

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.
C.S.No.930 OF 2016

Date: 13.06.2025
Time: 10.50 A.M.

Name : Smt. V.Alamelu (PW1)

Continuation of Cross Examination by Mr.D.Kumar, Learned counsel for the D2 to D4.

Solemnly Affirmed:

Q65: Do you know Mr.Alagarasan, Advocate?

A: Yes. Witness adds: He is my father's lawyer.

Q66: Is it correct that Mr.Alagarasan, Advocate residing near your parent's house?

A: Yes.

Q67: Is it correct that your parent's having 4 daughters and 2 sons?

A: Yes.

Q68: (Ex.P4 is shown to the witness) Is it correct that your mother have executed this settlement deed in favour of 4 daughters?

A: Yes. Witness adds: After execution of this settlement deed my brother cheated us and they take half of the money for them.

Q69: Have you stated the above said facts for the answer to the Q.No.68 in your plaint and your proof affidavit?

A: No. Witness adds: That's why now I have stated the facts.

Q70: Have you produce any documents to prove that your brothers take away the half of the money which was settled by your mother in favour of 4 daughters?

A: No. Witness adds: That's why now I have stated the facts

Q71: Have you filed any police complaint against your brothers for the above said statements?

A: No. Witness adds: Because they are my brothers and on trust I am not giving any police complaint against my brothers.

Q72: I put it to you that you falsely stated that your brothers taken away the half of the money because of that you have not able produce any document before this Court.

A: I deny.

Q73: (Ex.P4 is shown to the witness) In Page No.9,10 of Ex.P4 4 portions of the building mentioned in the Schedule of property. Is it correct?

A: Yes. Witness adds: 2 portions are in Ground floor and another 2 portions are in First floor and another 2 portions are also available in above the first floor. But in this document mistakenly another 2 portions above the second floor omitted to be mentioned.

Q74: I put it to you that because of your mother having 4 daughters and settle 4 portions through Ex.P4 settlement deed.

A: No. Witness adds: The total property settled by my mother to the 4 daughters and we are all divided among 4 daughters.

Q75: (Ex.P4 is shown to the witness) In Page No.5 of Ex.P4 your mother has stated the reason for settlement. In which she was stated that due to love and affection and also for the future safeguard of 4 daughters she intended to executed this settlement deed. Is it right?

A: Yes. Witness adds: Not only my mother if any mother executed this kind of settlement all of them stated as like.

Q76: (Ex.P4 is shown to the witness) In Page No.6 of Ex.P4 your mother has stated that the possession of the settlement property handed over to 4 daughters. Is it right?

A: Yes.

Q77: (Ex.P4 is shown to the witness) In Page No.7 of Ex.P4 your mother has stated that the original parent document of the settlement property handed over to 4 daughters. Is it right?

A: It is writing in Ex.P4 but my mother have not handed over any of the parent document to us.

Q78: Have you stated the above said facts for the answer to the Q.No.77 in your plaint and your proof affidavit?

A: No. Witness adds: Due to harrasement of my brothers my mother have executed this settlement deed for the welfare of the daughters and also my mother requested us to sell the property. My brothers are taken steps to sell away the above said property.

Q79: Have you stated the above said facts for the answer to the Q.No.78 in your plaint and your proof affidavit?

A: No.

Q80: I put it to you that you falsely stated that your mother harassed by your brothers and for the reason you have not stated the above said facts in your plaint and your proof affidavit?

A: I deny.

Q81: (Ex.P4 is shown to the witness) Is it correct that Ex.P4 drafted by Mr.Alagarasan, Advocate?

A: Yes.

Q82: (Ex.P4 is shown to the witness) Is it correct that in Ex.P4 Mr.Alagarasan, Advocate signed and seal affixed in page No.11?

A: Yes.

Q83: (Ex.P4 is shown to the witness) Is it correct that in Ex.P4 your brother Mr.Venkatesan signed as a identifying witness?

A: The signature is of my brother Mr.Venkatesan but he has not signed before us in Ex.P4.

Q84: I put it to you that while registering the any settlement deed the settlor and the witnesses are alone sufficient and presence of settlee is not necessary. Therefore you falsely stated that your brother Mr.Venkatesan has not signed before you in Ex.P4.

A: I deny

Q85: (Ex.P5 is shown to the witness) Is it correct that Ex.P5 is the sale deed executed by you and other 3 sisters in favour of Vaithilingam Nattar with regard to Ex.P4 settlement property?

A: Yes.

Q86: (Ex.P5 is shown to the witness) In Page No.6 and 12 of Ex.P5 it is mentioned that you are all executed this sale deed for a sale price of Rs.55 Lakhs. Is it correct?

A: Yes.

Q87: Is it correct that as per Ex.P5 each daughter have received a sum of Rs.13,75,000/-?

A: Yes.

Q88: Is it correct that the above said sum of Rs.13,75,000/- has been settled you and other 3 sisters through individual Demand Draft?

A: Yes.

Q89: Is it correct that you received your share amount of Rs.13,75,000/- in DD.No.521330 dated 10.11.2011 drawn on Karur Vysya Bank?

A: Yes.

Q90: (Ex.P5 is shown to the witness) In Page No.6 of Ex.P5 you and other 3 sisters admitted that the sale amount of Rs.13,75,000/- each credited into the respective vendors name. Is it right?

A: Yes.

Q91: (Ex.P5 is shown to the witness) In Page No.4 of Ex.P5 you have stated 4 reasons to sell away the property. That one is family expenses, to settle the loan amounts and for the expenses of studies of children and for the expenses of marriage of children. Is it right?

A: No. Witness adds: For the purpose of this document the above said reasons mentioned.

Q92: (Ex.P5 is shown to the witness) Is it correct that you provide the copy of first page of your bank account and the above said sale amount was credited into that account?

A: Yes.

Q93: (Ex.P5 is shown to the witness) Is it correct that in Ex.P5 your father Mr.Dakshinamoorthy signed as a identifying witness?

A: Yes.

Q94: (Plaint and proof affidavit shown to the witness) In Para 8 of your plaint and Para No.6 of your proof affidavit it is mentioned that the total amount of Rs.55,00,000/- received as sale consideration from the said purchaser Rs.13,75,000/- each was given by the plaintiffs and second defendant to the first respondent and his wife as originally conceived and planned by them. Is it correct that you have not produce any document when and what mode the above said amount received by your parents?

A: Yes.

Q95: I put it to you that you falsely stated that first respondent and his wife as originally conceived and planned by them and for that reason you have not filed any document before this Court to prove the same.

A: I deny.

Q96: (Ex.P6 is shown to the witness) Is it correct that Ex.P6 is the release deed executed in favour of your parents by you and your 3 sisters ?

A: Yes.

Q97: (Ex.P6 is shown to the witness) In Page No.3 of Ex.P6 it is mentioned that you are all voluntarily consented to execute this release deed and in turn you execute the release deed in the presence of witness.

A: Yes. Witness adds: But we executed only to safeguard of my mother.

Q98: (Ex.P6 is shown to the witness) In Page No.4 of Ex.P6 it is mentioned that as per your wish your mother executed the settlement in favour of 4 daughters.

A: Yes. Witness adds: But my mother voluntarily executed this settlement deed as per her wish.

Q99: (Ex.P6 is shown to the witness) In Page No.9 of Ex.P6 it is mentioned that each daughters have received a sum of Rs.6,25,000/- from your father Dakshinamoorthy?

A: Yes.

Q100: (Ex.P6 is shown to the witness) In Page No.9 of Ex.P6 it is mentioned that you received your amount a sum of Rs.6,25,000/- in DD.No.441873 dated 10.11.2011 drawn on State Bank of India, Adyar Branch. Is it correct?

A: Yes.

Q101: (Ex.P6 is shown to the witness) In Page No.9 of Ex.P6 it is mentioned that 5 reasons to relinquish the right in parent's property. One is education expenses of 4 daughters, marriage expenses of 4 daughters, provide sufficient jewels for 4 daughters, Kanniyadhanam and marriage expenses of 4 daughters and Sridhana. Is it right?

A: Yes. Witness adds: But for the eyewash and for the benefit of my brothers this release deed executed by us.

Q102: (Ex.P6 is shown to the witness) In Page No.6 and 7 of Ex.P6 it is mentioned that for our future benefits and also the amount received from my father this release deed was executed. Is it right?

A: Yes. Witness adds: But for the eyewash and for the benefit of my brothers this release deed executed by us.

Q103: (Ex.P6 is shown to the witness) In Page No.6 and 10 of Ex.P6 it is mentioned that all of you stated that never claim any share in your parents property

A: Yes. Witness adds: This sentence was writing in this document for the safety of my mother but we have no such intention.

Q104:(Ex.P6 is shown to the witness) Is it correct that you provide the copy of first page of your bank account along with this Ex.P6 and a sum of Rs.6,25,000/- is credited in this account?

A: Yes.

Q105: I put it to you that you and your sisters were clearly stated that you never claim any share in your parents property. Now you falsely stated the above said reason

A: I deny. Witness adds: This document is executed during the lifetime of my mother for her safety but we have no such intention. Now as a legal heir of my mother we are all have shares as a legal heir of my mother.

Q106: I put it to you that you falsely filed this suit against the declaration made by you in Ex.P6

A: I deny.

Q107: Is it correct that Ex.P6 is drafted by your father family advocate one Mr.Alagarasan?

A: Yes.

Q108: (Ex.P6 is shown to the witness) Is it correct that in Ex.P6 Mr.Alagarasan, Advocate signed and seal affixed in page No.11?

A: Yes.

Q109: (Ex.P6 is shown to the witness) Is it correct that in Ex.P6 your brother Mr.Venkatesan signed as a identifying witness?

A: The signature is of my brother Mr.Venkatesan but he has not signed before us in Ex.P6.

Q110: (Ex.P6 is shown to the witness) I put it to you that you and your 3 sisters have signed in this document and now you falsely stated that you have not seen that your brother Mr.Venkatesan signed as a identifying witness?

A: I deny.

Q111: (Ex.P6 is shown to the witness) Is it correct that Ex.P6 is registered in Adyar, Sub Registrar Office in Doc.No.1018/2011?

A: Yes.

Q112: I put it to you that your false evidence is not accepted for the reason of you admitting the execution of the release deed and now you say falsely against this Ex.P6 registration.

A: I deny.

Time : 12.25 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