

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

Date :17.09.2025
Time : 11.10 A.M.

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

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

Solemnly affirmed:

Q66:How you related to M.S.Clara?

A:She is my cousin sister.

Q67: Is it correct to state that Chinnapa Naidu is the original owner of the
suit property ?

A:Yes.

Q68: Is it correct to state that his wife is Arokiya ammal and his son is
Iruthayaraj?

A:Yes.

Q69:(Ex.P1 is shown to the witness) Ex.P1 is the certified copy of the sale
deed dated 04.04.1960 purchased by Chinnapa Naidu ?

A:Yes.

Q70:I put it to you that on 21.02.1979 Arokica Ammal and her Hirudayaraj
have received Rs.15,000/- each and executed release deed in favour of
M.S.Clara.

A:Yes.

Q71:(Photocopy of the release deed dated 21.02.1979 is shown to the witness) The release deed shown to you is the release deed executed in favour of M.S.Clara by Arokica Ammal and her son Hirudayaraj by receiving Rs.15,000/- each?

A:Yes. Ex.D1 is the photocopy of the release deed dated 21.02.1979. Which is found in the typeset filed on the side of defendant.

Q72: I put it to you that you have signed as a witness in the release deed dated 21.02.1979.

A:Yes.

Q73:After the execution of release deed by Arokia Ammal and Hirudayaraj in favour of M.S.Clara she is entitled to dispose that property according to her wish and WILL. Is it correct?

A:Yes.

Q74:After the release deed since M.S.Clara become the owner of the entire suit property she has executed registered WILL dated 22.08.1990 in document No.98/1990. Is it right?

A:Yes.

Q75:After execution of WILL dated 22.08.1990 Simroyalu filed Probate OP.No.171/2005 before Hon'ble High Court to probate the WILL?

A:I do not know.

Q76: On 08.07.2005 he got order in probate O.P.No.171/2005. Is it correct?

A:I do not know.

Q77:When did you know about the probate of WILL in OP.No.171/2005?

A:After demise of Simaroyalu I came to know about the same.

Q78: I put it to you that after the order passed in probate OP 171/2005 Simaroyalu became the owner of the suit property and his right is right in rem.

A:I do not have that much legal knowledge.

Q79:I put it to you that your ignorance of proceedings does not negate its legal finality.

A:I do not know.

Q80:I put it to you that Simaroyalu has got order in probate OP and you have filed suit on the basis that you are the cousin brother of M.S.Clara you do not have any right to file the suit and claim partition.

A:I deny.

Q81:I put it to you that you have filed the suit on the basis of consent letter dated 12.01.1990 (Ex.P8) given by M.S.Clara.

A:Yes.

Q82: After the consent letter dated 12.01.1990 M.S.Clara executed WILL dated 22.08.1990 in favour of her husband Simaroyalu. Is it correct?

A:It may be.

Q83:After Simaroyalu got probate order in probate OP.No.171/2005 the consent letter dated 12.01.1990 has no legal sanctity and no effect on the suit property?

A:I deny.

Q84: M.S.Clara died on 03.09.2003 and the death certificate has been marked as Ex.P9. Is it correct?

A:Yes.

Q85: (Ex.P10 is shown to the witness) Is it the Legal heir certificate of Simroyalu?

A:Yes.

Q86: After demise of Simroyalu in the year 2016 defendant has sent legal notice (Ex.P18) to you (Permissive occupant) to pay the rent to him since he is the owner of the suit property?

A:Yes.

Q87:I put it to you that in the legal notice sent by defendant he has mentioned regarding the settlement deed executed in favour him by Simroyalu and he has also claimed rent to tune of Rs.3,08,000/- from you.

A:Yes.

Q88: On 18.09.2019 you have sent reply notice (Ex.P4) to defendant. Is it correct?

A:Yes. Suitable reply has been given.

Q89: Whether you have stated in the reply notice sent by you dated 18.09.2019 regarding the WILL executed by Simroyalu dated 26.09.2007 in favour of you and others regarding the suit property?

A:I omitted to mention the same in the reply notice.

Q90: Para 32 of the Counter filed in Application Number 2502/2020 you have stated that the cause of action arose for the suit on the basis of consent letter dated 12.01.1990 given by M.S.Clara. But you have not mentioned about the consent letter in the reply notice dated 18.09.2019 sent by you to the defendant?

A:I have sent the reply notice for the rent claimed by the defendant.

Q91:In the reply notice you have denied the right and title of the defendant to the suit property but you have not mentioned regarding the WILL dated 26.09.2007 as well as consent letter dated 12.01.1990 by which you claim right to the suit property.

A:Yes. I have not mention about the consent letter and WILL in the reply notice.

Q92:I put it to you that you have mentioned in the reply notice that Simroyalu has committed fraud misappropriation and fabrication of document.

A:Yes.

Q93:In para 31 & 34 of the counter filed in Application Number 2502/2020 you have stated that you are the Permissive occupant of the suit property?

A:Yes.

Q94::In para 7 of the counter filed in Application Number 2502/2020 you have stated that Simroyalu is the absolute owner of the suit property?

A:Yes.

Q95:When did you got the WILL dated 26.09.2007 executed by Simroyalu?

A:I do not the remember the Date, Month and Year.

Q96:Whether you have got the WILL after the demise of Simroyalu?

A:No. I got the WILL during his life time.

Q97:Prior to the demise of Simroyalu he hand over the WILL to you.Is it correct?

A:Yes.

Q98: Whether you have filed any case to set aside the order passed in probate OP.No.171/2005?

A: No.

Q99: Defendant has filed OS.No.858/2019 before City Civil Court, Madras and the court decreed the suit on 04.09.2024 and ordered you to vacate the suit property. Is it correct?

A: Yes.

Q100: I put it to you that since you have not mentioned about the consent letter of M.S.Clara and WILL executed by Simroyalu in the reply notice sent by you to the defendant you have fabricated and manipulated the consent letter as well as WILL dated 26.09.2007

A: I deny.

Q101: (Ex.P7 dated 09.07.1990 CA.No.313/1990-91 is shown to the witness) It is stands in the name of M.S.Clara. Is it correct?

A: Yes.

Q102: I put it to you that in consent letter dated 12.01.1990 it has mentioned that the Ex.P7 dated 09.07.1990 CA.NO.313/1990-91 so the consent letter dated 12.01.1990 is fabricated by you?

A: I deny.

Q103: I put it to you that in consent letter dated 12.01.1990 the Ex.P7 dated 09.07.1990 CA.No.313/1990-91 was mentioned. Is it correct?

A: Yes, but the consent letter was given by M.S.Clara.

Q104: I put it to you that while you have prepared the consent letter dated 12.01.1990 unfortunately you have mentioned about the Ex.P7 so the consent letter is manipulated by you for the purpose of the suit.

A: I deny.

Q105:I put it to you that you have not filed any document except the consent letter and unregistered WILL.

A: Yes.

Q106:Since you have stated that Simroyalu is the care taker of the suit property then how can he execute WILL in favour of you and others.

A: Simroyalu has executed WILL not only in my favour he executed WILL in favour of others also.

Q107:I put it to you that in the consent letter filed by you as Ex.P7 it is mentioned half of the property will go to you and half of the property will go to Simroyalu so the consent letter is fabricated by you for the purpose of filing this suit.

A: I deny.

Q108:Whether you have accepted as per consent letter it is mentioned half of the property will go to you and half of the property will go to Simroyalu.

A: Yes, I agree.

Q109:Since on 22.08.1990 M.S.Clara has executed registered WILL in favour of her husband regarding the suit property and subsequently Simroyalu got order in probate OP.171/2005 the consent letter dated 12.01.1990 has no legal sanctity?

A: I deny.

Q110:I put it to you that since you have filed suit on the basis of consent letter alone the suit has to be dismissed.

A: I deny.

Q111:I put it to you that since you have not mentioned about the consent letter as well as unregistered WILL executed by Simroyalu in your reply notice you have created both the document for the purpose of filing the suit.

A: I deny.

Q112:Whether you have taken any steps to probate the unregistered WILL dated 26.09.2007?

A: No.

Q113:Whether the defendant name mentioned in the WILL dated 26.09.2007?

A: The grandfather's name of defendant found place in the WILL.

Q114:In the prayer column of the plaint you have claimed 1/3rd share on the basis itself the suit to be dismissed?

A: I deny. I claimed my share in the suit property.

Q115:I put it to you that on the basis of WILL dated 26.09.2007 you have filed the partition suit but you have not joint necessary parties in the suit. So the suit has to be dismissed for non jointer of necessary parties.

A:I deny.

Q116:I put it to you that in the WILL dated 26.09.2007 1.Nelson Priyadoss Arockia Samy 2.Jayakumar alias Jose Francklin Xavio Arockia Samy names also mentioned but you have not added them as defendant in the partition suit after that they have filed impleading petition in Application Number 585/2025 and it was disposed on 23.04.2025 so you have filed the suit without impleading them.

A:I deny.

Q117:Whether you have stated Simroyalu fraudulently executed registered WILL or defendant fraudulently got the property?

A:I said Defendant fraudulently got the property.

Q118:I put it to you that in Para 9 of the amended plaint you have also find fault with Simroyalu.

A:Yes.

Q119:I put it to you that in the reply notice also you have find fault with Simroyalu so as to grab the property.

A:I deny. I conveyed the facts.

Q120:I put it to you that as per the order of the Hon'ble High Court in OA.No.422,423/2020 you have deposited Rs.2 Lakhs in the Court.

A:Yes. I have deposited.

Q121:I put it to you that the WILL dated 26.09.2007 was manipulated by you for the purpose of filing the suit.

A:I deny.

Q122:I put it to you that you have neither filed the suit on the basis of consent letter nor filed the suit on the basis of unregistered WILL dated 26.09.2007 hence the suit liable to be dismissed.

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