

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 678 OF 2019

Date : 20.12.2024

Time : 12.15 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:

Q1: You are the 1st plaintiff. Is it correct?

A: Yes.

Q2: Are you aware of the facts of this case?

A: Yes. I aware.

Q3: How you are related to the 1st defendant Trust?

A: I am one of the Trustee.

Q4: How long you are related to the 1st defendant Trust?

A: More than 20 years.

Q5: Can you specify the month or year?

A: I do not know.

Q6: You being a Trustee for 20 years, are you aware of the contents in the
Trust Deed?

A: Yes.

Q7: According to the trust deed what is the maximum number of trustees
can be in the D1 trust?

A: 7 and more.

Q8: Ex.P20 is shown to the witness. Could you please tell me whether 7 or more as per the trust deed?

A: Yes, 7 or more.

Q9: Is Ex.P20 stated 7 or more?

A: 7 is mentioned in the trust deed Ex.P20.

Q10: You said 7 or more trustees, how you are saying 7 or more trustees?

A: I do not know.

Q11: Is it correct you have deliberately given a wrong answer before this Court?

A: No.

Q12: When you were appointed as a Trustee, who were all trustees?

A: I do not remember all the names.

Q13: Your father was also one of the Trustee. Is it correct?

A: Yes, my father and my granduncle were also trustees.

Q14: According to the trust deed are you aware of the main object of the Trust?

A: Yes. I aware.

Q15: Is it a family trust or a public trust?

A: Public Trust.

Q16: Have you ever stated in any Court that this trust is only a private trust?

A: I do not remember.

Q17: According to your knowledge, what was the procedure followed in operating the bank account?

A: It was operating by secretary and committee member.

Q18: Can you specify from the Ex.P20 trust deed about the powers of the trustees in operating bank account?

A: In the clean copy page 6, last para mentioned in this regard.

Q19: According to you in the last paragraph page 6 about the operating bank account. Is the above specified in last para in page 6

A: In the next para, page 7 it is stated regarding above aspects.

Q20: I am asking you again kindly see, is it mentioned there about the powers of trustee in operating bank account?

A: Yes.

Q21: In your earlier answer you said the bank account is operated by the managing secretary. Is this fact are there in the above paragraphs.

A: Yes.

Q22: How 2nd plaintiff is related to you?

A: The 2nd plaintiff is my son.

Q23: What is he doing?

A: He is practicing Advocate.

Q24: Have you stated about his profession in your plaint? (The counsel for the plaintiff side objected for this question)

A: No.

Q25: Do you remember when your son was appointed as a Trustee?

A: I do not remember.

Q26: At the time of 2nd plaintiff appointment, how many trustees were there?

A: 7 trustees.

Q27: Earlier you said as per the trust deed, there can be only 7 trustees, according to Ex.P15. Kindly see and state at what place the 2nd plaintiff was appointed?

A: 8th Trustee.

Q28: Then it means he has been appointed against the terms of the trust deed?

A: No.

Q29: Ex.P15 is shown to the witness. How many trustees have attended on 2nd plaintiff appointment as trustee?

A: 7 trustees were present.

Q30: Tin the minutes, it is stated 8 trustees only. Is it correct?

A: Yes.

Q31: Are you aware that the appointment of 2nd plaintiff as 8th trustee is unlawful as per the trust deed?

A: No.

Q32: Could you explain how you are saying NO above question?

A: As per trust deed 7 or more members can be appointed as trustee.

Q33: In your plaint you have stated the extract of statements of the bank account. How you got the bank statements?

A: On my request I got the same from the bank.

Q34: Have you filed the bank statement as exhibit in this case?

A: No.

Time : 12.55 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