

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.
TOS.No.25 OF 2020 &
CS.No.184/2023

(Evidence recorded in TOS.No.25/2020 as joint trial along with OS.No.5474/2015 and now in CS.No.184/2023 as per the order of Hon'ble High Court in CRP.No.1684/2016, dated 15.09.2023.)

Date : 12.03.2026
Time : 12.31 P.M

Name : Mr.Vadamalai (PW4)

Age : 82 Years

Father's Name : Mr.Veeraraghavan.

Residential Address : No.4, Jayaraman Nagar, Main Road, Saram,
Pondicherry 13.

Chief Examination by Mr.P.Sreenivasulu, Learned counsel for the Plaintiffs.

Solemnly Affirmed:

Q1: (Ex.P2 Will is shown to the witness) Who prepared this Ex.P2 Will?

A: This Ex.P2 Will is dictated by Mohan and typed by one typist.

Q2: (Ex.P2 Will is shown to the witness) Have you signed in this Ex.P2 Will and show your signature?

A: Yes, I signed as a first attesting witness in Page No.4 of Ex.P2 Will.

Q3: (Ex.P2 Will is shown to the witness) Who signed as the second attesting witness in Ex.P2 Will?

A: Govindhan.

Q4: (Ex.P2 Will is shown to the witness) Whether the nature of the property is written in Ex.P2 Will?

A: Yes.

Q5: (Ex.P2 Will is shown to the witness) As per this Will who got the property on the lower portion?

A: Mr.Harish Kumar, son of Mr.Loganathan.

Q6: (Ex.P2 Will is shown to the witness) As per this Will who got the property on the first floor?

A: The testator's brother's son. I do not remember his name.

Q7: (Ex.P2 Will is shown to the witness) Is it right that the testator's brother name is R.J.Baskaran and his son name is Sriram?

A: Yes.

Q8: (Ex.P2 Will is shown to the witness) As per this Ex.P2 Will the lower portion allotted to Harish Kumar and the first floor allotted to Sriram. Is it correct?

A: Yes.

Cross Examination by Mr.Venkatesan, Learned counsel for the defendants

in TOS.No.25/2020 and CS.184/2023

Q1: (Ex.P2 Will is shown to the witness) Who were all present at the time of dictating the Ex.P2 Will By Mr.R.J.Mohan?

A: Govindhan, Mohan, typist and myself.

Q2: What is your educational qualification?

A: I completed B.L.,

Q3: When you signed in Ex.P2 Will whether you wrote your address?

A: No.

Q4: Whether you wrote your father's name?

A: I think so. Witness adds: Yes, I mentioned.

Q5: Since you completed B.L., degree you very well know that whenever you signed in the document also write father's name and address?

A: If they propose to registered the Will I have to be signed along with my father's name and address. So, at the time of execution of the Will I have not mentioned any other things when I signed in the Will.

Q6: I put it to you that your evidence is not reliable one because of you did not mentioned your address in the Ex.P2 Will.

A: I deny.

Q7: (Ex.P2 Will is shown to the witness) Whether the testator signed in all pages of the Ex.P2 Will?

A: He signed only one page in the Ex.P2 Will.

Q8: Since you completed B.L., degree you very well know that the Will must be signed in all the pages by the testator.

A: Yes. Witness adds: Because of they proposed to register the Will the testator signed only in the last page of the Will.

Q9: At what time this Ex.P2 Will was executed?

A: I do not remember the exact time.

Q10: Whether the Will was executed in the morning or evening?

A: I do not remember. But it is in the day time.

Q11: I put it to you that this Will is not executed by Mr.R.J.Mohan. Now you are falsely depose evidence regarding Ex.P2 Will.

A: I deny.

Q12: I put it to you that as a qualified B.L. graduate if really you will be there you find out the mistakes in the Will and hence you were not present at the time of execution of the Will.

A: I deny.

Q13: You are falsely deposing evidence for the purpose of this case because you were not present at the time of execution of the Will.

A: I deny.

Q14: (Ex.P2 Will is shown to the witness) How many pages the Will was written?

A: 4 pages.

Q15: (Ex.P2 Will is shown to the witness) Is it right that the testator signed in the last page only and not signed in first three pages?

A: Yes, I got the signature of the testator only in the last page.

Q16: (Ex.P2 Will is shown to the witness) Is it right that it is possible to change the unsigned pages of Ex.P2 Will at any time?

A: I deny. Witness adds: If the person is truthful they cannot do likewise.

Q17: (Ex.P2 Will is shown to the witness) Whether the first and second pages of the Ex.P2 Will can be replaced with other one and two pages with some other contents as the testator's signature is not found place in those two pages?

A: How it is possible to change with same contention and same typing machine. So, it is not possible.

Q18: (Ex.P2 Will is shown to the witness) Do you know that the Ex.P2 Will is typed only in Computer not in Typing machine?

A: Typist typed in typing machine.

Q19: I put it to you that Ex.P2 Will is typed in computer not in typewriting machine.

A: No, typist typed in typewriting machine.

Time : 01.08 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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.
TOS.No.25 OF 2020 &
CS.No.184/2023

(Evidence recorded in TOS.No.25/2020 as joint trial along with OS.No.5474/2015 and now in CS.No.184/2023 as per the order of Hon'ble High Court in CRP.No.1684/2016, dated 15.09.2023.)

Date : 12.03.2026
Time : 01.09 P.M

Name : Mr.M.V.Govindhan (PW5)

Age : 66 Years

Father's Name : Mr.K.Veeraraghavan

Residential Address : No.9/4, Thiruveethiyan street, Gopalapuram,
Chennai

Chief Examination by Mr.P.Sreenivasulu, Learned counsel for the Plaintiffs.

Solemnly Affirmed:

Q1: (Ex.P2 Will is shown to the witness) Who prepared this Ex.P2 Will?

A: This Ex.P2 Will is dictated by Mohan and typed by one typist.

Q2: (Ex.P2 Will is shown to the witness) Have you signed in this Ex.P2 Will and show your signature?

A: Yes, I signed as a second attesting witness in Page No.4 of Ex.P2 Will.

Q3: (Ex.P2 Will is shown to the witness) Who signed as the first attesting witness in Ex.P2 Will?

A: My brother V.Vadamalai

Q4: (Ex.P2 Will is shown to the witness) Whether the nature of the property is written in Ex.P2 Will?

A: Yes.

Q5: (Ex.P2 Will is shown to the witness) As per this Will who got the property on the lower portion?

A: Mr.Harish Kumar, son of Mr.Loganathan.

Q6: (Ex.P2 Will is shown to the witness) As per this Will who got the property on the first floor?

A: The testator's brother's son Sriram.

Q7: (Ex.P2 Will is shown to the witness) Is it right that the testator's brother name is R.J.Baskaran and his son name is Sriram?

A: Yes.

Q8: (Ex.P2 Will is shown to the witness) As per this Ex.P2 Will the lower portion allotted to Harish Kumar and the first floor allotted to Sriram. Is it correct?

A: Yes.

Cross Examination by Mr.Venkatesan, Learned counsel for the defendants

in TOS.No.25/2020 and CS.184/2023

Q1: (Ex.P2 Will is shown to the witness) Who were all present at the time of dictating the Ex.P2 Will By Mr.R.J.Mohan?

A: Mohan, typist, myself and my brother Vadamalai.

Q2: What is your educational qualification?

A: I completed M.Sc., Agri

Q3: Since you completed post graduation degree you very well know that whenever you signed in the document also write father's name and address?

A: I do not know. Witness adds: He was a known person for the 40 years.

Q4: I put it to you that you very well know that Ex.P2 Will is fabricated and not executed by Mr.R.J.Mohan as stated by you and for that reason you have not mentioned your address in Ex.P2 Will.

A: I deny.

Q5: I put it to you that your evidence is not reliable one because of you did not mentioned your address in the Ex.P2 Will.

A: I deny.

Q6: (Ex.P2 Will is shown to the witness) Whether the testator signed in all the 4 pages of the Ex.P2 Will?

A: No, He signed only in the last page of the Ex.P2 Will.

Q7: Since you completed post graduate degree you very well know that the Will must be signed in all the pages by the testator.

A: I am not aware of it.

Q8: At what time this Ex.P2 Will was executed?

A: I do not remember the exact time.

Q9: Whether the Will was executed in the morning or evening?

A: I do not remember.

Q10: I put it to you that this Will is not executed and dictated by Mr.R.J.Mohan if it is so you remember the date and time of the execution of the Will. Moreover if you say anything about the time it would be differ with another witness and for that reason now you depose that you did not remember the time of the execution of the Will.

A: I deny.

Q11: You are falsely deposing evidence for the purpose of this case because you were not present at the time of execution of the Will.

A: I deny.

Q12: (Ex.P2 Will is shown to the witness) Whether the first and second pages of the Ex.P2 Will can be replaced with other one and two pages with some other contents as the testator's signature is not found place in those two pages?

A: No chance. It is a genuine Will.

Q13: Do you know that the Ex.P2 Will is typed only in Computer not in Typing machine?

A: It is a typewriting machine. Witness adds: The typist typed by hand and I do not know the model of type machine.

Q14: I put it to you that Mr.Harishkumar fabricated this Ex.P2 Will to grab the property of R.J.Mohan by mentioning the wordings as if the ground floor of the property was allotted to Mr.Harishkumar, son of Mr.Loganathan.
A: I deny.

Time : 01.30 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