

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: 15.09.2025  
Time: 11.45 A.M

Name : Mr.L.Harish Kumar (PW2)

Cross Examination by Mr.K.Venkatesan, Learned counsel for the defendant in CS.No.184/2023 and TOS.No.25 of 2020

Solemnly Affirmed:

Q1: Can you say the purpose of filing of the TOS.25/2020?

A: To probate the original Will executed by the testator Mr.R.J.Mohan

Q2: Did you file the original Will in this TOS.25/2020?

A: Yes.

Q3: (Ex.P2 Will is shown to the witness) Is this the Will executed by testator Mr.R.J.Mohan?

A: Yes.

Q4: (Ex.P2 Will is shown to the witness) Can you say the the testator Mr.R.J.Mohan signed in every pages of the Will?

A: No Witness adds: He signed in the last page of the Ex.P2 Will.

Q5: (Ex.P2 Will is shown to the witness) Is it right that this Will is unregistered one?

A: Yes.

Q6: (Ex.P2 Will is shown to the witness) Who were all signed as an attesting witness?

A: First attesting witness is Mr.Vadamalai, S/o.Veerarahavan and second attesting is Mr.N.V.Govindhan, S/o.Veerarahavan.

Q7: (Ex.P2 Will is shown to the witness) Is they have mentioned their address in the Ex.P2Will?

A: No.

Q8: (Ex.P2 Will is shown to the witness) Do you know the addresses of the two attesting witnesses?

A: Yes. Witness adds: Currently Mr.Vadamalai, the first attesting witness is residing in Pondicherry and the 2<sup>nd</sup> witness Mr.Govindhan is residing at Kumaran Nagar, Chennai 600092.

Q9: (Ex.P2 Will is shown to the witness) What is the relationship between the testator Mr.R.J.Mohan and the two attesting witnesses?

A: They are Mr.R.J.Mohan's friends.

Q10: I put it to you that the Will is invalid if they signed as an attesting witness, without mentioning the address of them.

A: I deny.

Q11: Whether the attesting witnesses filed confirmation affidavit at the time of filing OP.569/2018?

A: Yes.

Q12: Can you show the confirmation affidavit filed by the attesting witnesses in OP.569/2018?

A: Yes (He identified the affidavits.)

Q13: I put it to you that the Will executed by Mr.R.J.Mohan is not valid as all the pages of the Will had not been signed by the testator Mr.R.J.Mohan .

A: I deny. Witness adds: The Will is true.

Q14: I put it to you that you have created this Will by using the one signed paper of the testator Mr.R.J.Mohan for the purpose of claiming right over the property alleged to have bequeathed by late Mr.R.J.Mohan in favour of you.

A: I deny. Witness adds: If I do like this I allotted total properties in my favour. But the Will is executed only for ground floor alone in favour of me.

Q15: I put it to you that you inclined to show that it is a true Will, you intentionally drafted this Will as part of the property bequeathed to Sriram and part of the property bequeathed in favour of you.

A: I deny.

Q16: I put it to you that generally a Will has been executed with love and affection by the testator towards the beneficiaries.

A: Yes. Witness adds: From 1987 my father N.Loganathan accompanied with the testator R.J.Mohan. Even after my father's marriage in the year of 1996 they are also continuously residing along with R.J.Mohan. R.J.Mohan has no issues and my father and mother alone was taking care of R.J.Mohan and the testator treated me as his grandson. My father and mother take care of R.J.Mohan's wife after the death of R.J.Mohan.

Q17: Did you filed any proof to show that your father and mother residing along with Mr.R.J.Mohan?

A: Yes. Witness adds: We have a bank passbook and ration card but I have not produced it before this Court.

Q18: I put it to you that really you have bank passbook and ration card you produce those documents before this Court at the time of filing this OP and after that.

A: I deny. Witness adds: If required, I submit.

Q19: I put it to you that your father and the testator Mr.R.J.Mohan are not a blood related persons.

A: Yes. Witness adds: The testator is son-in-law of my father's aunty. Mrs.Vijayalakshmi wife of Mr.R.J.Mohan is my father's blood relative.

Q20: Have you stated the above said relationship in your OP petition?

A: No. Witness adds: If it is required I submit.

Q21: I put it to you that these relationship is untrue. Hence, you did not mention in the OP petition as stated by you in the answer to the Q.No.20?

A: I deny.

Q22: What is the relationship between Vijayalakshmi and your father?

A: She is my grandfather's sister's daughter.

Q23: I put it to you that you have falsely stating that your father was taking care of the testator R.J.Mohan.

A: I deny. Witness adds: I ready to submit any documents to prove the same.

Q24: I put it to you that no body can execute a Will and bequeathed his properties to some one to take care of him. If it so he have paid some money as the servant salary and not bequeathed his property.

A: I deny.

Q25: Do you know the relief sought for in CS.No.184/2023?

A: Yes. Witness adds: Restraining the defendant to interfere in our possession, the Will is true and other reliefs.

Q26: (Plaint in CS.No.184/2023 is shown to the witness) What is the reliefs asked in this suit?

A: One relief is for Permanent injunction and the second relief is to declare the release deed dated 20.07.2015 executed by D4,D6 in favour of D1,2,3,5,7 is null and void.

Q27: I put it to you that you have no locus standi to ask this relief in CS.No.184/2023 because you are not the owner of the property as long as you prove the Will alleged to have been executed by R.J.Mohan bequeathing the property in your favour?

A: I deny. Witness adds: My right will be existed on the out come of the order in TOS.No.25/2020.

Q28: I put it to you that you are no way related to this property as you failed to prove the will.

A: I deny.

Q29: I put it to you that the Ex.P2 Will is invalid since the testator has not signed all the pages of the will and also the addresses of the attesting witnesses are not find place in the alleged Will.

A: I deny. Witness adds: The Ex.P2 Will is true.

Time : 12.55 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