

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.716 OF 2015

Date: 04.12.2024

Time: 02.30 P.M

Name : Mr.Syed Hadi (PW3)

Continuation of Chief Examination by Mr.P.S. Ganesh for M.Praveen Kumar, Learned counsel for the Plaintiff.

Solemnly Affirmed:

Q41: Have you and your wife went to the plaintiff's house while she was residing at Velachery?

A: Yes.

Q42: Have you and your wife went to the plaintiff's house while she was residing at Poombugar Nagar, Kolatur?

A: Yes.

Q43: When did plaintiff and 1st defendant went to USA?

A: I do not remember.

Q44: Can I say it that the plaintiff and 1st defendant are residing in your father-in-law's house at that time you went to your father-in-law's house?

A: After the plaintiff and 1st defendant went to USA I came to my father-in-law's house.

Q45: Are you aware that the suit schedule property was gifted to plaintiff by her mother?

A: I do not know.

Q46: Whether 1st defendant has given power of attorney in favour of your wife?

A: Yes.

Q47: Where the 1st defendant residing at the time of giving power of attorney?

A: At USA.

Q48: Whether the 1st defendant gave only one power of attorney or two power of attorney to your wife?

A: He gave only one power of attorney.

Q49: Whether your wife using this power of attorney and purchased any property in the name of the 1st defendant?

A: No.

Q50: Is it correct that as per your religious custom 'Meher' can be given to bride?

A: Yes.

Q51: Is it correct that in your marriage also 'Meher' was given to your wife?

A: Yes.

Q52: Are you aware that because of the plaintiff and 1st defendant's marriage was solemnized in the Registrar Office, the religious custom 'Meher' not been followed?

A: I do not know.

Q53: As per the religious custom bride has to live in matrimonial home?

A: Yes.

Q54: Is it correct that because of difference of opinion between your parents and your wife you are residing in your in-law's house?

A: No.

Q55: Are your parents have own house?

A: No.

Q56: Whether the plaintiff and 1st defendant resided in the 1st defendant's house after returning from USA?

A: No.

Q57: I state that the plaintiff and 1st defendant after returning from USA stayed in 1st defendant's house for the period of 3 months and there after shifted to Kolathur.

A: I do not remember.

Q58: I suggest that you have visited the plaintiff and 1st defendant at their residence in Velachery during 2002 after your marriage.

A: Yes.

Q59: I suggest that when you visited the plaintiff and 1st defendant's house in Velachery you were only residing in your father-in-law's house.

A: I deny.

Q60: When you were in your father-in-law's house, who spent the family expenses?

A: All of them will share the family expenses.

Q61: Whether the plaintiff handed over all her jewels to your father-in-law for safe custody?

A: I do not know.

Q62: Is it correct that in the sale of the suit schedule property you and your wife fully participated?

A: No.

Q63: Is it correct that you have met the plaintiff on 21.08.2012 at her residence with regard to the sale of suit schedule property?

A: No.

Q64: What details do you know about the sale of the suit schedule property?

A: I am not aware.

Q65: I suggest you that on 21.08.2012 you, along with your wife and 1st defendant forced the plaintiff to execute the Sale Deed.

A: I deny.

Q66: I suggest you that on 21.08.2012 when the Sale Deed was signed by the plaintiff you were also present.

A: I deny.

Q67: Whether you are aware as to where the Sale Deed was executed?

A: I do not know anything about the Sale Deed neither the purchaser nor the seller and arrangement of sale.

Q68: Did your wife very well know the 2nd defendant, Shaik Shaffi Ahmed?

A: I do not know. I have to ask my wife whether she knows the 2nd defendant or not.

Q69: I put it to you that you, your wife and 1st defendant are all joined together and sold out the suit property and received all the sale proceeds.

A: I deny.

Q70: I put it to you that your wife negotiated the sale transaction and also received the sale consideration.

A: I deny.

Q71: I put it to you that on 21.08.2012 in the presence of you and your wife, the plaintiff beaten by her husband at the time of obtaining her signature forcefully.

A: I deny. Witness adds: No such occurrence was happened.

Q72: When you have stated that on 21.08.2012 you have not come to the house of plaintiff and 1st defendant's house. How are you able to ascertain and state that the abuse of plaintiff did not take place?

A: I have not seen any such incident because I am not there.

Q73: Whether your wife went along with your mother-in-law on the date of registration of the suit schedule property?

A: I do not know.

Q74: I put it to you that you and your wife went along with your mother-in-law on the date of registration of the suit schedule property

A: I deny.

Q75: Whether you have visited the plaintiff and 1st defendant at Senthil Nagar, Kolathur?

A: I am not aware of the nagar. But they were residing at Kolathur when I met them.

Q76: Have you visited the plaintiff and 1st defendant in their residence after the sale of the suit schedule property?

A: No.

Q77: When did the 1st defendant came to his parent's house after the difference of opinion between the plaintiff and 1st defendant?

A: I am not aware.

Q78: When did the 1st defendant went to abroad after the separation with his wife?

A: I do not know.

Q79: When did the 1st defendant got married for the second time?

A: I do not know.

Q80: Is it correct that the second marriage of 1st defendant happened when you were residing along with your father-in-law?

A: Yes.

Q81: Is it correct to state that 1st defendant after marriage did not reside in the joint

family of his parents?

A: Yes.

Q82: Is it correct to state that you are still residing along with your father-in-law's family?

A: Yes.

Q83: I put it to you that you very well aware of the incident which was happened on 21.08.2012 and you have suppressed the fact for the purpose of this case.

A: I deny.

Cross Examination by Mr.K.Hariharan, Learned counsel for the 1st defendant:

Q1: Do you remember your date of marriage?

A: Yes, it is 12.03.2000.

Q2: Where and from when you were residing along with your wife after your marriage?

A: After marriage we were residing in my parent's house.

Q3: For how many years you and your wife are residing in your parent's house?

A: 8 years.

Q4: Whether the plaintiff, 1st defendant and you and your wife are all jointly living in your father-in-law's house?

A: No.

Time : 03.35 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-III

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.716 OF 2015

Date: 04.12.2024

Time: 03.35 P.M

Name : Mrs. Yasmin Sultan (PW4)

Age : 47 Years

Husband's Name : Syed Hadi

Residential Address : No.65/30, Lal Begum Street,
Chepauk, Triplicane, Chennai – 600 005.

Chief Examination by Mr.P.S. Ganesh for M.Praveen Kumar, Learned counsel for the Plaintiff.

Solemnly Affirmed:

Q1: Is it correct to state that you know the plaintiff, Nabeela Ahmed since 1996?

A: Yes.

Q2: From when you are aware of the plaintiff, Nabeela Ahmed?

A: From my 6th std.

Q3: Is it correct to state that one of your relative is Mrs.Zareen?

A: Yes.

Q4: Is it correct to state that only through Zareen the plaintiff and 1st defendant became close?

A: Yes.

Q5: Is it correct to state that the plaintiff and 1st defendant got married on 28.02.1996?

A: Yes.

Q6: Is it correct to state that after the plaintiff converted to Islamic religion to Christianity the marriage was held?

A: Yes.

Q7: Are you personally aware of the religious conversion of the plaintiff and her marriage with the 1st defendant?

A: Yes, I am aware.

Q8: After marriage where did the plaintiff stay?

A: In her friend's house.

Q9: Have you visited the plaintiff when she was residing separately after marriage?

A: No, I have not visited.

Q10: I put it to you that you have visited the plaintiff when the 1st defendant has set up a house at Aynavaram.

A: I deny.

Q11: From when your brother and the plaintiff resided together?

A: I do not know.

Q12: When you have visited the plaintiff and 1st defendant after marriage?

A: I have not visited them. Witness adds: After reception they came to live in my father's house and that is when I saw them.

Q13: When the reception of the plaintiff and 1st defendant took place?

A: I am not aware.

Q14: Is it correct to state that the marriage ceremony was not conducted by your parents for your brother and plaintiff?

A: Yes.

Q15: For how many years you were resided in your matrimonial home?

A: Four years.

Q16: When your brother went to USA after you went to your parent's house?

A: I with my husband and children lived in the first floor. The plaintiff and my brother

lived in the third floor. After one year my brother has left to USA.

Q17: Is it correct to state that your brother lived separately in apartment at Velachery before going to USA?

A: Yes.

Q18: Have you visited your brother in apartment at Velachery?

A: Yes.

Q19: Are you aware after how many years the 1st defendant went to USA after shifting to Velachery?

A: I am not aware.

Q20: Is it correct to state that due to difference of opinion the plaintiff and 1st defendant started the nuclear family?

A: Maybe.

Q21: I put it to you that because of inhabitable condition in the third floor of your parent's house your brother and plaintiff set up a nuclear family at Velachery.

A: I deny.

Q22: Is it correct to state that the third floor of your father's house was asbestos sheet roof house?

A: Yes. Witness adds: Only fourth floor was constructed of sheets.

Q23: How many members were in the joint family of your father?

A: 15 to 20 members.

Q24: Have you visited 1st defendant and the plaintiff's house in Baba Nagar, Villivakkam before reception?

A: I do not remember.

Q25: Is it correct to state that after the marriage of plaintiff and 1st defendant in 1996 as

your parents did not accept the marriage your brother separated himself from your parent's family?

A: Yes.

Q26: Is it correct to state that at that time was your brother working in M/s.Godrej company in Chennai?

A: Yes.

Q27: When your brother working in M/s.Godrej company do you visit his house preparing meals?

A: No. Witness adds: My brother used to take food from my house.

Q28: Is it correct to state that only during 1999 the marriage between your brother and plaintiff was accepted by your parents?

A: Yes.

Q29: Is it correct to state that after your parents accepted the plaintiff and your brother they celebrated reception and allow them to live with them?

A: Yes.

Q30: Was the reception during 1999 conducted by both the family members?

A: No, the reception was conducted by my parents.

Q31: When you came from your matrimonial home?

A: In the end of 2004.

Q32: For what reason you came from your matrimonial home?

A: My mother-in-law instructed us to leave separately. And for that reason I came to my parent's house.

Q33: Did you and your husband went to send off your brother when he leave to USA?

A: I alone went.

Q34: For how many years did your brother stayed with your parents after he returning from USA?

A: 3 to 4 years.

Q35: When your brother gave you power of attorney in your favour?

A: I do not know exactly. But after he went to USA.

Q36: Have you purchased property on the basis of power of attorney?

A: I purchased property in my name. After my brother came from USA he write it in his name.

Q37: Is it correct to state that the property purchased by you by virtue of power of attorney was identified by your husband and the mother of plaintiff?

A: Yes.

Q38: Is it correct to state that at that time the plaintiff's mother have executed Settlement Deed in favour of plaintiff?

A: I do not know what was happened in the family of plaintiff.

Q39: Is it correct to state that the property at Kolathur stands in the name of plaintiff?

A: Yes.

Q40: Is it correct to state that the plaintiff obtained loan and constructed a house in Kolathur property?

A: My brother availed loan and constructed the house.

Q41: Have you seen any documents to show that your brother availed loan and constructed the house?

A: No. He said orally.

Q42: I put it to you that the plaintiff availed loan herself in Canfin Homes.

A: I do not know.

Q43: I put it to you that the plaintiff pledged her 25 sovereigns of gold and used that amount for the construction of that house.

A: I do not know.

Q44: Is it correct eventhough your parents have not in good understanding with plaintiff you have maintained good relationship with plaintiff?

A: Yes.

Q45: Have you visited plaintiff and your brother's house at Poombukar Nagar and Senthil Nagar?

A: Yes.

Q46: When did your brother asked you to sell the property stands in his name?

A: I do not know the exact year. Witness adds: But after my brother came back from USA he told to sell the property stands in his name.

Q47: Is it correct to state that after your brother came from USA he was doing real estate and other business?

A: I am aware that he was doing business.

Q48: Is it correct to state that your brother initiated to sell the property situated at Kolathur at that time?

A: I do not know.

Q49: Is it correct to state that dispute arose between your brother and plaintiff regarding the sale of Kolathur property?

A: Yes.

Q50: Whether your brother took your mother for the purpose of execution of Sale Deed?

A: I am not aware.

Q51: I put it to you that on 21.08.2012 your mother has signed as a witness in the Sale Deed and at that time you were also went along with your mother.

A: I do not remember.

Q52: I put it to you that you went to the advocate office along with your mother at that time.

A: I do not remember.

Q53: I put it to you that your father introduced 2nd defendant at the time of sale transaction and the sale amount also disbursed in your presence.

A: I deny.

Q54: Do you know Anthony Elizebeth Dhivya is the sister of the plaintiff?

A: Yes.

Q55: Are you aware that during the delivery of Anthony Elizebeth Dhivya, the plaintiff took care of her because of their mother went to USA at that time?

A: I do not know.

Q56: I put it to you that at the time of delivery of plaintiff's sister the 1st defendant introduced the 2nd defendant for sale of Kolathur property and you were also present at that time.

A: I deny.

Q57: Is it correct to state that you and your husband suggested for the sale of Kolathur property because of the difference of opinion between the plaintiff and 1st defendant?

A: No.

Q58: I put it to you that on 21.08.2012 the plaintiff refused to sign in the Sale Deed and for that your brother abused the plaintiff and she sustained injury in her hand and you very well know that incident.

A: I deny.

Q59: I put it to you that on 21.08.2012 you along with your husband were present in the house of the plaintiff and sale transaction took place.

A: I deny.

Q60: I put it to you that on 21.08.2012 you, your husband and 1st defendant forced the plaintiff for sale transaction.

A: I deny.

Q61: I put it to you that on 21.08.2012 you, your husband and 1st defendant driven out the plaintiff from the house after the sale transaction.

A: I deny.

Q62: Where was your brother residing after he sold out Kolathur property?

A: He took rented house near that place.

Q63: When did your brother came to your father's house?

A: He came before his second marriage.

Q64: Whether the second marriage of your brother conducted by himself or by your family members and parents?

A: He himself arranged for second marriage.

Q65: Is it correct to state that your brother has conducted his second marriage within one and half years after he separated from the plaintiff?

A: No. Witness adds: After 4 or 5 years.

Q66: Do you know when your brother and the plaintiff got separated?

A: I do not know.

Q67: With whom the children of your brother and plaintiff are residing?

A: With the plaintiff.

Q68: Whether you and your husband negotiated settlement talk between your brother and plaintiff for their reunion?

A: Yes. Witness adds: Myself and my mother negotiated the settlement in the house of plaintiff.

Q69: I put it to you that you and your mother went to plaintiff's house for negotiation after the second marriage of your brother.

A: I deny. Witness adds: We intimated my brother initiated for second marriage if he come to the house he would not do that.

Q70: Is it correct to state that your brother after selling the Kolathur property he has purchased property at Korattur before his second marriage?

A: I do not know.

Q71: I put it to you that your mother has signed as a witness in the Sale Deed of the property situated at Korattur and you were also went along with your mother.

A: I am not aware.

Q72: When did your brother got job after he returned back from USA?

A: I do not know.

Q73: When did your brother come to your parent's house after he got separated from the plaintiff?

A: 2-3 years after the separation.

Q74: How long your brother residing along with your family and parents?

A: In the second floor he was residing separately.

Q75: In 2002 your brother has executed power of attorney in your favour. Is it correct?

A: I do not remember.

Q76: Is it correct to state that you have purchased Sarathy Nagar property in your brother's name on the basis of registered power of attorney executed by your brother?

A: Yes, but I do not know the particulars of the property.

Q77: Whether the plaintiff has given any case against you apart from this summon?

A: No.

Q78: Whether your brother has given any case against the plaintiff and her mother?

A: I do not know.

Q79: Whether the plaintiff has given dowry case against your parents?

A: Yes.

Q80: Whether your parents speak about the dowry case with you?

A: Yes.

Time : 04.55 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-III