

BEFORE THE ADDITIONAL MASTER III,
HIGH COURT, MADRAS

T.O.S.No. 25 OF 2022

Date : 26.09.2024

Time : 11.05 A.M

Name : Mr. K.Durga Prasad (PW3)

Continuation of cross Examination by M.Meenatchi, Learned Counsel for the Defendant.

Solemnly affirmed:

Q44: Who opened the door when you went to the house?

A: Servant maid.

Q45: How long after you did Sunitha Goyal come?

A: She was already present.

Q46: On the day of signing the WILL when did Mr.Harichand called you?

A: Morning around 10 A.M.

Q47: Where were you when he called you?

A: I was in nearby city.

Q48: I put it to you that Mr.Sanjay and his wife was present when you went.

A: I deny.

Q49: Who told you they were not there?

A: Mr.Harichand.

Q50: What did Mr.Harichand tell you?

A: He already told me that I need to sign as a witness to something.

Q51: Did you enquire the details of what you have to sign?

A: No, I did not enquire him.

Q52: Was the document you were to sign complete when you went?

A: They were writing.

Q53: Who was writing it?

A: Elderly lady apart from Sunitha Goyal. I do not know the name.

Q54: So, you do not know the lady who was writing the WILL?

A: No, that is the first time I saw her.

Q55: How long after you went did you signed the document?

A: Maximum half an hour to 45 minutes.

Q56: So, did you signed immediately after it was written?

A: Ones she wrote she handed over the document to Mr.Harichand and then he signed and told me to sign.

Q57: Who signed it first?

A: Mr.Harichand signed it first.

Q58: Who signed after Mr.Harichand?

A: I signed.

Q59: Did anyone else signed the WILL?

A: After me Sunitha Goyal signed.

Q60: How long did it take the elderly lady to write the WILL?

A: I am not sure about the time. Approximately 30 minutes.

Q61: So, you are aware of the contents of the document?

A: No, not fully. I just read it once and then I signed it.

Q62: Have you stated in anywhere in your affidavit that you saw the elderly lady writing the WILL?

A: Yes.

Q63: What were Mr.Harichand's instructions to the elder lady?

A: I do not remember in detail.

Q64: Did the elderly lady signed in the WILL?

A: No.

Q65: Is it correct to state that according to you, the elderly lady wrote the WILL and gave to Mr.Harichand and Mr.Harichand, the elderly lady, yourself and Sunitha Goyal were all present when Mr.Harichand signed it and you all saw Mr.Harichand sign it?

A: No, the elderly lady left after giving the document to Mr.Harichand. Remaining others were present.

Q66: At whose request the elderly lady write the WILL?

A: Mr.Harichand was dictating and she was writing.

Q67: Is it correct to state that the entire WILL was written by the elderly lady?

A: Yes.

Q68: Did you verify the testator signature while you sign the WILL?

A: I saw him signing. He signed and gave me the document.

Q69: Is it correct to state that in the WILL only your signature is in your handwriting?

A: Yes. Witness adds: Below my signature I wrote my name and the address in my handwriting.

Q70: Who read out the WILL?

A: Mr.Harichand read out the WILL.

Q71: Who all were present when he read it out?

A: I and Sunitha Goyal were present.

Q72: Was the WILL complete when you signed it?

A: Yes, it was complete when I signed.

Q73: Did you ever discuss about the WILL with the plaintiff or the defendant?

A: No.

Q74: I put it to you that Mr.Harichand was unwell while you sign the WILL.

A: I deny. Witness adds: He was fine.

Q75: How many days before the signing of the WILL you visited the hospital to see Mr.Harichand?

A: I do not remember exactly.

Q76: Was he suffering through Kidney issues from 2018?

A: I do not remember.

Q77: In the WILL that you signed it is nowhere mentioned that you witness the dictation while writing the WILL?

A: I signed only as a witness.

Q78: Whom did you leave the WILL with after signing?

A: Mr.Harichand.

Q79: I put it to you that Mr.Harichand was not in the sound and disposing state of mind during the time of the alleged execution of the WILL due to his health conditions.

A: I deny. Witness adds: He was fine.

Q80: I put it to you that you were not on regular visiting terms with Mr.Harichand and so you cannot speak of his state of mind.

A: He was quite active on call and even on personal visit.

Q81: I put it to you that if you had a relationship with Mr.Harichand on regular visiting terms and during occasions then you would have very well known the alleged scribe.

A: We are visiting regularly. But, he never mentioned anything about his health issues.

Q82: I put it to you that if you had a relationship with Mr.Harichand on regular visiting terms and during occasions then you would have very well known the elderly lady.

A: No, I have never seen her before.

Q83: Are you aware who had the custody of the WILL after you signed it?

A: I gave it to Mr.Harichand.

Q84: I put it to you that you did not see Mr.Harichand signed the WILL.

A: I deny. Witness adds: I saw him signed and he gave it to me to sign.

Q85: When did you know about the present suit?

A: I was called to witness to speak about signing the WILL. I am not sure about the date.

Q86: I put it to you that the WILL was not brought about in a lawful manner as Mr.Harichand was not in a sound and disposing state of mind and the execution did not happen as alleged.

A: I deny.

Time: 11.50 A.M

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-III