

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

Date:15.04.2026

Time : 02.50 PM.

Name : Mr.Ganesan (PW2)

Age : 70 Years

Father's Name : Thangasamy Nadar

Residence Address : No.115, Madhavaram High Road, Perambur  
Chennai – 600 011.

PW2 Examined in Chief by Learned Counsel for the plaintiff Mr.V.P.Raju.

Solemnly affirmed:

I am the first attesting WILL witness herein.

Q1: Do you know the testator Simroyalu who is the executor of WILL dated 26.09.2007?

A:Yes, I know him.

Q2:Who called you to stand as an attesting witness in the WILL dated 26.09.2007?

A:Simroyalu called me to stand as an attesting witness in the WILL dated 26.09.2007.

Q3:Whether this is the WILL executed by Simroyalu?

A:Yes. In this WILL I have put my witness signature as the 1<sup>st</sup> attesting witness. The witness identified his signature in the WILL. The unregistered original WILL dated 26.09.2007 executed by Simroyalu is marked as **Ex.P30.**

Q4:Have you put your signature in Tamil and English in the 1<sup>st</sup> page of Ex.P30 WILL?

A: I used to sign in Tamil only and after my signature in Tamil I have written my name and address in English.

Q5:Have you written your father's name as Thangasamy in Tamil ?

A:Yes, I have written my father's name as Thangasamy in Tamil in the first page of the Ex.P30 WILL.

Q6: Who is the second attesting witness for the WILL Ex.P30?

A:The second attesting witness in Ex.P30 is my partner Mr.S.Subbaiya. We have run a Provisional store in the name and style of Jayalakshmi Provisional store at Patel Road, Perambur, Chennai.

Q7:Whether Simroyalu put his signature in the Ex.P30 WILL in the presence of you?

A:Simroyalu already put his signature in Ex.P30 and one Iruthayaraj explained about the beneficiaries of the WILL to the attesting witnesses.

Q8:What is the mental and health condition of the Testator Simroyalu at the time of execution of Ex.P30?

A:He was in good health and mental condition.

Q9:Do you know who are the beneficiaries of the WILL(Ex.P30) executed by Simroyalu?

A: Yes, I know. The sister children of Simroyalu, Rita Jayaraj and younger brother son of Simroyalu are the beneficiaries in Ex.P30 WILL.

Q10:Do you know who is the executor of the WILL?

A:I do not know his name but Irudhayaraj was there at the time when I put my attesting signature in the WILL.

Q11:Who were all present at the time of putting attesting signature by you in Ex.P30 WILL?

A:Irudhayaraj, Simroyalu, Jayaraj, Rita and four other persons were there.

Q12:Whether all the persons present at the time of execution of WILL are belongs to same family?

A:Yes.

Q13:What is the distance between your provisional store(Jayalakshmi Provisional Store) and house of Simroyalu?

A:Approximately 25 feet. Witness adds: Simroyalu house is just opposite to my Provisional store.

Q14: How many residents were living in the Simroyalu building?

A:Simroyalu and his wife Clara were residing in the Ground floor, Rita Jayaraj were residing in the 1<sup>st</sup> floor and one tenant was residing in the 2<sup>nd</sup> floor.

Q15: At the time of execution of Ex.P30 WILL whether Clara wife of Simroyalu was alive?

A:No. She was no more.

Q16:Whether the younger brother sons of Simroyalu were residing at the ground floor along with Simroyalu?

A:No.

Q17:Who called you to depose evidence before this court?

A:Jayaraj called me to depose evidence before this court.

Q18:Whether the contents of the WILL which in English explained to you in Tamil, if so who explained you regarding the contents of the WILL?

A:Yes, one of the person who was standing there explained me the contents of the WILL in Tamil but I cannot recollect his name.

Q19: How long you know the family of Simroyalu?

A:Approximately 20-25 Years.

Q20:Do you know the death of Simroyalu?

A:Yes, I came to know about his death after I left the Provisional store.

Witness adds: I left the provisional store in the year 2015.

Q21:In which year you know about the death of Simroyalu?

A:I do not remember.

Q22: Do you know executor of Ex.P30 Irudhayaraj?

A:Yes, I know. I have seen him in the house of Simroyalu. Witness adds: Irudhayaraj is the brother-in-law of Simroyalu. He is the younger brother of Clara (wife of Simroyalu).

Q23:When did Simroyalu called you to his house

A:Prior 1 hour to the execution of the WILL Simroyalu called me to his house stating that there was a work for me in his house. After I went to his house he asked me to put the attesting signature in the WILL(Ex.P30).

Q24:In which document he called you to put your attesting signature?

A:He called me to put my witness signature in the WILL(Ex.P30) executed by Simroyalu.

Q25:Have you signed as an attesting witness in any other document except Ex.P30 WILL prior or after execution of WILL (Ex.P30) as per the request of Simroyalu?

A:No, I have put my witness signature only in Ex.P30 (WILL) alone.

Q26:Whether Simroyalu requested you to attest his signature which was already made in Ex.P30 as you stated above?

A:Yes.

Q27:(An unmarked photo is shown to the witness) Can you identify Simroyalu in the photo shown to you?

A:Yes, I can identify Simroyalu in the photo. The witness identified Simroyalu in the photo and he said the bold headed man standing in the centre who is cutting the cake is Simroyalu. Photo is marked as **Ex.P31**.

**Cross examined by defendant counsel Mr.Karunagaran.**

Q1: Do you know who prepared the WILL(Ex.P30)?

A:I do not know, it was already prepared.

Q2:Who called you to depose evidence before this court?

A:Jayaraj.

Q3:Whether Jayaraj tuitd you how to depose evidence?

A:No.

Q4:Whether Jayaraj came to your provisional store and got the attesting signature in the WILL (Ex.P30)?

A:No. Simaroyalu called me to his house and after my visit Iruthayaraj gave the WILL to put my attesting signature.

Q5:Do you know who filed this suit against whom?

A:I do not know. Jayaraj called me to depose evidence before this court.

Q6: Whether the WILL was written by hand or typed?

A: It is a typed WILL(Ex.P30).

Q7: Do you know who typed the WILL(Ex.P30)?

A: I do not know.

Q8: In which year have you signed this WILL?

A: I do not remember.

Q9: Do you know in which year Simroyalu died?

A: I do not remember.

Q10: I put it to you that if Simroyalu died in the year 2016 you would have signed the WILL in the year 2015.

A: I do not remember the exact year.

Q11: In which year have you separated from the partnership of Jayalakshmi provisional store?

A: In the year 2014.

Q12: So, you would have signed the WILL in the year 2012 or 2013?

A: Yes.

Q13: Who explained the contents of the WILL to you in Tamil?

A: The person who were present there explained me the contents of the WILL. I do not remember his name.

Q14: I put it to you that Simroyalu did not explain the WILL to you in Tamil.

A: Yes.

Q15: Did anyone inform you about the Registered WILL dated 11.04.2007 was cancelled and it was mentioned in Ex.P30 WILL?

A: No.

Q16: I put it to you that as per Ex.P30, the WILL property was belonging to M.S.Clara wife of Simroyalu and it is not belonging to Simroyalu. Therefore Simroyalu had no right over the property to execute the WILL (Ex.P30).

A:I do not know as to whom the property belongs to.

Q17: Do you know M.S.Clara passed away in 03.09.2003?

A:Yes, I know.

Q18:Do you know M.S.Clara executed a WILL in favour of her husband Simroyalu and the said WILL was probated in OP.No.171/2005 on 13.03.2005?

A:I do not know.

Q19:Do you know based on the said probate order, Simroyalau executed a registered WILL dated 11.04.2007 in favour of J.Sagayaraj Ramesh.?

A:I do not know.

Q20: I put it to you that Simroyalu was only the caretaker of the property and not the owner of the property as per the averments in the plaint.

A:I do not know.

Q21:Do you know the plaintiffs herein are Jeyaraj and Rita Jeyaraj?

A:I do not know.

Q22:Do you know the plaintiffs herein are the tenants of the property?

A:I deny. Jeyaraj and Rita Jeyaraj are not the tenants of the property of Simroyalu. They are the owners of the 2<sup>nd</sup> floor and it was built by Jeyaraj.

Q23: I put it to you that Jayakumar and Nelson are the grandsons of the Selomina who is the sister of Simroyalu.

A:I do not know the relationship between Jayakumar, Nelson and Selomina.

Q24: I put it to you that you do not know the nature of the property and who is the owner of the property and for what purpose this suit was filed.

A:I know this property belongs to Jeyaraj.

Q25: I put it to you that the beneficiaries of the WILL Ex.P30 are not the parties to the suit.

A:I do not know.

Q26:Do you know subsequent to the WILL Ex.P30, Simroyalu executed a registered settlement deed on 23.12.2015?

A:I do not know.

Q27:A registered WILL dated 11.04.2007 which was executed by Simroyalu in favour of defendant J.Sagayaraj Ramesh was cancelled and subsequently 23.12.2015 Simroyalu executed a registered settlement deed in favour of defendant J.Sagayaraj Ramesh and in the registered settlement deed dated 23.12.2015, there is no mention about the WILL dated 26.09.2007. So, Ex.P30 is a forged WILL?

A: I deny. Simroyalu is a good person. I believe him.

Q28: I put it to you that you have not seen Simroyalu signing Ex.P30.

A:Yes.

Q29: I put it to you that the averment in the WILL (Ex.P30) “In the presence of us (attesting witness) the testator signed the WILL ” is wrong.

A: I deny.

Q30: I put it to you that there was no need for Simroyalu for executing a new unregistered WILL on 26.09.2007 while a registered WILL was executed on 11.04.2007.

A:I do not know the WILL dated 11.04.2007 executed by Simroyalu.

Q31:Who wrote your address at the bottom of the WILL (Ex.P30) in English?

A:I put my signature in Tamil and wrote my name in English and my address was written by Iruthayaraj. After that my partner Subbaiya put his signature.

Q32:Do you know when Iruthayaraj passed away?

A:I do not know.

Q33:(Ex.P30 is shown to the witness) In Ex.P30 the address of the testator was mentioned as “Perambur 60001” but in the address of attesting witness was mentioned as “Perambur, Chennai -11”. What do you say?

A: I did not notice that. The Pincode of Perambur is 600 011.

Q34: The registered WILL was executed on 11.04.2007 and the registered settlement deed was executed on 23.12.2015. The plaintiff Jeyaraj prepared this forged WILL Ex.P30 and you are the abettor for the forged WILL?

A:I deny. Jeyaraj and Simroyalu are genuine persons to my knowledge.

Q35: I put it to you that Ex.P30 is a forged and a inter poling WILL which was fraudulently prepared with the help of carbon sheet by Jeyaraj.

A:I deny. It is a genuine WILL executed by Simroyalu.

Q36:Do you know in the year 2013 Iruthayaraj passed away?

A:I came to know about the death of Irudhayaraj but I do not know the exact year of his death.

Q37:Do you know Jeyaraj was employed in Madras Corporation?

A:I know he was working at secretariat.

Q38: I put it to you that Simroyalu gave representation before Chennai corporation for constructing 2<sup>nd</sup> floor and by misusing the paper signed by Simroyalu Ex.P30 was created by Jeyaraj and there is no necessity to write the address of the testator in the WILL.

A:I do not know.

Q39: I put it to you that being the 1<sup>st</sup> attesting witness you have not seen Simroyalu signing the Ex.P30 so, there would be no possibility for the 2<sup>nd</sup> attesting witness Subbaiya has also seen the Simroyalu signing the Ex.P30.

A:Yes, it is correct.

Q40: I put it to you that both the attesting witness have not seen Simroyalu signing the Ex.P30 WILL so, it is not a genuine WILL and it is fabricated one and not executed as per law.

A:I deny.

Q41: Did Simroyalu inform you about the registered settlement deed dated 23.12.2015 executed by him in favour of Sagayaraj Ramesh?

A:No.

Q42:Ex.P30 WILL was not executed by Simroyalu and it is a forged WILL created by Jeyaraj and you are supporting Jeyaraj by deposing before this court?

A:I deny.

Q43:Do you know if Ex.P30 is proved as a forged WILL, the plaintiff and you will face the criminal proceedings as per law?

A: It is not a forged WILL and it is a genuine WILL. Myself and plaintiff have not forged the WILL as you stated above.

Q44: I put it to you that without knowing the contents of the WILL since it is in English at the request of Jeyaraj you have signed as a blind attesting witness.

A:I deny.

Q45: I put it to you that Ex.P30 was created only in the year 2019 for the purpose of this suit.

A: I deny.

Q46: I put it to you that your evidence is inadmissible in law.

A: I deny.

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 true and correct and signed before me.

ADDITIONAL MASTER-II