BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 13.10.2017

Time: 12.05 p.m.

Name : Rama Gunasekaran(PW1)

Age : 55 years

Husband's Name : G.Gunasekaran

Residential Address : No.HIG 102, New ASTC HUDCO,
Hosur, Krishnagiri District - 635109

Chief Examination by Mr.C.Jagadish
Learned counsel for the plaintiffs

Solemnly Affirmed:

I am the 3rd plaintiff in the suit and as such I am well acquianted with the facts of my case. I have filed sworn-in proof affidavit in lieu of my oral evidence and the same shall be taken into consideration in support of my case.

Time: 12.10 p.m.

(For marking of documents at request of both counsels adjourned to 25.10.2017).

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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 25.10.2017

Time: 01.00 p.m.

Name : Rama Gunasekaran(PW1)

Continuation of Chief Examination by Mr.C.Jagadish
Learned counsel for the plaintiffs

Solemnly Affirmed:

Ex.P1 is the certified copy of the Partition Panchayat Award between K.Kuppusamy Naidu and others dated 22.05.1959. Ex.P2 is the Certified copy of the Settlement Deed executed by Mr.M.K.Rajagopal Naidu in favour of Kanthammal dated 30.06.1996. Ex.P3 is the Certified copy of the settlement deed executed by Mr.M.K.Rajagopal Naidu in favour of Mrs.Sulochana dated 12.12.1969. Ex.P4 is the Certified copy of the Sale Deed executed by Mr.K.Prakash in favour of the second defendant dated 09.08.1971. Ex.P5 is the Certified copy of the sale deed executed by Mrs.Rangammal in favour of the second defendant dated 10.10.1979. Ex.P6 is the Certified copy of the sale deed executed by MR.P. Devarajulu Naidu and others in favour of the first defendant dated 07.06.1982. Ex.P7 is the Certified copy of the cancellation Deed dated 30.11.1984 cancelling the settlement deed dated 12.12.1969. Ex.P8 is the Certified copy of the sale deed executed by Mr.P.Ramamurthy and others in favour of the first

defendant dated 09.09.1985. Ex.P9 is the Certified copy of the sale deed executed by Mr.P.Dhananjayan and his sons in favour of the 4th defendant dated 12.07.1996. Ex.P10 is the Certified copy of the sale deed executed by Mrs.D.Shanthi and her sons in favour of the 4th defendant dated 10.10.1996. Ex.P11 is the Certified copy of the sale deed executed by the 3rd defendant in favour of S.Eswaran dated 04.05.2005. Ex.P12 is the Certified copy of the sale deed executed by the first defendant in favour of Valsa Benjamin Cherian dated 24.05.2006. Ex.P13 is the Certified copy of the sale deed executed by the first defendant in favour of R.Benjamin Cherian dated 24.05.2006. Ex.P14 is the Certified copy of the Cart Track agreement entered into between the first defendant and Mr. R.Benjamin Cherian and Mrs. Valsa Benjamin Cherian dated 24.05.2006. Ex.P15 is the Certified copy of the sale deed executed by the fourth defendant in favour of Lalith Kumar Jain and another dated 08.06.2006. Ex.P16 is the Certified copy of the sale deed executed by Mr.V.V.Aswin Kumar Reddy in favour of the first defendant dated 28.06.2006. Ex.P17 is the Certified copy of the settlement deed executed by the first defendant in favour of the 6th defendant dated 28.06.2006. Ex.P18 is the Certified copy of the settlement deed executed by the third defendant in favour of the 4th defendant dated 07.10.2011. Ex.P19 is the Certified copy of the settlement deed executed by the first defendant in favour of the 3rd

defendant dated 08.06.2012. Ex.P20 is the Certified copy of the sale deed executed by the third defendant in favour of I.Poushia dated 23.11.2012. Ex.P21 is the office copy of the legal notice issued by the plaintiffs through their counsel with acknowledgement cards dated 14.5.2013. Ex.P22 is the Certified copy of the settlement deed executed by the first defendant in favour of the 3rd defendant dated 28.05.2013. Ex.P23 is the Certified copy of the settlement deed executed by the second defendant in favour of the 6th defendant dated 28.05.2013. Ex.P24 is the reply notice sent by the defendants through their counsel dated 30.05.2013. Ex.P25 is the letter from the plaintiffs' counsel to the defendant's counsel dated 06.06.2013. Ex.P26 is the encumbrance certificate pertaining to the suit properties dated 18.06.2013. Ex.P.27 is the rejoinder sent by the plaintiffs through their Advocate dated 22.06.2013. I therefore pray that the suit may be decreed as prayed for.

Time: 01.10 p.m.

(For cross examination adjourned to 08.11.2017).

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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 17.11.2017

Time: 12.45p.m.

Name : Rama Gunasekaran(PW1)

Cross Examination by Mr.R.Thiagarajan
Learned counsel for the Defendants 1 to 6

Solemnly Affirmed:

Q: What is your rank in the suit?

A: I am the 3rd plaintiff.

Q: Are you deposing on your behalf as well as on behalf of the other plaintiffs?

A: I am deposing on my behalf and on behalf of other plaintiffs.

Q: What are the reliefs you have sought for in the suit?

A: I have sought for Partition of the ancestral joint family property.

Q: Are you aware of the contents of the plaint?

A: Yes.

Q: Who gave instruction to prepare the plaint?

A: I gave instructions to prepare the plaint.

Q: Are you familier with the particulars mentioned in the plaint?

A: Yes.

Q: How many items of properties are mentioned in the plaint schedule?

A: There are number of items in the suit schedule property unless I look into it I cannot tell.

Q: Except Item No.5 all other properties are situated outside the jurisdiction of Hon'ble Court?

A: Yes.

Q: I put it to you that the other properties are situated at Tiruvallur District?

A: Yes.

Q: Are you in possession of any of the item of properties?

A: I am not in possession. Properties are in possession of my father. My father is the 1st defendant in the suit.

Q: Have you furnished family geneology in the plaint?

A: Yes.

Q: Can you say who owned the suit properties originally?

A: Great Grand father Ramakrishna Naidu owned the suit properties.

Q: How many children to Ramakrishna Naidu?

A: Ramakrishna Naidu has 4 sons namely (1)Kuppusamu Naidu, (2)Rajagopal Naidu, (3)Deenadayal Naidu and (4)Varadhaiah Naidu.

Q: Can you tell this Hon'ble Court who purchased the suit schedule properties?

A: I do not know from whom Ramakrishna Naidu purchased the

properties. But he owned it.

Q: How old are you?

A: I am 55 years old.

Q: Have you seen Ramakrishna Naidu?

A: No. I have not seen Ramakrishna Naidu.

Q: Do you know how Ramakrishna Naidu acquired the suit schedule mentioned properties?

A: I do not know.

Q: Who told you that the properties were acquired by Ramakrishna Naidu?

A: I came to know from the documents which I had filed before this Court.

Q: Is it correct to state that there was a partition among the children of Ramakrishna Naidu?

A: Yes, in the year 1959 there was a partition among the brothers.

Q: Do you know the division of properties among the children of Ramakrishna Naidu?

A: 'A' schedule was allotted to Kuppusamy Naidu, 'B' schedule was allotted to Rajagopala Naidu, 'C' schedule was allotted to Deenadayal Naidu and 'D' schedule was allotted to Varadhaiah Naidu and 'E' schedule was kept in common by the 4 brothers.

Q: How many children your grand father had?

A: One son and one daughter.

Q: How many children your father had?

A: Three daughters and one son.

Q: How many schedules are there in Ex.P1?

A: There are 5 schedules namely 'A', 'B', 'C', 'D', and 'E'.

Q: Who have been cultivating in the 'B' schedule properties which were allotted to Rajagopal Naidu?

A: During his life time Mr.M.K.Rajagopal Naidu was cultivating the lands and after his demise my father has been cultivating.

Q: Which are the properties kept as the common property among the children of Late Ramakrishna Naidu?

A: 'E' schedule property mentioend in Ex.P1.

Q: What is the status of E schedule property?

A: The sons of Ramakrishna Naidu have divided the property among themselves subsequently.

Q: Can you specify the properties income yielded from the cultivation?

A: In those days the income was nominal.

Q: What did M.K.Rajagopal Naidu do with the properties allotted to him under the partition award in Ex.P1?

A: He handed over those properties to my father who is his son.

Q: Can you tell this Hon'ble Court what are the properties dealt with under Ex.P2?

A: Under Ex.P2 M.K.Rajagopal Naidu has dealt with the property and it contains two schedules. Schedule A relates to Mylapore and Schedule B relates to wet lands Kottakuppam Village, comprised in the following survey Nos.12/2A, 16,11, 12/1 and 13.

Time: 01.30 p.m.

(For continuation of cross examination adjourned to 28.11.2017).

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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 11.12.2017

Time:12.30 p.m.

Name : Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan
Learned counsel for the Defendants 1 to 6

Solemnly Affirmed:

Q: Who is Madhavan Naidu?

A: He is my father.

Q: Whether there was strained relationship between you and your father?

A: Yes at present.

Q: Whether your father performed the marriages of three daughters in a grand manner by providing stridhana and 50 soverigns of jewels to each daughter?

A: No. I was provided only 25 soverigns.

Q: I put it to you that 50 soverigns of gold jewels besides 5 kg of Silver articles were provided to you at the time of your marriage?

A: I deny.

Q: Were you provided with silver articles?

A: No.

Q: What is your husband?

A: My husband was previously supplying automobile components to

TVS and now he has closed down the business.

Q: You got married in the year 1982?

A: Yes.

Q: Did your father secure you a house at Hosur?

A: No. It was purchased by my husband.

Q: Can you produce the documents pertaining to the Hosur property and how it was purchased and who had provided the funds for the said purchase?

A: Yes. I can produce the documents.

Q: Is it correct to state that the jewellery provided by your parents were lost in transit in a travel from Chennai to Coimbatore?

A: Yes.

Q: How many children you have?

A: I have one son and one daughter.

Q: Have they completed their education or still studying?

A: They have completed their education.

Q: Are you deposing before this court on your behalf or on behalf of all the plaintiffs?

A: I am deposing on behalf of all the plaintiffs.

Q: Who is maintaining the suit schedule mentioned properties?

A: My father is maintaining.

Q: Do you know how these properties were acquired by your father?

A: After my grand father it was inherited by my father.

Q: Are you aware of the fact how the suit properties were acquired by K.Madhavan Naidu?

A: The house at Mogappair was purchased by selling some of the properties inherited by my father from my grand father. Likewise some properties were purchased by selling the inherited properties.

Q: Have you stated so in your plaint?

A: Yes. I have stated in the plaint in page no.14.

Q:(Witness is shown Ex.P1) Are you aware of the nature of the document?

A: Yes. This is the document witnessing partition in the year 1959. 'B' schedule property in Ex.P1 was allotted to my paternal grand father Rajagopal Naidu.

Q: Whether your grand father had sold the property?

A: I do not know however my father has sold. My father had dealt with the property may be somewhere in the year 1981. I have not secured those documents. I have not filed it before this court.

Q: Is it correct to state that your father had performed the marriage of all the three daughters in the same style?

A: The three marriages were performed in a different manner. My first sister was provided with a Car but I do not know whether she was provided with 100 soverigns of gold. As far as my second sister

is concerned she was given in marriage to my aunt's son (Athai) and with regard to stridhana provided I can only verify with my aunt who is no more. I was provided only with 25 soverigns of gold. The first son-in-law is a doctor, the marriage was performed in a grand manner. At that time I was studying 6th standard. The second son-in-law is a landlord. The third son-in-law is my husband and he is a business man.

Q: What was the reason for the closure of your husband's business?

A: Partly due to his health and partly due to business losses suffered.

(For continuation of cross examination adjourned to 19.12.2017).

Time: 12.55 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 15.03.2018

Time:02.45 p.m.

Name : Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan
Learned counsel for the Defendants 1 to 6

Solemnly Affirmed:

Q: Are you in possession of any of the suit properties?

A: No.

Q: Do you have any personal knowledge how the properties devolved upon Madhavan Naidu?

A:The properties devolved upon my father Madhavan Naidu from our great grand father Ramakrishna Naidu.

Q: How did Ramakrishna Naidu acquire those properties and how did Rajagopala Naidu succeed to those properties? Have you got any documentary evidence to substantiate the same?

A: Yes. I have produced documentary evidences.

Q: Can you tell this Hon'ble Court what were the properties fell to the share of Madhavan Naidu?

A: 'B' schedule properties were allotted to Rajagopala Naidu under the Ex.P1 partition deed and 'E' schedule properties which were kept common.

Q: Have you produced any documents to show that from and out of

the ancestral property Madhavan Naidu has acquired properties in his name?

A: Yes. I have produced.

Q: Is there is any recital in the property acquired at Mogappair to show that the said property was acquired from and out of the sale proceeds realised by sale of the ancestarl property?

A: There is no such mention in any of the sale deeds acquired by Madhavan Naidu but however according to me those properties were only purchased by the proceeds of the ancestral property.

Q: Have you stated anywhere in the plaint how the properties were sold, how the proceeds were realised and how the properties were invested in the properties acquired by your father in the personal name?

A: I have stated in paragraph 15 of the plaint.

Q: Was your father affectionate towards his daughters?

A: No. Whereas we have been affectionate to him.

Q: A letter purported have been signed by K.Rama Devi now known as Rama Gunasekaran was shown to the witness. Where is Manjankaranai and did you all live there?

A: Yes.

Q: Did your father give a fixed deposit FDR No.15827 with held in Lakshmi Mills Ltd., Coimbatore?

A: No.

Q: Is it correct to state that you have lent Rs.10,000 at the rate of 12% per annum to M/s.Madras Rings and Travellers Manufacturing Company as a loan?

A: No.

Q: Do you know whether Revathi, the 2nd plaintiff lent Rs.10000/- on 27.07.1979 to Madras Rings and Travellers Manufacturing Company and agreed to receive interest at the rate of 12% on the loan?

A: I do not know.

Q: Likewise, Kanthammal, your grand mother lent monies to Madras Rings and Travellers Manufacturing Company. Are you aware?

A: I am not aware.

Q: Are you aware whether V.Jagadish borrowed Rs.5000/- from K.Ramesh as a partner of Madras Rings and Travellers Manufacturing Company on 07.09.1979?

A: I am not aware.

Q: I put it to you that you are not aware of the family details, family proeprties and its affairs but however you are making incorrect statement before this Court?

A: I deny.

Q: Did your brother K.Ramesh at the time of your son Rahul's

marriage did he give Rs.2 lakhs as his gift(Seervarisai)?

A: He gave only Rs.10,000/- as wedding present (Moi).

Q: At the time of your daughter's marriage did K.Ramesh gift present a diamond necklace to Subashri?

A: He gave only Rs.10,000/- as gift and did not present any jewellery.

Q: I put it to you that your father Madhavan Naidu sold 'E' schedule property in 2006 and paid you a sum of Rs.10 lakhs from and out of the sale proceeds ?

A: I deny.

Q: I put it to you that Madras Rings and Travellers Manufacturing Company was established in 1979 by M.K.Rajagopal Naidu as founder in which your husband Gunasekaran was inducted as Managing Director after your marriage. Can you deny the statement?

A: I am not aware about the affiars of Madras Rings and Travellers Manufacturing Company.

Q: I put it to you Madras Rings and Travellers Manufacturing Company consisted 4 partners, (1) Gunasekaran, your husnand (2)Rajani Balakrishnan, 1st plaintiff, (3)K.Ramesh S/o.Madhavan Naidu and (4) Jagadish son in law of Madhavan Naidu?

A: I am not aware of it

Q: I put it to you that you are deliberately lying before this court

despite the fact that you and your husband sold the company for Rs.5 crores without consulting Ramesh one of the partner of the company thereafter without rendering true and proper accounts to other partners more so to Ramesh you have siphoned of the funds?

A: I deny.

Q: Is any one owning petrol bunk in your family?

A: Yes. V.Jagadish, 2nd plaintiff's husband has got a petrol bunk at Minjur.

Q: Is it correct to state the funds for setting up the Minjur Petrol outlet was provided by Madhavan Naidu?

A: No.

Q: Did he avail any loan?

A: They are affluent person and they did not borrow.

Q: Out of 3 daughters are you relatively less affluent when compared to them?

A: Yes.

Q: Where are you from?

A: I am a resident of Hosur. When I come to Chennai I will stay with my sister Rajani Balakrishnan or my daughter.

Q: Are you aware of the fact in whose name the property descirbed in the plaint schedule stands as on date and who has been cultivating those lands?

A: There lands are in the names of Mahdavan Naidu, Ramesh,

Mrs.Radha, Mrs.Shakila, Mr.K.Rithish.

Q: Do you know who has been cultivating the lands?

A: Originally my father was cultivating the lands subsequently my brother Mr.Ramesh has been cultivating the lands. Currently I understand Ramesh has leased out the properties for cultivation to his wife's relatives.

Q: I put it to you that this court lacks territorial jurisdiction to determine the dispute raised in the lis in as much as except one property, rest of the properties are located within the jurisdiction of Tiruvallur District and in such circumstances this court inherently lacks jurisdiction to decide the lis?

A: I deny.

(For continuation of cross examination adjourned to 26.03.2018).

Time: 03.40 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 11.06.2018
Time:02.45 p.m.

Name : Rama Gunasekaran(PW1)
Continuation of Cross Examination by Mr.R.Thiagarajan
Learned counsel for the Defendants 1 to 6

Solemnly Affirmed:

Q: Which of the suit properties have been settled by the 1st defendant in favour of the 3rd defendant?

A: No property was given as gift.

Q: Kindly see Ex.P22. Ex.P22 is a settlement deed executed by the 1st defendant in favour of the 3rd defendant. Can you dispute it?

A: No property has given as settlement in favour of 3rd defendant. I am not aware of the contents of the document Ex.P22.

Q: Ex.P23 is shown to the witness. Are you aware of the settlement deed executed by K.Radha Devi in favour of K.Rithish?

A: After the issuance of the notice the document was executed on 28.05.2013.

Q: Ex.P19 is shown to the witness. Are you aware of the settlement deed executed by K.Madhavan in favour of his son K.Ramesh under Ex.P19?

A: Yes.

Q: Are you aware of the various settlement deeds under Ex.P17,

Ex.P18, Ex.P19, Ex.P22, Ex.P23?

A: Yes I am aware of the settlement deeds.

Q: Have you challenged those settlement deeds before this court?

A: Yes.

Q: Have you sought for any declaratary relief in respect of those settlement deeds?

A: Though I have made a mention in the plaint I have not sought for declaratary relief.

Q: Are you in possession of the any of the plaint schedule property?

A: I am not in possession of any of the properties as described in the plaint schedule.

Q: Have you filed any document to show that the suit properties are joint family properties?

A: Yes, I have filed.

Q: Which is the document?

A: Ex.P1.

Q: Have you produced any document to show that your father had been looking after the properties in the joint family on behalf of the other members of the family?

A: I have not filed any document but however he has been managing the properties on behalf of the other family members.

Q: Are you aware of the land transactions which had taken place

after 1969 till 2006?

A: Yes there were certain transaction in the year 2005 effected by my father in respect of lands in Kottakuppam Village and Manjankaranai Village(Palm grove). I have produced the documents in respect of the sales of the above mentioned properties.

Q: Who is Mr.M.K.Rajagopal Naidu?

A: He is my paternal grandfather.

Q: Is he alive now?

A: No. He died in the year 1989.

Q: How many children did M.K.Rajagopal Naidu have?

A: One son and one daughter. My father is his only son, my aunt Mrs.Sulochana is his only daughter.

Q: When did Sulochana get married?

A: I am not aware.

Q: What was the Seer given by your grand father to your aunt?

A: I am not aware of the marriage but however I am aware of the Sreedhana gifts provided by my grand father to my aunt.

Q: What were the properties provided to her?

A: I am not personally aware of it but however I was informed by my aunt that she was provided with 7 acres of agricultural land at Kottakuppam Village. She also informed me that the lands were

taken back by my grand father.

Q: Can you tell how much did your grand father spend for your aunt Sulochana's marriage?

A: I am not aware.

Q: Are you aware of the fact that M.K.Rajagopal Naidu sold his agricultural lands which he acquired pursuant to the partiton deed dated 22.05.1959 for performing his daughter's marriage?

A: I deny. At the time of my aunt's marriage I was not born.

Q: Is it correct to state that you do not have any personal knowledge about the sale of the properties acquired by M.K.Rajagopal Naidu and how he disposed of his lands and how he performed the marriage of his only daughter Sulochana?

A: I do not know since I was not born at that time.

Q: Is it correct to state all properties except the properties situated at 103, Katcheri Road , Mylapore, Chennai 4 are situated outside the jurisdiction of the Hon'ble High Court?

A: Yes.

Q: Are you not aware of the fact that your grand father M.K.Rajagopal Naidu had settled the property at Mylapore in favour of his grand son Ramesh retaining the life interest for himself and his wife and absolute interest in favour of your brother Ramesh on 30.06.1966. Can you deny this?

A: Yes, I deny.

Q: Ex.P2 is shown to the witness. You having file the copy of the settlement deed, is it open to you suggest that I am not aware of this?

A: I am aware of this but it is not binding upon us.

Q: I put it to you that you have not challenged the settlement deed dated 30.06.1966 exectued by your grand father and without challenging the settlement deed you are not entitled to seek for partition of that property covered by the settlement deed?

A: I deny. We are having share in the propety.

Q: Did you file any suit challenging the purported settlement deed executed by your grand father reserving the life interest for himself and his wife and absolute interest in favour of 3rd defendant K.Ramesh?

A: No. We have been asking our father for partition of the suit property.

Q: When did you intend to file the suit?

A: We have been requesting our father for a partition. Since he did not come forward we have filed the present suit.

(For continuation of cross examination adjourned to 27.06.2018).

Time:03.30 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS

C.S. No.474 of 2013

Date: 31.01.2020
Time:01.15 P.M.

Name: Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan, Learned Counsel for the Defendants 1 to 6.

Solemnly Affirmed:

Q: What is your husband's name?

A: My husband name is Gunasekaran.

Q: What about Rajini Balakrishnan?

A: Rajini Balakrishnan's husband is G.Balakrishnan.

Q: Are you deposing on behalf of other plaintiff also?

A: Yes.

Q: Who were all the partner the Madras Rings and Travels Manufacturing Company ?

A: There were three partner in this firm 1st plaintiff-Rajini Balakrishnan, Jagadeesh, G.Gunasekaran is my husband.

Q: What was the nature of the business were doing?

A: They were manufacturing rings and travels to cater to the needs of textile mills.

Q: Do you know what was the investment made by each of the partners?

A: I do not know, my husband knows.

Q: Whether your father partner in the said business ?

A: No.

Q: Whether Ramesh was partner in the said business?

A: I do not know, my husband only knows.

Q: Can you deny or dispute that Madras Rings and Manufacturing Company was functioning at No.3, Sitco Industrial Estate, Hosur, where you have been living and continue to live?

A: Yes.

Q: Who is Rajagopala Naidu and Madhava Naidu?

A: Rajagopala Naidu is my patneral grandfather and Madhava Naidu is my father.

Q: Your father has invested Rs.3 lakhs in the name of Ramesh Rajini, Jagadesh and Gunasekaran each has capital to the business?

A: I do not know.

Q: I put it to you that they borrowed the partners of Madras Rings and Manufacturing Company borrowed funds from SBI, Syndicate Bank and Ramesh, Rajini, Jagadesh and Gunasekaran have executed loans documents to the banks loans availed from the banks?

A: I do not know, my husband only knows.

Q: Can you tell this Hon'ble Court who is Mr.Kanakaraj and Logesh?

A: Kanakaraj is my husband's brother and Logesh is the son of the 1st plaintiff namely Rajini Balakrishnan.

Q: Were they inducted as partners in the aforesaid firm?

A: I do not know, my husband only knows about the entire affairs of the said firm.

Q: I put it to you that you know the entire affairs of the firm, income derived from the firm and how it was distributed among the family members of the all the plaintiffs however expressing ignorance to defeats the rights and claims of your late father and your brother Ramesh.

A: I deny the same.

Q: Will you be in position to produced the Income Tax Returns of the

plaintiff and their respective husband?

A: I cannot file those returns since they are not relevant to the present suit.

Q: Is the firm is still in existence or dissolved?

A: I do not know, my husband only knows.

Q: I put it to you that all the three plaintiffs and their respective husbands or colluding together and have secreted the income from the business and subsequently the manufacturing unit at No.3, sidco Industrial Estate, House have been sold you have realized Rs.5 crores and also dealt with the industrial shed and super structure and misappropriated the entire proceeds without paying anything to Madhava Naidu or his son Ramesh.

A: I do not know, my husband only knows.

Time:01.45 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 06.02.2020
Time: 3.35 P.M.

Name: Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan, Learned Counsel for the Defendants 1 to 6.

Solemnly Affirmed:

Q: Are you familiar with English, Telugu and Tamil language?

A: I am conversant in Tamil and to our some extent in Telugu and I

cannot fluently speak in English.

Q: Who gave instructions for preparing of your proof affidavit?

A: All the three plaintiffs gave instructions our counsel for preparing the proof affidavit on my behalf.

Q: Who explained to you the contents of the proof affidavit which in English?

A: I used to interact with one of my Advocate Mr.Jagadish who is conversant in Telugu who used to explained the contents of the proof affidavit in Telugu.

Q: What is your educational qualification?

A:I have studied upto 12th std in Tamil medium.

Q: Did you go through the written statement filed by your father K.Madhavan Naidu and his wife Radha Devi their son Ramesh and their daughter-in-law Shakila defendants 1 to 4?

A: Yes. They have disputed our claim for partition.

Q: Did you go through the written statement in detail filed by your

parents your brother and sister-in-law?

A: The contents of the written statement were explained to me in my Advocate's office.

Q: Do you know Mr.N.K.Rajagopal Naidu?

A: He is my paternal grandfather.

Q: Did Mr.Rajagopal naidu had siblings?

A: Yes. He had three brothers viz., Kuppusamy Naidu, Deenadayalu Naidu, Rangappa Naidu are brothers of Rajagopal Naidu.

Q: Do you have any knowledge about the properties owned by the four brothers?

A: They owned 500 Acres in Manjakaranai Village, Thiruvallur District and also lands in and around that Village.

Q: Did the brothers effect partition among themselves the agriculture lands owned and possessed by them?

A: Yes.

Q: Is it correct to say there was a partition on 22.05.1959 and registered as Document No.2174/1959 SRO., Arani in and by which the properties were partitioned by those brothers and you have filed the said partition deed as Ex.P1?

A: Yes.

Q: Is it correct to say that your father was allotted B Schedule property appended to the partition deed?

A: Yes. Witness ads: In addition to that he has also acquired other agricultural lands by exchanging lands with Deenadayalu's son Prakash.

Q: Have you filed any document before this court to substantiate the plea that Rajagopal Naidu is the Karta of the family?

A: We have stated so but however we have not filed any document before this Court that Rajagopal Naidu is the Karta of the family.

Q: Is it correct to state that except Item 5 in Schedule A and Schedule B properties, all other items of the properties are described in the plaint schedule are situated in Thiruvallur district and item 5 is situate at 86, Kutchery Road, Mylapore, Chennai?

A: Yes.

Q: Except item 5, Schedule 'A', all other properties in Schedule 'A' and Schedule 'B' are situated outside of this Hon'ble Court, what prompted you to filed the case in this Hon'ble Court?

A: For the purpose of convenience, We have filed suit in this Hon'ble Court.

Q: Who is in possession and enjoyment of the suit schedule mentioned properties?

A: My father Madhavan Naidu and my brother K.Ramesh are in possession and enjoyment of the properties.

Q: Can you tell this Hon'ble court, who has been cultivating the lands?

A: My father and my brother are cultivating the lands through others.

Q: Is it correct to state that your brother had borrowed funds from financial institutions for effecting cultivation, for purchase of seeds, manure, fertilizers, etc.,?

A: Yes. Since he is earning out of the agricultural lands by such operations, he had borrowed money and invested in the agricultural lands to have better returns from such cultivations.

Q: Is it correct to say that late M.K.Rajagopal Naidu has executed a settlement deed dt.30.06.1966 in respect of the property situated at Kutchery Road, Mylapore and also in respect of 5 items of agricultural lands in 178, Kottakuppam Village.

A: Yes.

Q: When did M.K.Rajagopal Naidu die?

A: He died in 1989.

Q: When did you file this suit?

A: We filed the suit on 11th July 2013.

Q: Do you know the meaning of the coparcenary?

A: Yes. I know. Grandfather's ancestral property.

Q: Have you filed the death certificate of your grandfather M.K.Rajagopal Naidu?

A:No, I have not filed.

Q: When did the marriages of all the plaintiffs' take place?

A: Rajini Balakrishan got married in 1973, Revathi got married 1980, and I got married in 1982.

Q: Can you deny the fact that your father Late K.Madhavan Naidu performed the marriages of all his three daughters is pomp and show?

A: I deny.

Q: Can you deny that your father had gifted 100 sovereigns of jeweleries besides silver ware and dowry to your husband besides car was gifted to you at the time of your marriage?

A: I deny.

Q: Who is enjoying the income derive from the properties covered by the settlement deed?

A: My brother K.Ramesh is enjoying the same.

Time: 4.30 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 26.02.2020
Time: 12.35 P.M.

Name: Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan, Learned Counsel for the Defendants 1 to 6.
Solemnly Affirmed:

Q: Did you challenge the settlement deed executed by your father in favour of 3rd defendant dated 08.06.2012 under Ex.P19 in any court?

A: We have not filed any suit challenging in Ex.P19.

Q: Did you challenge the alienation made by the 3rd defendant in respect of the property situated at No.93, Kottakuppam Village, comprised Survey No.30/3A measuring 84 cents and thereabout?

A: I have challenged it in the present suit.

Q: Plaint is shown to the witness and questioned regarding the prayers containing in the suit?

A: We have not challenged.

Q: Did you challenge the settlement deed dated 28.05.2018 executed by your father in favour of your brother K.Ramesh marked as Ex.P22 situated at Pandikavaloour?

A: We have not challenged it.

Time: 01.10 P.M.

Time: 03.50 P.M.

Q: Is it correct to state that there is no challenge to the settlement deed dated 28.05.2013 executed by the 2nd defendant in favour 6th defendant namely Ritish marked as Ex.P23?

A: The settlement deed was executed after the filing of the suit. So we did not challenged it.

Q: Kindly look into your plaint. What is the date of presentation found on the docket ?

A: Presented on 11.07.2013.

Q: Your suit is filed in July 2013 but the settlement deed is dated May 2013 therefore before filing of suit the settlement deed was executed?

A: I initiated the proceedings after issuance of legal notice under Ex.P21 before I filed the suit the execution of settlement deed took place.

Q: Can you deny that your father has mentioned about a koorchit in his written statement to which you have also filed a reply statement?

A: I cannot deny.

Q: Can you tell this Hon'ble Court who are all Kuppusamy Naidu, Rajagopal and Deenadayal Naidu?

A: My paternal grandfather is Rajagopal and his brothers are Kuppusamy Naidu and Deenadayal Naidu.

Q: Can you deny that a koorchit was entered into on 26.02.1971 between Kuppusamy Naidu, Rajagopal and Deenadayal Naidu and the schedule A, B and C contain therein was divided amongst themselves?

A: Yes. The properties were divided as per the koorchit, but I do not remember whether the copy of koorchit was given to the plaintiffs. (All the questions are related to

the koorchit dt.26.02.1971 is objected by the counsel for the plaintiff since the koorchit has not been marked as an exhibit).

Q: Can you deny the fact that the properties that were divided among the brothers in 1971 was dealt with by Madhavan Naidu in 2006?

A: I do not remember the exact year of sale, but it has been sold.

Q: Upon sale of the above property did each of the daughters get Rs.20 Lakhs as cash?

A: We did not receive Rs.20 lakhs. Madhavan Naidu purchased a house in Mogappair in his name which was settled in the name of Ritish on the same day at 3 p.m.

Q: I put it to you that Madhavan Naidu has love and affection towards his daughters just like he had affection towards his son, 3rd defendant herein.

A: The daughters had affection and love towards the father, but the father did not reciprocate the same.

Q: I put it to you that your mother does not have any enmity or ill will towards you or the other daughters.

A: No my mother does not have any ill will towards us.

Q: When did your grandfather Rajagopala Naidu die?

A: I think he died in the year 1989.

Q: On what basis have you filed the present suit seeking for 1/5th share in the suit properties that have been already been partitioned between Rajagopala Naidu and his brothers and fell to the share of Madhavan Naidu exclusively?

A: It is ancestral property therefore we are seeking a share in the same.

Q: When did you get married?

A: I got married in 1982.

Q: What about the other sisters?

A: I do not remember exact year, last time I have deposed that they got married in 1976 and 1980 respectively.

Q: I put it to you that after you got married in 1982 during the life time of Rajagopala Naidu before his demise in 1989 the properties were divided by between Rajagopal Naidu, Madhavan Naidu and Ramesh.

A: We have a right over the properties, so we filed the suit.

Q: In as mush as your grandfather died in 1989 why did you wait till July 2013 for filing the present suit if you actually had a right?

A: We were asking our father for our share but since we did not get it, I filed the present suit.

Q: Have you stated about the joint family status and that you have been asking your father for division of the properties and he has been delaying it in your cause of action pleaded in the plaint in para-20 ?

A: We have stated so far in the cause of action. My father instructed us to filed the suit.

Q: Is it correct to state that you have not pleaded so in the plaint but for the purpose of this case now you are falsely deposing?

A: I deny, I am falsely deposing.

Q: Who is been remitting the taxes payable in respective properties in whose name?

A: Since the properties are stands in their names taxes

are been remitted by those persons.

Q: Can you deny the suggestion that the 3rd defendant has availed agricultural loans for carrying out agricultural operations and he is cultivating lands by engaging the services of agricultural labour?

A: I cannot deny. Since they are in possession and enjoyment of the lands, consequently they are remitting the taxes and availing the loans and benefit of the income from the lands and enjoying the same.

Time: 04.55 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I

HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 15.02.2021
Time: 12.35 P.M.

Name: Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan, Learned Counsel for the Defendants 1 to 6.
Solemnly Affirmed:

Q: Is it correct to state that the Madras Ring and Travels Manufacturing Company at Hosur B8, Sipco Industrial Estate, Zuzuvadi, Hosur was purchased for the purpose of Running a Manufacturing Textile Component Unit?

A: This belongs to my husband, hence he only knows about it.

Q: Is it correct to state that the Madras Ring and Travels Manufacturing Company at Hosur is a partnership firm consisting of Rajini Balakrishnan, Ramesh, Jagadesh, Gunasekaran your husband?

A: Yes.

Q: Is it correct to state that your father K.Madhavan Naidu provided funds for acquiring the industrial shed and for setting up the Manufacturing unit?

A: I do not know, my husband only knows.

Q: Who is Mr.Kanagaraj and Logesh?

A: Kanagaraj is my husband's brother and Logesh is my Rajini Balakrishnan's first son.

Q: Is it correct to state that M.K.Rajagopal Naidu my grandfather used to be affectionate towards his grandchildren ?

A: Yes.

Q: It is correct to state that Madras Ring and Travels Manufacturing Company was established in 1979?

A: I do not know.

Q: Who has been managing the above mentioned partnership firm?

A: All the four partners.

Q: Is it correct to state that whether your husband was managing the above said partnership firm?

A: Yes.

Q: Can you tell this Hon'ble Court, who is Mr.Ramakrishnan, is he related to you?

A: He is my grandfather's father.

Q: Is it correct to state that the Madras Ring and Travels Manufacturing Company has availed financial assistance from State Bank of India, Hosur branch?

A: I do not know.

Q: Is it correct to state that Madras Ring and Travels Manufacturing Company was sold in the year 2013-14 ?

A: I do not know, my husband only knows.

Q: Can you deny the suggestion that M.K.Rajagopal Naidu and Madhavan Naidu provided financial support for the investment in the business for the purchase of house property and vehicles such as cars, vans etc?

A: I deny the suggestion.

Q: Who is Subashree?

A: She is my daughter.

Q:When did you perform Subashree's marriage?

A: I remember it is in the year 2006, but I am not sure.

Q: What is your son-in-law doing and the nature of business?

A: He is into Modular Kitchen and interior decoration.

Q: Can you tell this court the location of your son-in-law's business?

A: I do not know.

Q: I put it to you that whatever sale proceeds that were realized by sale of the Madras Ring and Travels Manufacturing Company were appropriated by your husband, Jagadesh, Rajini Balakrishanan and your family and with that only you had funded for your son-in-laws to commence interior decoration and Modular Kitchen business?

A: I do not know, my husband only knows.

Q: Whether you and your husband are Income Tax Assessee?

A: I do not know, my husband only knows.

Q: Do you know who is cultivating in the agricultural lands ?

A: Originally my father was cultivating after the demise of my father my brother was cultivating, now I understand that my brother has leased out the lands for agricultural operations.

Q: Do you have any knowledge that your brother K.Ramesh has availed financial assistance from HDFC Bank and State Bank of India, Ponneri branch and has also purchased manure, seeds, fertilizers and pests and he is exercising absolute control over the lands and carrying on agricultural operation?

A: He only enjoying the property, hence he has to bear all the expenses.

Q: Do you know what are the lands standing in the name of Late K.Madhavan Naidu, K.Ramesh and of his son 6th defendant K.Rithish ?

A: All the properties situated at Manjankaranai Village standing in the name of Madhavan Naidu was transferred to K.Ramesh and there are

certain lands even now standing in the name of Madhavan Naidu. There are land situated at Kottakuppam Village which was standing in the name of Madhavan Naidu was transfered to K. Ramesh. There are land situated at Bandikavanur village which was standing in the name of Madhavan Naidu was transfered to K. Ramesh. The lands at Azhinijivakkam Village and Bandikavanur Village which was standing in the name of my mother Radha Devi was transferred to K.Rithish after the issuance of legal notice on our behalf. Even the house at Manjankaranai Village has been transferred in the name of K.Ramesh after the issuance of legal notice on our behalf.

Q: I put it to you that the properties which belonged to Madhavan Naidu, Ramesh and Rithish absolutely where included in the present suit for partition misconstruing as if they are joint family properties available for partition and you have included in the present suit erroneously and seeking for preliminary decree in respect of their individual property.

A: I deny.

Time: 01.30 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I

HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 23.11.2021
Time: 03.50 P.M.

Name: Rama Gunasekaran(PW1)

Continuation of Cross Examination by Mr.R.Thiagarajan, Learned Counsel for the Defendants 1 to 6.
Solemnly Affirmed:

Q:I put it to you that your father used to treat all the children equally, he never showed any preference to any other children?

A:My father had a soft corner for his son but the same courtesy was not extended to his daughter's.

Q:Is it correct to state that your father availed financial facilities from bank and non banking institutions and promoted and developed the properties and resorted to modern agricultural operations in an innovative manner. Can you dispute or deny the fact?

A: I do not know.

Q: A bunch of documents were shown to the witness to refresh her memory to tell this Hon'ble court as to whether her father, brother or sister in law availed loans from bank and non banking financial institutions to promote and develop properties and also resorted to modern technologies in agricultural operations?

A: Since they were in possession and enjoyment of the properties they availed the loans and improved the properties and enjoyed the proceeds also.

Q: A bunch of documents (45documents) and also the typed set of those documents were shown to the witness. Out of which 45 documents, 43 documents are with regard to Chitta and Patta, purchase bills, loan documents of the property and two documents Item no.44 and 45 are related to the bank statement issued by HDFC Bank, 760, ITC Centre, Anna Salai, Chennai – 2.

A: I am not aware of these documents. Since they were in enjoyment and possession of the properties, they availed the loan and developed the property and those documents relates to the properties which are in their possession and I am not in the position to give any comment or remark on the same.

Q: I put it to you that your late father and your brother says that the property described in the suit schedule are neither joint family properties nor were improved from and out of the income from the joint family property and It is only their self acquired properties and over which none of the plaintiffs have any claim what so ever.

A: I deny the same.

Q: Have you filed any documentary evidence before this court to substantiate your plea that suit property are joint family property over which the plaintiffs have a share along with their father and brother?

A: I have filed the documents.

Q: Can you substantiate your statement before this court by looking

into the suit documents that has been marked as exhibits Ex.P1 to P27?

A: I cannot half hand give you the details whether from and out of ancestral properties or joint family properties they were acquired and improved.

Q: Have you stated so in your plaint or in your proof affidavit?

A: Yes, I have stated so.

Q: When your father was alive, he has performed the marriages of all his daughter's in a grand manner befitting his status and stature and provided sufficient Seedhana, besides provided cash components to all his sons in law for their businesses and provided cars and other luxurious items to lead affluent comfortable lifestyle?

A: I deny the above statement.

Q: You say it is a joint family, who are the members of the joint family?

A: Before marriage, Grand father, grand mother, father, mother, brother and 2 sisters.

Q: Whether you have filed any document to show that you are the member of the undivided joint family?

A: There is no document.

Q: There is no joint family and joint family properties and you are not a member of the joint family and as such none of you are entitled to any share in the suit property and the suit as framed by you is liable to be rejected and dismissed with cost.

A: I deny.

Cross Examined.

Time: 04.34 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 07.07.2022
Time: 02.30 p.m.

Name : Mr.K.Ramesh (DW1)

Age : 65 years

Husband's Name : Mr.K.Madhavan Naidu

Residential Address : Plot No.16/A2, Askshaya Colony, First Avenue, Mogappair, Chennai – 600 050.

DW1 examined in chief by Mr.A.Raj Prince, Learned Counsel for the Defendant.

Solemnly Affirmed:

I am the 3rd defendant herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief.

Time: 12.10 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS

C.S. No.474 of 2013

Date: 08.08.2022
Time: 12.45 p.m.

Name : Mr.K.Ramesh (DW1)

DW1 examined in chief by Mr.A.Raj Prince, Learned Counsel for the Defendant.
Solemnly Affirmed:

The following documents may be marked as exhibits.

Ex.D1 are the original Series of Letters from South India Steel and Sugars limited to Ramadevi and Mr.M.K.Rajagopal Naidu dated 01.02.1974(17 nos)(subject to proof and relevancy)

Ex.D2 are the original Series of Letters from Sira Breweries Ltd to K.Madhavan and others dated 29.11.1974(6 nos)(subject to proof and relevancy)

Ex.D3 is the original Deposit receipt from The Chartered Bank, Madras in S.B.No. 4531 by M.K.Rajagopal Naidu dated 14.02.1975(subject to proof and relevancy).

Ex.D4 is the original Receipt issued by M/s. Sica Breweries Limited to Madhavan dated 19.02.1976(subject to proof and relevancy).

Ex.D5 are the original Series of monies lent by K.Madhavana and others to M/s. The Madras Rings and Travellers M dated 27.07.1979(7 nos)(subject to proof and relevancy)

Ex.D6 is the original Notice from Sundaram Finance Limited to K.Ramadevi dated 11.08.1982(subject to proof and relevancy).

Ex.D7 is the original Receipt of payment from Brakes India Limited dated 09.09.1982(subject to proof and relevancy).

Ex.D8 is the certified copy of the Sale deed executed by Tamilnadu Small industries development Corporation Limited in favour of M/s. The Madras Rings and Travelers Mfg.Co. Dated 10.02.1986(subject to objection and proof and relevancy).

Ex.D9 is the certified copy of the Receipt of payment under mortgage Doc.No. 2442/80 dated 31.03.2004(subject to objection and proof and relevancy).

Ex.D10 is the certified copy of the Receipt of payment under mortgage Doc.No. 1575/86 dated 31.03.2004(subject to objection and proof and relevancy).

Ex.D11 is the certified copy of the Memorandum of deposit of title deeds executed by M/s. The Madras Rings and Travelers Mfg.Co in favour of Syndicate Bank dated 23.12.2005(subject to objection and proof and relevancy).

Ex.D12 is the certified copy of the Memorandum of deposit of title deeds by M/s. MRT.MFG.Co.Ltd. in favour of Syndicate Bank dated 17.10.2008(subject to objection and proof and relevancy).

Ex.D13 is the certified copy of the Sale deed by M/s. The Madras Rings and Travelers Mfg.Co in favour of M/s. MRT.MFG.Co.Ltd. Dated 21.01.2008(subject to objection and proof and relevancy).

Ex.D14 is the certified copy of the Discharge receipt by Syndicate bank in favour of 3rd plaintiff dated 04.02.2014(subject to objection and proof and relevancy).

Ex.D15 is the certified copy of the Memorandum of deposit of title deeds dated 01.08.2014(subject to objection and proof and relevancy).

Ex.D16 is the original Loan sanctioned letter issued by HDFC Bank in favour of Ramesh and Shakila dated 18.04.2014(subject to proof and relevancy).

Ex.D17 is the copy of the Loan application submitted by Shakila issued by State Bank of India, Janapanchatram, Tiruvallur District dated 27.02.2019 signed by Branch Manager, Janapanchatram Br., State Bank of India(subject to proof and relevancy).

Ex.D18 is the original of the Loan provision statement of accounts issued by HDFC for the period 1.4.2018 to 31.3.2019 dated 15.03.2019(subject to proof and relevancy).

Time : 01.27 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 – I

Ex.D1 is the original Kurchit with translated typed copy along with share list dated 08.02.1971.

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS

C.S. No.474 of 2013

Date: 30.08.2022
Time: 11.50 p.m.

Name : Mr.K.Ramesh (DW1)

DW1 examined in chief by Mr.A.Raj Prince, Learned Counsel for the Defendant.

Solemnly Affirmed:

The following documents may be marked as exhibits.

Ex.D19 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/3946/19-20 by K.Ramesh from Venkateswara Farm Services dated 02.11.2019.

Ex.D20 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4035/19-20 by K.Ramesh from Venkateswara Farm Services dated 08.11.2019.

Ex.D21 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4049&4050/19-20 by K.Rithish from Venkateswara Farm Services dated 09.11.2019

Ex.D22 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4043/19-20 by K.Shakilaramesh from Venkateswara Farm Services dated 09.11.2019

Ex.D23 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4078/19-20 by K.Ramesh from Venkateswara Farm Services dated 11.11.2019.

Ex.D24 is the original Tax invoice for purchase of crop fertilizers

Invoice No.GST/4085/19-20 by K.Shakilaramesh from Venkateswara Farm Services dated 12.11.2019.

Ex.D25 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4122/19-20 by K.Rithish from Venkateswara Farm Services dated 13.11.2019

Ex.D26 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4137/19-20 by K.Ramesh from Venkateswara Farm Services dated 14.11.2019.

Ex.D27 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4148/19-20 by K.Shakilaramesh from Venkateswara Farm Services dated 15.11.2019.

Ex.D28 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4168/19-20 by K.Ramesh from Venkateswara Farm Services dated 16.11.2019.

Ex.D29 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4162/19-20 by K.Rithish from Venkateswara Farm Services dated 16.11.2019.

Ex.D30 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4195/19-20 by K.Shakilaramesh from Venkateswara Farm Services dated 19.11.2019.

Ex.D31 is the original Kist for Bandikavanur Village paid by Ramesh no. 873667, patta no. 1278 and 1279 dated 25.11.2019.

Ex.D32 is the original Chitta in patta No. 1278 dated 25.11.2019.

Ex.D33 is the original Adangal Extract for patta No. 1278 and 1279 dated 25.11.2019.

Ex.D34 is the original Kist for Bandikavanur Village paid by K. Ritish no. 873668, patta no. 1280 and 1281 dated 25.11.2019.

Ex.D35 is the original Chitta for patta no. 1280 and 1281 in the name of K.Ritish dated 25.11.2019.

Ex.D36 is the original Adangal extract for patta no. 1280 and 1281 dated 25.11.2019.

Ex.D37 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4310/19-20 by K.Ritish from Venkateswara Farm Services dated 26.11.2019.

Ex.D38 is the original Tax invoice for purchase of crop fertilizers Invoice No.GST/4341/19-20 by K.Ramesh from Venkateswara Farm Services dated 27.11.2019.

Ex.D39 is the original Kist for Manjankaranai Village paid by Ramesh no. 722634, patta no. 100 dated 03.12.2019.

Ex.D40 is the original Chitta for patta no. 100 in the name of Ramesh dated 03.12.2019.

Ex.D41 is the original Adangal Extract for patta no. 100 dated 03.12.2019.

Ex.D42 is the original Kist for Kotakuppam Village paid by Ramesh no. 722636 patta no. 031 dated 03.12.2019

Ex.D43 is the original Kist No. 722635 in the name of Shakila Ramesh, patta no.80 dated 03.12.2019.

Ex.D44 is the original Chitta in patta No.80, in the name of Shakila dated 03.12.2019.

Ex.D45 is the original Adangal Extract, patta no.80 in the name of Shakila dated 03.12.2019

Ex.D46 is the original Kist No. 722637, in the name of Madhavan Naidu, patta No. 051 dated 03.12.2019.

Ex.D47 is the computer printout of Patta No. 51 dated 05.12.2019.

Ex.D48 is the computer prinout of Patta no. 100 dated 05.12.2019

Ex.D49 is the computer printout of Patta No.80 dated 05.12.2019

Ex.D50 is the computer printout of Patta No. 1280 dated 05.12.2019

Ex.D51 is the computer printout of Patta No. 31 dated 05.12.2019

Ex.D52 is the computer prinout of Patta Nos. 1278 and 1279 dated 05.12.2019

Ex.D53 is the original Provisional Statement of account given by HDFC bank for principal and interest

(1.4.2019 to 31.3.2020) in the name of Ramesh and Shakila dated 06.12.2019

Ex.D54 is the original Land Survey Plan with "A" Register dated 13.03.2020

Ex.D55 is the original Chitta for patta no. 051 in the name of Madhavan Naidu

Ex.D56 is the original Adangal Extract in the name of Madhavan Naidu, patta no. 051.

Ex.D57 is the original Chitta for patta no. 031 in the name of K.Ramesh

Ex.D58 is the original Adangal extract patta no. 031 in the name of Ramesh

Ex.D59 is the copy of the Notice to produce the Business takeover Agreement between Rama Gunasekaran and G.Narayan and K.V.Nagaprakash dated 28.10.2013. (Subject to proof and relevency)

Time : 12.40 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 19.10.2022
Time: 11.28 a.m.

Name : Mr.K.Ramesh (DW1)

DW1 further examined in chief by Mr.A.Raj Prince, Learned Counsel for the Defendant.

Solemnly Affirmed:

The following documents may be marked as exhibits.

Ex.D60 is the koorchit in Telugu dated 08.02.1971 along with English translation and Tamil(The learned counsel for the plaintiff has raised objection to mark the document as Ex.D60 stating that its admissibility, proof and relevancy).(The said exhibit is marked in the presence of the Interpreter).

Ex.D61 is the original statement of account dated 06.12.2019 issued by HDFC for the period 01.04.2019 to 06.12.2019 in the name of Ramesh and Shakila.

Ex.D62 is the colour printout along with the certificate under Sec.65B of Evidenc Act(The learned counsel for the plaintiff has raised objection to mark the document as Ex.D62 stating that its admissibility, proof and relevancy).

Time :11.36 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 15.11.2022
Time: 11.37 A.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mrs.R.Ramya, Learned Counsel for the plaintiff.
Solemnly Affirmed:

Q1: Which defendant are you in the suit?

A: I am the 3rd defendant.

Q2: On whose behalf also you are deposing in this case?

A: On behalf of my mother, wife and two children.

Q3: Is it correct to state that in the proof affidavit you have stated that you are deposing on behalf of the defendant 2 and 4, who are none other than your mother and your wife and not for your children?

A: Yes.

Q4: What are the reliefs sought for by the plaintiffs in the suit?

A: It is sought for partition in the suit schedule mentioned properties.

Q5: Geonological tree filed along with the plaint is shown to the witness. Whether the geonological tree is correct?

A: Yes. It is correct.

Q6: Written statement is shown to the witness. Who instructed your counsel to prepare the written statement?

A: My father and I instructed the counsel to prepare the same.

Q7: Is it correct to say that the written statement has been signed by D1 to D4, but not signed by your son and daughter?

A: Yes.

Q8: Is it correct to say that D5 and D6 have not filed any written statement or filed any memo adopting the written statement of Defendants 1 to 4?

A: I do not know.

Q9: Is it correct to say that D5 and D6 have not filed any proof affidavit also?

A: I do not know.

Q10: Are D5 and D6 major?

A: Yes. They are major.

Q11: What is your son, D5 doing?

A: He is working in an IT company.

Q12: What is your daughter, D6 doing?

A: She is a Doctor.

Q13: Did D5 and D6 know about this case?

A: They did not know.

Q14: Did you inform your son and daugther about this case?

A: I did not inform.

Q15: Is there any reason, not informing about the case to them?

A: They are at their work, I do not want to disturb them.

Time :11.55 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 08.02.2023
Time: 02.47 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mr.T.V.Ramanujan, Learned Senior Counsel for the plaintiff.
Solemnly Affirmed:

Q16: In which school you have studied?

A: Madras Christian College Higher Secondary School, Chetpet, Chennai-31.

Q17: From which to which year did you study in that school?

A: I do not know remember the year. I completed my schooling in the year 1974 or 1975.

Q18: Where did you have your college education?

A: I have not studied in college.

Q19: When you studied in the school, where were you residing?

A: No.166, Kutchery Road, Mylapore, Madras -4.

Q20: Where did your father have his school education?

A: I do not know.

Q21: The Kutchery road property in which you resided is described as Item 5 in the plaint. Is it correct?

A: Yes.

Q22: Where did your sisters, the plaintiffs in the suit have their school education?

A: In Mylapore, St.Raphel's Girls Higher Secondary School, Santhome, Mylapore.

Q23: Were they going to school from Kutchery road house?

A: Yes.

Q24: At the time, when you and your sisters had the school education where were your parents residing?

A: They were residing at Manjakaranai village, Oothukottai Taluk, Tiruvallur District.

Q25: Who was looking after you and your sister in the Kutchery road house?

A: One of my grand father's sister.

Q26: Who were looking after the agricultural operations in the suit land in various villages when you and your sisters were studying in Chennai?

A: My grandfather M.K.Rajagopal Naidu and his son, my father K.Madhavan Naidu both were looking after the agricultural lands.

Q27: After the lifetime of M.K.Rajagopal Naidu your father was looking after the agricultural lands. Am I correct?

A: Yes.

Q28: Both of them were maintaining accounts of the income of the agricultural lands?

A: I do not know the account details.

Q29: According to you, your grandfather and father had been maintaining the accounts of the agricultural lands. Do you have any idea?

A: I do not know.

Q30: The land mentioned in the plaint schedule, paddy crops were raised. Am I correct?

A: Yes.

Q31: Apart from paddy crops what were the other crops raised?

A: Groundnuts.

Q32: Ex.D33, D36, D40, D41 are shown to the witness. Ex.D33, D36, D40, D41 are the adangal extracts in respect of the fasli 1429. Is it correct?

A: Yes.

Q33: Who got these adangal extracts?

A: Myself.

Q34: Is it correct to state that you got it in the year 2019?

A: Yes.

Q35: Who was having these adangal extracts during the lifetime of your father and grandfather?

A: Firstly my grandfather, secondly my father.

Q36: Can you produce those adangal extracts which were possessed by your grandfather and your father?

A: I do not have the details.

Q37: With what details you had applied for adangal extracts in the year 2019?

A: I am doing agriculture from 2019, so I produced the adangal.

Q38: Your father was alive during the pendency of the suit and he was carrying on the agricultural operations. Am I correct?

A: Yes.

Q39: Are you saying that your father did not hand over any agricultural documents to you?

A: He handed over agricultural documents to me.

Q40: Can you apply and produce the adangal extracts for the faslis from 1391 onwards?

A: I cannot produce.

Q41: Why you are saying that you cannot produce the said document?

A: I cannot produce since they are old records.

Q42: Did you apply to the Tahsildhar or the VAO for getting the adangal for the earlier faslis and receive any reply?

A: I did not apply for the same.

Q43: Have you gone through the written statement filed by your father in this case?

A: Yes.

Q44: In the written statement of your father, in which you are also a party, have you stated any thing about the income from the agricultural operations by your father and grandfather?

A: No.

Q45: Was your grandfather and your father having any bank account?

A: Yes. Both of them had bank accounts.

Q46: From which year you are having bank accounts?

A: From the year 2006.

Q47: The income you are deriving from the agricultural operations from 2019, you are putting them in your bank account. Is it correct?

A:I have been depositing some amount.

Q48: What about the other amounts?

A: I have been using the other amount for labours by cash.

Q49: Ex.D19 and Ex.D20 are shown to the witness. Like this your father and grandfather have also purchased fertilizers and had got receipts. Am I correct?

A: I do not know, I have not seen.

Q50: Your father was having all the records of agricultural operations in your native village. What do you say?

A: I do not know.

Q51: Have you verified in your village after the demise of your father what are all the papers he has left behind?

A: Yes.

Q52: Where are those papers left behind by your father?

A: I do not know where they are

Q53: Now for looking after the agricultural operations after the demise of your father are you staying in the village?

A: Yes. Both in my village and Chennai.

Q54: Which year did your father pass away?

A: On 06.07.2018.

Q55: Where did he pass away?

A: At Right Hospital, Chetpet, Chennai.

Q56: After his demise where his death ceremonies were performed?

A: At my village Manjankaranai.

Q57: Who was staying with your father before his demise, in the village?

A: My father, my mother lived in the village after some health problem they came to Chennai.

Q58: Did your mother know where your father kept the records of agricultural operations?

A: No, she does not know.

Q59: How do you say so?

A: She is not interested in that.

Q60: Are you suggesting that what are all the document that was maintained by your father for 30 years was not known to anyone regarding agricultural operations. What do you say?

A: I do not know how to answer.

Q61: Your father was looking after the agricultural operations regarding agricultural lands described in the plaint schedule during his lifetime. Am I correct?

A: Yes.

Q62: Was he purchasing fertilizers?

A: Yes.

Q63: He was engaging and paying salary to the labourarers?

A: Yes.

Q64: He harvested paddy crops from those lands?

A: Yes.

Q65: He sold those paddies in the market. Am I correct?

A: Yes.

Q66: He harvested the groundnut crops and sold the same in the market. Am I correct?

A: Yes.

Q67: In the same way your grandfather was doing the same during his lifetime?

A: Yes.

Q68: When did your grandfather M.K.Rajagopal Naidu pass away?

A: 1989.

Q69: From the year of 1959 to 1989, the agricultural operations in the suit properties were done by M.K.Rajagopal Naidu and your father. Am I correct?

A: Yes.

Q70: After the demise of your grandfather M.K.Rajagopal Naidu in the year 1989, the agricultural operations were looked after by your father Madhavan upto his demise. Am I correct?

A: Yes. Some years my father was looking after agriculture in the village after his health problem, I am looking after the same.

Q71:How long your father was looking after from the year 1989?

A: Upto 1994.

Q72: According to you after 1994, you are looking after agriculture operations. Am I correct?

A: Yes.

Q73: From 1994, have you maintained accounts for the agricultural operations in the suit property?

A: No.

Q74:Where did your son have her school and college education?

A: School education in St.Bede's School and college at Panimalar Engineering college.

Q75: Where did your daughter have her school and college education?

A: Rosary Matriculation Higher Secondary School and college, M.B.B.S at Meenakshi Medical college and M.D at Madurai Medical Government College. I do not know the year of studying.

Time: 03.46 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 24.02.2023
Time:12.51 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mrs.Ramya, Learned Counsel for the plaintiff.
Solemnly Affirmed:

Q76: What ailment did your father suffer from?

A: Sugar patient and body ache due to age.

Q77: What was the cause of his death?

A: Natural death.

Q78: How many times did your father visit the house at Kutchery Road, Mylapore, when you were doing your schooling along with the plaintiffs?

A: Monthly 3 or 4 times, whenever he got time.

Q79: Did your mother used to visit during that time?

A: Yes.

Q80: Ex.D1 series is shown to the witness. What is the connection and relevancy with regard to this suit? Why Ex.D1 has been filed before this Court?

A: Only to show that my grand father deposited the amount in South India Steels and Sugars limited, Chennai 1 in favour of the 3rd plaintiff, grand daugther of M.K.Rajagopal Naidu.

Q81: Ex.D1 series again shown to the witness. What is the date mentioned in the Ex.D1 series?

A: 1974, 1975, 1976 and 1977.

Q82: What was the age of 3rd plaintiff in the year 1974?

A: I do not know the age of the 3rd plaintiff.

Q83: What was your age in the year 1974?

A: I was aged 19 years old.

Q84: In which year were you born?

A: 17.04.1957.

Q85: Did you or your father informed the plaintiffs about these amounts (mentioned in Ex.D1 series) that has been deposited in their favour?

A: I do not know.

Q86: Ex.D2 is shown to the witness. What is the nature of the document?

A: My father and mother deposited Rs.10,000/- in SICA Breweries Ltd in their name (1st two papers in Ex.D2 series dated 29.11.1974).

Q87: Ex.D2, series is shown to the witness. What is the address of your father mentioned in Ex.D2 series?

A: Manjakaranai Village and Post, (Via) Periyapalayam, Chengalpattu District.

Q88: These deposits were in the name of your father and mother?

A: Yes.

Q89: I put it to you that the amounts deposited by your parents in Ex.D2 series is only from the income derived from agriculture at Manjankarai Village. What do you say?

A: I do not know the details.

Q90: Did your father or your grand father have other source of income other than agriculture?

A: There was a Rice Mill business from his shares and brick manufacturing business.

Q91: Whether your father and grandfather maintained accounts for the above said rice mill business and brick manufacturing business?

A: No.

Q92: How confident are you that they did not maintain accounts for the said business?

A: Hear say.

Q93: You have got no personal knowledge about the said business. Am I correct?

A: Yes. I have no personal knowledge.

Q94: Whether the above said business are still in existence?

A: No.

Q95: Who closed the above said businesses?

A: I do not know.

Q96: Was there any other business apart from rice mill business, brick manufacturing business?

A: No. There was no other business.

Q97: Ex.P1-partition deed is shown to the witness. Have you checked the survey numbers alloted to M.K.Rajagopal Naidu mentioned in Ex.P1 and schedule A in the plaint?

A: Yes. I have checked and found correct.

Q98: Ex.P1-partition deed is shown to the witness. I put it to you that the E schedule property mentioned in Ex.P1 which is kept in common between M.K.Rajagopal Naidu and his brothers is shown as schedule B in the plaint. What do you say?

A: There are two items in B schedule, in which the 2nd item is the common property in Kottakuppam village which has been mentioned in schedule E of Ex.P1. Item No.1 in schedule B is not the common property as mentioned in schedule E of Ex.P1.

Q99: Ex.P1-partition deed is shown to the witness. I put it to you that Item No.1 in plaint B schedule is forming part of schedule E of the Ex.P1. What do you say?

A: No.

Q100: Ex.D31, D32, D33, D34, D35 and D36 are shown the witness. All these documents are standing in your name and your son's name who is the 5th defendant in this case, with respect to the survey numbers 243/1, 243/2, 242/5 and 245/1. What do you say?

A: Yes.

Q101: In which year these Ex.D31, D32, D33, D34, D35 and D36 were obtained by you in your name and in your son's name?

A: In the year of 2019.

Q102: How did you obtain the above said exhibits(Ex.D31, D32, D33, D34, D35 and D36) and to whom did you apply?

A: In the year 2019 and I applied to the VAO.

Q103: Is it correct to state that Ex.D31 to D36 were obtained after the filing of the suit?

A: Yes.

Q104: Is there any property standing in the name of K.Shakila Ramesh, the 4th defendant herein?

A: Yes.

Q105: Where are those properties situated and can you give the details of the same?

A: At Manjankaranai village, uthookottai Taluk, Tiruvallur District.

Q106: What is the extent of the above said property?

A: 6 acres and 81 cents, all the lands are in the same village. Witness repeats it is not one piece of land and has different survey numbers in the same village.

Q107: What was the source of income to your wife to purchase the above said lands?

A: Her father gave her dowry of Rs.2 lakhs, out of which the above said lands were purchased.

Q108: In which year did your wife purchase the above said lands?

A: In the year of 1996.

Time:01.40 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 01.06.2023
Time: 01.01 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by T.V.Ramanujan, Learned Senior Counsel for the plaintiff.
Solemnly Affirmed:

Q109: O.S.A order copy is shown to the wtiness. In para 3 of your proof affidavit, you have stated O.SA.No.102/2014 is pending, but the OSA has been disposed of by order dated 31.01.2017. What do you say?

A: It has been disposed of by saying 'Considering the said submision, we dispose of this appeal with liberty to the appealants to raise the aforesaid issue before the learned single Judge at the time of deciding the suit. Accordingly, the appeal stands disposed of, making it clear that the observation made by th learned single Judge shall not stand in the way of hearing the suit afresh. No costs'. The certified copy of the O.S.A.No.102/2014 dated 31.01.2017 is marked Ex.P28.

Q110:Ex.D60 is shown to the witness, in the Tamil translation at the second sheet something is written in ink, who wrote this?

A: Myself.

Q111: When did you write this?

A: I wrote this in the year of 2019

Q112: Ex.D60 is shown to the witness, Who put the date 08.02.1971 in page no.2?

A: Myself.

Q113: Did you put the date 08.02.1971 in the year 2019?

A: Yes 2019, as per the Koorchit date.

Q114: Ex.D60 is shown to the witness. What you have written in the second sheet of ExD60 after the Tamil translation, do not find place in Telugu Version?

A: It is not there in the Telugu version of Ex.D60.

Q115: Ex.D60 is shown to the witness. Who gave you information to write the matter in sheet two of Ex.D60, Tamil version?

A: After seeing the Tamil version of Ex.D60, I wrote it in the second sheet in English.

Q116: Ex.D60 is shown to the witness. In this second sheet, after Tamil version, you have written late.K.Madhavan paid cash amount of Rs.10 lakhs for each daughters, P1, P2 and P3. Have you got any proof to show such alleged payment?

A: No proof is available, Witness adds: In the year 2006, my father paid Rs.10 lakhs to each sisters.

Q117: You have not stated the above statement anywhere in the proof affidavit or the Written Statement. What do you say?

A: It is not stated in the proof affidavit or in the Written Statement.

Q118: Ex.P24, the reply notice sent by your counsel is shown to the witness. Even in Ex.P24, there is no reference to the alleged payment of Rs.10 lakhs. What do you say?

A: Not stated.

Q119: Ex.D60 is shown to the witness. Who is this Valsa Benjamin Cherian and Benjamin Cherian, which you have written in sheet 2 after the Tamil version in Ex.D60?

A: My father sold land to Valsa Benjamin Cherian and Benjamin Cherian in the year 2006 as mentioned in the recorded Koorchit dated 08.02.1971.

Q120: How much extent was sold to them and what was the sale consideration?

A: 18 Acres and 78 cents was sold for Rs.84 lakhs.

Q121: In which year it was sold?

A: 2006.

Q122: Ex.P16 is shown to the witness. In which year, your father Late.Mr.K.Madhavan purchased the Mogappair property and from whom?

A: In the year 2006 from Dr.V.VAshwin Kumar Reddy.

Q123: Plaint is shown to the witness. The Mogappair property is described as Item VI of schedule 'A' of the plaint?

A: Yes.

Q124: Your father has sold 18 Acres and 78 cents, described in schedule 'E' to Ex.P1, and divided in Koorchit, Ex.D60 by two registered sale deeds dated 24.05.2006, what do you say?

A: Yes.

Q125: Ex.P12 and Ex.P13 are shown to the witness. Did your father receive the sale consideration in Ex.P12 and Ex.P13, either by cash, cheque or pay order?

A: By cheque.

Q126: Did your father receive any cash under Ex.P12 and Ex.P13 from the purchasers in the year 2006?

A: Yes.

Q127:How much cash he received?

A:Rs.40 lakhs.

Q128: Is this referred to in Ex.P12 and ExP13, the registered sale deeds?

A: No, it is not mentioned.

Time: 01.40 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 06.07.2023
Time: 01.06 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mr.T.V.Ramanujan, Learned Senior Counsel for the plaintiff.
Solemnly Affirmed:

Q129: Ex.P12 and Ex.P13 are shown to the witness. Under Ex.P12 and Ex.P13, Did your father received the sale consideration under Ex.P12 and Ex.P13 by Demand Draft?

A: Yes.

Q130: Ex.P16 is shown to the witness. Under Ex.P16, your father is the purchaser. Your father has paid the sale consideration in Ex.P16 by cheque?

A: Yes. He has paid through two cheques.

Q131: Is it correct to say that the two cheques have been issued by your father from his account from Karur Vysya Bank, Mylapore, Chennai?

A: Yes.

Q132: your father deposited the Demand Draft, Ex.P12 and Ex.P13 in his account, Karur Vysya Bank, Mylapore branch?

A: Yes.

Q133: Have you produced the bank account of your father with Karur Vysya Bank, Mylapore branch?

A: No.

Q134: Can you produce it in the next hearing date?

A: I cannot produce. Because I do not know the details.

Q135: In how many banks your father had accounts?

A: Karur Vysya Bank, Mylapore branch, Chennai and another SB account (agricultural account) Indian Bank, Kanniputhur Village, Uthukottai Taluk, Tiruvallur District, it has been cancelled.

Q136: When that account with Indian bank was allegedly cancelled and by whom?

A: I do not know the date. My father cancelled the account.

Q137: And which year your father cancelled the account?

A: I do not remember the year.

Q138: What was the total amount your father kept in that Indian Bank account?

A: I do not know.

Q139: Where is the cancelled pass book?

A: I do not know.

Q140: Who will know that?

A: Only my father knows, my father has expired.

Q141: Apart from your father who will know that?

A: He is maintaining the account, so he only knew.

Q142: Can you get the details from those banks and produce it before Court?

A: I cannot produce.

Q143: I put it to you that you are having the bank account passbooks and cheque books of your father with you and you are deliberately suppressing it.

A: No.

Q144: I put it to you that if those bank accounts of your father are produced in court, your case will be found to be false and that is why you are not producing it.

A: I deny.

Q145: Para 8 of the proof affidavit and Ex.P2 are shown to the witness. Is it correct to say that You have referred to Ex.P2 in para 8 of your proof affidavit?

A: Yes.

Q146: In para 5 of Ex.P2 says the settlor has reserved the rights to revoke the settlement deed at any time without assigning any reason. What do you say?

A: Yes. The same is stated.

Q147: I put it to you that M.K.Rajagopal Naidu has no right to execute this document Ex.P2. Because the subject matter of this document, schedule A and B were joint family properties. What do you say?

A: I deny, it is not joint family property.

Q148: Witness is shown Ex.P1. The schedule A and B property referred in Ex.P2 finds place in Ex.P1 at inner page no.15 also.

A: Yes.

Q149: I put it to you that Ex.P2 is only a Will and not a settlement deed and M.K.Rajagopal Naidu had no right to execute any such document.

A: It is a settlement deed. M.K.Rajagopal Naidu had right to execute this document.

Q150: The properties mentioned in Ex.P2 was allotted to your grand father M.K.Rajagopal naidu under a partition deed with his brothers under Ex.P1. What do you say?

A: Yes.

Q151: I put it to you that the recitals in Ex.P2 are also contrary to truth.

A: I deny.

Q152: You have stated in para 9 of your proof affidavit that M.K.Rajagopal Naidu settled properties from Manjakaranai and Kotta Kuppam Village, these are agricultural properties.What do you say?

A:Yes.

Q153: The above said agricultural properties were alloted to M.K.Rajagopal Naidu under the Ex.P1. What do you say?

A: Yes.

Q154: I put it to you that M.K.Rajagopal Naidu has no right to execute any settlement deed with regard to the joint family properties covered under Ex.P1.

A: I deny it. It is a partitioned property.

Q155: Have you produced the document under which your father purchased the lands in Survey No.245/1 and 242/5 at Bandikavanur Village?

A: No. I have not produced.

Q156: In which year your father purchased the above said properties in Bandikavanur Village?

A: In the year 1965.

Q157: Have you got any document to show that your father had any source of income apart from the income from the ancestral agricultural lands?

A:No, I have not produced.

Time: 01.36 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 02.08.2023
Time: 01.29 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mrs.R.Ramya, Learned Senior Counsel for the plaintiff.
Solemnly Affirmed:

Q158: I put it to you that lands in Survey no.245/1 and 242/5 in Bandikavanoor Village are coparcinary properties acquired in the name of your father with the income from the corparcinary income.

A: I deny.

Q159: Who is Sulochana?

A:She is my father's sister.

Q160: In which year she got married?

A: I do not know.

Q161: Para 7 of the proof affidavit is shown to the witness. You have stated in para 7 of your proof affidavit, some agricultural lands were sold by your grand father M.K.Rajagopal Naidu and your father Madhavan Naidu. What are those lands, do you know the survey numbers and in which village?

A: I do not know the survey numbers. They sold the properties situated in Manjankaranai village and Kottakuppam village.

Q162: I put it to you that Ex.P2 is not valid and binding on the plaintiffs.

A: The settlement deed is valid one.

Q163: I put it to you that in para 9 of your proof affdavit, you have referred some settlement deed. Have you produced the so called settlement deed?

A: No. I have not produced.

Q164: Whether the said document is with you?

A: Yes, I am having. I have deposited the documents in the bank.

Q165: In para 10 of your proof affidavit you have stated that the lands in survey number 243/1 and 243/2 at Bandikavanoor village belongs to the 2nd defendant, your mother. Have you produced any document for the same?

A: No. I have not produced.

Time: 01.37 P.M.

Time: 03.15 P.M

Q166: Can you produce the above said documents in the next hearing?

A: The documents are in bank.

Q167: Which Bank?

A: State Bank of India.

Q168: I put it to you that the lands in survey number 243/1 and 243/2 were purchased from the income from the corparcenary properties and they are available for partition.

A: I deny. It is not a coparcenary property.

Q169: How did your mother, the 2nd defendant purchase the properties in survey number 243/1 and 243/2 and what is the source of income for the 2nd defendant for her to purchase?

A: My father purchased the two lands 243/1 and 243/2 having total extent of 4 acres 40 cents in Bandikavanoor village and registered the sale deed in my mother's name. My mother does not have any source of income.

Q170: I put it to you that the mogappair property which is Item 6 of A schedule to the plaint is a coparcenary property and it is available for partition.

A: No. The property is not a coparcenary property and they do not have any rights claim the property.

Q171: I put it to you that the plaint A and B schedule properties are coparcenary properties and any alienation of the coparcenary properties are not valid and not binding upon the plaintiff and the plaintiff's are entitled to 1/5th share in the property.

A: A and B and above schedule properties are belonged to my grand father's partitioned properties from his brothers and it is not a coparcenary properties. They have no right in the above coparcenary properties.

Q172: You have stated that in para 12 of your proof affidavit you have stated that M.K.Rajagopal Naidu had provided sufficiently at the time of marriage of each of the plaintiffs'. What do you mean by that?

A: My grandfather provided jewels, cash, car and other gifts to all

my three sisters and he provided land at Kottakuppam Village for his daughter named Sulochana.

Q173: Do you have any accounts for the expenses spent for the of the marriage of the plaintiffs'?

A: No.

Q174: Do you have any personal knowledge with regard to the accounts for the money spent of the plaintiffs' marriage?

A: No. Only my grand father and my father knows. They are no more.

Q175: You have stated in your proof affidavit that you have provided jewels and other gifts to the plaintiffs and all the plaintiffs' children. Have you produced any document to prove the same?

A: I have not produced any documents.

Q176: Can you produce any documents?

A: No, I do not know the details.

Q177: In para 13 of your proof affidavit you have stated that as 'the lands described in the schedule appended to the plaint do not belong to us'. What do you mean by that?

A: My grand father got so much of lands and he sold the lands as his wished. Nobody has right over it.

Q178: Is it correct to state that what all items stated in plaint A schedule were all the properties allotted to M.K.Rajagopal Naidu , Ex.P1?

A: (Witness seeks the plaint and the same is given to the witness.) Yes.

Q179: I put it to you that other than the items specified in A and B schedule in the plaint, your grandfather, M.K.Rajagopal Naidu did not posses any properties. What do you say?

A: Yes.

Q180:I put it to you that in para 13 of your proof affidavit that during the lifetime of Mr.M.K.Rajagopal Naidu, most of the lands described in A schedule to the plaint were dealt with by him in favour of third parties. Have you produce any documents in proof of the same?

A: No.

Q181: Can you give any particular survey number which were sold by M.K.Rajagopal Naidu in plaint A and B schedule properties?

A: I do not remember.

Q182:I put it to you that the plaintiffs being the daughter of the 1st defendant K.Madhavan Naidu have right by birth in the coparcenary property. What do you say?

A: They have no rights, it is a partitioned grand fahter's property.

Q183: I put it to you that M.K.Rajagopal Naidu has no right to alienate or settle or deal with the coparcenary properties and any such alienation or settlement is not valid and binding upon the plaintiff's. What do you say?

A: I deny. My grand father properties are partitioned properties from his brothers and divided as shares A, B, C, D and E. schedule B properties was my grandfather's property and he has rights to sell the properties.

Q184: What relevancy you placed upon Ex.D8?

A: I am one of the partner in the company Madras Rings and Travels, Hosur. This document is for land, building and company's shed for the above firm. For this I have produced.

Q185: How did you get this document, Ex.D8?

A: One Advocate has given the document.

Q186: Ex.D9 is a receipt of payment under registered mortgage. I put it to you that Ex.D9 has no relevancy to the issue in volved in this suit.

A: I have rights to produce.

Q187: I put it to you that Ex.D10 to Ex.D15 has no relevancy to the issue in volved in this suit.

A: I have rights to produce.

Q188: Do you know any details with regard to the month and year with respect to the alleged alienation of some agricultural lands by M.K.Rajagopal Naidu?

A: I do not know.

Time: 03.50 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 01.09.2023
Time: 02.51 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mrs.R.Ramya, Learned Counsel for the plaintiffs.
Solemnly Affirmed:

Q189: Ex.P12 and Ex.P13 are shown to the witness. As per Ex.P12 and Ex.P13, your father late.K.Madhavan Naidu has sold the schedule mentioned property and has received the sale consideration. What did your father do with the sale consideration?

A: He purchased a house at Mugappair.

Q190: I put it to you that the property sold under Ex.P12 and P13 are coparsenary properties and the plaintiffs are entitled to a share in the sale proceeds.

A: That property is not a coparsenary property. My grand father Rajagopal Naidu got the property from a partition which took place with among his brothers and it is mentioned as 'E' schedule property in the plaint. They do not have share.

Q191: What crops are you cultivating in the agricultural lands after the death of your grand father and father?

A: Paddy.

Q192: I put it to you that there was no legal right for M.K.Rajagopal Naidu to alienate coparsenary properties and any such alienation is not binding upon the plaintiffs.

A: I deny.

Q193: I put it to you that since Rajagopal Naidu had no legal right to alienate coparsenary properties like wise, your father Madhavan Naidu had no legal right to alienate coparsenary properties and any such alienation is not binding upon the plaintiffs.

A: I deny.

Q194: Ex.D59 is shown to the witness. What is the relevancy for filing this document with regard to the issue involved in this suit?

A: I am one of the partner of the firm. My father, my grand father and grand mother have given a loan to this company called Madras Rings and Travels Manufacturing company and one of the Managing Partner, Gunasekaran has sold the property on 28.10.2013 after filing the case and they have sold the company without my knowledge. They have not taken any signature or resolution deed from me.

Q195: Have you stated the above said version in your Written Statement and proof affidavit?

A: I have stated the above said version in my Written Statement and proof affidavit.

Q196: Written Statement and proof affidavit are shown to the witness. Can you identify in which paragraph the above said version has been mentioned?

A: It is not mentioned either in the Written Statement or proof affidavit.

Q197: In the answer to Q194, that your grand father, your grand mother and your father had given money (loan amount) to Rama Gunasekaran. Have you produced any document to prove the same?

A: Yes, I have produced.

Q198: Proof affidavit is shown to the witness. Kindly identify those documents in your list of exhibits?

A: Ex.D1 (series) dated 01.02.1974. Witness repeats it is Ex.D5 (series) dated 27.07.1979, amount of Rs.10000 was paid to the company Madras Rings and Travellers by my father.

Q199: Who had given the originals of Ex.D1 to Ex.D7?

A: My father.

Q200: When Ex.D1 to Ex.D7 handed over by your father, why you are not able to produce the bank passbook, cheque book of Karur Vysya Bank maintained by your father?

A: I do not have the passbooks, that is why I am not able to produce it.

Q201: Ex.D53 is shown to the witness. On which property, you have availed the loan?

A: Kutchery road, Mylapore property.

Q202: Is it correct to say that the above said Mylapore property also shown in the plaint for partition?

A: Yes.

Q203: In which year you have availed the loan?

A: In the year 2014.

Q204: Did you inform the bank about the pendency of this suit?

A: No.

Q205: Before taking the loan, have you got consent from the plaintiff to avail the loan?

A: No. Since it is a settlement property, settled in the year 1966.

Q206: Who has been paying the EMI for the above said loan?

A: Myself and my wife.

Q207: Can I take it from you that you are paying the EMI out of the agricultural income from plaint 'A' and 'B' schedule properties?

A: No. Not paid from the agricultural income.

Q208: What are the other source of income do you have?

A: Rental income from Mylapore property.

Q209: How much amount you are earning from Mylapore property?

A: At present, I am receiving Rs.57,000/-, witness repeats that Rs.54,000/-

Q210: From which year you have rented out the above said property?

A: In the year of 2012.

Q211: Do you maintain any accounts for the rental income?

A: Yes, I am filing Income Tax Returns.

Q212: Ex.D54 is shown to the witness. Is Ex.D54 with regard to which property you referred in schedule 'A' and 'B' in plaint?

A: It is not referred in schedule 'A' and 'B' property. This is a field survey related to Madras Rings and Travelles, Hosur.

Q213: What is the relevancy in filing Ex.D54 with regard to the issue involved in this suit?

A: I am the partner of the company. I have produced the documents.

Time: 03.37 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 19.09.2023
Time: 12.30 P.M

Name : Mr.K.Ramesh (DW1)

DW1 cross examined by Mr.T.V.Ramanujan, Learned Senior Counsel for the plaintiff.
Solemnly Affirmed:

Q214: Have you got any document to show that there was a rice mill business run by your grand father or father?

A: No.

Q215: Have you got any document to show that brick kiln business was run by your grand father or father?

A: No.

Q216: Did Indian Oil Corporation Limited lay any pipe lines in the agricultural lands in the suit property?

A: Yes.

Q217: Who received the compensation?

A: Myself.

Q218: The pipe lines have been laid in Survey no.156/1, 157/4 and you have received a compensation of Rs.9,67,491/- for survey no.156/1 and another sum of Rs.2,79,383/- in respect of survey no.157/4 in Manjankaranai Village. What do you say?

A: Agricultural Land in survey no.156/1 is in my wife's name and she received the amount of Rs.9,67,491/- and Agricultural Land in survey no.157/4 is in my wife's name and she received the amount

of Rs.2,79,383/-.

Q219: When did your wife purchase the lands in Survey no.156/1 and 157/4 in Manjankaranai Village?

A: In the year of 1996.

Q220: Ex.P1 is shown to the witness. I put it to you that Survey no.157/4 in Manjankaranai village is in schedule B in Ex.P1, allotted to your grand father M.K.Rajagopal Naidu. Is it correct?

A: Yes.

Q221: Have you got any document to show that your wife purchased the lands in Survey no.156/1 in Manjankaranai Village?

A: I am having the document, but not produced.

Q222: I put it to you that the lands in survey no.156/1 in Manjankaranai Village is the coparcenary property described in schedule A to the plaint and the plaintiffs are entitled to a share in the same.

A: Survey no.156/1 is my wife's property and it is not a coparcenary property and nobody has a share over the property.

Q223: A portion of the property in Kutchery Road described as a Item 5 in A schedule to the plaint, has been acquired by CMRL limited. What do you say?

A: They have only issued notice, but they have not occupied.

Q224: Did you inform CMRL about the pendency of this suit?

A: No.

Q225: Have you got any documentary evidence to show that your grand father and father had separate source of income apart from the income from the properties allotted under Ex.P1?

A: No documents.

Q226: Ex.P16 and Ex.P17 are shown to the witness. The properties purchased under Ex.P16 has been settled in the name of the grand son under Ex.P17 on the same day?

A: Yes.

Q227: I put it to you that the property purchased under Ex.P16 are coparcenary properties and your father has no right to execute any settlement deed under Ex.P17 and it is not valid and not binding upon the plaintiffs.

A: The property is not a coparcenary property. This property is my father's property and he has a right to settle.

Q228: I put it to you that the properties purchased under Ex.P22 in Survey nos.242/5 and 245/1 in Bandikavanoor Village have been purchased out of the income from the coparcenary property alloted under Ex.P1. What do you say?

A: Survey nos.242/5 and 245/1 are not coparcenary properties.

Q229: I put it to you that the properties old survey nos.243; new survey nos.243/1 and 243/2 in Bandikavanoor Village are coparcenary properties.

A: Survey nos.243/1 and 243/2 in Bandikavanoor Village are not a coparcenary properties.

Q230: Witness is shown Ex.P22 and Ex.P23. I put it to you that Ex.P22 and Ex.P23 are not valid and not binding upon the plaintiffs and they have been created after the legal notice Ex.P21. What do you say?

A: Both are valid.

Q231: In the suit properties, apart from paddy crops, groundnut crops, you have also planted plantain trees. What do you say?

A: At present, we are only cultivating paddy.

Q232: In which fasili, you have planted groundnut crops and plantain trees?

A: I do not remember, I have no idea.

Q233: During the lifetime of your grand father, and after him your father, do you know in which fasili, the three crops paddy, ground nut and plaintain trees were cultivated, fasili wise?

A: I do not know.

Q234: I put it to you that for the purpose of this case, you are giving false evidence.

A: I deny.

Re-examination: Nil

Time: 01.00 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER-I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 19.03.2024
Time: 01.00 PM.

Name : K.Ramesh (DW1)

Age : 65 years

Husband's Name : K.Madhavan Naidu

Residential Address: No.16/A-2, Akshaya Colony, First Avenue,
Mogappair, Chennai 600 050.

DW1 Chief Examination by Mr.A.Raj Prince, the learned counsel for the defendants.

Solemnly Affirmed:

I am the 3rd Defendant herein. I am filing my additoinal proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief.

Time: 01.05 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 03.04.2024
Time: 12.10 PM.

Name : K.Ramesh (DW1)

DW1 Chief Examination continuation by Mr.A.Raj Prince, the learned counsel for the defendants.

Solemnly Affirmed:

The following documents are marked as exhibits.

Ex.D63 is the certified copy of the Registered Sale Deed executed by Rajini Devi in favour of A.Rajagopal Naidu and A.Ramakrishna Naidu dated 23.02.1976. (Subject to Proof and Relevancy).

Ex.D64 is the certified copy of the Encumbrance Certificate for the properties in Sy.No.186/6, 187 and 188 (1 Acre 51 Cents) dated 26.08.1979 to 06.12.2023. (Subject to Proof and Relevancy).

Ex.D65 is the certified copy of the Registered Sale Deed executed by M.K.Rajagopal Naidu in favour of A.Rajagopal Naidu and A.Ramakrishna Naidu (Doc.No.321 of 1980 SRO Arani) (3 Acres 54 Cents) dated 19.12.1979. (Subject to Proof and Relevancy).

Ex.D66 is the certified copy of the Registered Sale Deed executed by P.Dhanajayan in favour of Shakila Ramesh (Doc.No.1250 of 1996 SRO Arani) (4 Acres 11 Cents) dated 12.07.1996. (Subject to Proof and Relevancy).

Ex.D67 is the certified copy of the Registered Sale Deed executed by P.Shanthi in favour of Shakila Ramesh (Doc.No.1807 of 1996 SRO Arani) (2 Acres 70 Cents) dated 10.10.1996. (Subject to Proof and Relevancy).

Ex.D68 is the certified copy of the Registered Partition Deed dated 29.05.2006. (Subject to Proof and Relevancy).

Time: 12.35 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS
C.S. No.474 of 2013

Date: 23.07.2024
Time: 12.10 P.M.

Name : K.Ramesh (DW1)

DW1 Chief Examination continuation by Mrs.Vasudha Thiagarajan, the learned counsel for the defendants.

Solemnly Affirmed:

The following documents are marked as exhibits.

Ex.D69 is the printout of the Patta in the name of Anandan bearing No.802 dated 08.03.2019. (Certificate u/s65-B of I.E.Act Produced). (The learned counsel for plaintiff objects to mark the document as it was marked with Adangal).

Ex.D70 is the printout of the Patta in the name of Anandan bearing No.88 dated 12.03.2019. (Certificate u/s65-B of I.E.Act Produced). (The learned counsel for plaintiff objects to mark the document as it was marked with Adangal).

Ex.D71 is the printout of the Patta in the name of Anandan bearing No.22 dated 12.03.2019. (Certificate u/s65-B of I.E.Act Produced). (The learned counsel for plaintiff objects to mark the document as it was marked with Adangal).

Ex.D72 is the printout of the Patta in the name of Anandan bearing No.39 dated 28.05.2021. (Certificate u/s65-B of I.E.Act Produced).

Ex.D73 is the printout of the Patta in the name of P.Ravichandran bearing No.223 dated 29.11.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D74 is the printout of the Patta in the name of P.Sekar bearing No.224 dated 29.11.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D75 is the printout of the Patta in the name of K.Hemadri and K.Venkatesan bearing No.198 dated 01.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D76 is the printout of the Patta in the name of Ishari K. Ganeshand his wife Arthi Ganesh, M.S.Vels Institute of Technology and Advance Studies bearing No.293 dated 01.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D77 is the printout of the Patta in the name of K.Hari Govind bearing No.823 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D78 is the printout of the Patta in the name of R.Prabhakar and his wife P.Pramila Lakshmi bearing No.772 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D79 is the printout of the Patta in the name of R.Prabhakar and his wife P.Pramila Lakshmi bearing No.803 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D80 is the printout of the Patta in the name of Krishnaveni, Pavithra, Monica and Pooja bearing No.796 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D81 is the printout of the Patta in the name of Pavithra, Monica, Uma Pandiyan, Krishnaveni and Pooja bearing No.861 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D82 is the printout of the Patta in the name of Subba Naidu bearing No.47 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D83 is the printout of the Patta acquired by Chennai Border Project bearing No.805 dated 03.12.2023. (Certificate u/s65-B of I.E.Act Produced).

Ex.D84 is the photocopy of the Aadhaar Card of Anandan Subramani Naidu. (Original seen and returned). (Compared with Original).

Time: 12.45 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 – I

BEFORE THE ADDITIONAL MASTER-I
HIGH COURT, MADRAS

C.S. No.474 of 2013

Date: 26.11.2024
Time: 12.10 P.M.

Name : K.Ramesh (DW1)

DW1 further Cross Examination continuation by Mrs.R.Ramya, the learned counsel for the Plaintiffs.

Solemnly Affirmed:

Q1: I put it to you that the documents filed as Ex.D63 (Sale Deed) dated 23.02.1976 the same has not been stated by you in your written statement?

A: At the time of filing written statement the document I was not able to trace the document.

Q2: Ex.D63 is dated 23.02.1976. Your written statement is filed on 6th October 2014. In which you have stated about other properties were sold and also referred to document of the year 1966. Why you are not able to get this document?

A: I was not able to trace out the document.

Q3: How did you get this document now?

A: I got the document through online.

Q4: How did you came to know about this document?

A: I came to know through the A-Register of the VAO.

Q5: When did you enquire the VAO?

A: I do not remember the exact date.

Q6: When did the first plaintiff Rajini Balakrishnan got married?

A: In the year 1975.

Q7: Do you know exact date and month?

A: I do not know the date and month of marriage.

Q8: Ex.D69 to Ex.D72 are shown to the witness. I put it to you that you have filed Ex.D69 to Ex.D72 which is standing in the name of Anandan. What is the relevancy of those document with regard to the issue in the suit?

A: I have filed Ex.D66 and Ex.D67 in the name of my wife 4th defendant. These properties are purchased out of my father-in-law Anandan's earnings. To prove the same I have filed the documents in my wife's name.

Q9:I put it to you in Ex.D66 and Ex.D67, there is no recital that your father-in-law has paid the sale consideration. What do you say?

A: Yes, it is not mentioned.

Q10: Whether your father-in-law is an income tax assessee?

A: No.

Q11: In your proof affidavit you have stated that your father -in-law running a cinema theatre and agricultural lands. For those income he is not paying any income tax. What do you say?

A: I do not know.

Q12: Whether your father -in-law holding any Bank account?

A: May be having bank account.

Q13: In Ex.D63 the sale consideration is stated as Rs.27,150/-. Who

has taken this money?

A: My sister K.Rajini Balakrishnan

Q14: I put it to you that the first plaintiff K.Rajini Balakrishan has not received the sale consideration but late M.K.Rajagopal Naidu has only taken the sale consideration. What do you say?

A: Rajini Devi has accepted the receipt of sale consideration in the Ex.D63.

Q15: I put it to you that your grandfather has nominaly placed the lands covered under Ex.D63 in the name of the first plaintiff just to escape from the land ceiling laws and subsequently has sold the properties and taken the sale consideration?

A: I deny.

Q16: The first plaintiff got married on 05.04.1976 and Ex.D63 was executed on 23.02.1976 just one and half month before her marriage. What do you say?

A: I deny. I think she got married in the year 1975.

Q17: What was your age at the time of first plaintiff's marriage?

A: I do not remember. I was studying 8th standard at that time of first plaintiff's marriage.

Q18: I put it to you the sale consideration mentioned in Ex.D66 and

Ex.D67 was not given by your father-in-law but the joint family funds of late Madhava Naidu has been utilised and the properties are the Joint family properties of Madhava Naidu?

A: I deny.

Time: 12.55 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I