

BEFORE THE ADDITIONAL MASTER - II
HIGH COURT, MADRAS
T.O.S. No. 33 OF 2015

Date : 07.06.2024
Time : 12.15 P.M.

Name : Mr.Rajakannu (PW2)

PW2 further Cross Examined by Learned counsel for the defendant Mr.Ashokan.

Solemnly Affirmed:

Q70: Who are the beneficiaries under the Will executed by the V.Shanmugam?

A: Rajeswari, Premakumari and Vishnu Datta.

Q71: Are you one of the beneficiary as per the Will?

A: No.

Q72: In your proof affidavit you have stated in para 15 as Mr.Shanmugam has given the life interest to Rajeshwari and daughter Mrs.Pemakumri Rajakannu and grand son S.Vishnu Dhutta were given equal share in the Will schedule property. Is it correct?

A: Yes, mentioned.

Q73: I put it to you that at the time execution of Will by V.Shanmugam, who are the minors under the Will?

A: Mr.S.Vishnu Dhutta.

Q74: What is the age of above minor at the time of execution of Will Ex.P1?

A: I do not know.

Q75: In your proof affidavit you have stated S.Vishnu Dhutta is a minor?

A: Yes.

Q76: What is the age of S.Vishnu Dhutta at present?

A: I do not know.

Q77: In your proof affidavit you have stated now above S.Vishnu Dhutta is major?

A: Yes.

Q78: How can you say as the above S.Vishnu Dhutta is major?

A: Will was executed 2005 and therefore I mentioned Vishnu Dhutta is major.

Q79: You have not stated in your proof affidavit the Will was under the custody of whom. Is it correct?

A: Yes, it is not mentioned. Even now I do not know.

Q80: Who told to you as V.Shanumugam executed another Will?

A: I do not know regarding another Will.

Q81: In para 14 of your proof affidavit you have stated as “also falsely claimed the existence of another will and the OP 24/2014 had to be converted into TOS 33/2015 and S.Vishnu Dhutta now become a major also has been cited as a party which is just natural and it cannot be disputed”. Is it correct?

A: Yes, it is stated so.

Q82: Before filing letter of administration of the Will or probate of the Will the 2nd beneficiary your wife Premakumari where residing

A: Residing at J14, 3rd Avenue, Anna Nagar, Chennai – 102.

Q83: Is it your own property?

A: Yes, it is my own property. But it was sold by me.

Q84: What is the date of above sale?

A: I do not remember.

Q85: How to occupy the petition schedule property without consent of any legal heirs of the deceased?

A: In the year of 2016, I occupied the same.

Q86: Before that who occupied the said flat?

A: My mother-in-law in the occupation.

Q87: Are you living along with your mother-in-law at present?

A: Yes.

Q88: Under the Will 2 properties were mentioned in which you are occupying one of it. Is it correct?

A: Yes, along with my mother-in-law.

Q89: What is about another flat mentioned in the Will?

A: Both are under Rajeshwari's control.

Q90: Have you stated in your petition both properties occupy by your mother-in-law?

A: Both properties are under our control, that is my mother-in-law and myself.

Q91: Before you joined your mother-in-law other property was occupied by the tenant?

A: I do not know.

Q92: You stated one of the beneficiary Vishnu Dhutta as a minor, but you had not mentioned in your petition he is not a minor. Am I correct?

A: Yes, it is not stated in the proof affidavit.

Q93: The property now in question is a joint property of V. Shanmugam deceased and S. Ravichandran. Is it correct?

A: No.

Q94: How can you say it is not correct?

A: My father-in-law told me.

Q95: About from this Will your father-in-law deceased V.Shanmugam executed a settlement deed in favour of anyone of the beneficiaries?

A: I do not know.

Q96: Do you know the deceased V.Shanmugam and S.Ravichandra entered into a builders agreement in respect of the entire property?

A: Yes, I know.

Q97: How to trace the original Will of deceased V.Shanmugam?

A: I do not know.

Q98: Para 12 of your proof affidavit registered Will with his close contact and the Will could not be presented immediately due to a search. Is it correct?

A: Yes, I told as above. Since it was told by my mother-in-law.

Q99: Have you stated in your proof affidavit as it was told to you by your mother-in-law?

A: No.

Q100: Do you know the original Will filed along with this OP petition?

A: I do not know.

Q101: You have stated in para 12 of your proof affidavit as “the other beneficiary advised to wait for presenting the Will for probate till he attained majority”.

A: Yes, stated so.

Q102: I put it to you that you do not know anything regarding this Will Ex.P1.

A: I deny.

Q103: Do you know S.Ravichandran filed a Civil Suit for partition of the property?

A: Yes. After the Will he filed.

Q104: Do you know the contents of the plaint filed by S.Ravichandran?

A: No.

Q105: I put it to you that you are the attesting witness Will only and you did not know contents of the document filed by you.

A: I do not know about all the document but I attested the Will.

Time : 12.50 P.M.

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

ADDITIONAL MASTER-II