

BEFORE THE ADDITIONAL MASTER II ,  
HIGH COURT, MADRAS  
C.S.No.233 OF 2020

Date : 21.12.2023  
Time : 12.30 P.M.

Name : Mr.G.M.Jeyaraj (PW1)

PW1 Cross Examined by Learned Counsel for the defendant Mr.R.Karunakaran.

Solemnly affirmed:

Q33: This is the counter filed by you in Application No.2502/2020 for rejection of plaint?

A: Yes.

Q34: In which para 32 you have stated the consent letter dated 12.01.1990 gives exact locus stand based on which the cause of action is confirmed to filing the partition suit? (Plaintiff side objected to raising this question)

A: Yes.

Q35: Ex.P4 is shown to the witness. Is it your reply notice to the defendant legal notice?

A: Yes.

Q36: Whether you have stated anything in the reply notice regarding the consent letter dated 12.01.1990 or the alleged Will dated 26.09.2007 executed in your favour?

A: Yes, not stated.

Q37: Ex.P8 is shown to the witness. Is this consent letter, it is unregistered?

A: Yes.

Q38: The above consent letter stated that the suit property divided into two half share in which one share allotted to the plaintiff and another one share to the executor husband Simarayalu. Is it correct?

A: Yes.

Q39: Subsequent this consent letter whether the M.S.Clara executed a Will dated 22.08.1990 in favour of her husband Simarayalu absolutely in respect of the suit property?

A: Yes.

Q40: Have you filed the above said Will dated 22.08.1990 in this Court?

A: I do not know. We did not file such document into Court. No idea.

Q41: Subsequently you filed this Ex.P11 the above said Will probated on 08.07.2005 in favour of Simarayalu. Is it correct?

A: Yes.

Q42: Have you filed any objection or conversion of T.O.S. against the probate in O.P.No.171/2005?

A: No any appeal or objection was filed. After the demise of Mr.Simarayalu I came to know about the all details and obtained a certified copies for the partition suit.

Q43: When did Mr.Simarayalu die?

A: Mr.Simarayalu died on 18.11.2016.

Q44: Have you filed any appeal or TOS even after Simaraylu died challenging order passed in O.P.171/2005?

A: No. But I filed a civil suit for a partition.

Q45: As per order passed in O.P. 171/2005 the entire property belonged to Mr.Simarayalu as absolute owner. Are you accept it?

A: No. He is only care taker of this property.

Q46: After the execution of the Will dated 22.08.1990 and probated by Hon'ble High court on 08.07.2005, whether the alleged consent letter is enforceable as per law?

A: I deny.

Q47: Ex.P7 is shown to the witness. Whether Ex.P7 patta dated 09.07.1990 filed by you. Is it correct?

A: Yes. Correct.

Q48: This consent letter executed on 12.01.1990, how this Ex.P7 patta document dated 09.07.1990 found place in the consent letter dated 12.01.1990?

A: I deny.

Time : 01.10 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-II