

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.68 of 2013

Date : 22.01.2024

Time : 12.50 P.M.

Name : Mr.A.Selvaraj (PW1)

Cross Examination by Mr.Krishnamoorthy , the learned counsel for the defendants.

Solemnly affirmed:

Q1: How Narayanaswami Naickar related to you?

A: He is my father's brother.

Q2: Is Arumuganaicker your father?

A: Yes.

Q3: Is it correct to say that Narayanaswamynaicker & Arumuganaicker are the sons of Gopala Naicker?

A: Yes.

Q4: How many female children to Gopala Naicker?

A: 3 daughters. Their names are Kuttima, Lakshmi and Shanthi.

Q5: Are they younger to you?

A: No.

Q6: Is it correct to say that you were all residing at Vepedu Village, Thiruporur, Chengalpattu District?

A: Yes.

Q7: Who is Tulukanammal?

A: She is the wife of Narayanaswamy.

Q8: Was Gopal Naicker doing business along with Arumuganaicker and Narayanaswamynaicker?

A: Yes. They engaged in Milk Business.

Q9: Have you stated the details of your ancestors in your plaint?

A: I have not stated, since I have not known the exact details.

Q10: Is it correct to say, The Ex.P2 Will dated 05.12.1995 was executed by Narayanaswamy Naicker and same was handed over to petitioner by the petitioner's father?

A: Yes.

Q11: When the Will was handed over to you?

A: It was not handed over to me.

Q12: What was your occupation?

A: I was employed in TVS Lucas, I had completed Old S.S.L.C..

Q13: Are you aware of the contents of your proof affidavit?

A: I am not aware of the contents.

Q14: Is it correct to say that Marinaicker sent a Legal Notice dated 23.03.1998 to you?

A: Yes.

Q15: Is the Will dated 05.12.1995 which was executed by Narayanaswamy Naicker registered One?

A: It was not registered. It was written in home.

Q16: At whose house it was written?

A: May be, it was written at Teynampet.

Q17: Do you know Narayanaswamy Naicker executed another Will dated 28.09.1995?

A: Yes, I know.

Q18: When did you know about the said Will?

A: 2013.

Q19: Have you stated the details of the Will dated 28.09.1995 in your plaint?

A: I have stated.

Q20: I put it to you that you have not stated the details of the Will dated 28.09.1995 in your plaint and you are deposing falsely as the same has been stated in your plaint.

A: I do not know.

Time: 01.16.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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.68 of 2013

Date : 15.03.2024

Time : 12.15 P.M.

Name : Mr.A.Selvaraj (PW1)

PW1 Cross Examination Continuation by Mr.Krishnamoorthy, the learned counsel for the defendants.

Solemnly affirmed:

Q21: Is it correct to state that the First Will was Registered on 28.09.1995 by Narayana Swami Naicker?

A: Yes.

Q22:The Will involved in this Case is dated 05.12.1995. Is it correct?

A: Yes.

Q23: A Legal Notice dated 23.03.1998 was issued by one Mari and you have issued Reply Notice for the same on 11.05.1998. Is it Correct?

A: Yes.

Q24: Is it correct to state that you have given instructions to your Lawyer to issue Reply Notice ?

A: Yes.

Q25: You have not stated in that Reply Notice with regard to the Will involved in this Case?

A: I do not know.

Q26: You have stated in your Reply Notice that all the properties are Joint Family Property in which you also have Share over it. Is it correct?

A: Yes.

Q27: In whose name the suit property stands?

A: Narayanaswamy Naicker and his wife named Thulakanam.

Q28: Who is Syed Kasim?

A: I do not know him.

Q29: Who is Arumugam?

A: I know him. But he is no more now.

Q30: What is age of Arumugam at the time of his death?

A: I do not know the exact age.

Q31: Is it correct to state that he died, suffering from disease?

A: I came to know that he suffered a Heart Attack.

Q32: Who informed you about the Ex.P2 Will?

A: One Advocate Mr.Viji informed me.

Q33: Where is he living?

A: He is living at Tambaram and practising in Madras High Court.

Q34: When and where did you meet him at first?

A: In the year of 2013, I went to his house and met him.

Q35: Is it correct to state that you came to know about the Will in the year of 2013?

A: Yes.

Q36: Whether he called you or you went to meet him?

A: I voluntarily went to meet him.

Q37: Do you know him before met him at first?

A: I know him.

Q38: How do you know him?

A: My sister-in-law was residing near his house.

Q39: Whether he has given the Will alone or along with other documents?

A: There was a bundle but I do not know what are all the documents.

Q40: Who drafted the Will?

A: I do not know.

Q41: Did he inform you about who drafted the Will?

A: He did not inform me.

Q42: I put it to you that since you have stated some allegations as against Narayana Swamy Naickar in your Ex.P4 Reply Notice, there was no chance to execute a Will in favour of you by Narayana Swamy Naickar.

A: I deny.

Q43: I put it to you that Ex.P2 Will is fabricated one by you.

A: I deny.

Q44: I put it to you that since the Ex.P2 Will is fabricated, you have not engaged the Advocate Mr.Viji and Mr.P.Ramakrishnan for and behalf of you to conduct this case.

A: I deny.

Q45: I put it to you that since Ex.P2 Will is not executed as per Indian Succession Act, the Will is invalid and not legally sustainable.

A: I deny.

Q46: I put it to you that since the Will was drafted in the language which was not known to Narayana Swamy Naickar, Will is not legally sustainable?.

A: I deny.

Q47: I put it to you that Narayana Swamy Naickar was aged 85 years when the Will was executed and since Ex.P2 Will was not executed in the presence of a Doctor, certifying that he was mentally stable and in good health, the Will is not legally sustainable.

A: I deny.

Q48: I put it to you that since the Ex.P2 Will is fabricated one that is why the details of the first Will have not been mentioned properly.

A: I deny.

Q49: I put it to you that the Ex.P2 Will is a fabricated one, since there are no details of qualifications and disqualifications of the parties as to why the property was bequeathed to somebody and not bequeathed to others.

A: I deny.

Q50: I put it to you that since Mari has issued a Notice to you, claiming right over the properties which were available at Vembedu Village you have created the Ex.P2 Will and filed this case.

A: I deny.

Q51: I put it to you that you are not entitled for any suit reliefs and this suit is liable to dismissed with Cost.

A: I deny.

Time: 12.55 P.M

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

A'DDITIONAL MASTER – I