

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.520 of 2019
&
C.S.391 of 2019

Date : 24.04.2024

Time : 04.55 P.M.

Name : Mr.I.Ameen Ahamed (PW2)

Age : 39 Years

Father's Name : Mr.K.Iqbal Hussain

Residential Address : 11/9, Srinivasapuram, Pattinampakkam,
Chennai – 600 028.

PW2 Chief Examination by Mr.MD. Jaffar Sadiq, the learned counsel for the Plaintiff.

Solemnly affirmed:

I am the Secretary of 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.

Time: 05.00 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

C.S.No.520 of 2019
&
C.S.391 of 2019

Date : 03.06.2024

Time : 12.05 P.M.

Name : Mr.I.Ameen Ahamed (PW2)

PW2 Chief Examination Continuation by Mr.N.A.Nassir Hussain, the learned counsel for the Plaintiff.

Solemnly affirmed:

Ex.P12 is the photocopy of the Newspaper Articles. (The learned counsel for the defendant objects to mark the document. Document Marked subject to proof and relevancy).

Ex.P13 is the photocopy of the letter communication of the respondent dated 05.01.2023. (The learned counsel for the defendant objects to mark the document. Document Marked subject to proof and relevancy).

Ex.P14 is the photocopy of the Press Release by the Respondent dated 21.07.2022 and 19.10.2023. (The learned counsel for the defendant objects to mark the document. Document Marked subject to proof and relevancy).

Ex.P15 is the Video Clipping of the Respondent in Newsmedia in Electronic Pendrive Device.

Ex.P16 is the photocopy of the Face book Posting of the Respondent.

Time: 12.15 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

C.S.No.520 of 2019
&
C.S.391 of 2019

Date : 04.07.2024
Time : 01.05 P.M.

Name : Mr.I.Ameen Ahamed (PW2)

PW2 Cross Examination by Mr.S.S.Rajesh, the learned counsel for the Defendant.

Solemnly affirmed:

Q1: For how long are you working with the Plaintiff (T.M.M.K.)?

A: Since 2009.

Q2: Do you know Mr.Hyder Ali personally?

A: Yes.

Q3: What is the nature of your work in T.M.M.K.?

A: I am the Secretary, Head Office.

Q4: Have you come across various communications issued by Mr.Hyder Ali as a General Secretary prior to June 2019?

A: No.

Q5: What was your position in T.M.M.K prior to 2020?

A: P.A to the President.

Q6: When you were the P.A to the president, have you come across any of the communications issued by Mr.Hyder Ali while such communications are considered and handled by the President?

A: No.

Q7: Ex.P12 is shown to the witness. Can you identify in which Newspaper and date on which the Article was published?

A: Dinamalar, July 15. I do not remember the year.

Q8: From where did you take the photocopy of the Article and do you have the original with you?

A: I have taken from the Facebook Post. I do not have the Original.

Q9: Is this the Proof Affidavit filed by you?

A: Yes.

Q10: Kindly go through that and inform the Court that these news articles are taken from Facebook post?

A: Yes.

Q11: Can you Identify from the proof affidavit from where you have said that these news articles are taken from Facebook post?

A: Para 4 of V of the Proof Affidavit.

Q12: The document referred in Para 4 of V is Ex.P16. Isn't it?

A: Yes.

Q13: From whose Facebook post, have you taken the Ex.P12 News articles and Ex.P16?

A: I do not remember.

Q14: Do you know how Mr.Hyder Ali would put his signature?

A: Yes.

Q15: Ex.P13 and Ex.p14 are shown to the witness. Can you identify the signature therein are the signature of Mr.Hyder Ali?

A: Yes.

Q16: Have you seen the Written Statement filed by Mr.Hyder Ali in C.S.520 of 2019?

A: No.

Q17: Is there a difference between the signature of Mr.Hyder Ali in the Written Statement filed in C.S.520 of 2019 and in Ex.P13 & Ex.P14?

A: Yes.

Q18: Ex.P13 and Ex.P14 are shown to the witness. These communications are not addressed to T.M.M.K, from whom did you obtain the copies of the same?

A: From Facebook posting.

Q19: Do you remember from whose Facebook post you have taken these Ex.P13 and Ex.P14?

A: I.M.M.K.

Q20: Kindly check your proof affidavit and inform the Court as to whether you have stated anywhere in the Proof Affidavit that Ex.P13 and Ex.P14 were taken from I.M.M.K Facebook Post?

A: No, it is not mentioned anywhere that it has been taken from I.M.M.K Facebook Post.

Q21: You have said that Ex.P12 series and Ex.P13 and Ex.P14 were taken from Facebook Post that means that you would have downloaded from the Computer?

A: Yes.

Q22: Have you filed 65-B Certificate for Ex.P12 and Ex.P13?

A: No.

Q23: Is it right to say that the contents referred in Ex.P12 to Ex.P16 are all post 2019?

A: Yes.

Q24: Do you know when I.M.M.K which is referred to in Para 2 of your Proof Affidavit was formed?

A: In the year 2022.

Q25: In the 65-B Certificate filed along with Ex.P15 have you mentioned the details of the Computer that was used to download the content?

A: No.

Q26: In the 65-B Certificate filed along with Ex.P16 have you mentioned the details of the Computer that was used to download the content?

A: No.

Q27: Do you know what is the content in Ex.P15 Sandisk?

A: It is a Press meet of Mr.Hyder Ali.

Time: 01.40 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

C.S.No.520 of 2019
&
C.S.391 of 2019

Date : 25.07.2024
Time : 01.40 P.M.

Name : Mr.I.Ameen Ahamed (PW2)

PW2 Continuation of Cross Examination by Mrs.R.Nandhini, the learned counsel for the Defendant.

Solemnly affirmed:

Q28: Is it right to state that all the documents filed by you are referring to an event that are post filing of the suit?

A: Yes.

Q29: Ex.P12 to Ex.P16 are shown to the witness. Is it right to state that since Ex.P12 to Ex.P16 filed by you are referring to events much later than filing of the suit, they have no relevance or impact on the relief sought for in the present suit?

A: I deny. All the documents are relevant to the case.

Q30: Complaint in C.S.520 of 2019 is shown to the witness. Is it right to say that the complaint has been filed on 30.08.2019?

A: Yes.

Q31: Is it right to state that the date of the exhibits Ex.P12 to Ex.P16 are subsequent to the date of filing of Suit?

A: Yes.

Q32: I put it to you that none of the documents filed by you in Ex.P12 to Ex.P16 are relevant to this suit and its relief?

A: I deny.

Q33: I put it to you that since there is no material available to substantiate the suit relief, you are falsely seeking to prejudice the minds of the Court by filing documents which are of no significance or relevance?

A: I deny.

Q34: I put it to you that you are only a witness set up by the president of Tamil Nadu Muslim Munetra Kazhagam and you are not aware of any of the facts of the case?

A: I deny.

Time: 01.55 P.M.

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

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.No.520 of 2019
&
C.S.391 of 2019

Date : 24.09.2024

Time : 01.35 P.M.

Name : Mr.M.Mohamed Mustafa (PW 3)

Age : 45 Years

Father's Name : Mr.Mohamd Ismail Jinna

Residential Address : 4/503 A, Thirupathi Nagar,
Sengamalanachiyarpuram Road, Sivakasi,
Virudhunagar – 626 123.

PW3 Chief Examination by Mr.U.Muhammad, the learned counsel for the Plaintiff.

Solemnly affirmed:

I am the witness 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.

Time: 01.40 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

C.S.No.520 of 2019
&
C.S.391 of 2019

Date : 28.11.2024

Time : 12.20 P.M.

Name : Mr.M.Mohamed Mustafa (PW 3)

PW3 Cross Examination by Mr.S.S.Rajesh, the learned counsel for the Defendants.

Solemnly affirmed:

Q1: Do you know the defendant Mr.Hyder Ali?

A: Yes.

Q2: How do you know him?

A: He was the General Secretary of Plaintiff's Association till 2019.

Q3: For how long do you know him?

A: I know him for more than 15 years.

Q4: What is your post in the plaintiff's Association?

A: I am the State Secretary.

Q5: For how long you have been in the post of State Secretary?

A: From 2020 I am the State Secretary.

Q6: Was there any relationship between you and the Plaintiff Association before 2020?

A: I was State Secretary of the State Wing related to the organisation.

Q7: What is state wing?

A: It is one of the wing under the plaintiff organisation.

Q8: Do you know who are the founders of the plaintiff organisation TMMK?

A: B.Jainulabdeen, Jawahirullah, Hyder Ali and others.

Q9: Proof Affidavit is shown to the witness. Is it you who has signed and filed this proof affidavit?

A: Yes.

Q10: Do you know the contents of your proof affidavit?

A: Yes.

Q11: Para No.2 of the Proof Affidavit is shown to the witness. In the said paragraph you have mentioned that there was a secret meeting convened at Nagercoil without the consent of the Chief Administrative Council of the Organisation. Do you know when was this meeting held?

A: I do not remember the date.

Q12: Have you filed your proof affidavit without verifying the date on which the said secret meeting was held at Nagercoil?

A: Yes.

Q13: When did you gain knowledge of the said secret meeting held at Nagercoil as mentioned in para 2 of your proof affidavit?

A: I do not remember the date. But I came to know through the office bearers of the Association.

Q14: Page 2 Para 2 of the Proof Affidavit is shown to the witness. You have said that there was a meeting held at Mr.O.U.Rhamathullah, Former Trustee on 26.03.2019 at Taramani. Do you know who all attended the said meeting?

A: I know that Hyder Ali attended the meeting. I am not sure about others.

Q15: Likewise in the same paragraph you have mentioned that on 28.04.2019, there was a secret meeting with his sympathizers at Thoothukudi. Do you know who are the people i.e., the sympathizers who attended the said meeting?

A: I know it is Hyder Ali and his sympathizers. But I do not remember who are they.

Q16: How did you gain knowledge of the meeting held on 28.04.2019 at Thoothukudi?

A: I came to know through office bearers.

Q17: How did you gain knowledge of the meeting held on 26.03.2019 at Taramani?

A: I came to know through office bearers.

Q18: Likewise in the said paragraph 2 you have said the Mr.Hyder Ali and his sympathizers plotted against TMMK Organisation and its trust. Do you know what is the plot that you are referring to in paragraph 2?

A: The plot is to disharmony among the members and to split the Organisation.

Q19: How do you know that Mr.Hyder Ali and his sympathizers had plotted against TMMK organisation and the trust as answered to the Q.No.18?

A: I came to know through his various acts from the year 2018.

Q20: Have you stated in your proof affidavit that Mr.Hyder Ali and his Sympathizers have done various acts against the TMMK organisation and trust from the year 2018?

A: I have mentioned it in Paragraph No.3 of my proof affidavit.

Q21: Likewise in paragraph number 2 of your proof affidavit Mr.Hyder Ali and his Sympathizers have involved in false propaganda and allegations through social media, websites and within the organization members defaming the organization and its leaders. Have you mentioned the details of the said propaganda its date and the social media platform and the websites in which such a propaganda was spread?

A: I have not filed any proof for the same.

Q22: Do you know who are the members to whom such false propaganda was made by Mr.Hyder Ali and his Sympathizers as mentioned in para 2 of your proof affidavit?

A: The members came to know through social media posting.

Q23: Will you be in a position to say whether any member approached you and told you about the false propaganda as answered to your previous question?

A: I do not remember.

Q24: Likewise in the said paragraph 2 you have said that Mr.Hyder Ali had in the interview with Vikadan and other news channels levelled false allegations against the leaders of the organizations an went to the extent of using pharaseology such as fascists, mafia gang, etc., Do you know when was this interview with Vikadan and other news channels held?

A: I do not remember.

Q25: Do you know what are the other news channels that you have referred to in paragraph 2 of your proof affidavit?

A: It is a you tube channel by name Minnambalam.

Q26: You are referring to Mr.Hyder Ali talking about the leaders of TMMK organization and trust. Do you know who are the said leaders?

A: It is Professor Jawahirullah, President of the Organisation.

Q27: Do you know whether Professor Jawahirullah has initiated any legal action for defamation or otherwise as against Mr.Hyder Ali for the said false propaganda referred to in paragraph 2 of your proof affidavit?

A: No. He has not initiated any action.

Q28: Para 3 of the proof affidavit is shown to the witness. You have mentioned that Mr.Hyder Ali had unilaterally and arbitrarily appointed office bearers to Ramanathapuram East District on 27.09.2018 without the approval of the Chief Administrative Council. Do you know who are the persons who were appointed as Office bearers by Mr.Hyder Ali on 27.09.2018 for Ramanathapuram East District?

A: One Mr.Kalandar Asik from Thondi Village, Ramanathapuram District was appointed as office bearer by Mr.Hyder Ali.

Q29: Do you know whether any action was taken on the appointment of said Mr.Kalandar Asik in the year 2018?

A: Mr.Hyder Ali himself had later removed him from the office bearer post.

Q30: Have you mentioned about Mr.Hyder Ali himself later removing Mr.Kalandar Asik from the post of office bearer as answered by you to Q.No.29?

A: No.

Q31: Have you read the Complaint filed in C.S.No.520 of 2019?

A: No. I have not read.

Q32: I put it to you that all that you have referred and answered till now are not part of the Complaint hence you are rendering a false evidence

A: I deny.

Q33: I further put it to you that all that you referred to in paragraph 2 of your proof affidavit are all hearsay evidence and thus you do not have any personal knowledge about the same

A: I deny.

Q34: Witness is shown paragraph 3 of the proof affidavit. You have mentioned that Mr.O.U.Rhamathullah and Mr.N.S.Abdul Jaleel have falsely written letters to the President describing Mr.Hyder Ali as the author of the Trust and that they were kept in the dark of accounts and other activities of the Trust. Do you know when such a letter was written?

A: I do not remember.

Q35: Have you filed the said letter before this Court?

A: I have not filed.

Q36: Likewise in paragraph 3 you have mentioned that Mr.Hyder Ali vide letter dated 11.06.2019 had concurred with Mr.Rhamathullah on the allegation that the President is acting detrimental to the object of the Trust. Have you filed the said letter before the Court?

A: I have not filed the said letter.

Q37: Is it right to say that Plaintiff association is different from the Trust that you are referring in paragraph 3 of your proof affidavit?

A: Yes. They are separate entities.

Q38: Likewise in paragraph 3 of your proof affidavit you have referred to a letter dated 15.06.2019 wherein Mr.Hyder Ali has made allegation against the President that he is acting as a Dictator and to withdraw the special meeting of the organization. To whom was this letter addressed to?

A: The said letter was written to Mr.Professor Jawahirullah the President of the Organization.

Q39: How did you gain knowledge of the said letter dated 15.06.2019?

A: I came to know through the office bearers.

Q40: Have you ever seen the letter dated 15.06.2019 which is referred in paragraph 3 of the proof affidavit?

A: No I have not seen.

Q41: Have you ever seen the letter dated 11.06.2019 which is referred in paragraph 3 of the proof affidavit?

A: No I have not seen.

Q42: Do you know whether one Mr.J.Haja Gani (General Secretary) gave evidence on behalf of plaintiff as PW1?

A: Yes I know.

Q43: Have you read his evidence before filing the proof affidavit?

A: No I have not read it.

Q44: The averments mentioned in paragraph 4, 5 and 6 of your proof affidavit are already part of the evidence of PW1 Mr.J.Haja Gani are you relying upon the same or you have something different to say?

A: I do not know what he has said.

Q45: Did you attend the meeting held on 29.06.2019 referred to by you in para 6 of proof affidavit?

A: Yes I attended the meeting.

Time: 01.45 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