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

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