

BEFORE THE ADDITIONAL MASTER IV,
HIGH COURT, MADRAS

C.S.No.812 OF 2015

Date: 29.08.2024

Time: 04.26 P.M.

Name: Mr.M.Jayam (PW1)

Continuation of Cross Examination by Mr. A.V. Arun, Learned Counsel
for the defendant

Solemnly affirmed:

Q74: Do you have any shops nearby the suit property?

A: Not now.

Q75: Whether the shop owned by you was auctioned by the bank under
SARFAESI ACT?

A: That shop does not belong to me.

Q76: Does the shop belong to your relative?

A: I do not know.

Q77: Is it correct to state that the shop belongs to Subam Tirupur Banian
Centre?

A: Yes. It is not my property.

Q78: (A document is shown to the witness.) Is this the notice issued by
Canara Bank to you?

A: Yes. The notice under Section 13(4) of the SARFAESI Act issued by
Canara Bank is marked as Ex.D1.

Q79: (Ex.D1 is shown to the witness.) I put it to you that you were
served with notice for the balance amount of Rs.6,39,89,846.00/-.

A: I was not served with the notice.

Q80: Is it correct that you were a guarantor for the loan borrowed by
Subam Tirupur Banian Centre?

A: Yes.

Q81: Is it correct that Ex.D1 notice was sent to you as the guarantor for the aforesaid loan?

A: I was a guarantor for the loan. But I did not receive Ex.D1.

Q82: Is it correct to state that since both Subam Tirupur Banian Centre and you as the guarantor did not discharge the loan borrowed, the property was brought under auction under the SARFAESI Act?

A: May be.

Q83: (Exs.P1, P2, P3, P4, P5, P6 & P16 are shown to the witness.) Is it correct to state that all the documents in Exs.P2, P3, P4, P5, P6 & P16 were given to you prior to Ex.P1 agreement?

A: He gave me many documents. But I do not remember.

Q84: Is it correct to state that you prepared Ex.P1 based on the documents given by the defendant?

A: Yes.

Q85: Is it correct to state that the extent given in the schedule to Ex.P1 is based on the previous documents given to you?

A: Yes.

Q86: Is it correct that there was a patta in the name of the defendant for an extent of 6011 sq.ft.,?

A: Yes.

Q87: Is it correct that in the previous documents given by him namely the release deed and family arrangement deed, a sketch was annexed?

A: Yes.

Q88: Is it correct that only as per the sketch annexed to the family arrangement deed and the release deed, the property measures about 6809 sq.ft.,?

A: Yes.

Q89: Is it correct that when the property was measured, its extent was 6800 sq.ft.,?

A: I did not measure it. The extent is based on what was given in the document.

Q90: Is it correct to state that you had filed an application before this Hon'ble Court and accordingly an advocate commissioner was appointed to measure the property and the extent was found to be 6800 sq.ft.,?

A: The extent was measured as 6848 sq.ft.

Time:.04.52 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-IV