presence it was negotiated?

A: Yes.

Q51: I put it to you that the sale consideration was 2.5 crores?

A: I do not know.

Q52: In a month how many registrations do you assist in?

A: About 20.

Q53: Does it include the registrations in all the Registrar offices?

A: Yes.

Q54: Is it correct to state that you cannot be physically present for all the registrations and that your assistants would be incharge?

A: Yes.

Q55: Is it correct to state that you are address seen in Ex.P9 sale deed is different from the address mentioned by you earlier here?

A: The address mentioned in Ex.P9 is the address inwhich we operated when it was drafted. We later shifted to the present address.

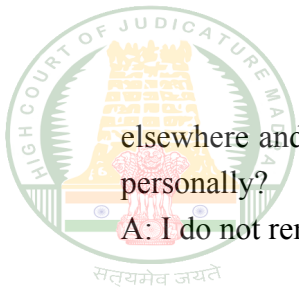
Q56: The address mentioned in Ex.P9 sale deed is also opposite to the SRO Sembium, is it correct?

A: Yes, a little farther away.

Q57: Who assisted you in the drafting of Ex.P9 sale deed in 2012-2013?

I do not remember.

Q58: I put it to you that at the time of the registration of Ex.P9 sale deed you were occupied



elsewhere and that your assistant alone went to the Registrar's office and that you did not go there personally?

A: I do not remember.

Q59: Did you have a typist in your office in 2012-13?

A: Yes, however they were all temporary.

Q60: Is it correct to state that once you draft a document, the typist would print it on stamp papers?

A: Yes.

Q61: Will they obtain the signatures on the document?

A: Some times they do, at times I obtain the signatures.

Q62: I put it to you that you did not personally obtain the signatures in Ex.P9 sale deed and that it was your typist who obtained the signatures and presented Ex.P9 sale deed?

A: I do not remember. Normally, I obtain the signatures.

Q63: Did you assist in the land and building inspection and valuation process?

A: No.

Q64: Do you receive the document from the Registrar's office after registration?

A: No, the parties receive them.

Q65: Are you aware that there was a mortgage over the suit property?

A: No. However, if the EC was seen it would have been reflected.

Q66: Did the purchaser enquire from you about the mortgage, after the registration?

A: No.

Q67: Did the second vendor approach you after registration?

A: No.

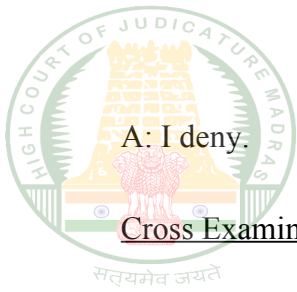
Q68: I put it to you that in order to help the defendants 1 & 2, you are stating that you are unaware of the vital facts?

A: I deny.

Q69: I put it to you that the thumb impressions were not obtained at the Registrar's office but only in your office by your clerk?

A: I deny.

Q70: I put it to you that you are deposing falsely before this Court?



A: I deny.

Cross Examination by Mr. K. Hariharan, Learned Counsel for the First Defendant.

Q71: Is it correct to state that the endorsement "Execution Admitted" can only be made by the Registrar?

A: Yes.

Q72: Is it correct to state that the none of the parties objected before the Registrar at the time of Registration of Ex.P9 sale deed?

A: I do not remember. Witness adds: No such occasion arose.

Cross examination by Mr. M.P. Mohandoss, Learned Counsel for the Second Defendant.

Q73: In Para 13 of the plaint, it has been stated that the plaintiff was brought to the Registrar's office only under threat. Did any one bring any objection to you in this regard?

A: I do not remember. If there was any such complaint, I would have dropped the process of assisting in the registration.

Q 74: Did anyone complain before the Registrar that they were brought under threat for the registration?

A: Nothing like that happen.

Re-examination by Mr. Praveen Kumar, Learned Counsel for the plaintiff.

Q75: Please see the endorsement in Ex. P9 Sale Deed. Would it be correct to state that the seal of the Registrar is not affixed by the Registrar but only by the office assistant?

A: Only after the verification is done by the Registrar, it is sent to the office assistant for affixing in the seal.

Q76: I put it to you that you did not go to the Registrar's office and so you cannot know the mental condition of the seller?

A: I deny.

Time: 3:30 P.M.