

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 678 OF 2019

Date : 13.06.2025

Time : 03.10 P.M.

Name : Mr.Sathrasala Sharath Babu (PW1)

PW1 Cross Examined by Learned counsel for the 1st to 8th Defendants
Mr.S.Sathish Kumar.

Solemnly affirmed:

Q66: You have stated that, you were not aware of the applications filed by you (i.e) OA.1081,1080/2019 and 40/2020. Have you been advised in this regard by your counsel ?

A:Yes. My counsel advised me the contents of above applications.

Q67:In OA.No.40/2020 you have challenged the resolution of the 1st defendant Trust dated 21.09.2019 with respect to your termination of Trusteeship?

A:Yes.

Q68: In the Last cross examination you have stated that you have not preferred any appeal against OA.1080,1081/2019 and OA.No.40/2020. Which it means, you are well aware of your termination from Trusteeship of 1st defendant since 21.09.2019 is it correct?

A:No.

Q69: As you have been terminated from Trusteeship on 21.09.2019 and you have not challenged the resolution dated 21.09.2019, it means you are not eligible to file any applications or to proceed the present suit. Do you agree?

A:No. I do not agree.

Q70:Do you explain, how?

A:The Trust committee meeting was not called regularly in spite of several request to the secretary and there was no response.

Q71:Have you filed any proof or documents in this regard?

A:Yes. Ex.P21 filed in this regard.

Q72:Could you explain what is the procedure followed in 1st defendant Trust in calling for a meeting of board of Trustees?

A:Circular and Agenda will be circulated to the members of the Trust.

Q73:If this circular and Agenda are duly sent to the all members it means the meeting of the 1st defendant Trust is absolutely valid. Is it correct?

A: Intimation is valid.

Q74:As per Ex.P1 and P2 (i.e) Circular and Agenda. Is it correct to state that the meeting held on 20.01.2012 is a valid meeting?

A:Yes. It is a valid meeting.

Q75:In this meeting as per the agenda 3, the authorisation to operate the bank account of the D1 Trust was given to 2nd defendant Mr. Sathrasala Sukunakar?

A:Yes.

Q76:As you were a Trustee for so many years, Do you know who was the auditor of the Trust during your period?

A:I do not remember. Secretary and president only know.

Q77:(Ex.P3 is shown to the witness) Can you tell who was the auditor of Trust duly appointed?

A:In that Particular year, it was Rathinavel Swami & Associates.

Q78:From the above exhibits, it is clear that the appointment of auditor is made by a valid meeting of D1 Trust. Is it correct.

A:Yes.

Q79:In your plaint, you admitted that the annual reports of the D1 Trust are duly filed upto the year 2016-2017. Is it correct?

A:Yes. It is filed by the secretary.

Q80:Do you know that the IT returns of the 1st defendant Trust was duly filed upto the financial year 2018-2019?

A:I do not know.

Q81:I Put it to you that you are deliberately suppressing the fact with respect to the above, as you have received the copies of the IT returns during the court proceedings?

A:I deny.

Q82:In your plaint para No.6 you have alleged that you have made repeated request to convene a meeting regarding the finalization of accounts for the period ending 2018-2019. Have you filed any proof in this regard?

A:I filed a communication letter sent in this regard.

Q83:You have stated in the plaint, some bank entries, as if they are extracted from the bank statement of the D1 Trust. Can you tell me how you got the bank statement of D1 Trust?

A:I got it from the Bank.

Q84:Do you know that getting the bank statement of the Trust without the knowledge of the board members is an offense?

A:I do not know.

Q85: Do you know what is the corom for conducting a valid meeting in D1 Trust?

A: Four members should be present.

Q86: (Ex.P8 is shown to the witness) In Ex.P8 the meeting dated 18.01.2014 is a valid meeting or not?

A: Yes. It is a valid meeting.

Q87: (Ex.P9 & P10 are shown to the witness) In Ex.P9 and Ex.P10 the meeting dated 19.04.2014 is a valid meeting or not?

A: Yes. It is a valid meeting.

Time : 04:03 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