

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

CS.No.426 OF 2016

Date: 20.03.2025

Time: 02.55 P.M.

Name : Mr. Dr.S.Harikrishnan (DW1)

Cross examination by Mr.A.V.Arun, learned counsel for the Plaintiff.

Solemnly affirmed:

Q1: Have you read the plaint?

A: Yes.

Q2: Is it correct that you have filed written statement individually after you read the plaint?

A: Written statement was filed by my advocate and I signed it.

Q3: (Written statement of D1 is shown to the witness). Is it correct that you have filed the written statement on 30.11.2016. Have you filed any other written statement other than the above said written statement?

A: No. Witness adds: I could not file any statement because of my previous counsel has gone to United States. Due to covid he could not return and then I changed my counsel.

Q4: After filing your written statement the plaintiff was cross examined by your previous counsel. Is it correct?

A: I do not know about that.

Q5: PW1 was cross examined on 04.03.2020 and 16.03.2020 by your previous counsel at your instance. Am I right?

A: I do not remember.

Q6: Mr.Kannan was also your counsel?

A: Yes.

Q7: (Written statement of D1 is shown to the witness). In the written statement you have admitted in Para.4 that you are an adopted son of Mr.Adikesavalu Naidu?

A: Yes, it is being written like that. But it is a mistake.

Q8: You have not filed any amendment to the written statement filed by you regarding the above said fact?

A: No. I do not find time.

Q9: As the adopted son of Adikesavalu Naidu you also obtained the property of him?

A: Adikesavalu Naidu had no other issues. He was in our house. Because of that he gave immovable properties to me and the movable properties to the plaintiff. Witness adds: Initially I was doing my 4th year MBBS at that time. I was studying. Initially, everyone in the house said Kausalya will be getting the property.

Q10: Those properties described as Schedule E in the plaint. Is it correct?

A: Yes.

Q11: (Ex.P2 is shown to the witness). Is it correct that you have obtained that property by way of Settlement Deed dated 10.12.1985?

A: Yes.

Q12: (Ex.P2 is shown to the witness). I put it to you that this is the only document for disposition of all the properties of Adikesavalu Naidu?

A: I do not know what other properties Adikesavalu Naidu possess. He gave me the properties as stated in Ex.P2. Witness adds: I had to concentrate in my studies. Hence I had no chance to verify what are the other properties belong to Mr. Adikesavalu Naidu.

Q13: (Ex.P2 is shown to the witness). Have you accepted Ex.P2 Settlement Deed or not?

A: Yes. Witness adds: He had written Ex.P2 and handed it over to me. It is being kept in my locker.

Q14: Pursuant to this document you have obtained patta for the properties mentioned in Ex.P2. Is it correct?

A: Yes.

Q15: So, it is not correct to state that you simply received this document and kept it in your cupboard as per the answer to the Q.No.13.

A: I was concentrating on my studies. At that time he had given this document and I received and kept it.

Q16: (Written statement of D1 is shown to the witness). In the written statement Para.6 is contrary to the answers to the Q.Nos.13 and 15. Is it correct?

A: My answers for Q.Nos.13 and 15 when Ex.P2 was executed. But my written statement was filed on 30.11.2016.

Q17: (Written statement of D1 is shown to the witness). Have you mentioned Ex.P2 document in Para.6 of your written statement?

A: Yes.

Q18: (Ex.P2 is shown to the witness). In this document you have been described as the adopted son of Mr.Adikesavalu Naidu and only as a adopted son he had given all the properties. Is it correct?

A: Yes, it was written like that.

Q19: Is it correct that you have not disputed the fact at any point of time till the lifetime of Adikesavalu Naidu?

A: I did not have any opportunity to dispute the document.

Q20: But, you have got the Schedule E property during the lifetime of Adikesavalu Naidu. Is it correct?

A: Yes.

Q21: Is it correct that you have changed the patta in your name pursuant to Ex.P2 for Schedule E property?

A: Yes.

Q22: (Proof affidavit is shown to the witness). In Pg.No.16 of your proof affidavit the documents mentioned in Ex.D1 to D6 are not referred in your written statement. Is it correct?

A: I do not know the legal terms. Witness adds: Everything I have told my previous advocate.

Q23: (Ex.D1 is shown to the witness). You have not mentioned anything in your written statement in Ex.D1. Is it correct?

A: Yes. Witness adds: I have given this document to my previous counsel but he has not done it.

Q24: (Ex.D2 is shown to the witness). Likewise, you have not mentioned anything in your written statement in Ex.D2. Is it correct?

A: I have given this document to my previous counsel but he has not done it.

Q25: (Ex.D5 is shown to the witness). This is the document for a loan obtained by Srinivasan and not the loan obtained by Seethapathy Naidu. Is it correct?

A: Yes. Witness adds: This is the loan of Srinivasan. He has got it for Rs.200 to obtain the properties of Balasundaram for which Seethapathy Naidu pledged his land.

Q26: (Ex.D2 is shown to the witness). I put it to you that Ex.D2 does not refers to that loan.

A: I deny. Witness adds: Ex.D2 refers to this loan.

Q27: (Proof affidavit is shown to the witness). In your proof affidavit Para.16 at Pg.No.6 you have mentioned four names. You have never mentioned these names in your written statement. Is it correct?

A: Yes. Witness adds: I have given these details to my previous counsel but he has not written.

Q28: (Proof affidavit is shown to the witness). In para.16 of your proof affidavit you have not mentioned the details of the sale. Is it correct?

A: Yes. Witness adds: I did not sell any properties over there. All these properties were sold by my father when he was alive.

Q29: Who has sold all these properties?

A: My father Srinivasan.

Q30: Do you know when he has sold these properties?

A: I do not know when these lands were sold. Witness adds: Once plaintiff has given the case I had to search all these details and found out the properties were sold.

Q31: How did you come to know that these lands were sold?

A: I am busy in my work. My wife used to check these documents and she only told.

Q32: Does your wife see all these documents?

A: Yes.

Q33: Is it correct to state that neither you nor your wife referred the above said documents in the written statement?

A: No, I have given to my previous counsel. He has not written it.

Q34: Is it correct that you have also not produced along with your proof affidavit any documents to show that to whom the lands were sold?

A: No. Witness adds: These lands are not in my name. So that I have not produced the above said documents.

Q35: (Ex.D29 and Written Statement are shown to the witness). You have produced the Will Ex.D29 said to have been executed by Srinivasan. Is it correct that there is no reference in your written statement?

A: Yes, it is referred in Para.5 of my written statement.

Q36: (Ex.D29 is shown to the witness). Ex.D29 Will refers to Schedule A property which is inside the city. Is it not?

A: Yes.

Q37: (Ex.D29 is shown to the witness). Is it correct to state that this Ex.D29 Will is not been probated?

A: Yes.

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