

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S. No.20 of 2025

Date : 16.02.2026

Time : 11.40 A.M.

Name : Mr.R.Kesavanathan (PW1)

Age : 71 Years

Father's Name : Late K.Ramaswamy

Residential Address : No.26/22, Perumal Koil Street,
Mettupalayam, West Mambalam,
Chennai - 600 033.

PW1 Chief Examination by Ms.Uma Vidyapathi, the learned counsel for the Plaintiff.

Solemnly affirmed:

I am the Plaintiff herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief. The following documents are marked as exhibits.

Ex.P1 is the Original Will executed by Late K.Ramaswamy dated 02.07.2003.

Time: 12.05 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,

HIGH COURT, MADRAS

T.O.S. No.20 of 2025

Date : 18.02.2026

Time : 11.57 A.M.

Name : Mr.R.Kesavanathan (PW1)

PW1 Chief Examination Continuation by Ms.Uma Vidyapathi, the learned counsel for the Plaintiff.

Solemnly affirmed:

The following documents are marked as exhibits.

Ex.P2 is the photocopy of the Death Certificate of K.Ramaswamy dated 13.10.2009.

Ex.P3 is the photocopy of the Legalheir Certificate of K.Ramaswamy dated 07.12.2009.

Ex.P4 is the photocopy of the Death Certificate of Rajalakshmi dated 17.03.2013.

Ex.P5 is the photocopy of the Death Certificate of Vjayalakshmi Thyagarajan dated 02.07.2019.

Ex.P6 is the photocopy of the Legal heir Certificate of Vjayalakshmi Thyagarajan dated 17.08.2019.

Ex.P7 is the photocopy of the Sale Deed in the name of K.Ramaswamy dated 26.11.1963. (Compared with original).

Ex.P8 is the certified copy of the Plaint in C.S.441 of 2011 and renumbered as OS 7093 of 2019.

Ex.P9 is the photocopy of the Written Statement in C.S.441 of 2011 dated 25.01.2012.

Ex.P10 is the photocopy of the Handwritten letter from the testator to the

Revenue Officer, Corporation Madras dated 18.03.1989.

Ex.P11 is the photocopy of the Cancelled Cheque in the name of the testator bearing his signature dated 07.03.1989. (Compared with original).

Ex.P12 is the photocopy of the Proforma for Property Tax Return signed by the testator dated 25.01.1993. (Compared with original).

Ex.P13 is the photocopy of the Receipt in the handwriting of the Testator dated 10.08.2007. (Compared with original).

Ex.P14 is the photocopy of the Handwritten Letter written to the Unit Trust of India by the Testator dated 17.12.2008.

Ex.P15 is the photocopy of the Annexure of Receipt from Integrated Enterprise India Limited bearing the signature of the Testator dated 18.08.2009. (Compared with original).

Ex.P16 is the photocopy of the Annexure of Receipt from Integrated Enterprise India Limited bearing the signature of the Testator dated 19.08.2009. (Compared with original).

Ex.P17 is the photocopy of the series of Handwriting samples from the

diary of the Testator.

(The learned counsel for the defendant objects to mark the documents from Ex.P2 to Ex.P7 and Ex.P10 to Ex.P17 since documents are photocopies and the signatures of the testator differs between Ex.P10 and Ex.P11 to Ex.P17).

Time: 12.25 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S. No.20 of 2025

Date : 13.03.2026

Time : 12.32 P.M.

Name : Mr.R.Kesavanathan (PW1)

PW1 Cross Examination by Mr.K.Akshon, the learned counsel for the Defendant.

Solemnly affirmed:

Q1: When did you come to know about the existence of Ex.P1 Will?

A: 6 months after the death of my father.

Q2: Were you in any way involved in preparing the Ex.P1 Will?

A: No.

Q3: So, this Will was written by your father in his handwriting?

A: Yes.

Q4: Do you personally know the attesting witnesses?

A: Yes.

Q5: As you earlier stated, you come to know about the Will after 6 months of your father's death. How did you find this Ex.P1 Will?

A: While was cleaning my father's Bureau I found the Will.

Q6: Is it true that you are appointed as executor of this Will?

A: Yes.

Q7: Is it true that you have bequeath most of your father's assets?

A: Yes.

Q8: Did your father during his life time discuss anything regarding this Will?

A: No.

Q9: When did you inform your siblings/ other legal heirs about this Will?

A: Within a month I have informed my siblings about the Will.

Q10: Ex.P9 is shown to the witness. Is this your written statement you have filed in C.S.441 of 2011 before this Hon'ble High Court?

A: Yes.

Q11: In para 2 of the said written statement, you have stated that you informed about the Will immediately after completion of your father's last rites. Is it right?

A: Yes.

Q12: Is that means immediately after cremation?

A: No, We have to complete our family rituals every month. After completion of the rituals only I have informed.

Q13: In CS 441 of 2011, one of your sister Usha has stated in his Complaint that she is not aware of the Will and your father died intestate. Is it right?

A: Yes. But that statement was Not true.

Q14: After you come to know about the Will have you taken any steps to probate the Will?

A: I have no idea about the probate proceedings.

Q15: Being the executor of the Will, is it not your duty to properly probate the Will?

A: I do not know about the probate procedure.

Q16: When did you decide to probate the Will?

A: After taking advice from my Lawyer I decided to probate the Will.

Q17: Was this advise given to you after the institution of the suit in CS No.441 of 2011 or before?

A: After institution of the suit only.

Q18: I put it to you since you have taken initiative only after institution of CS 441 of 2011.

A: Yes.

Q19: I put it to you that you have not properly informed about the existence of the Will to other legal heirs.

A: I deny.

Q20: Ex.P1 is shown to the witness. Is this your father's signature?

A: Yes.

Q21: Ex.P10 is shown to the witness. Does the signature in the Ex.P10 and in the Will looks similar to you?

A: Yes. Same.

Q22: When your father passed away with whom he was residing?

A: My father and mother resides with me.

Q23: Did any of your siblings live along with you at that time?

A: No, all my sisters are residing in different places in their martial home.

Q24: Whether you have the originals of Ex.P10 to Ex.P17?

A: Yes, I have.

Q25: Is it true that the signatures of your father in the above documents differ to some degree?

A: No. But some point it may differ because of paper and pen used for signing and he signed in different places.

Q26: From the date of discovery of the Will till the date of institution of the probate proceedings this Will was in your possession. Is it right?

A: Yes.

Q27: Was it in your safe custody?

A: Yes. It was in my safe custody.

Q28: In para 8 of your proof affidavit you have stated that the Will was misplaced and the original Will was found only after diligent search. Is it right?

A: Yes. The house was infested with termites so I changed the place.

Q29: So, as per your answer it was not misplaced. Inorder to safeguard the Will from termites you have changed the place and kept it some where in the house?

A: Yes.

Q30: The assets bequeathed in the Will are they your father's self acquired property or inherited?

A: My father's self acquired property.

Time: 01.05 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S. No.20 of 2025

Date : 23.03.2026

Time : 11.40 A.M.

Name : Mr.R.Kesavanathan (PW1)

PW1 Cross Examination Continuation by Mr.K.Akshon, the learned counsel for the Defendant.

Solemnly affirmed:

Q31: One of the attesting witness is an Advocate?

A: Yes. His name is Nagarajan.

Q32: Did the testator suffer from any illness?

A: No.

Q33: Is it correct to state that your sister Usha filed a partition suit through Advocate K.Rajagopalan?

A: Yes.

Q34: Do you know Mr.K.Rajagopalan?

A: Yes. He is our distant relative.

Q35: Is Mr.Rajagopalan, Advocate and Mr.Nagarajan attesting witness are related each other?

A: Yes, they are Brothers.

Q36: Ex.P1 is shown to the witness. Is the contents in the Ex.P1 Will are in your father's handwriting?

A: Yes.

Q37: With whom your mother was living?

A: Till her demise my mother was in my care.

Q38: You have filed certain Bank documents related to your father.
Do you have the originals?

A: Yes, the originals are in my possession.

Q39: Have the attesting witnesses of the Will revealed about the
Will at any point of time before the death of the testator?

A: No.

Q40: Did your father suffer from any nerve related issues?

A: No.

Q41: As your father was living with you, I put it to you that using
your advantageous position you have forced your father to sign the
Will?

A: I deny.

Time: 11.50 A.M

Taken down in open Court, read over and the same is admitted by
the witness to be correct and signed before me.

ADDITIONAL MASTER – I