

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

T.O.S.No.94 OF 2013

Date: 22.10.2024

Time: 12.40 P.M.

Name : Ms. Sandhya Sailesh (PW1)

Continuation of Cross Examination by Mr.Siddarth Bahety, Learned counsel for the Defendants.

Solemnly Affirmed:

Q23: Why cannot you produce your Birth Certificate?

A: Because I do not have it.

Q24: (Photocopy of the Birth Certificate of Ms. Sandhya Sailesh is shown to the witness). Is this your Birth Certificate?

A: No. Because, my name is not there.

Q25: (Photocopy of the Birth Certificate of Ms. Sandhya Sailesh is shown to the witness). The date of birth mentioned in this document is the day you were born. Is it correct?

A: Yes.

Q26: (Photocopy of the Birth Certificate of Ms. Sandhya Sailesh is shown to the witness). The mother's name Meera mentioned in this document is your biological mother's name?

A: It is not her correct name. Meera is not her full name.

Q27: (Proof affidavit is shown to the witness). Is your proof affidavit signed by you?

A: Yes.

Q28: (Proof affidavit is shown to the witness). In your proof affidavit D1's name is mentioned as V.Meera. Is it correct?

A: Yes.

Q29: I put it to you that the date of birth, your mother's name, your father's name, the address of your parents staying are factually correct as stated by you in the proof affidavit and you are deliberately denying the document (Birth Certificate of you).

A: I deny.

Q30: In your cross examination earlier done you mentioned that as per Hindu customs you are the daughter of Ranganathan and Sudhamani. What are those Hindu customs?

A: I do not know. Because, I was too young.

Q31: Did Ranganathan and Sudhamani have their own children?

A: No.

Q32: Is it correct that Chengavalli Thayaramma was staying along with Padmavathy, her husband Ramachandran and their children in No.7, Kasichetty Lane property?

A: Yes. Witness adds: After the death of Sampath Chetty and his wife Andalamma.

Q33: When was the alleged WILL executed by Chengavalli Thayaramma?

A: 1972. I do not remember the exact date. Witness adds: Chengavalli Thayaramma had first written a WILL and then Andalamma wrote a WILL. After Andalamma died Chengavalli Thayaramma was very much alive and she told that was her last WILL executed.

Q34: According to you, when the alleged WILL of Chengavalli Thayaramma was executed Padmavathy, Ramachandran were staying with Chengavalli Thayaramma in

No.7, Kasichetty Lane property?

A: Yes.

Q35: What is the date of death of Chengavalli Thayaramma?

A: I am not sure.

Q36: Chengavalli Thayaramma had only one daughter namely Padmavathy. What was the date of death of Padmavathy?

A: 05.07.2006.

Q37: What is the date of death of Padmavathy's husband Ramachandran?

A: I do not remember the date. But, I know the year was 1990.

Q38: In whose handwriting is the alleged WILL written?

A: Andalamma.

Q39: On what date was the WILL written?

A: I do not know.

Q40: (Ex.P1 WILL and the English translated copy of the WILL are shown to the witness). When was the alleged WILL written by Andalamma?

A: I do not know.

Q41: What are the properties owned by Chengavalli Thayaramma?

A: There are so many properties. I need to see the documents. (All the documents filed by the plaintiff are shown to the witness). These documents do not have the particulars.

Q42: What are the properties owned by Chengavalli Thayaramma?

A: Totally 7 properties.

Q43: Can you please give the addresses of the properties owned by Chengavalli Thayaramma?

A: No.7, 8 and 9, Kasichetty Street, Jafferkhanpet, Thiruvotriyur and for other 3 more

properties, I am not sure about the location.

Q44: At present who is occupying D.No.7, Kasichetty Lane property?

A: My uncle Mr.Venkata Bashyam.

Q45: Is he a party in this case?

A: Yes.

Q46: Is he a plaintiff or defendant?

A: I do not know about that.

Q47: (Proof affidavit is shown to the witness). Does Venkata Bashyam's name find the place anywhere in the proof affidavit?

A: It is mentioned in Pg.No.2.

Q48: (Proof affidavit is shown to the witness). Please show me where is Venkata Bashyam written?

A: It is not mentioned. Witness adds: But, in Pg.No.2 it is mentioned as G.V.Bashyam.

Time: 01.20 P.M.

Continuation Time: 03.15 P.M.

Solemnly Affirmed:

Q49: Who is in possession of D.No.8 and 9, Kasichetty Lane property?

A: I am in possession.

Q50: Is D.No.8 and 9, Kasichetty Lane residential or non-residential property?

A: residential and non-residential.

Q51: Are you living there?

A: No.

Q52: Then how are you in possession of D.No.8 and 9, Kasichetty Lane?

A: I have one floor which is under my control and I am using it.

Q53: Which floor are you in possession of?

A: I am in possession of 3rd floor.

Q54: How many floors does the building consists?

A: 3 floors.

Q55: Who is in possession of Ground, 1st and 2nd floors?

A: There are shopkeepers, tenants.

Q56: Is it correct that there are 10 tenants in D.No.8 and 9, Kasichetty Lane in the Ground, 1st and 2nd floors?

A: No.

Q57: According to you, how many tenants are there?

A: 2 tenants are there.

Q58: Are you collecting rents from these two tenants?

A: I am not getting any rents.

Q59: Can you please tell the Court what are the name of the tenants?

A: Suresh is in one portion, Mita Lal (Pravin) is in another portion.

Q60: Which floor is Suresh occupying and how much portion?

A: Suresh is occupying the 1st and 2nd floors comprising of 700 sq.ft.

Q61: Which floor is Pravin occupying and how much portion?

A: Pravin is occupying the Ground floor comprising of 500 sq.ft.

Q62: Since when have they not paid the rents?

A: For the last 2 years.

Q63: Before that you were collecting the rents from them?

A: In the year of 2019 my father Mr.Ranganathan passed away. 2021 onwards I have been collecting the rents.

Q64: What is the monthly rent payable by Suresh to you?

A: The 1st floor by Suresh I get Rs.7,500/-. 2nd floor I get Rs.15,000/-.

Q65: What is the monthly rent payable by Mita Lal (Pravin) to you?

A: I get Rs.7,500/- from Mita Lal. Witness adds: In the Ground floor Manja Lal also running the shop together I get Rs.7,500/- for the ground floor.

Q66: From when was Y.Ranganathan collecting the rents from the tenants in D.No.8 and 9, Kasichetty Lane?

A: Mr.Y.Ranganathan was living there. That was his residence.

Q67: You said before you, your father Ranganathan was collecting the rents. I am asking from when was Y.Ranganathan collecting the rents?

A: From 1998 Y.Ranganathan collecting the rents from the tenants in D.No.8 and 9, Kasichetty Lane .

Q68: Was Y.Ranganathan residing in the said property as a tenant or a owner or a care taker or a permissive occupant?

A: Y.Sudhamani was the owner of the place. As a husband Y.Ranganathan residing in the said property.

Q69: How did Y.Sudhamani become the owner of D.No.8 and 9, Kasichetty Lane?

A: Because she was given that property as a gift from her father.

Q70: Have you filed that Gift Deed before this Court?

A: I am not aware of the facts.

Q71: According to you, when did Sudhamani's father gift her the property?

A: Sudhamani was a foster daughter of Mr.Sampath Chetty. As he became old she moved in to D.No.8 and 9, Kasichetty Lane to take care of the old parents. Witness adds: I do not know the dates of Sudhamani's father gift her the property.

Q72: According to you, D.No.8 and 9, Kasichetty Lane property belonged and owned by Sudhamani's father and he gifted it to Sudhamani. Is it correct?

A: Yes.

Q73: Have you filed the Statement of Account as to how much rent you and Y.Ranganathan have collected so far from D.No.8 and 9, Kasichetty Lane property?

A: I have come in the place of Sudhamani after my father's death. I do not know whether they have filed the Statement of Accounts.

Q74: I put it to you that D.No.8 and 9 is not either Sudhamani's personal property or Ranganathan's personal property and you do not have any right to collect and pocket the rents deriving from D.No.8 and 9, Kasichetty Lane and it belongs to all the beneficiaries, all the legal heirs of Chengavalli Thayaramma,.

A: I do not know.

Q75: (Proof affidavit is shown to the witness). In Para.2 of the proof affidavit filed by you, you have mentioned that "I am the great grandson to the testatrix". Is it correct?

A: It is typed in the Para.2 of the proof affidavit as great grandson. But, it should be great grand daughter.

Q76: (Proof affidavit is shown to the witness). In Para.4 of the proof affidavit you have mentioned "the properties mentioned in the WILL has been enjoyed by respective parties". The properties are enjoyed by whom and in what capacity?

A: The properties enjoyed by Mr.Bashyam who is the son of Mrs.Padmavathy.

Q77: Is it correct to state that likewise Sudhamani is also enjoying the property in D.No.8 and 9, Kasichetty Lane?

A: Yes.

Q78: Other than Bashyam and Sudhamani no body else are enjoying the property of Chengavalli Thayaramma. Is it correct?

A: No.

Q79: Who else and in what capacity are enjoying the properties of Chengavalli Thayaramma other than Bashyam and Sudhamani?

A: Other properties of Chengavalli Thayaramma are all litigated.

Q80: In those properties does Bashyam and Sudhamani are also have right and share?

A: Yes.

Q81: (Proof affidavit is shown to the witness). In Para.5 of your proof affidavit you have mentioned that "the WILL did not get it probated due to the reason that the WILL have been acted upon and benefits of the WILL also has been enjoyed by all the parties concerned". Please explain how the WILL has been acted upon?

A: They have been living according to the WILL. Whatever was in the WILL has been acted upon.

Q82: (Proof affidavit is shown to the witness). In Para.5 of the proof affidavit you have mentioned that "hence, no necessity arisen to probate the WILL immediately". Please explain?

A: I do not know. They followed whatever was in the WILL.

Q83: (Proof affidavit is shown to the witness). What are the shares and bank deposit of Chengavalli Thayaramma as stated by you in Para.5 of your proof affidavit?

A: I do not know.

Q84: (Proof affidavit is shown to the witness). In Para.7 of the proof affidavit you have mentioned that "there are exchange of letters with regard to probate the WILL between the members". Have you filed those letters before this Court?

A: I do not know about the letters.

Q85: These letters that is mentioned in Para.7, are written by whom and to whom?

A: I do not know anything about the letters. How I would know those letters was written by whom and to whom.

Q86: I put it to you that no such letters were ever written by anybody regarding getting consent from the members to probate the WILL and that is why they have not been filed in this Court?

A: I do not know.

Q87: (Proof affidavit is shown to the witness). In Para.7 of your proof affidavit you have mentioned that "the entire movables of Chengavalli Thayaramma are in the custody of the 2nd plaintiff Bashyam". Is it correct?

A: I do not know.

Q88: Is it correct to state that Chengavalli Thayaramma always used to sign and never affix her left thumb impression?

A: I do not know.

Q89: I put it to you that on 01.05.1971 when the alleged WILL was executed by Chengavalli Thayaramma she was unwell, bed ridden, not in a sound state of mind and she never ever executed any WILL.

A: I deny. Witness adds: There is a WILL and we produced it.

Q90: I put it to you that as Chengavalli Thayaramma's daughter Padmavathy and her husband Ramachandran were living with her in D.No.7, Kasichetty Lane. If Chengavalli

Thayaramma had executed any WILL her daughter and son-in-law would certainly be aware of the fact that Padmavathy and Ramachandran are not aware or the children of Padmavathy are not aware this WILL is not genuine and is a forged and fabricated document.

A: I deny. They were very much aware of it.

Q91: I put it to you that the thumb impression found on the WILL is not that of Chengavalli Thayaramma and it has been forged by Ranganathan.

A: I deny.

Q92: (Ex.P1 WILL in Telugu and the English translated copy of the WILL are shown to the witness). Is it correct to state that the schedule of properties with the boundaries and extent are not found in the WILL?

A: Yes.

Q93: (Ex.P1 WILL in Telugu and the English translated copy of the WILL are shown to the witness). Is it correct to state that the signature of the two witnesses are not found in Ex.P1 WILL?

A: Yes.

Q94: I put it to you that Chengavalli Thayaramma intended that the properties been enjoyed by all the children of her only daughter Padmavathy equally and that is why she never executed any WILL during her lifetime.

A: I deny.

Q95: I put it to you that the fact that the alleged WILL was brought out for the first time after 40 years, that too after the death of Padmavathy and Ramachandran is proof that this WILL was never executed by Chengavalli Thayaramma.

A: I do not know. Witness adds: I deny.

Q96: Have you filed the Valuation Report into this Court with regard to arriving at the

value of the property at Rs.26,00,000/-?

A: I do not know.

Q97: Is it correct that the total extent of D.No.7,8 and 9 of Kasichetty Lane is around 3,000 sq.ft?

A: I do not know.

Q98: I put it to you that the value of D.No.7,8 and 9 of Kasichetty Lane properties are much more than Rs.26,00,000/- and it is around Rs.15 crores at the time of the filing of the OP and deliberately the properties have been under valued in order to avoid paying adequate stamp duty.

A: I do not know.

Time : 04.20 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-III