

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 01.07.2024

Time: 03.35 P.M.

Name : Mrs. V. Kausalya (PW1)

Continuation of cross examination by Mr. R. Meenakshi sundaram , Learned
counsel for the Defendant.

Solemnly affirmed:

Q: Have you received or seen the copy of the 42 documents filed before this court
in A. No.1778/2023 in August, 2023?

A: No.

Q: After attending so many hearings, I repeated the same question, but you plead
ignorance. Is it genuine or malafide?

A: Genuinely I do not know.

Q: Did you ask your advocate about the filing of 42 documents in the above
application?

A: No.

Q: In para 12 of your plaint, you claimed that you applied for encumbrance
certificate and you came to know about the settlement by your father to the 1st
defendant. Is it correct?

A: Yes.

Q: When did you apply the encumbrance certificate?

A: Once I came to know in the year 2013.

Q: When did your father die?

A: On 03.11.2013.

Q: Did you file the encumbrance certificate into court?

A: Yes.

Q: (Ex.P15 is shown to the witness) Did you file the encumbrance certificate in respect of A schedule property?

A: This encumbrance certificate related to Pachambakkam land.

Q: I am asking about the encumbrance certificate in respect of K.K Nagar property?

A: I gave the encumbrance certificate to my advocate.

Q: I put it to you that the in respect of K.K. Nagar property encumbrance certificate not yet filed into court and you are giving false evidence.

A: I deny. I have submitted to my advocate.

Q: I put it to you that in respect of K. K. Nagar property purchased deed dated 14.09.1987 and mortgage deed with his employer MMTC dated 10.11.1972 and 27.07.1973. did you come across those encumbrance?

A: I do not know.

Q: (Plaint is shown to the witness) In para 26 of the plaint, you have mentioned that the 1st defendant created bogus document and obtained Patta in respect of the properties belonged your mother. Did you file those bogus documents into court?

A: Yes, I have filed into court.

Q: Can you tell me what documents filed into court you have referred?

A: Encumbrance certificate. Except the encumbrance I do not have any other documents.

Q: I put it to you that in para 26 of the plaint, you have mentioned that the 1st defendant created bogus document and obtained Patta in respect of the properties belonged your mother is false.

A: I deny.

Q: In para 23 you made averments that 1st defendant had created various documents with regard to schedule mentioned properties right from the year 1999. what are the documents created by the 1st defendant?

A: It is correct.

Q: What are the documents you have filed into court?

A: Encumbrance certificate.

Q: I put it to you that in page 6 para 18 of the plaint you have mentioned that the schedule A property was constructed by utilising the income from ancestral properties of the family. Do you have any evidence?

A: At that time I was a child, now I do not have any documents.

Q: What is your age when your father purchased the A schedule property in 1987?

A: My age is 26 or 27 years.

Q: I put it to you that at the age of 26 or 27 you should know what is the agricultural income your father received.

A: I do not know.

Q: Whenever you refers family what is your family members?

A: My ancestors my grandfather Rajagopala Naidu, grandmother Kannimal, my mother's elder sister Indraniammal, her husband Athikesavalu Naidu, My father Srinivasan Naidu, my mother Ethirajammal.

Q: When your father purchased the property, how many of them living with you?

A: All persons.

Q: I put it to you that in 1987 all the persons are not living with you in Chennai.

A: All are residing with me at that time. A schedule property was allotted to my father in MMTC for a sum of Rs.10,000/-.

Q: According to the registered document with MMTC, your father borrowed Rs.32,200/- and Rs.9,000/- for the construction of the house in the schedule A property.

A: I did not know.

Q: Did your father stay alone or with his family?

A: He stayed with his family.

Q: (Plaint is shown to the witness) In para 12 of the plaint you have stated that your father was staying alone in A schedule property.

A: It is not correct.

Q: In the second portion of the para 22, you have mentioned that your father let out the property and moved to the portion of the 1st defendant's house.

A: Yes.

Q: Is he paying rent for the portion?

A: I do not know.

Q: In the same para in last line, you have mentioned that the 1st defendant is scheming person and he lured the plaintiff's father by promising medical attention. What proof you got to say that?

A: Yes.

Q: I put it to you that your father always lived with 1st defendant and he never stay alone.

A: Yes. He used to come to my house to see his grandchildren.

Q: Your father executed the settlement deed in favour of 1st defendant in the year 1999 and you are challenging it in the year 2016. have you given any reason for the delay?

A: I came to know only in the year 2013.

Q: Then what is the reason for 3 more years to file the case?

A: there is no reason. I filed the suit on the next month of my father's death.

Q: (Plaint is shown to the witness) In claim C you want to declare the partition deed dated 02.12.2000 as null and void. What is the reason?

A: This is the ancestral property.

Time: 04.45 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