

BEFORE THE ADDITIONAL MASTER IV,
HIGH COURT, MADRAS
T.O.S.No.68 OF 2024

Date: 24.09.2025
Time : 11.36 A.M.

Name : Mr. K. Sooriya Prakash (PW1)

Cross examination by Mr. K.B. Gopi, Counsel for the defendant.

Solemnly affirmed:

Q1: When was the unregistered Will executed?

A: On 06.11.1998.

Q2: I put it to you that as per the Will you are not a legatee and that the Will was not executed at No.47/21, Narayana Swamy Street, Aranganatha Nagar, Chennai- 600092.

A: I deny.

Q3: I put it to you that had your father executed the Will, he would have appointed an executor.

A: I deny.

Q4: I put it to you that Ex.P1, Will was created by you.

A: I deny.

Q5: When did you come to know about the Will, Ex.P1?

A: My father died on 04.04.2022, within a week after his death, my mother informed that he had executed a Will and that it was in his room.

Q6: I put it to you that after the defendant's had filed the partition suit in OS 534/2020 presently CS.No.240/2024, you had created Ex.P1, Will after the demise of your father to defeat the partition suit filed by the defendant.

A: I deny. The case was filed against my father seeking share in the property. The suit property was self acquired by my father and he had full right to decide to whom the property should be given to.

Q7: (Ex.P1 is shown to the witness.) Is it correct to state that your father gave the property to you alone leaving out your mother, sister and two brothers?

A: Yes.

Q8: Since your mother, sister and two brothers have been left out, I put it to you that this Will was not executed by your father and that it was created by you.

A: I deny.

Q9: Who are the attesting witnesses to Ex.P1, Will?

A: My mother and my wife are the attesting witnesses to Ex.P1, Will.

Q10: I put it to you that you created Ex.P1, Will and got the signatures of your mother and wife as witnesses.

A: I deny.

Q11: I put it to you that this Will is not valid since the witnesses are interested witnesses and therefore, disqualified.

A: I deny. Witness adds: I put up construction of the building and got approval from the Corporation on 23.11.1998 in the name of my father. The Boomi Pooja was conducted on 27.03.1999 and without the permission or approval of my father, I would not have been allowed to even dig the sand.

Q12: Has your father given you permission in writing to put up the construction and have you filed it as a document before this court?

A: Yes. It is there in the construction bills and it has been filed into court.

Q13: I put it to you that you have not produced the written authorisation given by your father for you to put up the construction as a document into court.

A: I deny.

Time: 11.57 A.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-IV