

BEFORE THE ADDITIONAL MASTER-II
HIGH COURT, MADRAS
C.S.No. 678 OF 2019

Date : 05.11.2025

Time : 02.30 P.M.

Name : Mr.Sathrasala Sharath Babu (PW1)

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

Solemnly affirmed:

Q88:You have admitted in the plaint that the income of the 1st defendant is
Rs.3 Lakhs only per month?

A:I have stated in the plaint the approximate income of the 1st defendant is
Rs.3 Lakhs per month.

Q89:If at all it is above Rs.3 Lakhs what could be the minimum what could
be the maximum rent per month?

A:No idea.

Q90:You have stated in the plaint that the accounts with income tax returns
of the 1st defendant have been filed properly upto the year 2016. Is it
correct?

A:Yes, it is correct it is filed by the then secretary.

Q91:If the income tax returns are filed, it means that the audit and accounts
are clear beyond doubts . Is it correct?

A:Yes.

Q92:In your plaint you have stated that you made repeated request in Para 6
with the respect to convene a meeting for filing of income tax returns for the
subsequent years. Have you filed any such documents proving your repeated
request before this Court?

A:Yes, I have filed the letter in which we have sent a communication to the
then Secretary requesting for the accounts and call for the meeting.

Q93:(All the plaintiff documents are shown to the witness) What is the document number of the said communication which you have filed in this Court?

A:I do not know.

Q94:Have you filed any specific document withstanding the request pertaining to the year 2016 to 2019 in regard of the finalization of accounts and filing of IT returns for the said year?

A:I have sent a communication letter but I do not remember whether it has been filed or not.

Q95:I put it to you that you deliberately alleged false allegation against the 1st defendant with the malicious intention.

A:I deny.

Q96:As you admitted, if the returns are filed then the accounts are deemed to be proper and correct. Do you agree?

A:If it is audited by auditor then it is correct.

Q97:As your were a trustee and returns have been filed upto 2017, what would be general expenditure per month and year of the trust as per your knowledge?

A:I do not remember.

Q98:(Para 7 of your plaint is shown to the witness) In para 7 of your plaint you have alleged, the 1st defendant trust has not deposited the entire rent received. In this regard, have you filed any documents of the proof before this Court?

A: I have filed the bank statement, which ensures that rents were not deposited.

Q99: You stated in Para 7 of your plaint, you received bank statement from bank. If so, under what authority you have received the same?

A: As a trustee.

Q100: Do you not know, without the authority of managing trustee receiving the statement from bank is unlawful and against bye laws?

A: I deny. As a trustee I represented and collected the bank statements.

Q101: As you admitted that you collected the bank statements from the bank, have you filed the originals as an Exhibits before this court?

A: I have filed the photocopy of the bank statements.

Q102: I put it to you that you have deliberately not filed the bank statements with malicious intentions.

A: I deny.

Q103: Regarding the allegation of non deposit of rent have you briefed any detailed statements or Tabulated it in the plaint as you have stated for the withdrawals?

A: No.

Q104: As per the trust deed what can be the intervals between the Two meeting?

A: Monthly or as per requirements.

Q105: As per the trust deed and Para 9 of your plaint it is stated that it is a "Quarterly Meeting". Such being a fact, you are deliberately giving wrong information to the Court?

A: No.

Q106: According to your knowledge what is the general procedure followed to collect the rents from the tenants?

A: The trust manager will collect the rent and give it to Secretary.

Q107:Who was the Manager authorized to collect the rent at the time when you were a trustee?

A:Mr.Srinivasan.

Q108:(Plaint is shown to the witness) In para 10 of your plaint you have made an averment that you made several request to convene a meeting. Have you filed any proof or documents with standing the same.?

A:Yes, I have filed.

Q109:(All the plaintiff documents are shown to the witness) What is the document number of the said proof, which you have filed in this Court?

A:I do not know.

Q110:(Plaint is shown to the witness) You have stated in Para 10 in your plaint, that there was meeting held on 15.04.2016. Have you filed any documents or minutes of meeting in this regard?

A:(All the plaintiff documents are shown to the witness as per his request) No.

Q111:(Ex.P2 is shown to the witness) What is this document?

A:It is a minutes of meeting dated 20.01.2012.

Q112:According to you, was it a valid meeting?

A:Yes.

Q113:Such being, so the resolution in the minutes of meeting dated 20.01.2012 (Ex.P2) the authorisation to operate the bank account is given to the Managing Secretary. Do you agree?

A:Yes.

Q114:Where was the meeting held generally at the period when you were a trustee?

A:Mostly in No.110, Pondy Bazar, T.Nagar, Chennai-17 (Administrative office of the 1st defendant trust) or as per the convenience of the members.

Q115:Is it the same address you are residing at present?

A:No.

Q116:I put it to you that you are deliberately giving wrong information to this Court with respect to the address and the same is stated in the plaint “No.110, Pondy Bazar, T.Nagar, Chennai-17” as plaintiffs address.

A:At the time of filing of this plaint I was residing at No.110, Pondy Bazar, T.Nagar, Chennai-17.

Q117:When did you shift from the above said address?

A:3 years back.

Q118:Is it correct to state that as a trustee you were residing in the same address administering the affairs and documents of the trust ?

A:Out of several portion in the commercial complex, I was residing in one portion at 1st floor and the administration office was running in another portion of the complex at ground floor.

Q119:(Ex.P11 is shown to the witness) Is it correct, according to Ex.P11 your son Shaminath, the 2nd plaintiff was appointed as the 8th trustee?

A:Yes.

Q120:As per the Ex.P11 Minutes, tell me who were all attended the meeting

A:C.Manmohan, S.Sugunakar, C.Kannadu, Gandavadi Seshadri, Chithapuram Arunkumar, Errasala Sudharsan, S.Sharath Babu.

Q121:In the first page of the Ex.P11, (Agenda) how many signatures are there and whose signature is not found?

A:7 signatures are there, it is the circular for intimation and Agenda regarding meeting.

Q122:(Page No.4 of Ex.P11 document is shown the witness) This page contains only 6 signatures but in page 2 ,it is stated that 7 members were present in that case can you say that the resolution was passed unanimously?

A:Yes.

Q123:(Ex.P11 is shown to the witness) There are many handwritten corrections in the first and second page with respect to the dates and election of the 2nd plaintiff. Is it correct?

A:Yes. The secretary has counter signed it.

Q124:Tell me where is the counter signature of the secretary in the 2nd page minutes?

A:The secretary has counter signed only in the 1st page of Ex.P11 and not in the 2nd page.

Q125:(Plaint is shown to the witness) As per the Para 16 of your plaint you stated that you initiated the rent control proceedings against the tenants. Under what authority you initiated the rent control proceedings?

A:I was authorized by the trustee of the board.

Q126:Have you stated about the authority given to you in para 16?

A:It is not mentioned in Para 16.

Q127:In that rent control proceedings, you admitted in the court as a witness on behalf of the trust that it is a private trust and not a public trust. Is it correct?

A:Yes. That was told by my then Secretary.

Q128:Similarly after filing the present suit in RCA Appeal proceedings of the rent control, you again admitted that it is a private trust only. Is it correct?

A:I do not remember.

Q129:Do you hold any shop in the 1st defendant Trust's complex?

A:Yes. It was before me becoming a trustee.

Q130:What is the shop number and what was the rent you have been paying?

A:I do not remember.

Q131:I put it to you that you were not paying rent for the past 10 years.

A:I deny. Till filing of the suit, I have paid the rent.

Q132:Does that mean you have not paid rent after 2019?

A:Yes. Witness adds: All the tenants including me have not paid the rent after 2019.

Q133:With regard to the 2nd prayer do you agree that the 2nd defendant is deceased and the 7th defendant has already resigned from the trust?

A:I am only aware about the demise of the 2nd defendant. But I am not aware about the resignation of the 7th defendant.

Q134:I put it to you that the 2nd prayer sought by you is infructuous in nature. (Counsel for the plaintiff objected to this question on the ground that this question is matter of an argument)

A:I deny.

Q135:The allegation stated by you against the 2nd and 7th defendant are untrue and incorrect?

A:I deny.

Q136:During the period 2018 you filed the complaint stating that the 2nd defendant was missing. Have you filed the copy of the complaint before this court?

A:I do not remember.

Q137:As the document were in the T.Nagar residence of yours. I put it to you that you stole the documents and a complaint was also filed against you by the 2nd defendant, your father?

A:I am not aware of it.

Q138:You have deliberately and maliciously filed the present suit with ulterior motive to grab the properties of the trust?

A:False.

Q139:In CRP.NPD.No.5156,5157,5178,5179,5182,5187,5195,5210 & 5231/2024 you deliberately appeared through video conferencing without any authority of the 1st defendant knowing very well that you were already terminated as a trustee? (Counsel for the plaintiff objected to this question on the ground that this question is not a part of the pleadings)

A:I never appeared in those CRP.NPD Nos. through Video Conference.

Q140:I put it to you that you are deliberately giving wrong informations to this court with respect to this CRP.NPD.No.5156,5157,5178, 5179,5182,5187,5195,5210 & 5231/2024 order and amount to impersonation.

A: I deny.

Q141:I put it to you that the suit filed by you is not maintainable.

A:I deny.

Time : 04:35 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