

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

Date: 27.06.2025

Time: 02.50 P.M.

Name : Mr. H.Rajkumar (DW1)

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

Solemnly Affirmed:

Q95: In Para.4 of your written statement you have stated that due to sudden cardiac arrest your father died on 29.07.2017 at his residence. How did you come to know he died due to sudden cardiac arrest?

A: I was informed by my brother's house that my father passed away. When I visited to my brother's house I came to know that due to sudden cardiac arrest my father passed away.

Q96: Who informed you from your brother's house?

A: I do not remember.

Q97: (Para.4 of written statement is shown to the witness). Please read Para.4 and say when did your father say that he wants to get discharged from Devaki Hospital?

A: He has been saying from very long time. Some days before the discharge he has been telling.

Q98: So, according to you, your father got discharged as per his desire to breath his last at his residence?

A: According to doctor's advice only he got discharged.

Q99: Does the discharge summary given by Devaki hospital say your father can be discharged or is it against medical advice?

A: I do not remember.

Q100: I put it to you that your father was in good health and sound mind at the time of discharge from Devaki hospital.

A: My father was already suffering from many diseases and also had chronic kidney disease. Witness adds: Before discharge my father was going through blood transfusion.

Q101: Have you stated anywhere in your written statement that your father was going through blood transfusion?

A: I do not remember. Witness adds: It was in discharge summary.

Q102: Do you know the names of the doctors whom your father was consulting?

A: I do not remember.

Q103: Have you ever accompanied your father for any such consultation with his doctor?

A: No. Witness adds: But, when I was in the hospital with him the doctors used to check him and I was present at that time.

Q104: Can you tell the date or atleast the month and year you were with your father in the hospital?

A: I do not remember.

Q105: (Ex.D1 is shown to the witness). In Ex.D1, can you tell who was the doctor who certified the death summary?

A: I do not remember. Witness adds: They called the nearby doctor near their house and he prepared the death summary.

Q106: (Ex.D1 is shown to the witness). How did you get the possession of Ex.D1?

A: I was there when they had called the doctor for confirming that my father had passed away.

Q107: I put it to you that your allegations about your father suffering from chronic kidney disease, chronic diabetes and hypertension and that he died due to sudden cardiac arrest is only based on Ex.D1 and not of your own knowledge.

A: I deny.

Q108: Do you know what are the medicines and what was the dosage prescribed for your father for your alleged illnesses of your father?

A: I do not remember.

Q109: Do you know how many tablets your father was taking everyday from the year of 2019?

A: He has been taking many tablets for his diseases. So, I do not used to check how many tablets he was taking. Before his death he changed to Homeopathy for the last 6 months.

Q110: Can you name the Homeopathy doctor to whom your father went?

A: I do not remember.

Q111: Atleast do you remember which place was the Homeopathy doctor your father Visited?

A: I do not remember.

Q112: You have not stated either in your written statement or proof affidavit that your father changed to Homeopathy for the last 6 months?

A: I do not remember. Witness adds: He used to take both English medicines and Homeopathy medicines.

Q113: (Para.5 of written statement is shown to the witness). I put it to you that in Para.5 of your written statement due to heavy medication for his hypertension and other health issues your father was not having very good health is your own imagination as you do not know anything about your father's health condition or his treatment.

A: I deny.

Q114: Which temple your father used to visit?

A: He used to visit many temples. One of them is Balaji temple at T.Nagar.

Q115: If I say your father went to attend the business at Central Motors shop everyday till his death can you deny?

A: I deny.

Q116: If I say your father was attending the online share business everyday till his death can you deny?

A: I deny. Witness adds: Online he can do with laptop from house itself. He did not had to go to the shop.

Q117: Are you saying there is no facility to do the online share business from the shop?

A: I did not say so.

Q118: (Para.5 of written statement is shown to the witness). You have stated in para.5 that the plaintiff is also in sound state of mind. What is the document to prove the same before this Court?

A: I do not remember.

Q119: (Ex.D1 to D3 are shown to the witness). I put it to you that there is no such document to prove your allegation for your answer to the Q.No.118.

A: I deny.

Q120: (Ex.P5 Will is shown to the witness). Is it your case that your father's signatures was obtained in blank papers and later filled by the plaintiff and Mrs.Kamalesh in Ex.P5 Will?

A: Yes.

Q121: (Ex.P5 Will is shown to the witness). Have you stated anywhere in your written

statement or your proof affidavit that it was obtained in blank papers and later filled?

A: I do not remember.

Q122: I put it to you that you have not stated anywhere in your written statement or your proof affidavit that it was obtained in blank papers and later filled.

A: I deny.

Q123: (Ex.P5 Will is shown to the witness). In Ex.P5 Will, are you now saying that your father's signatures found therein are not true signatures?

A: Both the signatures are different.

Q124: By saying both the signatures of your father are different are you saying there is difference between the first sheet and the second sheet or both the signatures found therein are not of your father's signature?

A: The signatures are different. Witness adds: I cannot say whether the signatures are my father are fake or not. But both are different signatures between first and second sheets.

Q125: Kindly see your answers to Q.Nos.69,70 and 71 where you recognized the signatures in Ex.P5 is that of your father. Is it correct?

A: I recognized my father's signature. At that time I said yes. But now when he is asking if there is difference in the signatures in first and second pages I said yes. It looks like my father's signature.

Q126: I put it to you that having admitted your father's signature in Ex.P5 to Q.Nos.69,70 and 71 you are now cleverly deviating and giving false evidence before this Court about your father's signatures in Ex.P5.

A: I deny.

Q127: Did Mr.Srichand H.Asrani have any money transactions with your father?

A: My father had informed me that Mr.Srichand H.Asrani and Mrs.Kamalesh (Husband

and Wife) borrowed Rs.1 Crore from my him.

Q128: You have not stated that your father had informed this information about such borrowing in your written statement or proof affidavit. What do you say?

A: Yes, I have not stated.

Q129: I put it to you that you are making a false improvement in your evidence now by saying it is a family borrowing by husband and wife.

A: I deny.

Q130: I put it to you that you have not filed any documentary proof to prove that Mr.Srichand H.Asrani has borrowed any amount from your father.

A: I do not remember.

Q131: I put it to you that as you have not accompanied your father for any of his medical consultation with the doctor and do not know anything about the medical treatment of your father, your allegation that he was not of sound mind is false.

A: I deny.

Q132: I put it to you that you have not produced any document to show that your father was under constant treatment and every now and then was hospitalized and discharged for various health issues and ailments and therefore, Ex.P5 Will is not valid.

A: I deny.

Time : 03.55 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

