

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 366 OF 2021

Date : 05.01.2024

Time : 11.35 A.M.

Name : N.Bhuvaneswari (PW1)

PW1 Cross Examined by Learned counsel for the Defendant Mr.Suresh Sampath.

Solemnly affirmed:

Q21: Ex.P3 is shown to the witness. Did you mentioned in Ex.P3 stated that the super structure is more than 50 years old and is in total disuse for the past many years fetching no income. Is it correct?

A: Yes. I stated so.

Q22: Plaint is shown to the witness. Did you mentioned in para 3 of your plaint the super structure which was constructed by the parties mother many years ago has become uninhabitable and in bad repairs and it has fall as vacant. Is it correct?

A: Yes, I have stated so.

Q23: Reply statement is shown to the witness. You have stated in the reply statement that there was a tenant from March 2009 to March 2020 they were asked to vacate in the year 2019 and no rent is received from the school as the rental advance received by mother was adjusted?

A: Yes, I stated so.

Q24: Proof affidavit is shown to the witness. In para 10 of Proof affidavit you have mentioned that for the 1st time that you have stated that you have received the rents to the tune of Rs.72,500/- per month and the entire amounts of rents from October 2009 till March 2020 amounts to Rs.90,62,500/- and at the best the defendant would be entitled to Rs.16,96,500/-?

A: Yes, it is stated so.

Q25: I put it to you that you have deliberately suppressed the fact of building being rented out, and the fact of rental income received by you in your legal notice Ex.P3 and in your plaint and as well as your reply statement?

A: I deny.

Q26: I put it to you that you have not only played fraud on the defendant and put played fraud on the Court?

A: I deny.

Q27: I put it to you that you have suppressed these facts to unjustly enrich yourself?

A: I deny.

Q28: Your verification in the plaint as well as your reply statement is false?

A: I deny.

Q29: Can you tell me the name of the tenant in the schedule mentioned property?

A: I do not know. My brother and my mother only knows all these things.

Q30: Can you tell me what is the rent for that schedule mentioned property?

A: I do not know exactly.

Q31: Can you tell me what was the mode of payment that rent was paid and to whom it was paid?

A: I do not know.

Q32: Can you produce the rental agreement for the said tenancy?

A: I do not know.

Q33: Can you produce the counter foil of the rental receipts issued to the tenants?

A: No.

Q34: Have you produced any documentary evidence to show that the alleged maintainance for the schedule mentioned property was Rs.10,000/- per month?

A: No.

Q35: Have you gone through the written statement and the Counter claim filed by the defendant?

A: Yes.

Q36: Did you understand that the defendant has stated that he visited the plaint schedule mentioned property on 27.04.2022 and has enquired tenants and also has taken photograph?

A: I do not know. He never visited suit premises.

Q37: I put it to you that the original rent is Rs.1,50,000/- per month for the suit premises?

A: I deny.

Q38: I put it to you that you are holding the rents from October 2009 till today?

A: I deny.

Q39: I put it to you that the allegation that the tenant vacated the suit premises on March 2020 is false?

A: I deny.

Q40: I put it to you that you know the entire facts but you are suppressing it and giving a false evidence in order to unjustly enrich yourself?

A: I strongly deny.

Q41: I put it to you that you have wantonly suppressed the fact of existence of your parent's jeweleries in your legal notice, reply notice as well as your plaint?

A: I strongly deny.

Q42: Proof affidavit is shown to the witness. In para 10 of your proof affidavit you have stated that your mother has left behind Mangal Suthra and Earrings?

A: Yes.

Q43: Hence I put it to you that your allegation in your legal notice, plaint and reply statement that there were no jewels left behind is false made for the purpose of this case in order to unjustly enrich yourself?

A: I strongly deny.

Q44: What happen to the jewels of your father and mother?

A: My fathers do not have jewels. My mother jewels Mangal suthra and earrings was may be with my younger sister Vasanthi.

Q45: I put it to you that once again what happen to the other jeweleries of your parents?

A: My mother did not have any other jewels.

Q46: I put it to you that the entire schedule A mentioned Jewels, valuables, antique are very much available with the plaintiffs and you are wantonly giving false evidence and suppressing the fact in order to grab those jewels?

A: I strongly deny.

Q47: I put it to you that your father was a great astrologer and and lawyer too and he has earned the schedule mentioned property now worth of Rs.17 crores and huge amount of wealth?

A: He is a practicing a advocate for few years. Thereafter he became astrologer. He earned money upto the requirement of family expenses.

Q48: I put it to you that what you state is false?

A: I deny.

Q49: Did you understand that the defendant has specifically stated that your sister Vasanthi took jewels from the mortal remains of your late mother and put it in a green back and took it?

A: I strongly deny.

Q50: Proof affidavit is shown to the witness. In para 6 of your proof affidavit you have stated about the defendants carrier starting from 1976 till 1998 you have clandestinely left out period from 1988 to 1998, when the defendant was employed and was earning money which he had spent for the family and for the construction of the suit premises?

A: I strongly deny.

Q51: I put it to you that you wantonly suppressed the fact of the employment period from 1988 to 1998?

A: I deny.

Q52: You have alleged in your proof affidavit that you and your husband were looking after the construction and helping for that in the year 1989. I put it to you that the allegation invented for the purpose of filing proof affidavit and it is neither pleaded in the plaint nor in the reply statement?

A: I deny.

Q53: I put it to you that admittedly you have not staying with your parents from 1992, hence your evidence on the happenings from the year 1992 is not in your personal knowledge and only hear say?

A: I deny.

Q54: The alleged calculations given by you regarding the amounts of rent received is false and not supported by material evidence and prepared for the purpose filing proof affidavit?

A: I deny.

Q55: Proof affidavit is shown to the witness. The allegation para 11 of your proof affidavit that Rs.1,40,000/- as cheque number 62335 and 62336 are all false and I put it to you that this said alleged transactions is not with in your personal knowledge?

A: I deny.

Q56: The 1st plaintiff and the 4th plaintiff are well qualified. Is it correct?

A: Yes.

Q57: They both are physically fit and they did not chosed to get married?

A: Yes.

Q58: I put it to you that the allegation that the monthly maintenance of the unmarried sister and brother at the age of 55 and 60 is calculated Rs.60,000/- per month for both is baseless false and unsustainable in law?

A: I deny.

Q59: You have allegedly denied in para 15 of the proof affidavit that 3 cheques drawn on Canara Bank amounting to Rs.1,00,000/- and Rs.50,000/- and Rs.40,000/- to the 1st plaintiff. This is false you do not have personal knowledge about it?

A: I deny.

Q60: I put it to you that all the allegations that you have spoken about regarding the other plaintiffs are all not within your personal knowledge hence your evidence on those allegations are inadmissible?

A: I strongly deny.

Time : 12.30 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