

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

Date: 24.07.2025

Time: 12.05 P.M.

Name : Mr. H.Rajkumar (DW1)

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

Solemnly Affirmed:

Q133: Can you tell this Court the Mobile Number which you were used in USA as well as in India?

A: I do not remember.

Q134: (Screen printout taken from plaintiff's Mobile Number is shown to the witness) Kindly see this document and the mobile number +1 201-895-9824 shown as mobile/new jersey. Is this your mobile number?

A: Yes.

Q135: On 20.01.2020 you sent an SMS through this mobile number to the plaintiff stating that you have registered a case getting Court order to state the Will is invalid. Is it right?

A: I do not remember. Witness adds: I have not registered any case.

Q136: Is it right the mobile number 9840042383 is yours?

A: It was mine before not now.

Q137: During June 2019, was it your mobile number?

A: I do not remember.

Q138: Did you sent an SMS to the plaintiff on 26.06.2019 that you missed the flight and coming from USA only the next night?

A: I do not remember.

Q139: I put it to you that you were out of the country during June 2019 and that is why you refused to produce your passport and also now giving evasive reply that you did not remember?

A: I deny.

Q140: (Ex.P5 Will is shown to the witness) Please tell this Court whether you sent any SMS to the plaintiff stating that you are challenging this Ex.P5 Will?

A: I do not remember.

Q141: When did you first come to know the existence of Ex.P5 Will?

A: After a year I came to know.

Q142: I put it to you that Mrs.Kamlesh Srichand had already informed you about the Will prior to your claim to know after a year?

A: I deny.

Q143: I put it to you that initially when Mrs.Kamlesh Srichand called you to receive the copy of the Will and see the original you refused.

A: I deny.

Q144: I put it to you that later you receive the copy of the Will from Mrs.Kamlesh Srichand but told the plaintiff that it is not a genuine Will.

A: I deny.

Q145: (Written statement is shown to the witness) Have you stated anywhere in your written statement the date of which you came to know the existence of the Ex.P5 Will?

A: 11.09.2021 we have sent a notice.

Q146: (Ex.D3 is shown to the witness) Kindly see your notice dated 11.09.2021 have you stated anywhere in this notice that you came to know about the existence of Ex.P5 Will?

A: No.

Q147: Are you aware that your father was doing share business through Indbank Merchant Banking Services Limited?

A: I know he was doing share business.

Q148: Through which service agent your father was doing share business?

A: I do not remember.

Q149: (Proof affidavit is shown to the witness) In your proof affidavit you have mentioned about properties of 10 grounds at Pattipulam Village do you know when this was purchased and by whom?

A: This property was bought by my father. I do not remember the year. He used to buy in different names because of Income Tax purpose.

Q150: How many properties were purchased by your father in your name for the purpose of Income Tax?

A: I used to buy my own properties. Because I used to pay my own Income Tax.

Q151: Have you filed any document to show that your father purchased properties in different names for the purpose of Income Tax?

A: No.

Q152: Do you know the document number by which the Pattipulam property of 10 grounds was purchased?

A: I do not remember.

Q153: I put it to you that there is no registered document of sale for Pattipulam property of 10 grounds.

A: I deny.

Q154: Have you filed any list of jewels left behind by your mother and father before this Court?

A: No.

Q155: In your proof affidavit you have referred to two carat diamond earring and another 75 cents diamond earrings, diamond necklace sets, grand fathers 3 carat diamond ring, 54 gold coin and other jewelery which will amount to Rs.4 Crores as left behind by your late father. Have you filed any document to prove the same?

A: No.

Q156: According to you, the plaintiff has no separate income and fully dependent on the testator for his survival and that of his family. Is it right?

A: Yes.

Q157: It is also your case that you and your family were independent and not dependent on your father. Is it right?

A: Not true. I deny.

Q158: Have you stated anywhere in your written statement and proof affidavit that you and your family were dependent on your father?

A: No.

Q159: I put it to you that therefore your father giving more share of his properties to the plaintiff and less share to you as per Ex.P5 Will cannot be a suspicious circumstances as alleged by you?

A: I deny.

Q160: Is there any claim from any other heir to the testator's estate?

A: No.

Q161: Are you aware that the Will need not be registered before the Sub Registrar?

A: Yes. I am aware.

Q162: I put it to you that therefore your allegation in the written statement as well as in the proof affidavit that the Will is not registered does not invalidate the Will in any manner

A: I deny.

Q163: When did you raise the issue of partition with the plaintiff of the properties left behind by your father?

A: I do not remember the date.

Q164: Are you aware that it is not compulsory to appoint an executor in a Will?

A: No.

Q165: I put it to you that therefore without knowing the same you have falsely alleged in your written statement as well as proof affidavit that it is surprising there is no executor appointed by your father in the Will?

A: I deny.

Q166: I put it to you that as you are not aware about your father's personal or business life and not produced any evidence before this Court to prove that you were taking care of your father, the mentioning in the Ex.P5 Will by your father about you and his executing the Will giving less share to you and more share to the plaintiff does not amount to any suspicious, surreptitious surrounding circumstances.

A: I deny. Witness adds: I took care of my father.

Q167: I put it to you that it was the plaintiff and his family taking care of your father who lived with them throughout his life and it was you who separated from your father and mother and lived separately.

A: I deny.

Time : 01.01 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