

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

Date: 10.10.2025

Time: 01.10 P.M.

Name : Smt. V.Alamelu (PW1)

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

Solemnly Affirmed:

Q119: (Ex.P11 is shown to the witness) This partition suit was filed by D3 and D4 against D1 after you and your sisters executed and registered settlement deed in favour of your parents. Isn't it?

A: Yes. Witness adds: They are filed this suit and underestimated the value of the suit. We are filing suit before Hon'ble Court after then they are filed the above said suit.

Q120: (Ex.P14 is shown to the witness) Kindly see and tell before this court the date of decree in OS.No.5478/16 is 02.12.2016?

A: Yes.

Q121: Is it right that this present suit is numbered only on 08.12.2016?

A: Yes.

Q122: I put it to you that you are numbered this present suit only on 08.12.2016 after 6 days of decree passed in OS.No.5478/16, dated 02.12.2016.

A: I deny. Witness adds: We are filing this suit before Hon'ble High Court after knowing that they are filed the above said suit and undervalued the suit. Without impleading me and other sisters they are filing the above said suit. So we are unaware of the filing of that suit.

Q123: I put it to you that this suit is not taken as lis pendence. Because of OS.No.5478/16 decreed before numbering of this suit.

A: I deny.

Q124: Are you aware the decree in OS.No.5478/16, dated 02.12.2016 was registered in the Sub Register Office, Adyar?

A: Yes.

Q125: (Certified copy of the registration of decree in OS.No.5478/16, dated 02.12.2016 in the Sub Register Office, Adyar is shown to the witness) Is this the document?

A: Yes. Witness adds: We did not know it in earlier point of time. We found out only after the judgment in OS.5478/2016.

Q126: I put it to you that decree in OS.No.5478/16, dated 02.12.2016 was registered in the Sub Register Office, Adyar on 06.04.2017 and the same was reflected in the encumbrance certificate.

A: I do not know.

Q127: Have you applied encumbrance certificate regarding A schedule property before filing this suit?

A: Yes. Witness adds: My mother name alone mentioned at that time.

Q128: (Para 8A of the Plaint is shown to the witness) Is it correct that to amend the plaint you have filed an A.No. On 19.06.2023 in A.No.1916/2023?

A: Yes.

Q129: (Para 8A of the Plaint is shown to the witness) In the last 2 lines of para 8A of the plaint you have stated that “Judgment and decree in the above OS.No.5478/2016 on the file of XVII Asst. City Civil Court, Chennai dated 02.12.2016 is liable to be set aside”. Is it correct?

A: Yes.

Q130: (Para 16 of the Plaint is shown to the witness) In relief column you have not ask to set aside the decree and judgement passed in OS.No.5478/2016 on the file of XVII Asst. City Civil Court, Chennai, dated 02.12.2016?

A: We did not seek this relief in this amendment plaint. But we have seek the above said relief in another amendment plaint.

Time: 01.35 P.M

Time: 02.35 P.M

Q131: (Plaint is shown to the witness) I put it to you that you never asked to set aside the decree and judgment passed in OS.No.5478/2016 on the file of XVII Asst. City Civil Court, Chennai, dated 02.12.2016.

A: I deny.

Q132: (Plaint is shown to the witness) Please see and state where the particulars of amendment is mentioned in your plaint?

A: In this plaint it is not stated. We stated it another application and SR number also assigned to that application and the same is pending.

Q133: I put it to you that you are falsely stated the above said facts and no such SR number assigned.

A: I deny.

Q134: I put it to you that the decree in OS.No.5478/2016 is still in existence. Since there is no relief asked by you to set aside the decree in OS.No.5478/2016.

A: I deny.

Q135: (The defendant side document - Advocate notice sent by the Advocate Mr.Ganesan to your father, D3,D4, and also Chennai Corporation, dated 15.12.2016 is shown to the witness) Is it correct to state that Advocate notice sent by your advocate Mr.Ganesan to your father, D3,D4 and also to Chennai Corporation?

A: Yes.

Q136: (The defendant side document - Advocate notice sent by the Advocate Mr.Ganesan to your father, D3,D4, and also Chennai Corporation, dated 15.12.2016 is shown to the witness) Is it correct to state that in the said letter it has been stated mutation of name with regard to property assessment should not be transfer in the name of D3 and D4 for Suit schedule A property?

A: Yes.

Q137: (The defendant side document - Advocate notice sent by the Advocate Mr.Ganesan to your father, D3,D4, and also Chennai Corporation, dated 15.12.2016 is shown to the witness) Is it correct to state that in the

said letter in page number 2 and 3 you have referred about preliminary decree in OS.No.5478/2016?

A: Yes.

Q138: (The defendant side document - Advocate notice sent by the Advocate Mr.Ganesan to your father, D3,D4, and also Chennai Corporation, dated 15.12.2016 is shown to the witness) In Page No.4 of the said letter you have stated that mutation of name with regard to property assessment for suit schedule A property should not transfer in the name of D3 and D4 if it is transferred writ petition will be filed. Is it correct?

A: Yes.

Q139: I put it to you that the suit schedule A property the property tax assessment stands in the name of Dakshinamurthy, Venkatesh and Raju. Is it correct?

A: No. Witness adds: It stands in my mother's name.

Q140: (Ex.P3 is shown to the witness) Is it correct that the property tax receipt i.e., Ex.P3 stands in the name of your mother Saratha?

A: Yes.

Q141: (Ex.P3 is shown to the witness) The said receipt is dated 03.11.2016, is it correct?

A: Yes.

Q142: (Ex.P3 is shown to the witness) Is it correct to state that in Ex.P3 it has been mentioned that the payment made by Saradha?

A: Yes.

Q143: (Ex.P3 is shown to the witness) Is it correct to state that your mother died on 27.08.2012?

A: Yes.

Q144: (Ex.P3 is shown to the witness) Is it correct to state that in Ex.P3 there is no reference about your name and other 2 plaintiffs name?

A: Yes. Witness adds: But I have also paid the property tax for one year.

Q145: I put it to you that prior and after dated 03.11.2016 (Ex.P3) you have not paid any property tax with regard to suit schedule A property?

A: After my mother's demise I have paid property tax for one year.

Q146: Is it correct to state that as per Ex.P3 you have paid the property tax for the period 2016-2017 first half and second half for the suit schedule A property?

A: Yes.

Q147: I put it to you that you have paid the property tax for the suit schedule A property only for one year for the purpose of filing as a document in this case.

A: No.

Q148: I put it to you that the suit schedule A property is situated at Adyar.

A: Yes.

Q149: Is it correct that you are residing at Ambattur?

A: Yes.

Q150: Is it correct that your sister second plaintiff Geetha is residing at Cuddalore?

A: Yes.

Q151: I put it to you that yourself and your sisters (other plaintiff) are not in physical possession of the suit schedule A property after marriage.

A: Yes. Witness adds: Because of marriage we are living in our matrimonial home. My mother received rent and lead her livelihood. We are claiming right in this property after the death of my mother.

Q152: (Ex.P15 is shown to the witness) Is it correct that this is 3rd party petition filed by you in XVIIth Additional City Civil Court?

A: Yes.

Q153: (Ex.P15 is shown to the witness) You have filed the said petition (Ex.P15) seeking relief to recall the preliminary decree in OS.No.5478/2016. Is it correct?

A: Yes. Witness adds: Because the defendant have cheated and got the decree.

Q154: (Ex.P15 is shown to the witness) In Ex.P15 there is no IA Number and only SR number has been mentioned. Is it correct?

A: Yes. Witness adds: We are regularly following this Case.

Q155: (Proof affidavit is shown to the witness) In proof affidavit you have not mentioned the IA number and SR number for Ex.P15. Is it correct?

A: Yes.

Q156: I put it to you that Ex.P15 was returned in lower Court as not maintainable and you have suppressed this fact and filed Ex.P15 before this Court.

A: I deny.

Q157: Have you sent any legal notice to your father, brothers and sisters before filing the suit?

A: Yes.

Q158: (List of documents of Plaint is shown to the witness) In the list of document notice does not find a place as stated by you to Q.No.157?

A: If it so, it is a mistake. But I have sent and I have a copy of the same.

Time : 03.30 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