

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 05.08.2022

Time: 01.15 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: During this one year period where were you residing?

A: Only for 6 months I was out of India.

Q: Did you inform the court that you are going to America and the case need not be posted?

A: No, I did not inform, I went in the month of September, 2021 and returned back in April, 2022.

Q: Do you know the case was posted every month?

A: No, I do not know.

Q: How did you know that your case is posted now?

A: In the first week of July, my counsel has given me a message stating that on 04.07.2022 you have to come to the court to attend the case.

Q: Prior to that whether your counsel has not informed?

A: No.

Q: Did you have any plan to go to US?

A: No, suddenly I had to go to US.

Q: Who gave instruction to your counsel to prepare plaint?

A: I gave instructions.

Q: Is there any details that is recorded in the plaint without your instruction?

A: No.

Q: Is there any other person to be added as plaintiff in the suit?

A: No.

Q: (Ex.P11 is shown to the witness) Whether the contents of notice Ex.P11 is correct?

A: Yes.

Q: I put it to you that Ex.P11 legal notice is issued by your counsel on behalf of not only you but 2 more persons namely V.Divya priya and V. Thiyaneswari all are residing in the same house?

A: They are my children.

Q: You have issued notice to 5 peoples namely to 1.Dr.S. Harikrishnan, 2.Tahsildar, Ceiyar Taluk, Kanchipuram, 3.VAO, Cheiyar, 4. Junior Engineer, TNEB, Thadukupatti, Ceiyar and RDO, Madhurandhagam. But in the plainti except dr. S. Harikrishnan you have not added other persons in the suit, why?

A: I have filed the suit for partition hence I have filed the same against my brother. Since for information I have given legal notice to the above said other persons.

Q: In the suit along your brother you have added 2 more people namely H.Shyamala wife of Dr.Hari krishnan and Rajasekarann, Kelambakkam. But you have not given notice to 2nd and 3rd defendants, why?

A: I do not remember, I think that I gave notice to Kelambakkam also.

Q: I put it specifically that you have not given notice to 2nd and 3rd defendants and you

have merely impleaded them as defendants.

A: I deny.

Q: In your earlier cross examination you have stated that you have filed the suit “for getting my share in the suit property”, if so who are the other sharers?

A: Except myself no body has any share in the suit property, I am the only child of my parents.

Q: In your plaint you have included A to E schedule as suit property but in your first prayer you want declaration that you are the only legal heir of her father in respect of schedule A to D property omitted E schedule property, why?

A: I do not know whether E schedule has been sold or not.

Q: In the same plaint in claim H you have claimed for partition directing division of scheduled mentioned A to E properties into 2 part and to allot 1 part half the share to the plaintiff To whom you want to give the other half share .

A: The other half share is for my brother.

Time : 01.45 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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 22.08.2022

Time: 12.30 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: Do you remember all the questions and answers you have given on 05.08.2022?

A: Yes.

Q: In Ex.P11 and Ex.P13, legal notice and rejoinder, were issued by you and your 2 children but you have not stated why you have not added your 2 children in the suit. Why they have not been added as plaintiff in the suit?

A: Since only after me they would get rights.

Q: If that is so what made you would to add them as party in the notice and rejoinder?

A: My children should know that after me they have right over the property.

Q: If your answer is correct you should have added them as plaintiff in the suit also?

A: At present my children are abroad further only after me they are having rights hence they are not added as plaintiff in the suit.

Q: Whether your children have not given instruction to your counsel?

A: Yes, They have not given instruction to our counsel.

Q: I put it to you that the notice is only given to 1st defendant and no notice is given to other defendants.

A: Yes. Witness adds: I do not know what are the properties sold.

Q: Did you find out what are the properties sold?

A: Yes. I have find out.

Q: Did you mention in your plaint or your proof affidavit, what are the properties are sold?

A: Yes.

Q: You have given notices as well as rejoinder to Tahsildar, Ceiyar Taluk, Kanchipuram, VAO, Cheiyar, Junior Engineer, TNEB, Thadukupatti, Ceiyar and RDO, Madhurandhagam, did you take any action against the above said 4 persons as a defendant here?

A: Just to inform them about my right, I have given notice to above said 4 persons.
Hence I have not added the above said officials as defendants in the suit.

Q: Whether your husband is an income tax assessee?

A: Yes.

Q: What is his employment?

A: He was worked in computer section in State Bank of Bikaner and Jaipur now it has been merged with State Bank of India. Now my husband is retired.

Q: when your husband retired from service?

A: On 31.08.2016.

Q: What is your employment?

A: I am working as postal agent.

Q: For how long you have been as income tax assessee?

A: From 1997 onwards.

Q: Whether you have become income taxassessee prior to your marriage or after your marriage?

A: After my marriage.

Q: Whether the job of postal agent is an appointment work or independent work?

A: independent work but for which I have to obtain License first.

Q: Whether you have to work at home or you have to go to post office?

A: I have to go surroundings and pick customers and joint in small savings scheme and other thing.

Q: Whether your husband or his office people helped you?

A: No. I had to do my work on my own with the friends circle.

Q: When did you file this suit?

A: In 2016.

Q: From the next month of your father's death you have started to prepare to file the suit, is it correct?

A: Yes.

Q: Did you receive any money from your father's employer Minerals and Metals trading Corporation of India?

A: No, I did not receive any money from my father's employer Minerals and Metals trading Corporation of India. I received LIC amount Since, I was the nominee.

Q: Do you remember how much you received from LIC?

A: I received 2 Cheques. One for Rs.1,44,800/- another Cheque for Rs.44,500/- these are the only amount I received.

Q: Have you mentioned the above facts in your plaint or in your proof affidavit?

A: Yes, I have mentioned.

Q: In your second prayer you have stated that you are willing to share with the defendant. Whether you are ready to share with the defendant the above said LIC amount already you have received?

A: Since my father appointed me as nominee, I have received the LIC amount. If court pass orders I will obey.

Q: Is it correct to state that immediately after your father's death you have initiated action recover money from MMTC without the knowledge of the first defendant?

A: No. Except the LIC amount I did not receive any other amount. After retirement my father received entire amount due to him from his employer.

Q: Did you inform about the receipt of LIC amount to the first defendant?

A: No. because within a month after my father's death the fight was started.

Q: In Ex.P15 EC a lot of sale are shown, have you seen?

A: Yes, I have seen but I do not know who are they.

Q: Have you seen the sale executed in favour of 3rd parties by your own father?

A: Yes, after seeing the Ex.P15,EC I came to know.

Q: Whether your husband involve in your parents properties and problems?

A: No.

Q: What address you have given to the postal department to work as postal agent?

A: 1223, Buble raja salai, K.K. Nagar, Chennai -78. witness adds: since my Voter ID as well as family card were in the above said address. After the change of my address in voter ID as well as my family card I have given my present address.

Q: You said after your marriage only you have started to work as postal agent. Did you not go to your husband's house?

A: I have gone to my husband's house as well as I would come to my parents house.

Q: Immediately after your marriage had you gone to your husband's house?

A: Yes.

Q: What was your husband's house address at the time?

A: 91, Sachithanantha street, Kosapet, Chennai.

Q: After your marriage did you include your name in your husband's rations card?

A: Yes, after my marriage I obtained separate ration card in the name of my husband as well as my children and in my name.

Q: In my earlier question you have stated that for agency purpose your father's house address was given as proof of residence now you claim that in Kosapet address you obtained ration card. Which one is correct?

A: I did not obtain ration card in the Kosapet address. I obtained ration card in the address 1223, Buble raja salai, K.K. Nagar, Chennai -78.

Q: Whether Ex.P15 is the covers A schedule property of the suit?

A: It covers A to E schedule of suit property.

Time: 01.30 P.M

Time: 03.30 P.M

Solemnly affirmed:

Q: Who is the ancestor of suit property?

A: My grandfather Ramanuja Naidu.

Q: Who is your great grandfather?

A: Seethapathi Naidu.

Q: Do you have Hindu undivided family consisting yourself with whom?

A: My Paternal uncle Athikesavalu Naidu, paternal Aunt Indirani Ammal her mother Kanni ammal, grandfather Rajagopala Naidu, my father Srinivasan, my mother ethiraju ammal, myself and my brother.

Q: I put it to you that you deliberately giving false evidence since you have already stated that your brother was given on adoption.

A: I deny. My brother was adopted by my paternal uncle. Be all are living as Hindu undivided family.

Q: Are you living with your husband or not?

A: I am living with my husband.

Q: Do you have your Hindu undivided family with your husband or not?

A: I am living with my husband and children and with everyone.

Q: Both of your girls got married?

A: Yes, both of them got married.

Q: Whether they are living separately or with your HUF?

A: They are living abroad.

Q: Whether your HUF consist of yourself and your husband alone or those 2 married daughters?

A: Even today our HUF consist of all 4 of us.

Q: Do your HUF owns any property?

A: Yes, we are having a house.

Q: Who purchased the house?

A: Myself and my husband purchased the property.

Time : 03.50 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.

C.S.No.426 OF 2016

Date: 02.09.2022

Time: 03.55 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: Did you file any document to prove that you are the only legal heir of Mr. Srinivasan i.e., your father?

A: Yes.

Q: What document you have filed?

A: I have to see the papers filed into court.

Q: (All the marked documents on the side of plaintiff are shown to the witness) which one is the document?

A: The witness has shown Ex.P7, a letter dated 02.01.2014 addressed by MMIC her father's employer to her.

Q: I put it to you that for the question whether you have filed any document to prove that you are the only legal heir of your father you gave a wrong answer and also referred to a wrong letter addressed by your father's employer is the document is false and misleading the court.

A: I deny.

Q: Why did you file Ex.P8 before this court?

A: To prove that I am the legal heir of my father.

Q: I put it to you that the letter dated 02.01.2014 filed as Ex.P8 was included in Ex.P7 deliberately and now you make the claim that this is the document that you rely on to claim that you are the legal heir of your father.

A: I deny.

Q: I put it to you that for the question that whether you are the only legal heir of your father and giving wrong answer and relying on wrong documents on continuously swear that you are telling correct answer.

A: I deny.

Q: PAN card issued by the income tax department to the plaintiff is the legal heir certificate for the plaintiff to claim that you are the only legal heir, is it correct?

A: Yes, I am having all the legal heir certificates with me.

Q: (Ex.P15 is shown is shown to the witness) what is Ex.P15, please explain?

A: properties situated at Pachambakkam village is the ancestral property of Seethapathy

Naidu, great grandfather. Ramanuja Naidu, grandfather then my father R. Srinivasan.

Q: Whether the Ex.P15 EC are obtained by you?

A: Yes, I myself had gone to the village and obtained the same.

Q: (Ex.P15 is shown to the witness) For which year you obtained Ex.P15 EC?

A: From 1947 to 2010.

Q: I put it to you that I gave the Ex.P15 and asked the simple question for what period the EC was obtained the answer is 1947 to 2010. now I put a question inspite of repeatedly request you to verify and give the answer, you have stated that the earlier answer 1947 to 2010 is correct, what do you say?

A: Yes, it is correct that the EC is for the period from 1947 to 2010.

Q: Did you go thorough all the EC and verify whether all the entries are correct?

A: Yes, VAO, Tahsildar have stated that it is correct.

Q: Did you notice in the Ex.P15 EC your father, mother and other people have sold?

A: Yes, I have noticed, my brother has also sold.

Q: In the EC no.17 dated 02.01.2014 the period mentioned is 01.01.1987 to 01.01.2014, is it correct?

A: Correct.

Q: In the EC no.15 dated 02.01.2014 the period mentioned is 01.01.1987 to 01.01.2014, is it correct?

A: Yes, it is correct

Q: In the EC no.16 dated 02.01.2014 the period mentioned is 01.01.1987 to 01.01.2014, is it correct?

A: Yes, it is correct.

Q: In the EC no.22 dated 02.01.2014 the period mentioned is 01.01.1987 to 01.01.2014,

is it correct?

A: Yes, it is correct.

Q: I put it to you that the entire EC filed under Ex.P15 shows the period covered to 01.01.1987 to 01.01.2014 whereas you have wrongly answered that it covers for the period 1947 to 2010.

A: I deny.

Q: What is the relationship between you and Athikesavalu Naidu?

A: He is my elder paternal uncle.

Q: Whether you are the legal heir for the said Athikesavalu Naidu?

A: No.

Q: Then why did you claim the entire properties of Athikesavalu Naidu as your properties?

A: I did not claim his properties.

Q: You filed the plaint for claiming the entire property mentioned in schedule A to E and now you denied that you have not claimed any properties belonged to Mr.

Athikesavalu Naidu, is the false statement made by you, what do you say?

A: No, I have not claimed the properties of Athikesavalu Naidu.

Q: Can you tell what is the plaint schedule E property?

A: Agricultural Land.

Q: To whom plaint E schedule property is belonged?

A: I do not know.

Q: Without knowing to whom the property belongs included in the plaint and you claimed that the properties are belonged to you, is it fair?

A: I included E schedule property only because it is agricultural land if it is the ancestral property I can get.

Q: I put it to you that you know E schedule property belongs to Athikesavalulu Naidu's family and you included it only to give troubles to the holders of the property.

A: I deny.

Q: How do you come to know about the partition deed dated 02.06.1947?

A: Village Maniakarar, Srinivasan told about the partition deed.

Q: Whether the said Maniakarar is very familier and known and closed to you and your family?

A: Yes.

Q: Whether the said Maniakarar told about the properties which were already sold by your grandfather, father, brother and others.

A: Yes, he told that some of the properties are sold.

Q: Having gained knowledge about the sale of properties by your grandfather, father, brother and other were deliberately included in the schedule that is filed in the plaint before this Hon'ble court, is it correct?

A: Yes.

Q: Do you know Nanda gopal?

A: Yes, I know.

Q: Is he related to you?

A: Yes, he is my elder paternal uncle, elder brother of my father.

Q: Have you excluded the properties of Nanda gopal?

A: Yes.

Q: Why did you add the 3rd defendant, Rajasekaran as party to the suit?

A: A portion of land was sold to him without my knowledge for the higher studies of his children by the 1st defendant.

Q: What is the purpose of adding Rajasekaran as defendant in the suit?

A: Because that land was my ancestral property.

Q: Are you sure what is the statement you made in the plaint about Rajasekaran is correct?

A: Yes.

Q: In your plaint you have mentioned that the land belonged to Rajasekaran was given in exchange through your father and exchange deed dated 17.11.2008 is referred in your plaint.

A: I do not know.

Time : 05.05 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.

C.S.No.426 OF 2016

Date: 30.09.2022

Time: 02.40 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 your plaint there are 34 paragraphs, 5 schedules with 15 documents with 10 reliefs consisting of 19 pages on the sole ground that the 1st defendant is the adopted son and he is not the son of Mr.Srinivasan i.e., plaintiff's father?

A: Yes.

Q: Did you file any document to show that the 1st defendant had gone on adoption?

A: No, I have not filed.

Q: In para 15 of page No.5 you have made a plea that Athikesava Naidu and his wife

had incurred all expenses for the medical education of the 1st defendant. Have you filed any document to substantiate the above said facts?

A: No.

Q: In page 3 of para No.8 you have mentioned that you have taken care of his father as a dutiful daughter and attended to his needs and comforts as and when needed. Do you have any evidence?

A: I have helped him to pledge his jeweleries and my 8 sovereign necklace for his agricultural cultivation. Yet I have not got my 8 sovereign necklace.

Q: When did you do the above said help?

A: From 1985 onwards.

Q: When did your father die?

A: On 03.11.2013.

Q: So according to you, you have helped him by pledging jewels giving money to him from 1985 to 2013?

A: Yes, whenever he required I would help him by pledging jewels in his name and give him.

Q: When do you pledge jewels in your father's name who would sign?

A: My father and my husband also would come with me and my father would sign.

Q: How many times you have done like this?

A: I do not remember.

Q: Do you have the pledge receipt for your 8 sovereign necklace or it is with your father?

A: Pledge receipt is with my father.

Q: Whether your 8 sovereign necklace is redeemed or not?

A: No. not yet redeemed.

Q: Did you include the value of 8 sovereign in the suit as one of the claim for recovery?

A: No.

Q: What was the age of your father at the time of his death?

A: He was 85 years old.

Q: What are the needs and comforts you take care of your father?

A: Whenever my father had come to my home I provided food, clothes and money if he asked because I was working.

Q: How much of amount you have paid?

A: I would give him Rs.2,000/-, 3,000/-, 5,000/- even Rs.10,000/- and he would also receive.

Q: I put it to you that regarding my question about para 8 you have not only told false explanation but also with an intention to mislead the court to come wrong conclusion.

A: I deny.

Q: What is the distance between your house and your father's house?

A: There are 10 houses between.

Q: Did you reside in Porur?

A: Yes, still I am having my own house at Porur.

Q: How many years you have lived in Porur?

A: 10 years 1993 to 2003.

Q: During this 10 years did you continue your postal insurance business?

A: Yes.

Q: As per rules you are not entitled to practice in that Ashok Nagar post office since you were living at Porur?

A: It is not correct. They told me that to have a house within that area. I have purchased a house.

Q: The postal authorities went to your father's house and enquired about you, your father told that you were not there?

A: No, that incident was not happened.

Time : 03.15 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.

C.S.No.426 OF 2016

Date: 13.10.2022

Time: 02.47 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: You have deposed earlier that the Porur property was purchased by yourself and your husband. Whether individually by both of you or by your HUF?

A: Individually.

Q: Are you show that the Porur property did not belong to any HUF?

A: Yes. Purchased by me and my husband.

Q: How many people consist of your HUF?

A: We are 8 members i.e. Rajagopal Naidu and Kanniyammal, Adhikesava Naidu and Indirani ammal, Srinivasa Naidu my father and my mother Ethiraja ammal. My grandparents Ramanuja Naidu and Janagi ammal would often visit their sons house.

Q: Whether in the above said HUF your husband is also included?

A: The above said HUF is before my marriage. After my marriage they were not there.

Q: I put it to you that you are knowingly giving wrong answers for all questions and misleading the court and waste the court time.

A: I deny.

Q: The reason is I am asking you what is your HUF but you are telling your father's HUF and there by you are misleading the court.

A: I deny. My HUF is consist of myself, my husband and our two children.

Q: Whether your both children are male or female?

A: Both are female.

Q: Are they married?

A: Yes. Both are married.

Q: Do you suggest the court that your HUF still includes your both married daughters?

A: No. My married daughters are not included our HUF. They are residing in their husband's house with their in-laws.

Q: So now your HUF is consist of only yourself and your husband, is it correct?

A: Yes.

Q: On 16.03.2020 a question was asked, whether your father was enjoying the property of his share after immediate partition, for which your answer is your grandfather is enjoying the said share. Can you now tell the court actually who is enjoying your father's share?

A: Till the date of death my grandfather was enjoying my father's share. After the death of my grandfather, my father was enjoying the same and after my father's death, my brother is enjoying the share of my father.

Q: What is the partition deed you have referred here?

A: I referred Pachambakkam village partition deed.

Q: What is the date of partition deed?

A: Even prior to my birth partition was taken place.

Q: When partition is between your father with co-parcenors where is the question of your grandfather enjoying the property alone?

A: My grandfather enjoyed the income derived from the share of the property of my father.

Q: Can you tell the court, who are all the parties to the partition deed dated 02.06.1947 i.e. Ex.P1?

A: Seethapathy Naidu with Nandhagopal, Ramanuja Naidu with Srinivasan are the parties to the partition deed.

Q: What is the share allotted to your father in the said partition deed?

A: B, C and D schedule property mentioned in partition deed were allotted to my father.

Q: (Ex.P1 is shown to the witness.) Where is the B, C and D schedule mentioned in Ex.P1?

A: No. In Ex.P1 measurement of land with survey number is alone given.

Q: In Ex.P1 the object of partition is there is infight and enimity between the co-parceners and therefore even after partition the co-parcener Seethapathy Naidu was enjoying the property is false, what do you say?

A: The property was acquired by Seethapathy. That was divided by two as 500 each.

Q: Did you file any document to show that ignoring 1947 partition Seethapathy Naidu was enjoying all the properties absolutely, exclusively excluding the co-parceners?

A: I do not have any document except the 1947 partition deed.

Q: I put it to you that when you relying on 1947 partition deed you are giving false evidence ignoring the partition deed Seethapathy Naidu was enjoying all the properties, is it not perjury.

A: I deny.

Q: In para 8 of your plaint you said that you were taking care of your father's needs and comforts as and when needed since you were residing ten houses away. Is it absolutely correct?

A: Yes.

Q: After your marriage where you started your married life?

A: I was residing in my mother-in-laws house.

Q: Did you go to your father's house after your marriage, picked up quarrel with your husband?

A: No.

Q: I put it to you that between 1989 to 1993 you and your husband with your two children lived in your father's house.

A: I deny. I was still lived in my mother-in-law's house.

Q: I put it to you that after your marriage your father stopped talking with you.

A: I deny.

Q: I put it to you that after your marriage you stopped talking with your brother.

A: I deny.

Q: In para 8 of your plaint you have specifically stated "The plaintiff had taken care of her father as his duty full daughter and attended to his needs and comforts as and when needed. The father of the plaintiff, R. Srinivasan, allowed the first defendant to stay with him till the first defendant shifted to the premises bearing No.32, 16th Avenue, Ashok Nagar, Chennai 600 083." What do you mean by that?

A: I do not know.

Q: I put it to you that the next line you mentioned during the last days of your father he let out A schedule property. What do you mean by last days?

A: I do not know whether my father or my brother let out the property.

Q: In which year it was happened?

A: I do not remember.

Q: Further you mentioned that the rental income was appropriated by your father during his lifetime, do you have any proof?

A: No. I do not have any proof. I do not know whether the rent was received by my father or my brother.

Q: Do you know where is your father's house?

A: 1223, Publiraja salai, KK Nagar, Chennai – 78.

Q: Who is the owner of the above said property?

A: The house at 1223, Publiraja salai, KK Nagar, Chennai – 78 was owned by my father.

Q: Do you have any document to show that the above said property was absolutely owned by your father?

A: No. I do not have any document. But it was allotted by Minerals and Metals Trading Corporation of India (MMTC).

Q: Why Minerals and Metals Trading Corporation of India (MMTC) allotted the property in favour of your father?

A: MMTC allotted for all its staffs.

Q: Who paid the money for the purchase of the property?

A: I do not know. At that time I was child.

Q: Did you issue any notice to the tenant of that house not to pay the rent to the 1st defendant?

A: No.

Q: (Ex.P13 is shown to the witness.) I put it to you that whether you issued any notice to the tenant not to pay the rent amount Rs.18,000/- per month with effect from October

2020.

A: Yes.

Q: First you said No and now you are stating Yes, which one is correct?

A: My lawyer has issued notice, I do not have the copy hence I said no for the first question. After seeing Ex.P13 I came to know that my lawyer had issued notice.

Q: Your HUF consisting of yourself and your husband owns any property?

A: No.

Q: Are you sure?

A: Yes, I am sure.

Q: When did you shifted the house to Porur?

A: In 1993.

Q: From where you shifted?

A: From my mother-in-laws house at 91, Sachidhanada street, Kosapet, Chennai.

Q: On 22.08.2022 you admit that HUF owns a house property now you are telling your HUF did not have any property, which one is correct?

A: That is my mother-in-laws house. Now it is not with us. My HUF is not have any property.

Q: Is it correct to state that prior to your brothers birth you were the only child in your family?

A: Yes. I was the only daughter.

Q: According to me, without admitting your HUF concept 3 family consist of your parents, your mother's parents and mother's sisters parents you were the only child, what do you say?

A: Yes. I was the only child.

Q: Before your birth two children were died, is it correct?

A: Yes.

Q: Because of that reason the two children died you were treated as a queen by all the 3 families, is it correct?

A: Yes.

Q: I put it to you that after the birth of the 1st defendant the male child your importance is get reduced hence you developed jealous against the 1st defendant.

A: I deny.

Q: Did your father ever live without the company of the 1st defendant?

A: Yes. My father had never lived separately.

Q: When did your mother die?

A: On 31.10.1998.

Q: When did your father die?

A: On 03.11.2013.

Q: From 1998 to 2013 your father lived with the 1st defendant and not with you?

A: No. It is not correct.

Q: Whether your father stayed with you?

A: Yes.

Q: How many days he stayed with you?

A: He would be stayed with me for 3 days, he had come to my elder daughter's marriage and did all the arrangements.

Q: Did you visit your father after he shifted his house to no.32, 16th Avenue, Ashok Nagar, Chennai – 83?

A: Yes.

Q: Whether that house was a big one or small one?

A: That I do not know.

Q: I put it to you that that the house consisting of 2 floors. The ground floor was operated as clinic by the 1st defendant and the first floor was occupied by the 1st defendant and Mr. Srinivasan the father of you.

A: It may be.

Q: I put it to you that you are giving wrong answer pleading ignorance about the description of house which is so big consisting of doctor's clinic and house.

A: I deny.

Q: Did you file any document in respect of A schedule property?

A: I filed EC.

Q: I put it to you that you have not even filed the EC.

A: I deny. I have given to my counsel.

Q: I put it to you that your counsel has not filed that EC.

A: I have given Ex.P3 settlement deed and not the EC.

Q: In your earlier answer you have stated that you have filed EC, whether it is correct or wrong?

A: It is only by mistake.

Q: (Ex.P3 is shown to the witness.) Do you know the contents of Ex.P3?

A: Yes. I know.

Q: What is the content of Ex.P3?

A: My father has executed settlement deed in respect of the house in favour of my brother that is the content of Ex.P3.

Q: You have filed an EC consisting of 19 pages in respect of village property and you claimed before this court that you have given EC with your advocate and now you identify the settlement deed Ex.P3, is it not false evidence?

A: I do not have anything regarding village as well as house. All the records and full documents are with the 1st defendant.

Q: How did you obtain the certified copy of settlement deed?

A: I went the housing board and friends circle and enquired everyone at last I obtained.

Q: From whom you obtain the Ex.P3?

A: That I do not remember.

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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 22.11.2022

Time: 02.40 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: When did you obtain Ex.P15 series Encumbrance certificate?

A: On 02.01.2014.

Q: Why you do not obtain EC till date?

A: I asked for it but they gave only upto this period.

Q: Have you gone thorough the entire contents of Encumbrance certificates containing 28 pages?

A: Yes.

Q: This encumbrance certificates contains so many survey numbers, how do you got though survey numbers?

A: Sub-Registrar office gave it.

Q: Do you meant to say without reference to survey number did the sub-registrar officer gave encumbrance certificate comprises of 28 pages?

A: Yes.

Q: In the encumbrance certificates filed in Ex.P15 you have marked number of serial numbers, what is the reason?

A: To show what are the properties are partitioned what are the properties are already sold by them.

Q: Without reference survey numbers, have you obtained EC from Sub-registrar office?

A: Yes.

Q: Did you exclude in the plaint the properties which were already sold and partitioned?

A: I do not know what are the properties are sold and partitioned. Whatever the villagers told me I filed.

Q: How did you obtain page No.81,89 and 91 of Ex.P15?

A: I asked VAO. He told me to obtain EC, I applied and obtained.

Q: In those page 81,89 and 91 of Ex.P15 you have marked certain survey numbers, why did you mark?

A: since in those pages my father's name and my brother's name are there. Hence I thought that these are our properties. Hence I marked.

Q: I put it to you that even though you are knowledgeable to read EC, without knowing the survey numbers capable of getting the EC from the Sub-registrar office which 100 KM away from your house and marked the properties that are sold, exchanged and settled you did not give proper particulars filed in support of this suit and thereby causing inconvenience to the court and mislead the court with mala fide motive and get undue enrichment at the cost of the defendant.

A: I deny.

Q: What is the A, B, C, D and E refers?

A: A schedule K.K. Nagar house, B, C, D are agricultural land, E scheduled is Athikesava naidu's agricultural land.

Q: A schedule belonged to whom?

A: My father R. Srinivasan.

Q: Is it the absolute self acquired property of Srinivasan?

A: Land is owned by my father. Building was constructed by joint family when I was 7 years old.

Q: How do you claim property referred in partition deed dated 02.06.1947, Ex.P1? Did you born at the time?

A: I was not born. When I asked village officer he gave me a correct picture. He used to come to my house very often.

Q: What age you came to know about all the details?

A: At the age of 10 years old.

Q: When your father constructed the house in A schedule property?

A: When I was studied 5th to 6th standard, my father constructed the house.

Q: (Ex.P3 is shown to the witness) Can you explain what is Ex.P3?

A: Copy of settlement deed.

Q: (Ex.P3 is shown to the witness) Who executed in whose favour?

A: It was executed by my father Srinivasan in favour of the 1st defendant Harikrishnan.

Q: (Ex.P3 is shown to the witness) Have you read the Ex.P3 settlement deed?

A: Yes.

Q: Is it stated anything about how did he acquire A schedule property in Ex.P3?

A: Yes, it is stated. Minerals and Metal trading Corporation of India has allotted for all its staffs only the land for Rs.10,000/-.

Q: Can you tell from which page of Ex.P3 you got the above said details?

A: I do not know. When I was 10 years old elders including my father talked like this. I do not have any evidence.

Q: I put a specific question that Whether the Ex.P3 contains as statement that the plot was allotted by MMTC to your father Srinivasan and all employees but you gave wrong answer?

A: I deny.

Q: I put it to you that while preparing the plaint and giving evidence before this Hon'ble Court you are not giving true facts even though you swear before this court only the truth and nothing but the truth.

A: I deny. I am telling only the truth.

Q: (A document is shown to the witness) I am giving the EC consisting of 01.06.1968 to 05.01.2014 consisting of 10 pages in respect of Schedule A property.

A: I do not know.

Q: I put it to you that if you apply EC for the period 01.06.1968 to 05.01.2014 you will know that the property was purchased by Mr.Srinivasan by mortgaged with MMTC both for purchase of the plot, construction of the building and discharged by MMTC is readily available.

A: I deny.

Q: (A document is shown to the witness) I am showing the sale deed Dated 14.09.1987 Doc. No.3564/1987 registered before the Sub-Registrar, Kodambakkam in respect of the plot referred in A schedule. Do you accept it or not?

A: I do not know now only I am seeing.

Q: (Mortgage deed executed by R.Srinivsan and to in favour of MMTC dated 10.11.1972 registered as Doc. No.3788/1972 and another document dated 27.07.1973 registered as Doc. No.2767/1973 is the mortgage deed for the purchase of plot and construction of the house thereon is shown to the witness) Do you accept it or not?

A: I do not know these documents.

Q: Do you know that your father had executed a Will?

A: I do not know.

Q: I am showing the original Will dated 05.07.1995 registered as Doc.No.116/1995 bequeathing A schedule property to the 1st defendant and to you the annuity from Life Insurance Corporation through his company MMTC, do you know?

A: I do not know.

Q: I put it to you that based on this Will only you received the annuity from Life Insurance to the company MMTC.

A: I deny. I straight away went to MMTC and got all the things.

Q: I am showing you original Patta No.78/2014 issued in favour of the 1st defendant Dr. Harikrishnan, what do you say?

A: I do not know.

Q: I am showing you the letter dated 07.06.1989 issued by MMTC to Mr.R. Srinivasan releasing the Hypothcation, and returning all the original documents in respect of A schedule property?

A: I do not know.

Q: I have shown you the entire documents ranging from 1977 to this date in respect of A schedule property consisting of mortgage deed to MMTC, sale deed by housing board and all other documents showing that A schedule property is individual, self acquired property of Mr.R. Srinivasan but you claimed that you were only 10 years old and therefore you do not know, what do you say?.

A: I deny, I do not know anything.

Q: In page 4 of your plaint in para 13 you mentioned that the defendant coerced your father R.Srinivasan and fraudulently obtained the settlement deed dated 19.02.1999, is it correct?

A: Yes, it is correct, I came to know only in the year 2013.

Q: I put it to you that in para 8 of your plaint you claimed that you have taken care of your father as a dutiful daughter and attended needs and comfort and also staying 10 house from his house but you claimed that you did not know the settlement deed executed by him in 1999 which is false and misleading this court.

A: I deny.

Q: Therefore you are challenging the settlement deed executed in the year 1999 without even knowing the mortgage deeds, sale deeds purchase by your father in his individual capacity. Did you file any documentary proof to show that your father was coerced by 1st defendant and obtained the settlement deed?

A: No, I have not filed any document. I do not know anything in my presence nothing was done.

Q: Did you read the settlement deed of the year 1999 executed by your father?

A: Yes, I have read.

Q: In the said settlement deed your father specifically claimed in page no.3 as follows "Whereas the settlor had constructed a building over the said plot of land in the year 1975 and he had also remitted the entire cost of land due to Tamilnadu Housing Board and thus became eligible to obtain an absolute title in respect of the land, after fulfilling

all the terms and conditions stipulated upon him by Tamilnadu Housing Board” and in page no.6 as follows “ The settlor covenants with the settlee that the settlee may peacefully enter into, quietly possess and enjoy the schedule mentioned property, without any let, hindrance, interruption, eviction, claim or demand from or by the settlor or from any person or persons claiming through or under or in trust for the settlor and with All powers of Alienation.” in the above said paragraphs he denied any person to claim through him the schedule A property against the settlee Mr. Harikrishnan 1st defendant, what do you say?

A: I do not know.

Time : 04.00 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.

C.S.No.426 OF 2016

Date: 05.12.2022

Time: 01.10 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 filed the legal heir certificates of Late. Srinivasan and Ethiraji Ammal?

A: I have given to my counsel.

Q: The legal heir certificates of Late. Srinivasan and Ethiraji Ammal not filed into court in this case, what do you say?

A: I too have one more copy with me.

Q: Can you file the legal heir certificates of Late. Srinivasan and Ethiraji Ammal into court atleast in the next hearing?

A: Yes, I can.

Q: When did you obtain the legal heir certificates of Late. Srinivasan and Ethiraji Ammal?

A: Immediately after my father's death, I have obtained both the legal heir certificates of Late. Srinivasan and Ethiraji Ammal.

Q: You have claimed that the settlement deed dated 19.02.1999 executed by your father Late. Srinivasan in favour of the 1st defendant to be declared as void and not binding on you. Have you filed any proof for that?

A: No.

Q: Your prayer to declare the partition deed dated 02.12.2000 to be declared as null and void, have you filed any documentary evidence to substantiate the above said claim?

A: No.

Q: According to you, you are a good daughter to your father and continuously taking care by staying 10 house from his house, are you vouch that still the statement is correct and genuine?

A: Yes.

Q: After your marriage, with whom your father was living till his lifetime?

A: He would come to my house and staying with me for 2 or 3 days. After that he would go to his son's house and he would go to the village.

Q: In para 8 of your plaint you have mentioned that your father was staying at door no.32, 16th Avenue, Ashok nagar, Chennai 600 083 where his son was having his residential house in the first floor and having his clinic in the ground floor, do you agree?

A: Yes, I agree. He was there. I do not know it was a rental house.

Q: I put it to you that in para 8 of your plaint you have mentioned that A schedule property was rented out and shifted to the above address namely door no.32, 16th Avenue, Ashok nagar, Chennai 600 083, therefore you are giving false evidence.

A: I deny. Witness adds: My father had told me that he along with his son shifted to door no.32, 16th Avenue, Ashok nagar, Chennai 600 083.

Q: Did you visit that house at door no.32, 16th Avenue, Ashok nagar, Chennai 600 083 at any time?

A: Yes.

Q: How many times in a month you had visited door no.32, 16th Avenue, Ashok nagar, Chennai 600 083?

A: 2 or 3 times in a month.

Q: Whether at that time your father was employed?

A: No, he was retired.

Q: Did he do any private job for his lively hood?

A: No, he was doing agricultural work at the village.

Q: How much money your father will make each year from the agricultural land?

A: I do not know.

Q: Do you know in any year how much money he earned in agricultural land?

A: He would earn sufficient amount for his expenses and he would give his grand children and to me also.

Q: How much money he would give each year to you?

A: He would give Rs.1000/- or Rs.2000/-

Q: So you would not have given any money to your father?

A: No, I would also give him money. He would also give me money.

Q: Is your father a honest person?

A: Yes.

Q: Did he tell lie?

A: No, he would not tell lie.

Q: If your father and another person made a same statement about a particular subject whose statement you will believe?

A: Regarding what?

Q: If it is in respect of properties?

A: I will believe my father.

Q: In your evidence on 22.11.2022 at page 2 you have mentioned that many of properties mentioned in schedule B,C, D and E were already sold by your father and you confirmed it also, do you stand by it even now?

A: Yes, they were sold. I do not know whether it was sold by my father or my brother.

Q: Have you include those purchasers in this suit filed by you?

A: No, I knew only Rajasekaran, I have impleaded him in the suit. I do not know whether Rajasekaran purchased or exchanged.

Q: I put it to you that in every given opportunities you are not telling the correct facts clearly or giving incorrect particulars to which wrong conclusions for example you filed Ex.P6, exchange deed executed by your brother, 1st defendant with Rajasekaran but in the court you are telling you do not know whether it is purchase deed or exchange deed.

A: I deny.

Time : 01.50 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.

C.S.No.426 OF 2016

Date: 16.08.2023

Time: 02.50 P.M.

Name : Mrs. V. Kausalya (PW1)

Continuation of cross examination by Mr. R. Meenakshi sundaram , Learned counsel for the 1st and 2nd Defendant.

Solemnly affirmed:

Q: When did you return from America?

A: On 29.06.2023.

Q: On 14.07.2023 and 02.08.2023 also you were not present, what do you say?

A: After returning from America I was not doing well for sometime and I had gone Yathra. Hence I could not able to attend the court.

Q: How did you go America without intimating the court while the case is pending?

A: I informed my counsel then only I had gone.

Q: What is the urgency you went abroad?

A: To see my Children and my grandchildren. I have to take care of them.

Q: Now who will take care of them?

A: Holidays came to end now they are going to school. Their parents both are working.

Q: (Ex.P15 is shown to the witness) The series of encumbrance certificates you have filed, which are the properties covered?

A: Survey numbers 199/1, 171/9, 171/10, 192/2D are covered. 192/2D belongs to Ethiraj

Ammal, Serial number 8,11, 12 and 15 belongs to my parents.

Q: In whose name the properties are? Whether it is in the joint name of your parents?

A: That I do not know. All 15 Ec's are in the name of both my parents.

Q: In your suit for partition you never claimed any schedule owned by your father and mother jointly, what do you say?

A: Yes, they have purchased jointly.

Q: Which schedule of property was purchased jointly by your parents?

A: That I do not remember. For Rs.20000/- the plot which is opposite to our house has been purchased by my parents.

Q: (Plaint is shown to the witness) Is it right that, this is the plaint prepared at your instructions signed by you and filed in the court?

A: Yes.

Q: Where do you state that which property is purchased by your parents jointly?

A: I do not know.

Q: 5 schedules referred in plaint, in which schedule belongs to which person?

A: A schedule belongs to my father(house), B, C and D schedules are ancestral property (Agricultural land), E schedule belongs to Athikesavalu Naidu (Agricultural land).

Q: Is it correct that B, C, D are ancestral property and E schedule belongs to Athikesavalu Naidu?

A: Yes.

Q: Who is Athikesavalu Naidu?

A: Athikesavalu Naidu is my mother's mother's brother. He is also my mother's sister's husband.

Q: How Athikesavalu Naidu and her father's father are all belongs to one HUF which she inherit?

A: All belongs to one HUF.

Q: You filed this case on the sole reason that the 1st defendant has gone on adoption to Athikesavalu and therefore he is not entitled to the properties belonged to Srinivasan and his father?

A: Yes.

Q: In the earlier question as you said Athikesavalu belonged to HUF of Srinivasan and his father if that so how 1st defendant not entitled to be part of HUF?

A: I am not aware. In order to protect the properties they all jointly lived as joint family.

Q: Your father have any other name in the family circle?

A: No. To my knowledge his name is only Srinivasan.

Q: I put it to you even though your father had one more name in the family circle you are telling lie to mislead the court.

A: No. I do not know.

Q: (Ex.P1 is shown to the witness) In Ex.P1 the other name of your father is mentioned as Krishnaswamy Naidu, what do you say?

A: Krishnaswamy Naidu is not my father's name only Srinivasan is my father's name.

Q: (Ex.P1 is shown to the witness) In first page of Ex.P1 it is specifically stated that partition deed between the plaintiff's father and his coparcener state as follows “ 1. Seethapathy Naidu S/o Perumal Naidu, 2. Ramanuja Naidu S/o Seethapathy Naidu, 3.Perumal Naidu @ Nandakumar S/O Ramanuja Naidu, 4. Srinivasa Naidu @ Krishnaswamy Naidu, so here it is stated Srinivasa Naidu @ Krishnaswamy Naidu, is it your father or not?

A: To my knowledge my father is only called as Srinivasan.

Q: I put it to you that without reference to the partition deed dated 02.06.1947, Ex.P1 you claim partition of the properties mentioned in partition deed without your father's name not properly described.

A: In the name of Srinivasa Naidu ECs are there.

Q: I put it to you that it is only the document which creates title and not the ECs.

A: I do not have the original documents I was able to obtain only the ECs. Hence I have filed.

Q: Who filed Ex.P1 which is the partition deed among the family members?

A: I have filed.

Q: Have you read the partition deed Ex.P1 before you have filed the suit ?

A: Yes. Through EC only I have found out the partition deed.

Q: You have stated that your father name is only Srinivasan, In Ex.P1 your father is not found, how do you claim partition?

A: Only I came to know after you are telling that Krishnaswamy @ Srinivasan is the name of my father.

Q: Whether your father had been adopted by anybody?

A: I do not know.

Q: C schedule of property mentioned in the plaint belongs to whom?

A: The property was originally in the name of Seethapathy then it was in the name of his son Ramanuja Naidu and then in the name of his son Srinivasa Naidu.

Q: How many children Ramanuja Naidu had?

A: 4 children.

Q: Then how it would devolve only upon Srinivasan?

A: They are 2 sons and 2 daughters, among the 2 sons Srinivasan and Nandagopal

partitioned the same. No property was given to daughters.

Q: How do you know there was a partition between Nandagopal Naidu and Srinivasa Naidu?

A: Athikesavalu Naidu and Indrani Ammal would say this is Nandagopalan's share and that is Srinivasan's share. Athikesavalu Naidu and Indrani Ammal alone had cultivated the land.

Q: Do you have any evidence to prove the above said facts?

A: When I was 16 years old they have separated and taken.

Q: Did you mention these facts in your plaint?

A: I do not know.

Q: (Plaint is given to the witness) Now say whether it is stated in the plaint?

A: I do not know.

Q: I put it to you that C schedule property belongs to Balasundaram.

A: I do not know who is Balasundaram. Because I was not born at that time.

Q: Did you receive copy of the 42 document filed by the defendant in A. No.1778/2023?

A: No.

Q: I put it to you that you are telling lie that you were not given copies.

A: I deny.

Q: How long you were out of India?

A: 6 months. And then I went to Kochin for medical treatment and then I went Yathra.

Q: You have not met your counsel so far?

A: No, I have not met.

Q: The 1st defendant filed 42 documents in A. No.1778/2023 and the same was allowed by the Hon'ble High Court on 06.04.2023 and if I question about that documents can you answer?

A: I cannot say without go through the documents.

Q: If you want time to go through you can ask the court?

A: I do not want any time. Witness further states I need atleast 1 week or 10 days. I can able to say only in the next month.

Time : 04.15 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.

C.S.No.426 OF 2016

Date: 07.09.2023

Time: 11.40 A.M.

Name : Mrs. V. Kausalya (PW1)

Continuation of cross examination by Mr. R. Meenakshi sundaram , Learned counsel for the 1st and 2nd Defendant.

Solemnly affirmed:

Q: In your cross examination on 16.08.2023, you have informed that the 42 documents filed by the 1st defendant in A.No.1778/2023 was not known to you and you have not seen it. At least have you seen after 16.08.2023?

A: Till today I am not aware of it.

Q: In your cross examination on 16.08.2023, you have deposed that you need at least one week or 10 days to go through those document. Why did you not see?

A: I did not go to the office of my counsel.

Q: Do you have any plan to go to you Advocate's office and to go through the above said 42 documents of the defendants?

A: No.

Q: Are you willing to continue your evidence without go through those documents?

A: If I am able to answer, I will do.

Q: Suit schedule A property is owned by whom?

A: It is owned by my father. Witness adds: My father purchased it while he was working.

Q: What is the document filed by you to prove that suit A schedule property is owned by your father?

A: EC (Encumbrance Certificate).

Q: Have you filed the said EC in this case?

A: Yes, I have filed.

Q: (All plaintiff side exhibits are shown to the witness) Which is the exhibit number?

A: Ex.P3 (Certified copy of settlement deed) is shown by the witness as EC.

Q: According to me, Ex.P3 is the settlement deed executed by your father in favour of the 1st defendant and not EC, what do you say?

A: When I asked the Sub-Registrar, he has given this alone.

Q: I put it to you that Ex.P3 is the document which is the settlement deed executed by your father in favour of the 1st defendant.

A: I disagree.

Q: Did you ever meet the employer of your father in MMTC (Minerals and Metals Trading Corporation)?

A: No, I have not met him.

Q: Without meeting MMTC authorities, how do you receive Ex.P8 letter dated 02.01.2014?

A: Manager of MMTC had given that letter to me.

Q: I put it to you that in the earlier question you have answered that you have not met any authorities in your father's office is lie.

A: I deny.

Q: (Ex.P9 and Ex.P10 are shown to the witness) Can you explain what is Ex.P9 and Ex.P10?

A: LIC annuity amount.

Q: Who gave you these 2 documents to you?

A: It came to me by post.

Q: How the LIC sent the money?

A: LIC credited the amount in my account.

Q: Did you file any legal heir ship certificate?

A: I do not remember.

Q: Have you obtained legal heir ship certificate?

A: I think that I have given to my counsel.

Q: (A document is shown to the witness) This is the original letter of allotment given by Housing Board?

A: Now only I am seeing. Hence I cannot say anything about this.

Q: A document is shown to the witness) This is the original Sale Deed executed by the Housing Board in favour of father of the 1st defendant and yourself?

A: I do not know anything about this.

Q: A document is shown to the witness) This is the original Mortgage deed dated 10.11.1972 executed by your father in favour of MMTC?

A: I do not know anything about this. Now only I am seeing this.

Q: (A document is shown to the witness) This is the original letter dated 07.06.1989 issued to your father by MMTC stating that the loan amount is fully repaid and all the original documents are returned?

A: I do not know.

Q: (A document is shown to the witness) This is the original receipt dated 01.06.1989 issued by Divisional Manager, MMTC to your father stating that the loan disbursed to your father is fully paid, do you agree or not?

A: I do not know.

Q: In the description of suit schedule B,C, D, E the extent mentioned is not available with your family. Hence the extent mentioned in the plaint is not correct?

A: I deny.

Q: I put it to you that the extent sold by your father during his lifetime were deliberately included in the suit to make a false claim.

A: Yes, My father had sold some properties.

Q: I put it to you that knowingly you have included those sold property also in the plaint.

A: I do not know what are the properties sold by my father.

Q: After verifying the same can you tell what is the extent of property sold by your father?

A: I cannot do.

Q:I put it to you that in suit B schedule property the extent sold is 2.99 Acres.

A: I do not know.

Q: I put it to you that in suit C schedule property the available extent is 2.44 Acres only.

A: I do not know.

Q: I put it to you that in suit D schedule property the extent sold is 5 Acres and 86 Cents by your father.

A: I do not know.

Time : 12.30 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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 25.09.2023

Time: 03.50 P.M.

Name : Mrs. V. Kausalya (PW1)

Continuation of cross examination by Mr. R. Meenakshi sundaram , Learned counsel for the 1st and 2nd Defendants.

Solemnly affirmed:

Q: In your deposition dated 07.09.2023, you informed the court that you are not aware about the 42 documents filed by the 1st defendant in A. No.1778/2023. Are you aware of it now or not?

A: No.

Q: In the same deposition dated 07.09.2023, you informed the court that you have not seen your advocate so far, have you seen him or not?

A: Yes, I met him.

Q: Did you enquire him about the 42 documents filed by the 1st defendant?

A: No.

Q: Did your Advocate inform you about the A.No.1778/2023 and the receipt of 42 documents?

A: No.

Q: Would you like to continue your evidence without verifying 42 documents filed by the 1st defendant?

A: I do not want to verify anything.

Q: I put it to you that by giving this type of irrelevant answer you are suppressing the material facts that your plaint and the schedule were not correctly drafted.

A: I deny.

Q: Did you read the written statement filed by the all the defendants?

A: Yes.

Q: In respect of C schedule property, who is the owner of the property?

A: My ancestor.

Q: In whose name it is standing?

A: Seethapathy.

Q: (A document is shown to the witness) This is the original Will executed by Balasundaram dated 24.08.1931 in respect of C schedule property?

A: I do not know.

Q: So you do not know who is Balasundaram also?

A: No, I do not know.

Q: (A document is shown to the witness) This is the Patta stands in the name of the 1st defendant?

A: I do not know.

Q: Patta dated 12.08.2022 Pachambakkam land standing in the name of the 1st

defendant, what do you say for that? (The learned counsel for the plaintiff has objected and stated that already the witness has stated that she does not know hence it is irrelevant)

A: I do not know.

Q: (A document is shown to the witness) This is the sale deed dated 14.09.1987 executed by the TNHB in favour of your father which is in respect of the plaint 1st schedule property in which you are claiming share?

A: I do not know.

Q: (A document is shown to the witness) The Will dated 05.07.1995 executed by your father Late. Mr. Srinivasan in respect of his immovable properties situated in both Chennai and Pachambakkam?

A: I do not know.

Q: (A document is shown to the witness) The Will dated 03.07.1995 executed by your mother Ethiraj ammal in respect of property at Pachambakkam to her daughter-in-law the 2nd defendant?

A: I do not know anything about this.

Q: (A document is shown to the witness) The power of attorney dated 30.06.1991 executed by your mother Mrs. Ethiraj ammal in favour of your father R. Srinivasan for the sale of her property at Pachambakkam in respect of D schedule property?

A: I do not know about the power of attorney. Land is owned by my mother.

Q: (A document is shown to the witness) This is the sale deed dated 20.05.1979 executed by one Mr. Raju Pillai in favour of your father in respect of plaint schedule 2 property?

A: I do not know anything about this.

Q: (A document is shown to the witness) This is the sale deed dated 20.05.1979 executed by one Mr. Raju Pillai in favour of your mother in respect of plaint schedule D property?

A: It is my mother's property, now only I am seeing this.

Q: Is it correct that in your earlier deposition you mentioned that your father's employer MMTC has sent the annuity amount i.e., LIC insurance directly to you?

A: Both my parents told me that I am the nominee but I did not have any record for that, I went to MMTC and enquired about it. They told me that yes, it is in the name of Kousalya then only they have proceeded.

Q: Did you give any receipt to them for receipt of that Cheque?

A: No.

Q: According to you, you received the amount from MMTC without giving any receipt to them?

A: Yes, I gave all the particulars enquired by them after that they sent the records to Delhi office.

Q: What were the particulars you gave MMTC to show that you are Kousalya?

A: I gave them my PAN card.

Q: No other evidence given by you?

A: No. because the 1st defendant had everything when I asked him he refused to give me.

Q: According to you, the 1st defendant is not your father's son because he has gone on adoption if that is so how can your father's document come to the 1st defendant?

A: 1st defendant only knows.

Q: So your evidence that you are taking care of your father and you were visiting your father's house regularly are false?

A: No, it is not false.

Q: I put it to you that your father had not in a talking term with you after your marriage and he had not allowed you to enter in his house and he did not enter your name in his ration card.

A: I deny. My father had come to my daughter's marriage, my house grahapravesham. We were in good talking terms.

Q: My question is whether your father allowed you to enter in his house?

A: Yes.

Q: According to you your father was living with the 1st defendant family, is it correct?

A: No.

Q: How do you say it is not correct?

A: He used to go to his native place, Pachambakkam once in a week and my house and he would be residing in all three places.

Q: Once in a week he used to go to Pachambakkam other 6 days where he would go?

A: He would go to Trichy Ashramam, he would come to my house, he would go to his house.

Q: Do you have any ration card or Aadhaar card to show where is your place of residence?

A: Yes, I am having.

Q: What is the address you have given in those cards?

A: They are in my own address except the PAN card.

Q: According to you, you were visiting your father's house regularly then why did you not give your father's address to your ration card and Aadhaar card?

A: since I have purchased my own house, I have given my own address.

Q: In your father's Aadhaar card, ration card and other cards what was the address given?

A: I do not know.

Q: I put it to you that you are telling lie your father's place of residence was with the 1st defendant's house where you were visiting regularly.

A: I deny. I really do not know which address was given by my father to his Aadhaar card, ration card and etc.

Q: Where did you go and see your father?

A: 1223, Pobbli Raja salai, K.K. Nagar till 2003 I went there and meet him after that 16th Avenue, Ashok Nagar, Chennai 83.

Q: In which address your father passed away?

A: 16th Avenue, Ashok Nagar, Chennai 83.

Q: Whenever you visited whether your father was living along with the 1st defendant or alone or with any other person?

A: I did not see any other person. I would see my father only.

Q: When you visited your father's house, who were all residing there?

A: I do not know. I would meet my father alone.

Q: Do you know the 1st defendant's family at least?

A: He is my younger brother.

Q: He is having 2 sons one son is disabled person, do you know?

A: I do not know about that.

Q: I put it to you that according to you, you do not know anything about the 1st defendant or his family or any other person living in the house where you were visiting your father.

A: Yes.

Q: In your pleading you have stated that your parents were residing with number of persons, what happened to all those persons?

A: They were expired.

Q: When they died?

A: Kanniammal died when I was studying 7th standard. Raja gopal Naidu died when I finished my PUC. Indrani ammal died after my 1st child was born. Athikesavalu Naidu died when my 2nd child was born.

Time : 05.00 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.

C.S.No.426 OF 2016

Date: 18.10.2023

Time: 12.45 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: When Kanniammal, Raja gopal Naidu, Athikesavalu Naidu and Indrani ammal died?

A: I do not remember even the year.

Q: When did you study 7th standard?

A: 1969 -1970.

Q: When did you finish PUC?

A: 1976-1977.

Q: When was your first child born?

A: 08.05.1984.

Q: When was your second child born?

A: 14.03.1987.

Q: Do you agree the above mentioned 4 persons died in those respective years?

A: I think so.

Q: It is more than 6 months the 1st defendant filed number of documents as additional documents, have you received till now?

A: No.

Q: Did your counsel brief to you above the filing of those documents?

A: No.

Q: Did you verify with your counsel about the questions asked and answers given by you in respect of additional documents filed in this suit?

A: No.

Q: In this suit you claimed declaration that the document executed in respect of suit properties are null and void. Have you filed any document to support your case?

A: I have already filed.

Q: What document you have filed?

A: EC.

Q: So you have not filed any document challenging the settlement deed executed in respect of A to C property as Null and Void?

A: No, I have filed.

Q: I put it to you that you are simply telling lie as if you have filed document in support of your case and refused to verify the document filed by the 1st defendant also.

A: I deny.

Q: Are you in possession of any of the suit items of the properties schedule A to E?

A: No.

Q: Do you made any enquiry on whose favour the properties are?

A: The suit properties are all my ancestral properties.

Q: I put it to you that when you made enquiry in Pachapakkam village, they informed you that all the properties are in the name of the 1st defendant.

A: I deny.

Q: I further put it to you that you are telling continuously incorrect statements.

A: I deny.

Q: When did your father die?

A: On 03.11.2013.

Q: I put it to you that in Ex.P3 it is specifically mentioned that the property purchased by your father through Employers MMTC loan. Hence it is your father's individual property and not ancestral property.

A: I deny.

Q: I put it to you that in Ex.P3 your father specifically mentioned that he executed without any coercion from anyone and on his own violation and freewill.

A: I deny.

Q: I put it to you that in Ex.P5 your father stated that you were given good education and at the time of marriage instead of properties, gold jeweleries and other credentials were given and the marriage was celebrated and you have no rights and in any of the ancestral properties.

A: I deny.

Q: I put it to you that in Ex.P5 your father also further stated that in his old age your father was given good clothing and taken care by the 1st defendant and as such he settled his immovable properties in his favour.

A: I deny. He himself had his own money.

Q: I put it to you that you are telling lie.

A: I deny.

Q: I put it to you that according to you you were in good relationship with your father and your father informed you that he has given the properties referred in Ex.P5 and Ex.P3 in favour of the first defendant.

A: I deny.

Q: I put it to you that you are telling lie about the relationship is in good with your father.

A: I deny.

Q: I put it to you that in your earlier answer you have stated that when you were 15 years old all your relatives had informed you that these suit properties are ancestral and HUF properties is false.

A: I deny.

Q: Do you have any knowledge about your father has gone on adoption to somebody else?

A: I do not know.

Q: When did your mother die?

A: On 31.10.1998.

Q: Is it correct that the entire D schedule property belonged to your mother?

A: No, it is not correct.

Q: According to you, which property belonged to your mother?

A: She did not have any property on her own. She sold the property of her sister and purchased the property.

Q: Do you say that your mother played fraud on her sister?

A: I do not say like that. When the family was join family they made such transactions.

Q: Which property was purchased by your mother on her own?

A: Nothing.

Q: Which property was purchased by your mother by selling the property of her sister?

A: D schedule Pachapakkam land.

Q: So I put it to you that D schedule property is not owned by your mother but belonged to her sister.

A: Yes.

Q: So D schedule property is not your ancestral property, is it correct?

A: Yes. It is not the ancestral property.

Q: I put it to you that if the D schedule property is not your ancestral property you cannot claim any share on it.

A: I deny. Witness adds: Her jeweleries were not come to me atleast land to be come to me.

Q: To whom you are asked the D schedule land?

A: I asked from my brother.

Q: Did your mother give any power of attorney to your father to sell D schedule property?

A: No.

Q: Do you agree in the power of attorney your husband is one of the witness?

A: I do not know.

Q: So your father used your husband when you were absent.

A: I do not know.

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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 02.11.2023

Time: 01.00 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 your last cross examination dated 07.09.2023 you have informed that you have not seen the additional documents filed by the 1st defendant. Have you seen it or not?

A: No, I have not seen.

Q: Did you enquire your advocate about the additional documents filed by the 1st defendant?

A: No.

Q: Did your counsel present when you give evidence that you have not seen the additional documents filed by the 1st defendant? (The learned counsel for the plaintiff has objected and stated that it is irrelevant question)

A: Yes, my counsel was present.

Q: Did you file any property document to substantiate your claim in respect of A to E schedule in your plaint?

A: I have filed encumbrance certificate.

Q: According to you, you have not filed any title deed in respect of the suit schedule properties?

A: I do not know.

Q: I put it to you that without verifying any document in respect of suit schedule properties all the properties belong to various persons in who have not connected to HuF, you have filed a false case.

A: I deny.

Q: In para 4 of your plaint you mentioned about Seethapathy Naidu, Ramanujalu Naidu and their children, did you file any legal heir ship certificate?

A: No.

Q: In para 4 of your plaint you mentioned that Ramanuja Naidu had 2 children and that is so how on the death of Ramanuja Naidu the properties will devolve on Srinivasan alone that is your father?

A: Seethapathy had divided the properties into two and given to his two grand sons equally that is to Srinivasan Naidu and Nandagopal Naidu.

Q: I put it to you that your father Mr. Srinivasan himself had gone on adoption to one Mr. Balasubramaniam.(The learned counsel for the plaintiff has objected and stated that there is no pleading at all)

A: I do not know.

Q: In para 4 of your plaint you claimed that is partition between Srinivasan and his father whereas in para 6 you have stated there is no partition by metes and bound. Which one is correct?

A: It is not stated like that.

Q: In para 5 of your plaint you have mentioned “on 07.12.1968 there is ceremony duly performed by the parents of the plaintiff”. What ceremony they have conducted?

A: Adoption ceremony but I was not present, I had gone to school.

Q: What was your age on 07.12.1968?

A: I would be 7 years or 8 years old.

Q: Did the 1st defendant leave your house and live with his adopted parents?

A: We all were living together as a joint family.

Q: What is the name of the adopted parents of the 1st defendant?

A: Indrani ammal and Athikesava Naidu.

Q: What was the job Athikesava Naidu doing?

A: He was worked as Mechanics in BMC Mill.

Q: After retirement where Athikesavalu Naidu had gone and lived?

A: After his retirement with the retirement amount he purchased land at Pachambakkam and stayed in Seethapathy Naidu's house and he did agricultural work in his land as well as in the lands of Srinivasan and Nandagopal used to come to the joint family at Choolai.

Q: In your earlier question you answered that your father Srinivasan looked after his land, whereas now you are stating that Athikesavalu Naidu was looking after the lands of Srinivasan, Nandagopal and his lands. Which one is correct?

A: Till the lifetime of Athikesavalu Naidu he did agricultural works in all the lands. After his death only Srinivasan Naidu and Nandagopal had taken their lands.

Q: In para 9 of your plaint, you have stated that you are the only legal heir of Srinivasan. Have you filed legal heir certificate?

A: I think that I have given to my counsel.

Q: At the time of signing of the plaint did you verify whether legal heir certificate of Srinivasan was filed or not?

A: I did not verify.

Q: I put it to you that you have not obtained legal heirship certificate.

A: I deny.

Q: Can you produce it in the next hearing?

A: I did not take any xerox.

Q: In para 10 of your plaint you mentioned “Athikesavalu Naidu had taken care of the 1st defendant's college education and securing a seat in M.B.B.S college and incurred necessary expenditure for completing his M.B.B.S. Education”. Is it true or false?

A: It is true.

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.

BEFORE THE ADDITIONAL MASTER-III

HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 25.04.2024

Time: 12.55 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 this plaint, you have filed 15 documents to support your claim, is it correct?

A: Yes.

Q: In this plaint, you are the only legal heir to your father and not filed any legal heir certificate of your father Srinivasan?

A: I have given to my counsel.

Q: (Ex.P1 is shown to the witness) the partition Deed, Ex.P1 is filed by you. Is it correct?

A: Yes.

Q: (Ex.P1 is shown to the witness) Who are all the parties to this Partition Deed, Ex.P1?

A: 1. Seethapathy Naidu, 2. Ramanuja Naidu, 3. Nandagopal Naidu and 4. Srinivasa Naidu.

Q: I put it to you that inspite of giving the document, Ex.P1 to read, you have not reading the document properly. Even as per the document, the names are Ramanuja Naidu son Perumal Naidu @ Nanda gopal Naidu, Krishnaswamy Naidu@ Srinivasa Naidu whereas you are deliberately telling Nandagopal Naidu and Srinivasa Naidu to

suit your case. (The counsel for plaintiff has objected that the document has been already filed and this document is of 1947 and the witness cannot be compelled to read and give clarification of the document and also very difficult to read the document)

A: I know only Seethapathy Naidu, Ramanuja Naidu, Nandagopal Naidu and Srinivasa Naidu. I do not know about Perumal Naidu.

Q: The document, Ex.P1 is filed by you to the court, if you are not able to read, the document filed by you to court how do you expect the other side or the Hon'ble court to read and pass orders?

A: I took Encumbrance Certificate. Through EC only I came to know about all these things.

Q: Did you file Encumbrance Certificate in respect of 1947 document in this court?

A: Yes.

Q: Under which exhibit number you have filed?

A: I do not remember now.

Q: (All exhibits are shown to the witness) Under which exhibit number you have filed the Encumbrance Certificate?

A: I have taken EC and I have given to my counsel and I am not able to point out right now.

Q: In Ex.P1, carry the date 02.06.1947 whereas the copy given to the defendant shows the date as 14.06.1941. which is correct?

A: 02.06.1947 is correct.

Q: Why you furnished wrong copy to the defendant?

A: I did not know.

Q: I put it to you that you have deliberately filed the one document into court and given another document to the defendant.

A: I deny.

Q: As per Ex.P1, there was a partition between Seethapathy naidu his son Ramanuja Naidu and Ramanuja Naidu 2 sons namely Perumal naidu @ Nandagopal Naidu and Krishnaswamy Naidu @ Srinivasa Naidu have effected the partition among them. Do you agree or not?

A: I know only Srinivasa Naidu, my father and Nanda gopal Naidu, my uncle.

Q: Therefore I put it to you that you disown Ex.P1 as your father's document.

A: No.

Q: Then what is your answer to the question “As per Ex.P1, there was a partition between Seethapathy naidu his son Ramanuja Naidu and Ramanuja Naidu 2 sons namely Perumal naidu @ Nandagopal Naidu and Krishnaswamy Naidu @ Srinivasa Naidu have effected the partition among them. Do you agree or not”?

A: They have partitioned.

Q: Who are all partitioned?

A: During the life time of Seethapathy Naidu, in the year 1947, he executed the document in favour of his grand sons namely Srinivasa Naidu and Nandagopal Naidu.

Q: Did you file those documents in this court?

A: Yes.

Q: You have filed only one document in the year 1947 where your father name is referred as Krishnaswamy Naidu @ Srinivasan. If that is so what is the partition Deed you are referred among Seethapathy naidu, Ramanuja Naidu and his children?

A: It is the only document given by the Village Officer.

Time: 1.35 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.

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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

Date: 04.07.2024

Time: 04.20 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: I put it to you that in your cross examination you keep telling that your father visiting your house every week and spent time with you is false.

A: I deny. It is true. Witness adds: he used to come.

Q: I put it to you that your cross examination you are telling that your father visiting Pachabakkam land regularly and stayed there and looking after the agricultural land is false.

A: I deny. It is true.

Q: I put it to you that your father visited your house and give jewellery for pledge and he used for his personal use.

A: No. it is for agricultural land.

Q: Your father is an employee in MMTC and received salary and what is the need to pledge jewellery for his expenses?

A: My father pledge jewellery for not his personal expenses and only for the purpose of agriculture land.

Q: According to you, your father was getting rental income from Ashok nagar, how he used that money?

A: The rent received but I do not know it is utilised by my father or my brother.

Q: I put it to you that in your plaint you mentioned that the rent was received by your father is false.

A: I do not remember the content in the plaint in this aspect.

Q: Did you receive the entire LIC payment from his employer MMTC?

A: Yes.

Q: Why your father did not give share to your brother in the LIC payment?

A: I do not know.

Q: Did you consult your brother about the LIC payment from his employer MMTC?

A: Once my father expired, I asked him but he did not reply.

Q: How do you know on his father's death the LIC amount is due on payable to you alone?

A: My parents used to say that amount is goes to you after my parents lifetime. So I straight away went to MMTC and asked the manager, they replied that you are the nominee of the LIC and paid the amount.

Q: Did you file any document to show that you are the daughter of Mr. Srinivasan, employer of MMTC?

A: I took my PAN card, Aadhaar card and showed it to the officer.

Q: Did you furnish the death certificate and legal heir certificate of your father?

A: Yes, I took the death certificate of my parents but at that time I am not obtained legal heir certificate and it is filed and pending in Tahsildar office. After receiving legal heir certificate, I went to MMTC and showed it to the officer.

Q: Have you seen your father's legal heir certificate in your eyes?

A: I have not seen the legal heir certificate of my father.

Q: I put it to you that when your father according to you visit your house regularly and influencing and coercing him and in turn he nominate you alone to receive the LIC payment from MMTC.

A: No.

Q: (Plaint is shown to the witness) In this plaint, you have not given any details properly or gave attention honestly but recklessly give instruction to prepare the plaint by giving wrong details from A to E schedule beginning from page no.14 to 17.

A: No.

Q: (Plaint is shown to the witness) In this plaint, in page 14 in item D, you have mentioned 22 Acres, 22 Lakhs and claim half share to you and paid court fee which is false and even according to you, you forgo the right of 50% of the share in all the schedules.

A: Yes.

Q: I put it to you that therefore your prayer in the plaint that you are the sole legal heir and set aside all the documents which is more than 15 years old is also not correct.

A: No.

Q: I put it to you that the entire extent of land in B, C, D, E is only an extent of 11 Acres 44 cents as against your statement of 22 Acres.

A: I stated the particulars furnished by VAO.

Q: Did VAO give any letter for the available extent?

A: No. witness adds: He took the records and showed me.

Q: Do you know the VAO personally?

A: Yes.

Q: Did you give any official letter to VAO to furnish the available extent in the schedule of properties?

A: Yes.

Q: Did you file the copy of official letter into court?

A: I do not remember.

Q: I put it to you that the extent available in B schedule is 5 Acre 58 cents, C schedule is 2 Acre 20 cents, D schedule is 1 Acre 50 cents, E schedule is 2 Acre 15 cents and all put together the only available extent is 11 Acre 44 cents and the balance is already sold with your knowledge.

A: No.

Q: I put it to you that so the extent given in the plaint filed by you is false.

A: No.

Q: Regarding A schedule property, you said you obtained encumbrance certificate but you did not file into court. Is it correct?

A: I filed it.

Q: (Original Encumbrance certificate obtained from Sub-Registrar, Ashok Nagar for A schedule property is shown to the witness) Did you tell, it is correct or not?

A: Now only I see the document. I do not know about the document.

Q: (Original allotment letter of housing board dated 30.05.1972, original mortgage deed with MMTC dated 10.11.1972 and 27.07.1973, Legal heir ship certificate of your father dated 12.11.1975, Discharge receipt dated 01.06.1989, return of documents by MMTC dated 07.06.1989, Land sketch dated 14.08.1987, Declaration of your father dated 10.12.1975, Patta dated 12.11.1989, Sale Deed dated 14.09.1987 are shown to the witness) Did you know all these documents?

A: No.

Time: 05.10 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.

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

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.426 OF 2016

Date: 11.07.2024

Time: 04.05 P.M.

Name : Mrs. V. Kausalya (PW1)

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

Solemnly affirmed:

Q: I have shown the registered documents in respect of 'A' schedule property and number of purchase of properties by your father Seenivasan in respect of 'C' schedule property and you claim that you have not seen it. Now, I am asking you whether you seen or received any xerox copy or certified copy of those documents?

A: No.

Q: In your plaint you referred to document no. 2,3,5 described as Settlement Deeds executed by various parties in favour of the 1st defendant. Did you file any parent document in respect of those properties?

A: No.

Q: I put it to you that eventhough you are in possession of the xerox copy of those documents in respect of A,B,C,D properties and the court have served copies on you for giving incorrect answer and suppressing the material fact and thereby committing forgery.

A: I do not know.

Q: During your father's lifetime he filed two declaration about his family with the employer dated 10.12.1975 and 12.11.1975 which clearly states that yourself and D1 are his first children. Is it correct?

A: Plaintiff and the D1 names are there in the declaration certificate filed with his employer MMTC. Witness adds:- Hari Krishnan has gone adoption to Aadhi Kesavalu Naidu. I am the only daughter V.Kausalya to my parents.

Q: The document referred above you have not sent the xerox copy also?

A: Yes.

Q: (Ex.P14 is shown to the witness). Is it filed by you?

A: Yes.

Q: (Ex.P14 is shown to the witness). Can you tell me what is the document indicates?

A: This is my mother's land. But, in this document the names are mentioned as Hari Krishnan and Syamala.

Q: As per the document it shows the properties belonged to Syamala wife of Hari Krishnan and you are giving an false answer.

A: No.

Q: You are giving false answer knowingly it is false?

A: No.

Q: Then what is the right answer?

A: This is my mother's land.

Q: Where is the original of Ex.P14?

A: I do not have.

Q: Without original how did you file this Ex.P14 in this Court?

A: I went and asked the village administrative officer and I got this document. Witness adds:- Just opposite to my house village administrative office is situated.

Q: Ex.P14 shows that patta in favour to the D2 was issued as early as 12.05.2002. Do you agree or not?

A: I do not agree.

Q: According to you who is the owner of 'E' schedule property?

A: Aadhi Kesavalu Naidu and Indrani Ammal.

Q: Did you file any document to prove that the property belongs to them?

A: Yes, I have filed.

Q: What documents you have given?

A: I do not remember. But, whether I have given the xerox copies or EC.

Q: So, you have not filed any purchase document in the court?

A: I do not remember.

Q: Whom you have filed?

A: I have given the documents with my counsel.

Q: Did you verify whether those documents were filed in the court?

A: I do not know.

Q: I put it to you that the 'E' schedule property belongs to Indrani Ammal individually and not your HUF property as claimed by you.

A: The property belongs to Aadhi Kesavalu Naidu and Indrani Ammal.

Q: What proof you are got to say that the 'E' schedule property belongs to Aadhi Kesavalu Naidu and Indrani Ammal?

A: Aadhi Kesavalu Naidu retired from B&C Mill and out of the retirement amount he purchased the land.

Q: I am showing two registered Sale Deeds dated 01.12.1977 in the name of Indrani Ammal only. It is right or wrong?

A: Indrani Ammal purchased the property from the benefits of Aadhi Kesavalu Naidu. There is no separate income for Indrani Ammal.

Q: From where it is recited in this document?

A: I do not know about this document and no documents were shown to me by my brother.

Q: I put it to you before you commence the witness you take oath that you will tell the truth and nothing but the truth. But, you suppressed all the material facts and say you do not know inspite of all the copies were served on you through court.

A: I deny.

Cross examination with regard to D2.

Q: Who is the D2 in the suit filed by you?

A: D2 is H.Syamala.

Q: Who is D2?

A: She is the wife of Hari Krishnan.

Q: When Hari Krishnan is not in your HUF how do you include his wife as D2?

A: My mother's property at Patchampakkam Village now stands in the name of Syamala for that reason I impleaded her as D2.

Q: Is your mother own that property individually?

A: No.

Q: Do you know that your mother was doing business?

A: No. My mother was a housewife.

Q: Do you have a cordial relationship with your mother?

A: Yes.

Q: What is your date of birth?

A: 03.10.1960.

Q: Your mother executed a Will dated 03.07.1995 and the same as registered with the Kodambakkam Sub-Registrar Office. Do you know that or not?

A: No.

Q: According to your own mother, she was running and own a type writing institute by name of Sri Hari school of commerce consisting of 20 English and 2 Tamil typewriters and a jest ender with wooden furniture in the year 1968. Do you know that or not?

A: I do not know. Witness adds:- My mother studied upto 5th standard. Even the institute stands in my mother's name my father alone was running that institute.

Q: According to her own Will the balance land of 2.28 and half cent only available and pass on to the D2. Is it correct?

A: It is wrong.

Q: According to you how much land was your mother owning?

A: I do not know the extend of the land. But, my mother's land situated at Patchampakkam Village.

Q: Did your mother has executed a power of attorney dated 30.06.1991 in favour of your father and the same was registered at Kodambakkam Registrar Office?

A: I do not know.

Q: What is your husband's name?

A: N.Vijayakumar.

Q: Is your husband is a attesting witness in the power of attorney or not?

A: I do not know about that.

Q: The extent mentioned in 'D' schedule property in respect of your mother is not correct, you have knowingly give wrong extent and try to claim undue benefit to yourself. Is it correct?

A: No.

Q: In 'D' schedule property also the extent given is wrong and knowingly giving false extent and try to claim undue benefit to yourself. Is it correct?

A: No.

Q: I put it to you that the extent of land in 'D' schedule property is not only given wrong but, majority of the land was sold and the sale proceeds were given to you for the construction of your house at Porur.

A: I deny. Witness adds:- No single paise was received from my parents.

Q: Is the money received by you on your employment given to HUF or belongs as your individually?

A: No, it is my individual amount.

Q: I put it to you that as per your own claim the schedule of properties thereon are all settled in favour of the D1 or D2 and no devolution of HUF arose and therefore your claim is liable to be dismissed as not maintainable and against the provisions of the HUF law.

A: I deny.

Time: 05.15 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

