BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS
T.O.S.9 of 2015

Date : 07.02.2023
Time : 03.51 P.M.

Name : Mr.Soundararajan (PW 1)

Age : 63 Years

Father's Name : Late.Thiru.E.Ramadoss Chettiar

Residential Address : No.64, Pillaiyar Kovil Street, Red Hills, Chennai – 600 052.

PW1 examined in chief by Mr.M.Bhuvaneswaran, Learned Counsel for the Plaintiff.

Solemnly affirmed:

I am the Plaintiff 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. The following documents may be marked as exhibits.

Ex.P1 is the original Will dated 10.03.2005(original Will is in the safe custody).

Ex.P2 is the original death certificate of Mrs.R.Mangaleswari, date of registration is 16.12.2008.

Ex.P3 is the online certified copy of the lease agreement dated 13.01.2003

Ex.P4 is the online certified copy of the sale deed dated 31.05.2006.

Time: 03.58 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

T.O.S.9 of 2015

Date : 27.07.2023
Time : 12.50 P.M.

Name : Mr.Soundararajan (PW 1)

PW1 examined in chief by Mr.M.Bhuvaneswaran, Learned Counsel for the Plaintiff.

Solemnly affirmed:

I am the Plaintiff herein. I am filing my additional proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. The following document may be marked as exhibit.

Ex.P5 is the original Legal heirship certificate of Ramdoss dated -.04.1997.

Time: 12.53 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
T.O.S.9 of 2015

Date : 10.08.2023
Time : 02.45 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination of PW1 by Mr.R.Thiagarajan, Learned Counsel for the Defendant.

Solemnly affirmed:

Q1: Who has given instruction to prepare proof affidavit?

A: I have given instructions.

Q2: What is your educational qualification?

A: I am Ph.D, in Agarbathi.

Q3: How many children were born to your parents?

A: Rajalakshmi- elder sister, Sivaprakasam- brother, Nithiyakalyani- Sister, myself and Santhavalli- sister.

Q4: What was your father doing?

A: He was a fleat owner.

Q5: Which is your native place?

A: We hail from Redhills.

Q6: Did your parents live in Redhills or in Chennai?

A: Redhills.

Q7: Did your father late.Ramdass execute any Testamentary disposition?

A: My father did not execute any Testamentary disposition, he died intestate.

Q8: What about your mother?

A: My mother is a house wife.

Q9: Where were your parents residing?

A: Redhills.

Q10: Did your parents treat all of them alike?

A: Yes, they did not have any preferencial treatment with any son or daughter.

Q11: Did you live along with your parents and when did seperation take place?

A: Yes, all of us lived together with our parents. My brother got married in the year 1980 and then we seperated.

Q12: When did your sisters leave the parental home?

A: After their respective marriages, they left their parents place.

Q13: When did your father die?

A: 05.10.1996.

Q14: Where did your mother stay after the demise of her husband?

A: After the demise of my father, my mother opted to stay with me.

Q15: Where were you residing after the death your father?

A: No.66, Pillaiyar Koil Street, Redhills.

Q16: What is your mother's educational qualification?

A:5th Standard.

Q17: Did your mother read and write?

A: My mother read and write in Tamil, though my mother sign in English but not conversant in English.

Q18: Did your mother reside with you?

A:My mother resided with me along with my wife and my two sons. My mother brought up her daughter's Nithiyakalyani's son Velmurugan.

Q19: Did your mother bear any enemity to any of her children?

A: No.

Q20: Did your mother inherit any ancestral property or what were the assets owned and possessed by her during her lifetime?

A: She was presented with jewellery at the time of her marriage, other than that she has did not possess any tangiable property. After the demise of our father, she has been looking after the affairs of my father's property.

Q21: Did dispute crop up between you and your brother after the demise of your father?

A: Even during the lifetime of my father, there is a dispute between us. Differences cropped up because of the dispute on distribution of my grandfather's assets. Regarding the properties there were pending litigation in the Courts of Tiruvallur and Ponneri.

Q22: Is it correct to say that there was a partition suit in C.S.306 of 2002 in between you and your brother, before the Hon'ble High Court?

A: Yes.

Q23: Who were all the parties to the partition suit in C.S.306/2002?

A: My brother Sivaprakasam was the plaintiff, besides myself, my mother and my other sisters are parties to the said suit.

Q24: Is it correct to say that a Consent Compromise Decree was passed in the above case?

A: Yes.

Q25: Is it correct to say that as per the Consent Preliminary Decree shares were declared and the division?

A: Yes.

Q26: Is it correct to say that your mother was allotted 1/6th share in the suit property in C.S.No.306/2002?

A: Yes.

Q27: Is it correct to say that during those proceedings your mother lived and stayed with you at Redhills?

A: Yes.

Q28: Is it correct to say that you have been attending to her needs when she was staying with you?

A: Yes.

Q29: I put it to you that since your mother was under your care and custody, you are in a position to dominate her will and her decision.

A: No.

Q30: I put it to you that your mother did not have any power of taking any independent decision on her own and you were in a position to influence her mind.

A: No.

Q31: Did both of you have the same counsel or independent counsel to defend them in the partition suit?

A: Both of us had our own Advocate.

Q32: Who used to advice your mother?

A: My mother's brother named Palaniappan used to advice her.

Q33: Witness is shown Ex.P1-Will. Do you know who prepared the Ex.P1-Will and where it was prepared?

A: My mother prepared the Will and it was registered in the presence of my maternal uncle in the Sub-Registrar Office.

Q34: Do you know who gave instructions for preparing the Will and in where it was signed?

A: I do not know.

Q35: Did your mother inform about her intention to execute a testamentary disposition?

A: My mother did not disclose it to me.

Q36: When did you come to know about the Ex.P1-Will?

A: I came to know about the Will after the demise of my mother. My uncle Palaniappan informed the same to me.

Q37: Is there is any reference to the pending partition suit and the assets which is likely to get under the Preliminary Decree in C.S.No. 306/2002?

A: There is no such reference to the properties which devolves upon her.

Time: 03.27 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
T.O.S.9 of 2015

Date : 29.08.2023
Time : 12.55 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination of PW1 by Mr.R.Thiagarajan, Learned Counsel for the Defendant.
Solemnly affirmed:

Q38: How many children for your parents?

A: 2 sons and 3 daughters.

Q39: Your mother liked all the children. Is it correct?

A: Yes.

Q40: Your mother lived and stayed with you during her last stages of life?

A: Yes.

Q41: Did your brother R.Sivaprakasam file a suit for partition for movable and immovable as against you, your mother and your sisters in C.S.306/2002?

A: Yes.

Q42: A consent Preliminary Decree came to be passed in the said suit. Is it correct?

A: Yes.

Q43: Your mother was alive at that time. Is it correct?

A: Yes.

Q44: When was the Consent Decree passed?

A: May 2008.

Q45: Is it correct to say that Mangaleeswari expired on 07.12.2008 at 64/66, Pillayar Koil Street, Redhills, Chennai?

A: Yes.

Q46: The present proceedings is for grant of probate of the alleged last Will and Testament of Late.Mangaleeswari expired on 07.12.2008 and it does not related to partition. Is it correct?

A: Yes.

Q47: How was the position of your mother health while executing Ex.P1-Will dated 10.03.2005?

A: While executing Ex.P1-Will, my mother was suffering from Cancer.

Q48: What was the nature of the surgery done to your mother?

A: She has undergone surgery for her intestine cancer.

Q49: Where did she undergo treatment for Cancer?

A: KHM Hospital, Anna Nagar, two times she undergone treatment at Appollo Hospital, Greams Road.

Q50: Whether she has undergone Chemotherapy?

A: Yes, she was undergoing enormous pain and sufferings.

Q51: Is it correct to say that your mother was suffering from mental depression and also physically suffered?

A: No. she was only suffering physically.

Q52: How she was aware of immovable properties, movable properties possessed by the family?

A: She was aware of it, though she was suffering for Cancer, she was aware and alert.

Q53: Is it correct to say that your mother had studied upto 5th standard?

A: Yes.

Q54: Was your mother capable of writing a Testamentary disposition?

A: My mother's brother (maternal uncle) helped her writing the Will.

Q55: Why did you not take steps for probate of the alleged last will and testament, purported to be executed by your mother immediately after the death of your mother?

A: Since the Advocate who appear for my mother expressed his inability to conduct the proceedings of probate, so there was a delay.

Q56: Have you stated anywhere in the petition the reason for the delay?

A: I have not stated the reason for the delay in the petition filed in O.P.No.568/2013, now TOS.9/2015.

Q57: Who were made as parties to the letters of administration?

A: I have added brother and sisters as a party.

Q58: Is it correct to say that your sister and your brother have challenged the Will?

A: Yes.

Q59: Did you look into the objections lodge by Sivaprakasam and Nithiyakalyani?

A: Yes.

Q60: I put it to you that your brother has challenged and questioned the validity and genuineness of the Will and has stated that you have practised undue influence, misrepresentations, coersion and fraud and brought out the Will and in collusion and connievence with your maternal uncle Palaniappan.

A: I deny.

Q61: How M.K.Raja is related to you?

A: Family Astrologer.

Q62: Whether you were present at the time, when Ex.P1 was prepared and executed by your mother?

A: I was not there. My maternal uncle Palaniappan and my mother was present at that time.

Q63: Did your brother or sisters render any physical help to your mother while she was alive?

A: They did not extend to my mother.

Q64: Besides you, your mother has a son and three daughters and number of grand children?

A: Yes.

Q65: How did she maintain her relationship with her grandchildren?

A: I do not know.

Q66: Do you know where the Ex.P1 was presented for registration?

A: Sub Registrar Office, Redhills.

Q67: Is it correct to say that you accompanied your mother or your uncle accompanied her?

A: I did not accompany her. She was accompanied by Palaniappan

and Raja, family astrologer. I came to know about it after her demise.

Q68: Is there is any mention about the partition suit CS.306/2002 filed in the impugned Will-Ex.P1?

A: No. It is not mentioned.

Q69: Did she execute an codicil after the execution of the Ex.P1-Will before her demise?

A: No.

Time: 01.33 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
T.O.S.9 of 2015

Date : 10.10.2023
Time : 12.50 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination of PW1 by Mr.R.Thiagarajan, Learned Counsel for the Defendant.

Solemnly affirmed:

Q70: Is it correct to state when Ex.P1 was executed by your mother, the suit for partition in C.S.No.306/2002 was filed by R.Sivaprakasam as against your mother and her children?

A: Yes.

Q71: Is it correct to state that the properties covered by the Will both movables and immovables does it find a place in Ex.P1?

A: In addition to the properties, both movables and immovables mentioned in the Civil Suit for partition in C.S.No.306/2002, other properties belonging to my mother Mangaleeswari find place in Ex.P1.

Q72: Please kindly see the schedule appended to the Ex.P1. Do you find movables and as well as immovables, if so, what are they?

A: Immovable properties situated at Kanigaiper Village-19.92 Acres, Naaravarikuppam Village, No.8, Bazzar Veedhi, GNT Road, Redhils, another property at Duraisamy mudali street – a Tiled house at Redhills, Padiyanallur Village, Survey No.135/2 (two plots) – total extent 17 cents and 25 cents out of 3.53 acres, Survey No.136/2 – 2 acres and 32 cents, 63, Lingi Chetty Street, George

Town – 1 ground 484 sq.ft.

Movables – Ambassidor Car registration No.MSS 9212, Fiat Car MSM 5592, Tractor MDH3036, Trailor MDH 3041, Indian Bank, Redhills branch (Account No.2290/4) dated 12.08.1996 from then principal and interest, ICICI Bank, Padiyanallur branch (SB account- 603501061077) Principal and interest accrued in the name of my father Ramadoss Chettiar, Rental income from the bank building from 9th month of 1996 deposited in SB account, Indian Bank, Redhills (Current Account – 1051) dated 08.05.1996 from then principal and interest.

Q73: Is it correct to state her entitlement has not been specifically stated in the movable and immovable column mentioned in the Will?

A: No. Witness adds: She has mentioned her undivided share in the estate of E.Ramadoss shall go to her son Soundarrajan.

Q74: Is it correct to state that your mother was not aware of the details and particulars of the property?

A: Since my mother was associated with my father, she is aware of the details and particulars.

Q75: Have you filed any documents as mentioned in the Will-Ex.P1?

A: No, I have not filed.

Q76: I put it to you that your uncle Palaniappan, Raja, the family Astrologer in collusion and connivence with each other brought about the Will under vitiating fradulent circumstances to confer exclusive benefits to you.

A: I deny the suggestion.

Q77: Where was the Will prepared and registered?

A: I do not know where it was prepared. But it was registered in SRO, Redhills.

Q78: Who lodged the Will and who took return of the Will from the Sub Registrar Office?

A: I do not know.

Q79: I put it to you that your mother was not in a sound disposing state of mind and she was not capable of drafting or executing the impugned Will Ex.P1- on 10.03.2005. What do you say?

A: She was in sound disposing state of mind.

Q80: There is no mention in the Will, why she has disinherited her other son and daughters. What do you say?

A: I do not know anything about that.

Q81: Is it correct to state your mother did not have any strained relationship or any differences of opinion with her other son and daughters?

A: No.

Q82: Is it correct to state your mother during her lifetime and also during the lifetime of her husband treated all her children and her grand children also in the same manner?

A: Yes.

Q83: I put it to you that though your mother studied upto 5th standard, she was not aware of the details and particulars of the movable as well as immovables and your uncle Palaniappan and Astrologer Raja brought the Will and your mother has signed under the darker lights without knowing what is the nature of document.

A: I deny it.

Q84: I put it to you that your mother though subscribed her signature in Ex.P1, she is not capable of writing a Will with so many particulars and details contained therein.

A: I deny the suggestion.

Q85: I put it to you that Ex.P1 was brought about by you, by practicing fraud, undue influence, coersion and as such it does not reflect the true mind or volition.

A: I deny.

Time: 01.24 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

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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
T.O.S.9 of 2015

Date : 11.12.2023
Time : 03.10 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination of PW1 by Mr.K.S.Sundar, Learned Counsel for the Second Defendant.
Solemnly affirmed:

Q1: When your father E.Ramadoss Chetty was alive, he was managing all the properties and receiving the income there from. Is it correct?
A: Yes.

Q2: At the time, you were residing separately in another house. Am I correct?
A: Yes.

Q3: Your father was receiving all the income and giving some share to the children. Is it correct?
A: No.

Q4: Was he paying the some amount to Tmt. Mangaleswari his wife towards maintenance and enjoyment. Is it correct?
A: No. Witness Adds; Mother was having separate income.

Q5: Separate Income came from which property?
A: Two building were other. One is post office building and another building. Rental income from that above said property and income from her embroidery work.

Q6: Can you say how much was her monthly income?
A:Rs.10,000/-

Q7: Whether the said two properties were owned by Mangaleswari till her death?
A: The above said properties were sold one year before her death.

Q8: So the properties were sold in the year of 2007. Am I correct?
A: In the year 2006 or 2007.

Q9: What did she do with the sale proceeds of the properties?
A: She used as her own.

Q10: How much was that amount?
A: Nearly Rs.20,00,000/-

Q11: Is that Rs.20,00,000/- mentioned as the estate of Mangelswari in this suit?
A: No.

Q12: What about to that Rs.20,00,000/-?
A: She purchased jewels and gave it to all her children.

Q13: Can you identify the jewels which were given to the second defendant Nithyakalyani?
A: Bangles and chains.

Q14: Is it happened in the year of 2008?
A: It is in the year of 2007.

Q15: Even in the year of 2007, Mangaleswari was distributing her movable jewels to all her children. Am I correct?
A: Yes.

Q16: Like that what was the jewelery given to you?
A: Chain.

Q17: Can we understand that all the five children got Rs.4,00,000/-

worth jewels?
A: Yes.
Q18: You have not pleaded the above said version in your plaint.Am I correct?
A: Yes.

Q19: Can you explain, why you have not pleaded the same in your plaint?
A: I do not know.

Q20: I put it to you, that you have conceded several facts that is why you have not pleaded the same in your plaint.
A: I deny.

Q21: After your father's death you came to your mother's house and started living with her. Am I correct?
A: Yes.

Q22: The income which were earlier received by your late father, after his death, who was receiving it?
A: My brother and my mother were receiving it.

Q23: At that time, was your brother D1 was residing with you?
A: No.

Q24: I put it to you that the entire income was unauthorisedly received by you and you did not give anything to you mother?
A: I deny.

Q25: Whether Mangaleswari took any medical insurance?
A: No.

Q26: Did you take any medical insurance in the year 2000?

A: No.

Time: 03.40 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
T.O.S.9 of 2015

Date : 04.01.2024
Time : 03.40 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.
Solemnly affirmed:

Q27: What is the name of your Advocate appeared in C.S.306 of 2002?

A: Mr.Venkatraman.

Q28: Who was the Advocate for your mother Mangaleswari?

A: Mr.P.V. Muralidharan

Q29: Where was his office?

A: Ponneri and T.Nagar.

Q30: You took Mangaleswari to the office of Advocate Mr.P.V.Muralidharan for giving instructions. Am I correct?

A: No, he came to our house and took instructions.

Q31: What was the income of Mangaleswari during the year of 2002?

A: Rs.15,000/-

Q32: Mangaleswari was sick during the 2002 and she was spending money towards medical expenses. Am I correct ?

A: Not correct. I was only spending.

Q33: You were taking care of Mangaleswari's day to day expenditure during the year 2002. Am I correct?

A: Even prior to 2002 also I was taking care of her.

Q34: The legal expenses was also paid by you to her Advocate Mr.P.V.Muralidharan. Am I correct?

A: No. She was spending.

Q35: How much did she spend for the partition suit?

A: I do not know.

Q36: I put it to you that the Advocate Mr.P.V.Muralidharan's fees and other expenses were fixed by you and you had paid the same. Am I correct?

A: I deny.

Q37: I put it to you that Mangaleswari's could not have met her expenses since she was earning Rs.10,000/- per month?

A: I deny.

Q38: I put it to you that you were controlling Mangaleswari and you were representing the partition suit on behalf of Mangaleswari?

A: I deny.

Q39: I put it you that Mangaleswari was fully under your control mentally and physically during the year of 2002?

A: I deny.

Q40: Is it correct to say yourself and Mangaleswari were appointed as receivers of the partition suit properties?

A: Yes, for two years.

Q41: Both were discharged from the receivership. Am I correct?

A: Yes.

Q42: I put it to you Both of you were improperly managed the suit properties and income, so that only you both were discharged from the receivership?

A: I deny.

Q43: After your discharge who was appointed as receiver by the High Court?

A: My Brother (D1) and Elder sister Rajalakshmi were appointed as receiver.

Q44: Still they are continuing as receiver. Is it not?

A: No. Witness Adds: Case has been disposed off.

Q45: Can you produce the order of Discharge from receivership?

A:I can produce only the final decree judgment.

Time: 03.55 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
T.O.S.9 of 2015

Date : 13.02.2024
Time : 02.40 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q46: In the year 2002 your mother Mangaleshwari underwent Appendices operation. Is it correct?

A: No.

Q47: When operation was done to her?

A: No operation was done.

Q48: Why did she become critically ill?

A: Due to her age.

Q49: Was she admitted in hospital in the year 2003 - 2004?

A: No. She went for a medical check up only.

Q50: What was the reason of her death?

A: Cancer in intestine.

Q51: For this intestine cancer, any operation was done to her prior to her death?

A: No.

Q52: I put it to you from year 2003 onwards she was suffering from Cancer and she was bedridden?

A: I deny.

Q53: Who was paying for her medical expenses?

A: My Mother herself was paying, Finally I paid.

Q54: How much amount did you pay for her medical expenses?

A: 6 lakhs.

Q55: In which hospital you have paid the above said amount?

A: In Apollo Hospital and KHM Hospital.

Q56: Three bills you have paid, from which year to which year?

A: From the year 2006 to 2008.

Q57: I put it to you that your mother Mangaleshwari dependant upon for financial support?

A: I deny, she was looking after herself.

Q58: Was Mangaleshwari having a Bank Account?

A: Yes, in Indian Bank, Redhills Branch.

Q59: Can you inform this Court what was the balance amount left by her in her Bank Account?

A: I do not know.

Q60: I put it to you that there was no balance in her account that is why you plead ignorance?

A: I deny.

Q61: You have not shown SB account balance in your affidavit of assets. What do you say?

A: I have not mentioned.

Q62: I put it to you that your mother Mangaleshwari was depending upon you for her day to day survival?

A: Yes, it is only at her last days.

Q63: Whatever PW1 said, was simply complied by Mangaleswari without application of mind?

A: I deny.

Q64: Did you open a joint account in the name of Joint Receivers?

A: No.

Q65: I put it to you that you were discharged from receivership since you did not submit proper account to the Court?

A: Already answered.

Time: 03.05 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
T.O.S.9 of 2015

Date : 28.02.2024
Time : 01.03 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q66: When did you come to know Mangaleswari executed the Will?

A: After the death of my mother.

Q67: Your mother died in December 2008. So when did you come to know about the Will?

A: After three months of the death of my mother. Witness Adds: I came to know through my sister named Rajalakshmi and uncle named Palaniappan.

Q68: After coming to know about the Will, did you inform about the Will to other sisters and brother?

A: Yes.

Q69: Did you go to your Brother's (D1) Home and inform him?

A: No, I informed through D1's counsel.

Q70: What about Nithyakalyani (D2)?

A: I did not informed D2.

Q71: I put it to you that you have not informed to your brother and sisters because the Will is fabricated one?

A: I deny.

Q72: During the 15th day ceremony you did not inform the other legal heirs about the Will?

A: Yes, I did not inform.

Q73: Your other sister Rajalakshmi who was present during the 15thday ceremony, She also did not inform about the Will to the other legal heirs. What do you say?

A: I do not know whether she informed or not.

Q74: Are you going to examine the said Rajalakshmi as witness?

A: No.

Q75: Your uncle Palaniappan also present during the 15th day ceremony. Is it correct?

A: No, he attended only 8th day ceremony.

Q76: During the 8th day ceremony, the other legal heirs also present. Is it correct?

A: Other Legal Heirs were present, only D1 was absent.

Q77: Did your uncle Palaniappan inform to the other legal heirs about the existence of the Will?

A: Yes. Witness Adds: On the day of death it was informed.

Q78: Who performed the last rituals for your mother?

A: Myself.

Q79: Was D1 Sivaprakasam present at that time?

A: Yes.

Q80: When your uncle Palaiappan informed about the Will, Were all the Legal Heirs present?

A: Yes.

Q81: Your evidence that you came to know about the existence of Ex.P1 Will after 3 months after the death of Mangaleswari is false statement. What do you say?

A: The document was handed over to me only after 3 months by my uncle Palaniappan.

Q82: On the date of death, Did you come to know about the contents of the Ex.P1 Will?

A: I do not know.

Q83: When was the Will given to you?

A: It was handed over to me after 3 months.

Q84: Why did the said Palaniappan deliver the Will to you and not to D1?

A: It was delivered to me because D1 was somewhere.

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

T.O.S.9 of 2015

Date : 28.02.2024
Time : 04.30 P.M.

Name : Mr.Soundararajan (PW 1)

Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q85: Do you know how did Palaniappan get Ex.P1 Will?

A: He told me that my Mother handed over the same to him.

Q86: Do you know when your mother handed over the Will to you Uncle Palaniappan?

A: I do not know.

Q87: When delivering the Ex.P1 to you, did he mention the contents of the Will to you?

A: He handed over the Will saying that it was executed in favour of you.

Q88: I put it to you that yourself along with the said Palaniappan had fabricated the Will and that is why it was concealed till the death of Mangaleswari?

A: I deny.

Q89: Did you go through Ex.P1 Will?

A: Yes, I went through the Will.

Q90: Is Ex.P1 a Registered one?

A: Yes.

Q91: Who collected the Will from the SRO?

A: I do not know.

Q92: For Registration Charges for registering of Ex.P1 Will, who paid the registration charges for Ex.P1 Will?

A: I do not know.

Q93: Do you know who took Mangaleshwari to the SRO?

A: I do not know.

Q94: What is the Educational Qualification of Palaniappan?

A: B.Com.,

Q95: Whether Palaniappan got properties?

A: Yes.

Q96: Has Palaniappan got the skill of drafting the Will?

A: I do not know.

Q97: In the year 2005, did you have Computer in your house?

A: I did not have Computer in my House, but it is available in my office.

Q98: Where was your office in 2005?

A: Own Building in Red Hills Market.

Q99: What is the distance between your office and your house?

A: Half Kilometer.

Q100: I put it to you that the Will was typed in your Computer?

A: I deny.

Time: 04.45 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

T.O.S.9 of 2015

Date : 02.04.2024
Time : 02.55 P.M.

Name : Mr.Soundararajan (PW 1)

PW1 Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q101: Do you know in which computer the Ex.P1 Will was typed?

A: I do not know.

Q102: Did Palaniappan the attesting witness have a computer in his house?

A: I do not know.

Q103: Is it possible for your mother who had studied 5th standard can write the Will?

A: I do not know.

Q104: I put it to you that Ex.P1 Will was created, who is well versed in creating a Will?

A: I do not know.

Q105: I put it to you that Ex.P1 Will was created by you with the assistance of Mr.Palanaiyappan?

A: It is wrong.

Q106: I put it to you that Ex.P1 was drafted and printed in your office computer?

A: I deny.

Q107: You do not know how the Will was created and Where it was created?

A: I do not know.

Q108: Since you do not know the execution of the Will, you cannot say Mangaleswari executed the Will?

A: I do not know.

Q109: When Mangaleswari was alive, she did not tell about the Will to you?

A: She did not tell.

Q110: You do not know whether Mangaleswari executed the Will, your allegation in your proof affidavit that she executed a Will is totally incorrect?

A: I came to know about the Will and I filed in for probate.

Q111: If Mr.Palanaiyappan has not informed about the Will you may not know about the Will?

A: Yes.

Q112: You have come to know about Ex.P1 from Palaniappan by way of hear say?

A: I was informed by him orally.

Q113: As you do not know the execution of the Ex.P1 you cannot claim it as a genuine one ?

A: It is wrong.

Q114: As Mangaleswari was suffering from Chronic Cancer, she was not in a sound disposition of mind to execute Ex.P1 Will?

A: It is wrong.

Q115: You have set up Palaniappan as if you would have asked, Mangaleswari would have denied for execution of Will?

A: It is wrong.

Q116: Who is the first witness in Ex.P3?

A: I signed.

Q117: When the Post Office vacated?

A: I do not know.

Q118: Have you gone to the Registrar Office to sign in Ex.P3?

A: Yes.

Q119: In page 3 of Ex.P3 your signature is not there, only D1's signature is there.

A: My signature is in the fourth page, My brother signature is in the third page.

Q120: I put it to you that Mangaleswari will sign any document, only if her son D1 signs the document?

A: I deny.

Time: 03.35 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

T.O.S.9 of 2015

Date : 18.04.2024

Time : 03.15 P.M.

Name : Mr.Soundararajan (PW 1)

PW1 Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q121: Mangaleshwari did not believe you that is why she did not discussed with you regarding the Properties. What do you say?

A: I do not know.

Q122: Did Mangaleshwari discuss with you regarding properties?

A: No.

Q123: I put it to you that she did not believe you so she never discussed with you regarding properties?

A: It is wrong.

124: You have put Mangaleshwari under physical, mental and financial control and she did not have any free mind to do anything?

A: It is wrong.

Q125: You have already said that you have taken care of day to day affairs and spent Rs.6 lakhs towards medical expenses, that is why she was under financial control of you?

A: Money was given to me by my mother and I expensed the same for her.

Q126: How much money was given to you by your mother?

A: Rs.5 lakhs.

Q127: Which year she gave Rs.5 Lakhs?

A: In the year of 2005.

Q128: Is Ex.P1 Will was also in the year of 2005?

A: Yes.

Q129: How much money was spent by you towards Medical Expenses for your mother Mangaleshwari?

A: Rs.6 lakhs spent.

Q130: Because your mother Mangaleshwari did not believe you, you have obtained her signature through Mr.Palaniyappan?

A: I deny.

Q131: Is there any Monetary Transaction in between yourself and Palaniyappan?

A: No.

Q132: Did you bring Palaniyappan to do Panchayat in your family affairs?

A: No.

Q133: How many sons Palaniyappan do have?

A: No sons.

Q134: Whether Palaniyappan was doing business?

A: Yes, Glass Merchant.

Q135: Did you give money by way investment to Palaniyappan's Business?

A: No.

Q136: I put it to you that you invested nearly Rs.20,00,000/- lakhs

in Palaniappan's Business and that is the reason for Palaniappan to procure Ex.P1??

A: I deny.

Q137: Are Palaniappan and M.K.Raja friends?

A: No.

Q138: Whether Palaniappan and M.K.Raja met each other?

A: I do not know whether they know each other.

Q139: When Palaniappan and M.K.Raja are not know each you are the only link in between this two persons?

A: It is wrong.

Q140: Whether M.K.Raja is known to you?

A: He is my Family Astrologer.

Q141: Is he your Astrologer also?

A: No.

Q142: Do you practice Astrology?

A: No.

Q143: I put it to you that M.K.Raja and you are practicing Astrology?

A: I deny.

Q144: Is Palaniappan available now?

A: Yes.

Q145: Is Mr.N.K.Raja available?

A: No. I came to know he passed away.

Q146: When did M.K.Raja pass away?

A: I do not know.

Q147: Did you obtain any signature from M.K.Raja for this Case?

A: I have not obtained.

Q148: Did you meet Mr.Raja after 2008?

A: No.

Time: 03.45 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

T.O.S.9 of 2015

Date : 23.06.2025
Time : 03.25 P.M.

Name : Mr.Soundararajan (PW 1)

PW1 Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q149: Ex.P6 is shown to the witness. This Ex.P6 is the affidavit of attesting witness Palaniappan, PW2. Is it right?

A: Yes.

Q150: In para 2 of Ex.P6 there are three corrections without authentication. Is it right?

A: Yes. Three corrections were there but no authentication affixed in those corrections.

Q151: Is this affidavit was given to Mr.Palaniappan by yourself or someone else?

A: I myself got the signature.

Q152: Ex.P6 is date 3rd September 2012, did you meet Mr.Palaniappan, if so where?

A: At his residence.

Q153: Is it correct to state that his residential address is at No.52, North Bogg Road, T.Nagar, Chennai?

A: Yes.

Q154: Did PW2 immediately signed this affidavit and gave it back

to you?

A: He gone through the affidavit and then he signed in the affidavit.

Q155: After receiving this Ex.P6 what did you do?

A: After receiving Ex.P6 from PW2, I took it to the Advocate Mr.Jyothinarayanan for attestation.

Q156: What is the office address of Mr.Jyothinarayanan?

A: I do not remember now.

Q157: In Ex.P6 it is mentioned as No.9/2, Kalingarayan 3rd street, Old washermanpet, Chennai 600 021. Is it correct?

A: Yes.

Q158: Did you pay any money to Jothinarayanan for attestation?

A: No. I took my advocate.

Q159: Who is your Advocate, who came with you?

A: Advocate Mr.D.Arunachalam.

Q160: I put it to you that since P.B.Palaniappan did not sign in the presence of Mr.Jyothinarayanan. So, Ex.P6 is invalid?

A: I deny.

Q161: Similarly, you have taken another affidavit from M.K.Raja. Is it right?

A: Yes.

Q162: What is the residential address of Mr.M.K.Raja?

A: No.10, Vallalar Street, Redhills, Chennai – 600 052.

Q163: Did you first go to T.Nagar, Palaniyappa's residence or

Redhills?

A: First I went to T.Nagar.

Q164: After obtaining signature from Palaniayappan, where you went?

A: I went to Redhills.

Q165: After obtaining signature from both the affidavits, where did you went?

A: I went to meet Advocate Mr.D.Arunachalam.

Q166: Only there after you went to the office of Mr.Jyothi Narayanan. Is it right?

A: Yes. I went along with my Advocate Mr.D.Arunachalam.

Q167: So, yourself with D.Arunachalam went to meet Mr.Jyothi Narayanan for attestation?

A: Yes.

Q168: Are you aware that Mr.Palaniappan has given evidence saying that when he visited your house for the purpose of attesting Ex.P1 Will, Mr.Velmurugan was present?

A: I do not know.

Q169: I put it to you that you are concealing material information?

A: I deny.

Q170: Similarly, Mr.Palaniappan says in his evidence that he does not know the second attesting witness M.K.Raja and so, he could identify him during attestation?

A: I do not know.

Q171: Can you inform when Velmurugan who is his grandson was

present why his attestation was not taken?
A: I do not know.

Q172: PW2 has given evidence saying that Ex.P1 was prepared by an Advocate. What do you say?
A: I do not know.

Q173: PW2 has given evidence, saying that he has not delivered Ex.P1 to you?
A: After my mother's death, Will was given to me by P.B.Palaniappan (PW2).

Q174: Do you know how Ex.P1 came into the custody of P.B.Palaniappan?
A: I do not know. But, Mr.Palaniappan told that the Will was given to him by my mother.

Q175: Why is that your mother did not give Ex.P1 directly to you and gave it to Mr.P.B.Palaniappan?
A: I do not know.

Q176: I put it to you that because the Will was fabricated by

yourself along with Mr.P.B.Palaniappan and M.K.Raja inorder to make out an unnatural case?

A: I deny.

Time: 04.00 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,

HIGH COURT, MADRAS

T.O.S.9 of 2015

Date : 14.07.2025

Time : 03.10 P.M.

Name : Mr.Soundararajan (PW 1)

PW1 Cross Examination continuation of PW1 by Mr.K.S.Sundar, the learned counsel for the Second Defendant.

Solemnly affirmed:

Q177: Ex.P1 Will alleged to have executed on 10.03.2005. On 10.03.2005 were you staying in your own house?

A: Yes. I was in the first floor of my house.

Q178: Upto what time you are staying in your house?

A: Till 09.30 AM.

Q179: Then thereafter where did you go?

A: I went to my business place at Redhills.

Q180: From your house to business place will it be half a kilometer distance?

A: Yes.

Q181: Will you comeback to your house for Lunch?

A: No.

Q182: At what time did you return to your house?

A: Evening 07.00 PM.

Q183: When you came back at 07.00 PM who are all present in your house?

A: My two sons and my wife.

Q184: Was your mother Mangaleshwari present?

A: My mother was in the ground floor.

Q185: Did your wife say anything about the unusual happening in the house on that day?

A: At that time she did not told anything.

Q186: When did she tell you?

A: My wife never said anything at all.

Q187: I put it to you that in the morning around 08.30 AM you threatened your mother Mrs.Mangaleshwari and obtained her signature in the Ex.P1 alleged Will?

A: I deny.

Q188: I put it to you that when Mrs.Mangaleshwari signature was obtained, both the attesting witnesses were not present?

A: I do not know.

Q189: After you left for your business place your mother Mrs.Mangaleshwari complained to your wife and others present in the house that you threatened and obtained signature?

A: I deny.

Q190: The said complaint by your mother Mangaleshwari was also heard by the persons who were present at that time in your house?

A: I deny.

Q191: The second attesting witness Mr.Raja never met your mother Mangaleshwari and you only obtained his signature ?

A: I deny.

Q192: Are you going to examine to identify the signature of

deceased Raja's wife or children?

A: No.

Q193: When PW2, Mr.P.V.Palaniapan the other attesting witness, came about 04.00 pm to your house as instructed by you both yourself and Raja were absent in the house?

A: I do not know.

Q194: PW2 Mr.Palaniappan signed as attesting witness as requested by you and not requested by your mother Mangaleshwari?

A: I deny.

Q195: Only because of the said instructions, you came back at 07.00 PM when everything is finished?

A: I deny.

Q196: Ex.P1 Will is fabricated and created by you.

A: I deny.

Q197: Is it right to say that the properties covered under Ex.P1 Will are in the possession of you?

A: I deny.

Q198: Such properties are in whose possession?

A: Nobody are in possession, Property lying vacant.

Q199: In Ex.P1 Will contains there is a strip of agricultural land situated at Kannigaiperu Village.

A: Yes. It is vacant.

Q200: It is not in your possession?

A: Yes.

Q201: Are you ready for the appointment of Court Receiver for

maintaining the property?

A: Not necessary.

Q202: Is there any contempt proceedings before this Court against you?

A: No. No contempt proceedings relates to this Will.

Q203: Regarding which proceedings contempt initiated?

A: I do not know about the proceedings.

Q204: Are you produce the Order passed by Justice Kumaresh Babu in Contempt Proceedings?

A: I do not have the order copy.

Q205: Did you attend such contempt proceedings?

A: I do not know.

Q206: I put it to you that you have attend the contempt proceedings and now you are falsely deposing before this Court?

A: I deny.

Q207: I put it to you that the contempt proceedings relate to Kannigaiper lands which were sold by you and again you are taken steps to again grab it back?

A: I deny.

Q208: I put it to you Ex.P1 Will was allegedly executed with undue

force and illegal attestations and hence it is not valid and your claim is liable to be rejected?

A: I deny.

Time: 03.55 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