

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 09.07.2024

Time: 03.15 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: In the last cross on 04.07.2024 I have shown Sale Deed, Mortgage Deed, Discharge Deed . Have you come across those documents?

A: No.

Q: (Ex.P3 is shown to the witness). Did you file Ex.P3 along with the plaint?

A: Yes, I have filed.

Q: (Ex.P3 is shown to the witness). Did you read the (Ex.P.3) document before filing it in the Court?

A: No.

Q: Then how do you know this settlement deed is executed by your father in favour of the 1st defendant?

A: I went and ask the details at encumbrance office.

Q: In this Document No.Ex.P.3 there is reference about the sale deed in favour of your father about the purchase of the property and the construction of house thereon?

A: I do not know.

Q: I put it you directly that by giving answers I do not know you are suppressing the material facts about the ownership of A schedule property in your father's name absolutely and individual status?

A: I do not know. I deny.

Q: Then on what basis you claim the schedule A property belongs to HUF of Seethapathy Naidu?

A: The house was constructed when all of us are living together.

Q: Do you have any ration card to show that all of you are living in one house?

A: Initially all the names of the family members mentioned in the ration card. After that they are obtained ration card individually.

Q: Up to what time how many of you lived together and when, how, who are all separated?

A: Till the time of Indirani ammal, Adikesava Naidu, Kanniammal, Rajagopal Naidu, Seenivasa Naidu, Ethirajammal, Janakiammal all are living together and then they are separated. I do not know the year.

Q: You are suppressing material fact all the above mentioned people never living together at Chennai?

A: No.

Q: Did your husband involved in your family affairs with particular reference to dealing with HUF property?

A: No.

Q: Is it correct the entire details filed along with your plaint and also avernments are made in the plaint that exclusively belongs to you and you own it?

A: It is correct.

Q: (Plaint is shown to the witness) Who is the 3rd defendant in the suit?

A: D3 name is Rajasekar.

Q: Why you impleaded D3?

A: An extend of land sold out to the D3 without my knowledge.

Q: Did you filed any document in respect of an extent of land sold out to the D3?

A: I do not remember.

Q: In the plaint you described Schedule B, C, D and E do you have any intention for that?

A: B, C properties are ancestral property. D schedule property is my mother property. E schedule property is Adikesavalu property.

Q: I put it to you your entire plaint based on the claim that you claim share on Seethapathy Naidu HUF. Whereas now you giving the answer the B, C properties are ancestral property. D schedule property is my mother property. E schedule property is Adikesavalu property and they are individually owned by different people who according to you constitute single HUF living in one house and one family and therefore your plaint is not maintainable containing the wrong and incorrect particulars and false claim against D1, D2.

A: I deny.

Q: I put it to you for the reason best known to you this is the vendator suit filed against D1, D2?

A: No. I deny.

Q: Do you know that your father purchased number of properties through number of sale deed the land located in Pachapakkam after obtaining permission from his employer MMTC?

A: He has not purchased any property. I do not know.

Q: I am placing in your hand the registered sale deed purchased by your father in respect of land located in Pachapakkam dated 20.05.1979, 10.06.1980, 07.09.1989, 27.03.1993,

14.10.2003. These are the documents to purchased the properties by your father?

A: I do not know about any particulars when and how he purchased the properties.

Q: Do you know that your father being a Central Government employee to obtain permission to purchase any property in his name?

A: I do not know.

Q: Did your father and mother did not tell you that he purchased any property in Pachapakkam after obtaining permission from MMTC?

A: I do not know.

Q: According to you your parents told you only about LIC amount to be paid to you on the death of your father from MMTC. Is it right?

A: No.They are told that both of them having equal share.

Q: Do you know that you are entitled for the property along with your brother D1. Is it right?

A: Yes.Witness adds in immovable and movable properties we both of them are entitled of share.

Q: Are you have good relationship with your parents till their lifetime?

A: Yes.

Q: Are you in good talking terms?

A: Yes

Q: I put it to you that your answer referred above as I do not know is false misleading and suppression of material facts to the Court?

A: No.

Q: Do you know that your father executed a Will and registered it?

A: No.

Q: I am showing the Will dated 05.07.1995 executed by your father Seenivasan and registered before the appropriate authority?

A: I do not know. Now only I am looking it.

Q: I put it to you that only as per the Will shown to MMTC you have received payment of LIC amount?

A: No.

Q: (Plaint shown to the witness) In para 15 of your plaint you stated that the 1st Defendant your brother was raised and brought up by Mr. Adikesavalu and his wife and it is relevant to mentioned that they incurred all expenses for the medical education of D1? You still stand by this statement as correct?

A: Yes.

Q: Did you filed any proof for this?

A: No.

Q: Without any basis and proof you have made the statement? It is correct.

A: No.

Q: What is your brother D1 Education qualification?

A: B.Sc., M.B.B.S.

Q: I put it to you from 8th standard to M.B.B.S. All his education and medical education expenses were met by the scholarship awarded by MMTC as he is the son of Mr.Seenivasan?

A: I do not know.

Q: I put it to you to insult the 1st Defendant you made a statement that his medical expenses was taken care by Adikesavalu and his wife is not only false but made with malafide motive to humiliate the 1st Defendant?

A: No.

Q: I have put the above suggestion above answer that you do not know who met this education expenses and without giving any evidence that Adikesavalu and his wife met the expenses especially according to your own statement all of you are living in one house and living together ?

A: I deny.

Q: When your father retired?

A: 1988 to 1989. Within that period.

Q: Did you agree your father is a sugar patient?

A: Yes.

Q: Between 1989 to 2013 your father was living with the D1 and D2?

A: They are residing with my father.

Q: On what basis you make a statement that D1 and D2 were living with your father Seenivasan?

A: Because of the property.

Q: Which property you are talking about?

A: All movable and immovable properties.

Q: According to the document filed by you none other properties are standing in the name of your father including the A schedule property which is settled in favour of the D1 as early as 09.12.1999 and therefore your answer that D1 and D2 were living with your father Seenivasan and depending on his father especially the D1 is a Doctor and running a private clinic and medical within the premises.

A: I deny.

Time: 04.30 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