

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 264 OF 2021

AND

T.O.S.No. 26 OF 2022

Date:13.07.2026

Time:02.45 PM

Name : Mr.R.Jagadeesan (DW1)

DW1 Cross Examined by Learned counsel for the Plaintiff Mr.K.S.Ganesh Babu.

Solemnly affirmed:

Q1: What is the relief sought for in the suit filed by your mother and your sister?

A:They have filed suit for partition.

Q2: Is it correct to state that they have stated in the plaint that the suit property is the self acquired property of your father?

A:Yes.

Q3: Why you have filed written statement by denying their right in the suit property?

A:Because my father has executed a WILL in my favour regarding the suit property prior to his death.

Q4: When did your father purchase suit property?

A:I have to verify the sale deed to answer this question.

Q5: Are you aware of the documents filed by the plaintiff in support of their case?

A:I do not know.

Q6: Do you know that the plaintiffs have filed the death certificate of your father as Ex.P1?

A: Yes, I know.

Q7: Do you know that the plaintiffs have filed the legal heir certificate of your father as Ex.P2?

A: Yes, I know.

Q8: Do you know that the plaintiffs have filed the certified copy of the sale deed pertaining to the year 1978 as Ex.P5, which is the sale deed of the suit property purchased by your father?

A: I do not know. I have to peruse the document to answer this question.

Q9: Do you know the contents of the plaint filed by the plaintiffs?

A: I do not read the plaint fully.

Q10: Who gave instruction to prepare the written statement filed by you in this suit?

A: My advocate has prepared the written statement.

Q11: The plaintiffs have filed death certificate, legal heir certificate of your father and sale deed for the suit property but you have also filed those documents as Ex.D4, D1 and D2. For what purpose you have filed those documents while which was filed by the plaintiffs in the suit?

A: I have filed probate OP to probate the WILL executed by my father in my favour. In that probate OP, I have filed death certificate, legal heir certificate of your father and sale deed for the suit property to prove the WILL.

Q12: I put it to you that there is no difference between the documents filed by plaintiffs (Ex.P1, P2 & P5) and yourself (Ex. D4, D1 and D2).

A: Yes, there is no difference between the documents filed by the plaintiffs and myself.

Q13: Is it correct to state that the plaintiffs have not stated that the suit property is the ancestral property?

A: Yes, it is correct.

Q14: Is it correct to state that your mother, your sister and your self are the legal heirs of your father

A: Yes, it is correct.

Q15: Is it correct to state that if there is no WILL as alleged by you, your mother and your sister are entitled to get equal share in the suit property?

A: Yes. Witness adds: If there is no WILL they are entitled to get equal share in the suit property. But my father has executed a WILL relating to the suit property in favour of me.

Q16: I put it to you that you have stated in your written statement that your sister has wrongly mentioned her marriage date in the plaint.

A: Yes.

Q17: Do you know the register marriage date of your sister?

A: I do not remember the exact date. It is in the month of June 2002.

Q18: When did you know about the register marriage of your sister?

A: I came to know about the register marriage of my sister in the month of July 2002.

Q19: (Ex.D7 is shown to the witness) You have filed the registered marriage certificate of your sister. How do you know the date month and year of the register marriage of your sister?

A: My father received a notice from the Kunnor Registrar office Ambattur through that notice only we came to know the date month and year of the register marriage of my sister.

Q20:(Ex.D7 is shown to the witness) Is it applied by you or by your father?

A: Myself.

Q21: I put it to you that you have not filed the notice sent by Kunnor Registrar office Ambattur.

A: Yes, I have not filed. It was in the custody of my father.

Q22:(Ex.D7 is shown to the witness) In Ex.D7 the marriage date is mentioned as 05.06.2002. Is it correct?

A: Yes.

Q23:What was the step taken by you and your father after knowing the register marriage of your sister?

A: We have arranged the marriage of my sister within a month.

Q24: Have you got any undertaking from your sister for the arranged marriage arranged by your father and you?

A: We have not obtained any undertaking. But she herself gave an undertaking affidavit.

Q25: When did your sister gave the undertaking affidavit?

A: I do not know the exact date.

Q26: You have stated that you came to know about the register marriage of your sister in the month of July 2002. After that in which month your sister gave the undertaking affidavit?

A: I do not know.

Q27: When did you came to know about the undertaking affidavit given by your sister?

A: In the year 2014 when I applied loan from Axis bank I came to know about the undertaking affidavit given by my sister.

Q28: Whether to conduct the arranged marriage by your father to your sister she gave the undertaking letter?

A: I do not know.

Q29: Whether your father obtained the undertaking affidavit from your sister to prevent her to claim her share in the property

A: I do not know.

Q30: When the suit property is the self acquired property of your father then why Axis bank authorities asked the signature of your sister while you have applied for the loan?

A: I do not know.

Q31: (Ex.D7 is shown to the witness) I put it to you that you have obtained signature of your sister in a blank stamp paper and prepared undertaking affidavit(Ex.D7) in those papers to arrange the arranged marriage of your sister.

A: I deny. She herself gave the undertaking affidavit.

Q32: Is it correct to state that since the plaintiff has mentioned her date of marriage differently in the plaint you have denied her right in the suit schedule property?

A: No. The undertaking affidavit was given by my sister voluntarily. It is the decision of my father and he executed a WILL in my favour since the suit property is the self acquired property of my father.

Q33: Is it correct to state that you have denied the right of claim over the suit property by your sister on the basis of Ex.D6 & D7?

A: No. She herself relinquished her right in the property by giving undertaking affidavit(Ex.D6).

Q34: I put it to you that you have created Ex.D6, by using the empty stamp paper and paper signed by your sister to show that the suit property is not the ancestral property and you have also gave the forged undertaking affidavit to Axis Bank while you have applied loan from the bank.

A: I deny. My sister has not signed in the empty stamp paper and paper. She herself gave the undertaking affidavit.

Q35: Is it correct to state that your defense is that since your father has executed a WILL in your favour, your sister and your mother have no right to claim share in the property?

A: Yes, it is correct.

Q36: Even though you have not ready to proceed with the suit filed by you?

A: I deny.

Q37: Do you know the case number filed by you?

A: I do not know.

Q38:Do you know the facts and contents of plaint filed by you?

A: I know some extant.

Q39: Have you read over the petition filed by you for probate the WILL before you affixed your sign in the petition?

A:Yes, I have read over it.

Q40: Is it correct to state that after knowing that the contents are correct you have affixed your signature?

A:Yes.

Q41: What is the age of your father at the time of his death?

A: 72 years.

Q42: What was the disease suffering by your father?

A: Liver Cancer and he was a diabetics patient for a long time.

Q43: How long he was suffering with liver cancer and Diabetics?

A: He was suffering with Liver cancer for 4 years and suffering with Diabetics for more than 20 years.

Q44: Is it correct to state that you have mentioned in your written statement that you have takeover the business of your father while he was suffering with illness?

A: Yes.

Q45: Is it correct to state that you have look after the business of your father for about 10 years?

A: No, I have taken care of the business of my father while I was studying 8th standard.

Q46: Is it correct to state that you have maintained the property of your father 4 years before the death of your father?

A: I deny. Myself and my father have maintained the property.

Q47: Is it correct to state that in your written statement as well as in your petition you have stated that you maintained the business of your father and the property since your father attained old age?

A: Yes. Witness adds: My father is the decision maker and myself is the executor.

Q48: Have you stated aforesaid fact in your written statement, petition, and proof affidavit filed by you?

A: I have not stated directly. But I have stated indirectly.

Q49: Is it correct to state that in the year 1978 your father purchased the suit property apart from that your father has purchased property at Vanagaram and Sriperumbathur?

A: Yes.

Q50: Do you know is any other property owned by your father ?

A:I do not know.

Q51: Do you know did your father had any other property like farm house, plot?

A: I do not know.

Q52: I put it to you that you very well know that your father has other property like farm house and plot and purposely you have not disclosed the same.

A: I deny.

Q53:What is your educational qualification?

A: MBA.

Q54:What is your business?

A: I accompanied my father in his business. At present I am not doing any business due to my health condition.

Q55: I put it to you that you have not running any business from the beginning.

A: Yes. I have assisted my father in his business.

Q56: I put it to you that in your written statement you have stated that your father had conduct multiple business.

A: I have not stated as such. Witness adds: I do not remember.

Q57: Can you state whether your father has conducted multiple businesses or not?

A:Yes, he had conducted multiple businesses.

Q58:Can you mention what are all the business conducted by your father?

A: Karpagam Lottery agency, Varatha Raja Benefit fund and Paranthama Chit fund Pvt Ltd.

Q59:Due to your father you have run all the business of your father?

A: Only Varatha Raja Benefit fund is going on. All other businesses were wind up by my father during his life time.

Q60:Did your father get license for Varatha Raja Benefit fund?

A:Yes, it is a Nithi Limited approved by RBI.

Q61:What is the value of Varatha Raja Benefit fund?

A:I do not know. I am one of the director of Varatha Raja Benefit fund.

Q62: How many shares was your father hold in the Varatha Raja Benefit fund?

A: I do not know the exact share of my father in that company. I have to verify the records. Witness adds: During his lifetime he transfered the shares in my name.

Q63: When did he transfer the aforesaid share in your name?

A: Approximately 10 or 15 days prior to his death.

Q64: Who is your auditor in the business?

A:I do not know the auditor name but Sridhar & Co is the concern which look after the auditing of our business.

Q65: Since you have look after the business of your father. Have you filed income tax return of your father's business periodically?

A:My father only filed the Income tax returns periodically.

Q66: Had you given any instructions to the auditor on behalf of your father in the business?

A:No, He only gave instructions to the auditor.

Q67: Do you know when your father has submitted the last income tax returns during his life time.

A:He would have submitted the income tax returns for the financial year 2019-2020.

Q68: Whether you and your father are have the same auditor or different auditor?

A:Different auditor.

Q69: Do you submit income tax returns periodically?

A:Yes.

Q70:For how many year you have submitted income tax returns periodically

A:For More than 20 years.

Q71:What is the name of your auditor?

A:Narasimon and srinivasan and Co.

Q72:Where is your auditor office?

A: My auditor office is at T Nagar,

Q73:Can you say the address of your auditor office?

A:I do not know the address.

Q74: Do you know the address of the auditor office of your father?

A:I do not know the address. But the auditor office was at T.Nagar. I do not know whether that office is still in existence.

Q75: Who is the tenant in the suit property?

A:A ready made show room in the name of 70 MM is at the suit property.

Q76: What is the rental income from the suit property?

A:I have to verify the records.

Q77:Can you say the approximate rental income of the suit property?

A:More than Rs.1 Lakh per month.

Q78: How can the tenants remitted the rent?

A:Through Bank transaction.

Q79:Can you say through which bank the tents remitted the rent?

A: Karur Vysya Bank, Purasavakkam Branch.

Q80: For how long the tenants were occupied the suit property?

A:From my father's period they are the tenants in the suit propoerty.

Q81: I put it to you that your father had entered rental agreement with the tenants.

A:Yes, myself and my father are entered rental agreement with the tenants.

Q82:For how many years the rental agreement entered ?

A:For a period of 11 months. Witness adds: it would be for the period of 11 months to 3 years.

Q83:What is the increase in the rent at the time of renewal of rental agreement?

A: I have to verify the records.

Time :04.30 PM

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-II