

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.
TOS.No.25 OF 2022

Date: 16.04.2025

Time: 12.30 P.M.

Name : Mr. H.Rajkumar (DW1)

Continuation of Cross Examination by Mr.Duraikkan S Phillip Learned counsel for the Plaintiff.

Solemnly Affirmed:

Q61: Are you aware that your counsel was given notice dated 19.03.2025 to produce your Passports, Income Tax Returns and Statement of Accounts for the period from 1987-2001?

A: Yes.

Q62: (Office copy of the Notice dated 19.03.2025 is shown to the witness). Is this the notice dated 19.03.2025?

A: Yes.

Ex.P23 is the Office copy of the Notice dated 19.03.2025.

Q63: (Original Reply dated 01.04.2025 is shown to the witness). Is this the reply dated 01.04.2025 for Ex.P23?

A: Yes.

Ex.P24 is the Original Reply dated 01.04.2025.

Q64: When did you received the copies of the documents filed by the plaintiff in OP.No.597/2021?

A: I do not remember.

Q65: Did you send any notice through counsel asking for the documents in OP.No.597/2021?

A: I do not remember.

Q66: (Ex.P1 to P22 are shown to the witness). Did you see these documents filed by the plaintiff before this Court or copies of the documents?

A: I have seen Exs.P22,8 and 5.

I have not seen Exs.P21,20,19,18,17,16,15,14,13,12,11,10,9,7,6,4,3,2,1.

Q67: (Ex.P5 is shown to the witness). Did you see the original or copy of Ex.P5, Will?

A: I have seen only the copy of the will.

Q68: Whether you were given the copy of Ex.P5 will or seen the copy of the will?

A: I do not know. Witness adds: I am confused with the way of asking questions.

Q69: (Ex.P5 is shown to the witness). Do you recognize the signature in the bottom of the first page of Ex.P5 will?

A: I recognize the signature.

Q70: (Ex.P5 is shown to the witness). Whose signature is that?

A: It is my father's signature.

Q71: (Ex.P5 is shown to the witness). Do you recognize the signature in Pg.No.2 of Ex.P5 will in the left hand side below the date?

A: It is my father's signature.

Q72: (Ex.P5 is shown to the witness). Do you know the persons who has signed as witnesses 1, Durga Prasad and 2, Sunita Goyal?

A: No, I do not know them.

Q73: Do you know who his Kamalesh Srichand?

A: She is one of my father's family friend who borrowed money from my father a sum of Rs.1,00,00,000/-.

Q74: (Written statement is shown to the witness). In your written statement in Pg.No.3, Para.5 you have mentioned the name of Kamalesh Srichand H.Asrani as a male person

(Line.No.11 to 13). Is it correct?

A: There is no male person written there.

Q75: What is your educational qualification?

A: B.com.

Q76: Is it correct to state that you are versant in reading and writing in English?

A: Yes.

Q77: I put it to you that you are deliberately saying that in the written statement you have referred to Mrs.Kamalesh as Mr.Kamalesh.

A: I deny.

Q78: Mr.Ashrani is the husband of Mrs.Kamalesh and is a friend of your father. Is it correct?

A: Yes. But Mr.Ashrani died long back and Mrs.Kamalesh died recently.

Q79: When did Mr.Ashrani and Mrs.Kamalesh passed away?

A: Mr.Ashrani passed away 10 years back and Mrs.Kamalesh passed away 2 weeks back.

Q80: Have you stated anywhere in your written statement or your proof affidavit on which date the alleged sum of Rs.1,00,00,000/- was given by your father to Mrs.Kamalesh?

A: We have stated only the amount but not the date because my father had mentioned that he has given that money to Mrs.Kamalesh.

Q81: Have you stated anywhere in your written statement or your proof affidavit that your father informed about the answer to Q.No.80?

A: No. Witness adds: Now only this question is asked and I answered to that question.

Q82: You have not filed any documents before this Hon'ble Court to prove the money transactions between your father and Mrs.Kamalesh. What do you say?

A: No.

Q83: (Ex.P5 is shown to the witness). When did you come to know first about the existence of Ex.P5 Will?

A: The plaintiff only said about the will to me but he had not shown the will to me for more than 2 years.

Q84: I put it to you that you have not stated in your written statement or in your proof affidavit that you visited your father everyday at his place.

A: I do not remember.

Q85: I put it to you that you had caused heavy loss in the businesses you were doing along with your father and the plaintiff and not taking care of him that is why you issued Ex.P24 refusing to produce the documents called for in Ex.P23.

A: I deny. Witness adds: First of all, it is the partnership concern. So, there is no pin pointing of any specific partners that you have done the loss. I have taking care of my father. The reason I refused to send the documents is because it is not relevant to the case related to will.

Q86: Have you at any point of time asked your father for dividing his properties after his lifetime 60% to the plaintiff and 40% to you?

A: No, I have not asked.

Q87: Were you admitted in Apollo Hospital at one point of time and your father visited you?

A: Yes, I was admitted.

Q88: For what reason you were admitted in Apollo Hospital?

A: I met with an accident that is why I got admitted.

Q89: I put it to you that at the time of the visit, your father at Apollo Hospital you asked 60% to the plaintiff and 40% to you.

A: I deny.

Q90: Have you filed any suit for partition after your father's demise for his properties?

A: No. Witness adds: Because of the will case I have not filed any suit for partition.

Q91: (Ex.P5 Will is shown to the witness). Has Mrs.Kamalesh signed in Ex.P5 Will?

A: There is no signature of Mrs.Kamalesh.

Q92: Are you familiar with the handwriting of Mrs.Kamalesh?

A: No.

Q93: I put it to you that, you cannot say the Ex.P5 is in the handwriting of Mrs.Kamalesh.

A: I do not recognize her handwriting.

Q94: I put it to you that therefore, your allegation that plaintiff and Mrs.Kamalesh colluded to make out this Ex.P5 Will is not correct.

A: I deny.

Time : 01.35 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-III